

# LEGISLATIVE ASSEMBLY

Thursday 25 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.

## **CASINO CONTROL AMENDMENT BILL 2009**

## **GOVERNMENT INFORMATION (INFORMATION COMMISSIONER) BILL 2009**

## **GOVERNMENT INFORMATION (PUBLIC ACCESS) (CONSEQUENTIAL AMENDMENTS AND REPEAL) BILL 2009**

## **ROAD TRANSPORT LEGISLATION AMENDMENT (TRAFFIC OFFENCE DETECTION) BILL 2009**

## **STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL 2009**

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

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

## **GOVERNMENT INFORMATION (PUBLIC ACCESS) BILL 2009**

**Messages received from the Legislative Council returning the bills with amendments.**

**Consideration of Legislative Council's amendments 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.**

## **ABORIGINAL LAND RIGHTS AMENDMENT BILL 2009**

**Bill introduced on motion by Mr Paul Lynch.**

### **Agreement in Principle**

**Mr PAUL LYNCH** (Liverpool—Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs) [10.10 a.m.]: I move:

That this bill be now agreed to in principle.

It is appropriate, in particular for this piece of legislation, that I commence this speech by acknowledging the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation. I pay my respects to their elders past and present. I also pay my respects to the elders of the other first nations of this land. The Aboriginal Land Rights Amendment Bill will make a number of significant and important amendments to the Aboriginal Land Rights Act 1983. The twenty-fifth anniversary of the 1983 Act was celebrated last year in this Chamber. It is an Act of very considerable practical and symbolic importance. The preamble to that Act is a good summary of why it has such importance:

Land in the State of New South Wales was traditionally owned and occupied by Aborigines. Land is of spiritual, social, cultural and economic importance to Aborigines. It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land. It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.

These matters go to the core of Australia's history and identity. They deal in part with what was described as the Great Australian Silence by W.E.H. Stanner. We have of course recently been reminded of that by Robert Manne's collection of Stanner's essays. As a result of claims pursued under this legislation, land councils own approximately 82,000 hectares of land in freehold title in New South Wales. As of this month a total of 17,780 land claims have been lodged by Aboriginal land councils, 2,328 have been granted fully or partially to date, while 8,719 have been refused. Many of those granted include high value coastal land and 8,689 are yet to be determined and thus potentially granted. The up-to-date valuation of those granted land parcels is \$2.157 billion. Unlike other schemes, this regime transfers freehold title in land. In a judgement in the recent High Court decision concerning a land claim in Wagga, then Justice Kirby, described the 1983 Act as little short of revolutionary. In detail he said:

Against the background of prolonged, deep-seated, reinforced and, ultimately, widely accepted discrimination in the law against the rights to traditional lands of the indigenous people of Australia, the objects evident in the Land Rights Act could fairly be described as little short of revolutionary.

The discriminatory common law principle that lay at the source of the denial to indigenous people in Australia to rights to land existed despite the fact that such recognition was accorded to the land rights of the settlers and their successors.

There was a further fundamental correction to this principle some years after the Land Rights Act was adopted, notably in the decisions of this court in *Mabo v Queensland* and *Wik People v Queensland*.

However the contextual consideration of these decisions does not, in any way, diminish the important shift in direction in the law of New South Wales achieved by the enactment of the Land Rights Act.

The Land Rights Act is an attempt to overcome the historical fact of dispossession. To quote from Henry Reynolds in *The Law of the Land*:

The common law was corrupted in Australia by the nature of the relationship between settlers and Aborigines in the same way in which it was corrupted in Britain's slave colonies. In the West Indies the law accommodated the bondage of the slave and the vast power of the master. In Australia it accommodated the dispossession of the owners of the land without payment of any compensation at all.

That is the significance of the 1983 Act, which this bill seeks to amend. The amendments in this bill will provide clearer and more certain processes for Aboriginal land councils to follow when they deal with, dispose of, or develop land. This will reinforce the beneficial and remedial nature of the Act. The amendments will increase the confidence of the property industry when engaging in land developments with Aboriginal land councils. They will bring clear and appropriate regulation of the extensive and valuable land holdings of Aboriginal land councils in New South Wales. That regulation is of vital importance. It will invigorate land development partnerships between the property industry and land councils. It will enhance the effectiveness of the Land Rights Act in bringing benefits to Aboriginal people in New South Wales.

These amendments will enhance the objectives of the Land Rights Act by facilitating greater opportunities for economic development by Aboriginal communities throughout New South Wales. Land assets are critical for Aboriginal communities, not just for the social and cultural benefits it brings, but for the economic leverage they bring. Since 1983 the Act has undergone a number of reviews with subsequent amendments to improve the outcomes for the Aboriginal people of New South Wales and to safeguard the rights, assets and interests held by Aboriginal land councils. Aboriginal land councils have statutory functions for the acquisition, management, use, control and disposal of land with freehold title. Self-determination is the underlying theme of the legislation and it is unique in that it provides the members of Aboriginal land councils with real power over how to utilise their land holdings.

A 2004 review of the Act conducted by a New South Wales Government task force comprehensively examined the operations of land councils to look at how the Act can be strengthened. Following the review, significant amendments to improve the representation, structure and governance of land councils were passed by this Parliament in 2006 and commenced operation in two stages during 2007. This bill represents the second phase of the implementation of the recommendations of the review. It incorporates the recommendations to amend the land dealing provisions of the Act following the findings of an Independent Commission Against Corruption [ICAC] investigation into Koompahtoo Local Aboriginal Land Council in 2003. In passing, I note that I welcome this week's Supreme Court decision touching on the Koompahtoo trust. The ICAC recommended amendments to the Act to:

- Review the oversight function of the New South Wales Aboriginal Land Council in relation to land dealings by local Aboriginal land councils [LALCs];

- Lay down clearer guidelines for how Aboriginal land councils can pursue commercial land development, including regulation of the processes by which they enter consultancy or partnership agreements with third parties; and
- Establish proper roles for Aboriginal land council staff, elected officials, and the membership of LALCs involved in the land dealing approval process.

The 2007 amendments have already addressed some of these recommendations by strengthening the transparency of land council governance and clarifying the functions and roles of the staff and elected representatives of land councils. These current amendments complete the New South Wales Government's implementation of all of the recommendations that arose following the ICAC consideration of the land council land dealings processes.

The bill, of course, was released as an exposure draft in March 2009. With the benefit of submissions, some modifications were made to the exposure draft. This bill is the next step to further the effectiveness of the Land Rights Act as it complements the amendments which commenced operation in 2007. For example, the requirement for land dealing approval applications by land councils to be consistent with council-approved community land and business plans strengthens the transparent governance of land councils and will provide members with increased confidence and oversight of how their council's assets are being applied. This will support and promote greater efficiency in the use and management of land by land councils, which will in turn be more effective in delivering benefits to communities.

Historically, the increase in land values in New South Wales has attracted keen interest from property developers in land held by land councils. However, many land councils have often been without the expertise, capacity or knowledge to enter agreements as an equal partner or, in some cases, according to the Act. Consequently the image of the land rights movement has been marred by some land dealings that have gone wrong and regrettably involved substantial breaches of the Act in dealing with the proceeds of land sales.

The objective of this bill is to address these significant problems that face the land council network. Although the boom in property appears at present to be in recess, we must ensure that appropriate safeguards are in place for the future to guarantee the long-term economic and social development of the land councils for the Aboriginal people of this State. This bill will allow land councils to legally and properly do things they could not do before. I note a report in the *Sydney Morning Herald* inferring that this bill was primarily about putting more barriers in the way of developments. That is simply wrong.

This bill provides this certainty by creating a clearer regime and legal responsibilities for land councils and third parties when engaged in property development and sales. This means land councils will have a long-term future in the development of their land. Importantly, the bill makes it clear that a land dealing by a land council that requires approval and that is not the subject of an approval is void and of no effect. This is a matter of certainty and also a strong protection against corruption. More specifically, the validity of a land dealing by a local Aboriginal land council hinges on a valid approval of the dealing by the New South Wales Aboriginal Land Council. The New South Wales Aboriginal Land Council must ensure the validity of its own land dealings by giving proper approval.

The bill establishes clearer processes and roles for the New South Wales Aboriginal Land Council and local land councils in the land dealing approval process. It requires all disposals of, and dealings with, land by local Aboriginal land councils and the New South Wales Aboriginal Land Council to have regard to their community, land and business plans. Most importantly, the bill provides for clearer procedures and processes for applications by local Aboriginal land councils to, and approvals by, the New South Wales Aboriginal Land Council in relation to dealings with land. This includes the power for the New South Wales Aboriginal Land Council to impose conditions on approvals. The bill also includes, if required, the assessment of land dealings by expert advisory panels prior to approval.

There is the introduction of a new system of certification of the application and approval process. This includes two types of certificates. One is a dealing approval certificate, which will be required before an Aboriginal land council can deal with land, or enter an agreement to deal with land, or lodge development applications with local government authorities. A dealing approval certificate will be conclusive evidence of the matters certified in the certificate in favour of any person. This is a critical issue in the bill. Once a dealing approval certificate is given by the New South Wales Aboriginal Land Council, it may be relied upon to support the land dealing it authorises. Only a person who had knowledge that matters certified in the certificate were

incorrect before the land dealing is completed will lose the protection of the certificate. This will be of great benefit to land councils and their partners in land dealings, giving them confidence and security with their transactions.

There is a second form of certificate called a registration approval certificate, which must be obtained by Aboriginal land councils before they can register any dealings on title to land under the Real Property Act 1900. This will ensure that the Land Titles Office will prohibit registration of land dealings by Aboriginal land councils under the Real Property Act 1900 unless the registration application is accompanied by a registration approval certificate. Because a land dealing by a land council cannot be registered without a registration approval certificate, if a registration occurs without a registration approval certificate, the normal rules of indefeasibility under the Real Property Act apply and the wrongful registration of the dealing will not pass any interest in land.

Registration approval certificates provide a high standard of probity and security for the registration of land council land dealings by the Registrar General. These registration approval certificates introduce a new and clearly defined link between the Aboriginal Land Rights Act and the Real Property Act in relation to the exceptions to indefeasibility. There is a requirement for the payment of fees by local Aboriginal land councils to the New South Wales Aboriginal Land Council and, if applicable for, the expert advisory panels, to recover the costs of assessing applications.

The bill also provides a system of land dealing approval agreements that may be entered into to ensure that approvals for land dealings are complied with. Such agreements may in certain circumstances run with the land and bind successors in title. Such agreements will provide greater certainty and legitimacy for land council land dealings, and for the use of resources generated by land dealings. The bill also provides for a system of registration prohibition notices, which may be registered on a land title, to enforce land dealing approval agreements under which a land council has undertaken to comply with conditions placed on land dealing approvals by the New South Wales Aboriginal Land Council.

An important provision of the bill is that a community development levy be paid on certain land dealings to be included in the New South Wales Aboriginal Land Council Community Fund. The New South Wales Aboriginal Land Council [NSWALC] must match amounts paid by a local Aboriginal land council into the fund. The provision also includes a ministerial discretion to waive payments by NSWALC to avoid any possibility that making such a matching payment would compromise the efficient functioning of the land council network.

The New South Wales Aboriginal Land Council Community Fund has been established to receive the community development levy payable by land councils when engaged in a land dealing. The levy will act to evenly spread the wealth from land councils with more valuable land holdings to those councils with less valuable land and development opportunities. The money from the fund is to be used to provide grants for local Aboriginal land council community benefits schemes, to assist land councils with land acquisition and land management and for other purposes.

A local Aboriginal land council is liable to pay the community development levy only for land dealings set out in clause 42R (2) of the bill. The concept and the administration of the community development levy has been carefully integrated with the Duties Act. While land councils have always been exempt from the payment of stamp duty, the community development levy is calculated and collected having regard to the operation of the Duties Act. The amount of the community development levy will depend on the type and value of a land dealing. Amounts are collected by the Chief Commissioner of Taxation and are to be paid to the New South Wales Aboriginal Land Council Community Fund by the Chief Commissioner. The New South Wales Aboriginal Land Council has the power under the bill to distribute money from the fund having regard to the distribution of wealth amongst land councils and in accordance with its policies.

The bill attempts to encourage efficient dispute resolution. For example, the bill makes clear that only a local Aboriginal land council that has made an application to the NSWALC for approval of a land dealing may seek judicial review of NSWALC's decision about their application and that no person may seek to have the merits of a decision by the NSWALC considered by a court. The bill encourages negotiation and alternative dispute resolution in disputes between local Aboriginal land councils, and the New South Wales Aboriginal Land Council in land dealing approvals, by requiring a local Aboriginal land council to refer such a dispute to the registrar of the Aboriginal Land Rights Act before commencing legal proceedings. With the parties' consent the registrar may use mediation, conciliation or arbitration to resolve the dispute, rather than the matter progressing to litigation.

The development of the land dealings bill has been an intensive policy development process over the last year. It has been led with passion, vigour, precision and good humour by the registrar of the Aboriginal Land Rights Act, Mr Stephen Wright, and I acknowledge him for his significant role in shaping this bill. Mr Wright is in the Chamber today. He has been so excited about the process that he is about to start it all over again. I also acknowledge the very hard work done by my department, the Department of Aboriginal Affairs, and in particular Mr Ross Pearson, who is also here with other members of the department. I pay particular tribute to the significant contribution to the development of the bill by the New South Wales Aboriginal Land Council Board. The chairperson, Beth Manton, is also with us today. I also acknowledge the contribution of the chief executive officer, Mr Geoff Scott, and the assistant chief executive officer, Norman Laing—both of whom are in the Chamber—and principal legal officer, Lila D'souza and NSWALC's legal representatives.

This has been a different and frankly better way than it is sometimes done to prepare technical legislation. It is important that I also acknowledge the assistance and cooperation of officers within the Office of State Revenue for their skilled and willing assistance with comments on the parts of this bill that involve their administration and their cooperation in helping to develop the process for collecting and remitting the levy. A number of other State agencies have provided their input and assistance to make this bill the product of cooperation that will ensure its administrative success. In particular, I acknowledge the input of officers from the Land Titles Office who have been at the table in developing this bill. Their input has ensured that this bill will mesh as seamlessly as possible with land titles registration processes under the Real Property Act and the Conveyancing Act. Indeed, the Land Titles Office has helped design the certificates and forms that will be used under the Act to ensure the absolute confidence of the market and the New South Wales State agencies in folding Aboriginal land council developments into the New South Wales development landscape.

I have often remarked that this is a very good time in history to be State Minister for Aboriginal Affairs. A key to success in Aboriginal affairs is to work in partnership with the Aboriginal people of New South Wales. This bill and its preparation demonstrate the value of that partnership. The New South Wales Aboriginal Land Council has had a pivotal role in the development of this bill. The council has provided insight and skill into assessing what measures will be serviceable and effective for Aboriginal land councils in a complex system of land dealing approval and implementation. I acknowledge that the reform of Aboriginal Land Rights Act was driven in large part by the input of the late Murray Chapman, then administrator of the New South Wales Aboriginal Land Council. Murray established the three-person taskforce comprising himself, the Director General of the Department of Aboriginal Affairs, and the registrar of the Aboriginal Land Rights Act.

In the development of this latest raft of amendments the New South Wales Aboriginal Land Council has again continued to be a positive participant in developing this bill, which promises greatly enhanced economic development for Aboriginal communities well into the future. There are many land claims yet to be determined, so it is clear that the provisions of this bill have a lot of work to do—not only in developing land in New South Wales, but in being a driver into the future of the beneficial outcomes for Aboriginal people that the Land Rights Act has become. This bill is a significant addition to the Land Rights Act. It is necessary for the more efficient and effective use and development of the ever-increasing land holdings of Aboriginal land councils.

Most appropriately, the bill gives greater prominence to the consideration of Aboriginal culture and heritage considerations in relation to land dealings. It places the responsibility for determining the significance of culture and heritage to land dealings with the Aboriginal owners of the land. The measures provided for in this bill will significantly increase the confidence of the development industry and the market to engage in property development with Aboriginal land councils, and as a result facilitate greater economic development opportunities for Aboriginal communities in New South Wales.

This bill reflects what I regard as the coming together of both the rights agenda and the development agenda. Over the last decade and a half there have been times when various participants in public debates have placed those agendas in opposition to each other. That never made sense to me, and it is fundamentally illogical. This legislation allows Aboriginal people, through democratically elected structures, to pursue in ways they choose appropriate economic development. It is within the context of the 1983 New South Wales land rights legislation. As I said, that is a coming together of both a rights agenda and an economic development agenda. I commend the bill to the House.

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

**EDUCATION AMENDMENT (PUBLICATION OF SCHOOL RESULTS) BILL 2009****Consideration in Detail****Consideration of the Legislative Council amendment.***Schedule of amendment referred to in message of 24 June 2009*

Page 3, schedule 1 [1], proposed section 18A. Insert after line 26:

- (4) A person must not, in a newspaper or other document that is publicly available in this State:
  - (a) publish any ranking or other comparison of particular schools according to school results, except with the permission of the principals of the schools involved, or
  - (b) identify a school as being in a percentile of less than 90 per cent in relation to school results, except with the permission of the principal of the school.

Maximum penalty: 50 penalty units in the case of an individual and 500 penalty units in any other case.
- (5) Nothing in subsection (4) prohibits:
  - (a) anything authorised to be done by or under a relevant national agreement, or
  - (b) the publication of the ranking of the schools in the top 10 per cent in relation to the results of Higher School Certificate examinations and related assessments so long as the information used to determine that ranking is information as to the results of students that may be publicly revealed under subsection (6) (c).

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training, and Minister for Women)  
[10.29 a.m.]: I move:

That the House agree to the Legislative Council amendment.

The New South Wales Government believes in transparency. We are happy to support the Rudd Government in its education revolution. After a decade of Howard Government failure it is a pleasure to be working with a Federal Government that is producing good policy backed by funding. This legislation enables us to comply with Commonwealth funding requirements. It moves relevant sections of the regulation into the Education Act and makes New South Wales the only jurisdiction to provide legislative safeguards against league tables. It is good legislation and it gets the balance right.

The legislation has been amended by the Greens. The amendment adds the threat of fines to the legislation for those who publish league tables in New South Wales. It will not prevent media outlets in other States and Territories publishing information about schools in New South Wales. In fact, I believe it throws down the gauntlet to the press and it turns an education issue into a freedom of speech issue. Despite its intentions it simply will not work. But what has really been ludicrous has been the attitude of the Opposition. Speaker after speaker wept crocodile tears about the potential effect of providing information to parents. Their concern has been overwhelmingly about public schools.

Apparently, Opposition members believe that public schools are of poor quality and that the mums and dads who send their children to them cannot cope with information. It is patronising and offensive, but it gets better. The Leader of the Opposition recently submitted a freedom of information application requesting from every secondary school the number of Higher School Certificate awards and the number of students with a university entrance rank above the median. The Leader of the Opposition wants the same information that is used to construct a ranking of schools—a league table. The Leader of the Opposition wants the same information that the member for Murrumbidgee and the member for Wakehurst have been crying over.

Opposition members want the information for political purposes, but they do not think the public should have access to it. They do not think ordinary mums and dads should have information about the schools to which they send their children. They want raw scores—no context, no backgrounds, just the marks. The effect of the amendment that the Opposition supported last night would be to fine the Leader of the Opposition if he were to distribute the results. I can guarantee that distribution was his intention. This legislation should be supported as it continues the protection against simplistic league tables that the Government introduced a decade ago and that have served us well. It complies with Commonwealth requirements and guarantees funding. It

means that parents will have rich, contextual and factual information about their children's schools. It did not need the Greens amendment, but it should be supported. The Opposition needs to do some homework and get its story straight. The amended legislation should be supported.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [10.32 a.m.]: The Opposition also supports the Education Amendment (Publication of School Results) Bill 2009, as amended in the upper House. I take this opportunity to thank Dr John Kaye and the Greens for moving the amendment and for negotiating with the Coalition in the upper House to garner support for an amendment that will now become law. Schoolteachers and principles will thank the Coalition, the Greens and members on the crossbenches in the upper House for supporting that amendment, which ultimately will become law.

I take umbrage at a couple of things that the Minister for Education and Training said about the Leader of the Opposition's freedom of information application request. Whilst I have not seen that application, it is good to see the way in which this Government deals with the privacy aspects of freedom of information applications. It is happy to tell us about any freedom of information applications that are made by Opposition members, but I wonder whether it would do the same thing when parents make similar requests. Would the Government determine which parents were members of the Liberal Party or The Nationals? This Government is happy to breach people's privacy if it suits its objectives.

As said yesterday in debate on this bill, the Labor Party is completely and morally corrupt. It is prepared to provide details about freedom of information applications and about those making them when that information should be treated as private. I have not seen the freedom of information application but, as the Minister said, the application requested Higher School Certificate results from schools for those students who achieved above the median. I assume that the office of the Leader of the Opposition was looking for the results of those students who achieved well in their Higher School Certificate. To some extent that information is already provided and it is reported in the *Sydney Morning Herald*. Earlier this year it published a list of schools and school students who achieved Higher School Certificate results in the top band.

The intention of the amendment in the upper House yesterday was to enable league tables to be generated to show those schools and students that performed well. Generally, I do not think any student or any school would object to having those results made public. That has never been an issue. We are concerned about league tables because they will make public the results of students and schools that perform poorly. The Leader of the Opposition was seeking information about schools and students that have done well, and I do not see a problem with that. Every interest group involved in education is concerned about the schools and students that do not do well in league tables. That has always been a problem about which we have expressed a great deal of concern, which is why the Greens moved an amendment in the upper House.

I know that the amendment that was moved in the upper House will not stop websites from publishing league tables, nor will it stop news organisations in those States where we do not have jurisdiction from printing league tables for New South Wales schools. However, it will afford some level of protection. I hope that news outlets in New South Wales take that amendment in the good faith with which it was introduced in the upper House. This is not having a shot at news organisations; it will simply give schools, teachers, principals and anybody involved in education confidence that the data given to the Commonwealth will not be misused by anybody. At the end of the day, anyone misusing such information will be fined \$50,000.

I am sure that some news organisations that wished to print those league tables would be able to afford to pay such a fine, so the legislation will not afford perfect protection. I would have liked the fine to be significantly higher, but other legislative issues prohibited the Government from increasing that penalty. News organisations are in agreement with the Coalition in that they do not want to see league tables published. The Liberal-Nationals Coalition is all about transparency. I am sure all members generally agree that this issue was never about providing information to parents. The Liberal-Nationals Coalition does not want a repeat of what happened in 1997, and it does not want a duplication of the chaotic system in the United Kingdom where schools are teaching to the test.

Yesterday the member for South Coast said that if schools think they will be ranked on the results of tests, teachers would teach to the test, which is what is happening in the United Kingdom and in the United States. I wonder why Julia Gillard and Federal Labor are so committed to the American experience, in particular, the New York model, given that we have a far better education system. That is testament to the programs put in place by this Labor Government over the past 14 years and it is testament to the programs put in

place by previous Coalition governments. New South Wales has one of the best education systems in the world. Why we would want to take lessons from systems that are not as good as ours I have absolutely no idea. We do not want to see New South Wales go down the same track.

I have to make a point about some of the speeches made in the upper House yesterday. Criticism was made of the formula used by the Howard Government to allocate funding to non-government schools. I remind the House that Julia Gillard and Kevin Rudd were elected in November 2007 and have not changed that formula. The formula that the New South Wales Government was so critical of over the years, rightly or wrongly—as were Gillard and Rudd, and all Federal Labor members in the lead-up to the election—has not been changed. They said they would review it at the end of 2010. They will sneak through until after the next election and then they will decide what to do. Something tells me they will not change it. Mark Latham got a little smack around the chops when he talked of changing it, and Julia Gillard might get one around the gills.

**Mr Barry Collier:** Point of order—

**Mr Chris Hartcher:** If there is anyone in this Parliament who is doomed on 26 March 2010—

**Mr Barry Collier:** You and your pathetic, arrogant Leader of the Opposition.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member will come to order. Does the member for Miranda wish to speak to the point of order?

**Mr Barry Collier:** I do. I did not expect that.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for Miranda should not take the bait. He may proceed.

**Mr Frank Sartor:** Do not be partial.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I have never been accused of being partial.

**Mr Frank Sartor:** I am here to watch you.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The role of the Chair is to be impartial. I do not think anyone has ever criticised me for being partial, quite the contrary. I have had more colleagues on my side complain than others. The member for Miranda may proceed. He will be heard in silence.

**Mr Barry Collier:** There is no criticism of you, Mr Acting-Speaker. I ask that the member for Murrumbidgee be brought back to the leave of the bill. He is way off track. He should be talking about the amendment, not canvassing the Howard Government, the Rudd Government, Mark Latham, whatever. He should get back to the leave of the amendment and talk to that.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Without being influenced by the member for Rockdale, I ask the member for Murrumbidgee to look carefully at the purpose of this debate. I am certain he will confine his remarks to the leave of the bill.

**Mr ADRIAN PICCOLI:** I also thank the Government in the lower House, where it has the numbers, for not removing this amendment and for allowing the bill to pass as amended. That is a credit to the Government. It recognises the best intentions of the Greens, the Coalition and the other crossbenchers. I understand the Government opposed the amendment in the other House but I appreciate that it will leave the amendment in the bill. We hope that the provisions in that amendment never need to be used in New South Wales. I commend the legislation as amended.

**Mrs SHELLEY HANCOCK (South Coast) [10.42 a.m.]:** I also wish to speak briefly in support of the amendment. I express my gratitude to Green's upper house member Dr John Kaye and to the shadow leader of this House, the member for Murrumbidgee.

*[Interruption]*



**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for South Coast does not need the encouragement of the member for Rockdale or the member from Miranda.

**Mrs SHELLEY HANCOCK:** I support the amendment because in some way it may assure teachers and school communities that we will never again experience in this State a repeat performance of what happened in 1997. I am sure the Minister does not want a repeat of that; none of us wants a repeat of that. I was concerned that what the legislation was not clear. Many of the assurances the Minister gave were not translated into the legislation that we have had to debate. The amendment was necessary. I am not altogether happy with the bill. I am not altogether happy with the legislation, but in some way it provides some assurance to teachers, especially, who raised considerable concerns—which concerns were largely ignored.

Having said all that, I trust the Minister's integrity. I respect her. I believe what she said in her agreement in principle speech. She gave many assurances. I am sure she does not want me to repeat what she said, but I do not agree with some of her comments about the Leader of the Opposition this morning. We have to be united in this. We have to agree to disagree with the publication of results that in any way unfairly rank or compare schools. That is simply not on in this State. It should not be on in Australia. Perhaps this legislation will not affect other schools throughout the country, but I hope Julia Gillard will listen to what has happened in the debate in this place and assure herself that her legislation is also comprehensive. She does not want to see a repeat of what happened in 1997, and she should take note of what is happening in the United Kingdom and the United States: principals are being jailed because they are trying to sort the results of school tests.

Unfortunately, as we always have to focus on the National Assessment Program—Literacy and Numeracy tests or other kinds of tests, teachers will teach to the test because they know the results of those tests determine the ranking of the school and determine the parents' perception of the school. I have said all along that is wrong. We have to judge our schools on the performance in so many other areas, not just two National Assessment Program—Literacy and Numeracy tests. We should consider the results in the making, public speaking, visual arts or sport, and all sorts of other areas. The Minister has given assurances that there will be rich results. I hope the extraction of National Assessment Program—Literacy and Numeracy test results will not be used or abused by any organisation to unfairly rank or compare schools, especially schools in lower socioeconomic areas. I support the amendment and the work of the members in the other place.

**Ms PRU GOWARD** (Goulburn) [10.46 a.m.]: This is a great opportunity to support the amendment and to reiterate the concerns that have been expressed by many that league tables, particularly in country towns where children often do not have much choice as to where they go to school, can have incredibly damaging outcomes. This amendment safeguards that. It behoves the Government, which I trust understands and appreciates the difficulties that league tables present for more isolated communities—to say nothing of the socioeconomically disadvantaged communities—to ensure that the Education Amendment (Publication of School Results) Bill 2009 is enacted in such a way that there are no ways around it, no ways to quit at the edges, particularly in places on the border such as Albury and Wagga Wagga. I have no doubt that if the legislators and the draughtsman put their minds to it we will be able to avoid that. It is disappointing that the Government did not anticipate this issue initially, but it is pleasing to see it has reiterated that we will not be losing our funding. It will ensure that the two remain in place.

We have two high schools in Goulburn. One school constantly struggles to keep up its numbers while the other school continues to break records every year for the numbers at its school. This is in part the result of rather bizarre zoning arrangements, but if we had any suggestion of league tables, it would make life for those two schools, and the families and the community, much more difficult and it would drive divisions in the town of 25,000 people. I support the amendment. I trust the Government will ensure, when it is drafting the legislation, that it does its darnedest to get it right. If there any slip-ups it will not be just the kids and their parents feeling bad but whole communities could split, particularly in border town where there will always be difficulties.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training, and Minister for Women) [10.49 a.m.], in reply: On the point the member for Goulburn raised, I reiterate that it is not the goal of this Government to use any of the information published by the Commonwealth in a naming and shaming exercise. It is about identifying schools that need our support. Most importantly, it is also about identifying schools that will be able to access the more than \$700 million worth of new resources that will flow under various agreements for literacy and numeracy, low socioeconomic status schools and, of course, around teacher quality. Significant resources are flowing to schools, particularly those of low socioeconomic status. In fact, more than

\$430 million will flow over the next five years as part of our national partnerships. We need to identify the schools, support them and make sure that they get the sort of funding they need in an open, transparent and accountable manner.

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

**Motion agreed to.**

**Legislative Council amendment agreed to.**

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

## **GOVERNMENT INFORMATION (PUBLIC ACCESS) BILL 2009**

### **Consideration in Detail**

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

##### *Schedule of amendments referred to in message of Thursday 25 June 2009*

- No. 1 Page 26, clause 53 (2), line 10. Insert "The agency's searches must be conducted using the most efficient means reasonably available to the agency." after "received."
- No. 2 Page 33, clause 64 (2), line 17. Insert "that is necessary" after "amount of time".
- No. 3 Page 33, clause 64 (2) (a), line 19. Insert "efficiently" after "dealing".

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.50 a.m.], on behalf of Mr Nathan Rees: I move:

That the House agree to the Legislative Council amendments.

**Mr CHRIS HARTCHER** (Terrigal) [10.50 a.m.]: The Government Information (Public Access) Bill 2009 was introduced by the Premier earlier this week. It was forwarded to the Legislative Council last night where a series of amendments were moved by the Greens and carried by that House. It is not without significance that the bill is being considered in this place today when the news media carries a story that for the first time a report by the Bureau of Crime Statistics and Research prepared by Dr Don Weatherburn has been suppressed by the Government as it relates to juvenile crime figures.

The extraordinary situation we have is that, on the one hand, the Premier tells Parliament that he will widen the areas the public are entitled to access to obtain government information and, on the other hand, his Cabinet suppresses for the first time since the bureau was established in 1988 a report on juvenile crime. Dr Weatherburn is quoted in the newspaper this morning as saying, "This is the first time this has ever happened." That juxtaposition must be considered a test of the Government's sincerity. Notwithstanding that and the comments of the Leader of the Opposition, who led for the New South Wales Liberals-Nationals in debate on the bill, the Coalition accepts and supports these amendments. The amendments are designed partially to try to obtain some degree of coherence and efficiency in the extraordinary billing system that government departments use to respond to freedom of information requests.

Requests for information are repeatedly responded to with a letter stating that the information will take so many hundreds of hours to collect and will cost so much per hour, and therefore the applicant can forward thousands of dollars on account—and if more money is required the department will debit the applicant further. In many cases there is every reason to suspect that the response is sent simply because freedom of information officers are looking for a means to frustrate the application. Being unable to frustrate the request on statutory grounds, as outlined in the Freedom of Information Act, the officers seek to frustrate the process by making it cost prohibitive. The amendments moved by the Greens are an attempt to remove as far as possible the tactic of making applications cost prohibitive. The first amendment is to clause 53 (2), line 10 on page 26 of the bill. The amendment states:

Insert "The agency's searches must be conducted using the most efficient means reasonably available to the agency." after "received."

This amendment requires the agency to provide the information efficiently. If the agency's files are structured so that certain words can be entered into the computer system and the files are located, it should take 10 to 15 minutes. It should not require a manual search of the entire filing system. Yet many agency billing accounts refer to an exhaustive manual search of an entire filing system, not just the specialised system relating to the application. The second amendment is to clause 64 (2), line 17 on page 33 of the bill. It states:

Insert "that is necessary" after "amount of time".

With respect to this amendment, the officer cannot just say that the search will take a certain amount of time; he or she must be able to establish that the time frame is necessary. The onus is on the officer to demonstrate a pre-requisite reason for the time taken. The officer cannot just assert that it will take a certain amount of time and therefore demand a large payment, at \$30 or \$35 an hour. The third amendment is to clause 64 (2) (a), line 19 on page 33. It states:

Insert "efficiently" after "dealing".

Again, this amendment goes to the crux of the matter. Clause 64 refers to an officer in an agency dealing with the application. The specific purpose of this amendment is to insert the word "efficiently". The officer must deal with the request efficiently, not in a long, drawn-out, lackadaisical manner that, once again, sends costs soaring. Over the past 15 years of this Government applications for freedom of information have repeatedly been met with not a denial but a huge account bill. The process of freedom of information requests has been frustrated and distorted by enormous billing accounts. Certain news media organisations may be able to afford to pay tens of thousands of dollars for freedom of information requests, but of course ordinary citizens cannot afford to pay those amounts—and nor can the New South Wales Liberals-Nationals.

The Opposition and the citizenry are stymied by the current process. Perhaps news media organisations are not stymied, but even they complain validly about the costs of freedom of information applications. At last we have an attempt to bring the freedom of information application costing system under control. Accordingly, the New South Wales Liberals-Nationals support the amendments. As the Leader of the Opposition outlined in the agreement in principle debate, further matters about accessing government information need to be addressed, but now is not the appropriate time to do so.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.57 a.m.], in reply: The Government agrees with the amendments. Despite the rant by the Leader of the Opposition in this House during the debate on the Government Information (Public Access) Bill 2009, the amendments were moved by the Greens and not the Opposition. The whole purpose of his rant was to tell us that he "expects to win the 2011 election"—he probably expected to win the 2007 election, but that did not happen. Such is the arrogance of the Leader of the Opposition and also the member for Terrigal, judging from his recent outburst in the House. This is landmark legislation. The upper House in performing its scrutiny function has arrived at amendments that are acceptable to the Government. I commend the amendments to the House.

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

**Motion agreed to.**

**Legislative Council amendments agreed to.**

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

#### **ROAD TRANSPORT (GENERAL) AMENDMENT (CONSECUTIVE DISQUALIFICATION PERIODS) BILL 2009**

**Bill introduced on motion by Mr Michael Daley.**

#### **Agreement in Principle**

**Mr MICHAEL DALEY** (Maroubra—Minister for Roads) [11.00 a.m.]: I move:

That this bill be now agreed to in principle.

The primary purpose of the Road Transport (General) Amendment (Consecutive Disqualification Periods) Bill 2009 is to amend road transport legislation to remove an anomaly where a person becomes eligible to apply

for a licence even though disqualification periods set by the courts are still to be served. The bill has been developed through consultation involving the Roads and Traffic Authority, the Attorney General's Department and the courts administration. A licence disqualification is a serious matter. Removing a person from the roads for serious driving offences is not done lightly as it can impact on a person's lifestyle and on the type of employment they can engage in. But it is necessary so that the public is protected from these irresponsible drivers. This bill does not seek to introduce new licence disqualification penalties. Instead, the bill seeks to ensure that all licence disqualification periods that have been ordered by the courts are served before a licence can be issued.

Currently, section 187 of the Road Transport (General) Act 2005 allows a court to convict a person of a major driving offence and apply a licence disqualification. Some examples of major offences include drink and drug driving, Crimes Act offences involving the use of motor vehicles, and driving in a manner or speed that is dangerous. Section 188 of the Act sets out the minimum, maximum and automatic periods of licence disqualification applying to the major offences. Rule 10-2 of the Road Rules 2008 sets the licence disqualification periods that apply for excessive speeding offences. These provisions require the licence disqualification periods to commence on the date of conviction. Section 201 of the Road Transport (General) Act 2005 provides for a period of licence disqualification following a declaration as a habitual offender and periods of licence disqualification for unauthorised driving are provided for in the Road Transport (Driver Licensing) Act 1998.

These require the licence disqualification periods to commence at the end of all other disqualification periods. In the case of serial offenders, the person may have had numerous licence disqualification periods ordered by the courts. These may have been ordered to be served concurrently, consecutively or a mixture of both, and result in a continuous chain of licence disqualification periods that spans many years. However, the law—and rightfully so—gives a convicted person the opportunity to seek judicial review of a court's decision. The review can be in the form of an appeal, an annulment and rehearing or a matter being set aside or, in particular, an application to quash a declaration under the Habitual Offender Scheme.

When a person is successful in their application for review, the related disqualification period is also removed. This can sometimes cause a gap in what was previously a continuous chain of licence disqualification periods. The disqualification periods that follow the gap become future orphan periods of disqualification. It creates the unintended situation of a person becoming eligible to apply for a licence during the gap period, even though a future disqualification is still to be served. The elements of the bill before the House are designed to ensure that the gap is closed. This will be done by introducing an explicit provision so that any future orphan disqualification periods are brought forward automatically by statute to recreate a continuous period of licence disqualification. There appears to be no impediment to bringing forward a disqualification period that was automatically applied as a consequence of a conviction. However, the same cannot be said where a court specifies when the disqualification period is to start and end.

In these cases, a court-ordered disqualification period cannot be brought forward. However, an application can be made to the court under section 43 (2) of the Crimes (Sentencing Procedure) Act 1999 for the court to reconsider its original decision should it determine there was an error. However, even after going through this process, some courts have ruled that there was no error at the time the court made its original decision and they therefore see no reason to change the original order. The need to make an application under section 43 (2) places an unnecessary burden on the offender and on the court for what could be seen as simply an administrative change.

Specifically, the proposed amendments to road transport legislation are as follows. Proposed section 188A will be introduced into the Act. It will provide that where a disqualification is removed or reduced following a court review and a gap is created in what was a continuous chain of disqualification periods, any future orphan disqualification period that followed will be brought forward so that there is no gap and the continuous disqualification period is maintained. Proposed section 188A will also provide that where a matter that was successfully reviewed is further prosecuted by police and they are successful, any new licence disqualification period is to be served at the end of all other licence disqualification periods applying to the person. A proposed subsection will be introduced into section 25A of the Road Transport (Driver Licensing) Act 1999 that will make the offence of driving while disqualified not apply if the new section 188A causes the status of a driver to change from unlicensed to disqualified and the Roads and Traffic Authority has not advised the person of the change.

The arrangements proposed in this bill will not impact in any way on law-abiding citizens and will allow for efficiencies in enforcing the principles of the current legislation. From a road safety perspective, there

is a significant public safety risk in issuing a licence during the gap when the person is yet to serve all the disqualification periods that have been imposed by courts. The changes in the bill are needed because the current legislation does not provide for all future orphan disqualification periods to be automatically brought forward. Adoption of the proposed reforms also ensures that where a person has gone to the effort of having a matter reviewed by the court and is successful in having a disqualification overturned on review, the person rightfully gains the benefit of that effort and is eligible to apply for a licence earlier. I trust members will lend their support to the bill, and I commend it to the House.

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

## **LOCAL GOVERNMENT AMENDMENT (PLANNING AND REPORTING) BILL 2009**

**Bill introduced on motion by Mrs Barbara Perry.**

### **Agreement in Principle**

**Mrs BARBARA PERRY** (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)) [11.11 a.m.]: I move:

That this bill be now agreed to in principle.

It is very satisfying to be introducing the Local Government Amendment (Planning and Reporting) Bill 2009. This bill is the culmination of significant consultation in developing these amendments to the Local Government Act 1993. The object of this bill is to improve long-term strategic planning and resource management by local councils. The bill will mandate an improved system of planning for local government so that councils can focus on their top priority—providing better services to their communities.

The bill has been developed by the Department of Local Government in close consultation and in partnership with the local government sector. I acknowledge the contributions made by the Local Government and Shires Associations, Local Government Managers Australia, the Institute of Public Works and Engineers Australia and the Planning Institute Australia. I also thank the many mayors, councillors, council staff and community groups that have contributed to these reforms. We all know that local councils are at the heart of communities. While each council is unique, many administrative processes are not. In developing the local government integrated planning and reporting reforms, the challenge has been to retain local council uniqueness while delivering services in the best way possible.

We all know that resources are limited and the demands of our growing communities are increasing. It is critical that local governments find new ways to plan and deliver services so that local communities are sustainable and flourish. Communities are never static, so it makes sense that local government, as a key provider of community services, should constantly evolve to meet changing needs. This bill provides the framework for this to be achieved.

The bill will be supported by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, together with mandatory guidelines and a supporting manual. The Department of Local Government also is developing a support program for councils. An exposure draft bill and supporting package recently was subject to public consultation. This included the department running a series of nine information sessions across New South Wales to provide mayors, councillors and council officers with the opportunity to be informed about what is in the reform package as well as to clarify any questions on the framework.

The level of interest in these reforms has been very pleasing. The aims are supported by the local government sector and should lead to improved outcomes for communities. All the submissions made to the exhibition of the exposure draft bill were supportive. A recent media release from the Presidents of the Local Government and Shires Associations, Councillors Genia McCaffery and Bruce Miller, respectively, stated:

Local Government has come a long way in terms of strategic planning, but there is still room for improvement and this offers us the opportunity to take the next step.

Many of our councils in New South Wales already have comprehensive plans for their communities and some are already acting on some of the recommendations in anticipation of the guidelines being released.

Councils with limited resources will also be able to use them to guide and ease their transition into the process of developing comprehensive and integrated strategic plans.

With the local government sector as partners, the Rees Government has introduced this bill, which refines and improves the system of local government so that councils can focus on their top priority—providing services to their communities with confidence. The bill represents what the local government sector has been asking for. We have listened and are acting. It is great that many councils are already heading in this direction.

I will now address the details of the bill. The proposed changes replace the current management planning process with an integrated long-term framework. The bill requires each council to develop a long-term community strategic plan for their local government area. That plan must address social, economic, environment and civic leadership issues in the community in an integrated manner and be for a period of at least 10 years. It must identify the long-term aspirations and priorities for the community as a whole. As a statement of the community, the community strategic plan will be prepared in consultation with residents, community groups, State government agencies and non-government organisations.

Councils are in the business of providing many services that aim to improve social outcomes in their community. Social planning by councils will continue to be a critical part of their business, but will now be integrated into a more strategic and streamlined approach to planning. Identified actions in existing social and community plans, that in many councils did not directly influence their annual management planning and tended to sit on the shelf, will now be embedded into the strategic planning framework. This will elevate the importance of social planning by councils.

There is also a requirement for councils to give due regard to State Government plans when developing their community strategic plan. This is to ensure that councils consider issues and priorities that have been identified in their region to enable these to be included in the plan. For example, while Australia's population continues to grow, our cities and towns will continue to grow. All State governments have a responsibility to plan for this. Some council areas have been identified in the State Government's Sydney Metropolitan Strategy as growth areas. This fact will need to be considered when a council is developing its community strategic plan.

Each council will have to develop a community engagement strategy that sets out how they are going to engage their community as part of the community strategic plan. The bill mandates the community strategic plan and the community engagement strategy to be based on the New South Wales Government's social justice principles of equity, access, participation and rights. This requirement will help to ensure that all people in a community have the opportunity to contribute to decisions about its future directions.

Following on from the community strategic plan, the bill also introduces a four-year delivery program. Each newly elected council will be required to develop a delivery program in the first nine months of its elected term. This program, which is similar to the current management plan, will identify the strategies and principal activities that the council will implement during its term of office to achieve the long-term objectives in the community strategic plan.

The bill also requires councils to develop an annual operational plan. The operational plan spells out the activities that the council will undertake in the next financial year to implement the strategies identified in the delivery program. The operational plan includes the annual budget, the statement of a council's revenue policy and its annual rates, fees and charges. Key to all these changes is the introduction of a council resourcing strategy. The resourcing strategy is the critical link to assist councils in making informed long-term decisions.

The strategy includes long-term planning for the assets, money and people that the council has available to implement the Delivery Program. Developing this strategy will assist councils in identifying and addressing infrastructure needs in line with the national frameworks for local government financial sustainability. Councils will be required to develop a 10-year financial plan and 10-year asset management plans. The bill also provides councils with the framework to ensure they meet future requirements that may be attached to Federal Government funding programs.

To update the community on progress, the annual report will focus on the performance of the council delivering the strategies and actions identified in the delivery program. The council's annual report will continue to include statutory requirements such as information on items including legal expenses, contracts awarded, councillor fees and expenses, and senior staff salaries. At the end of each council electoral term a council will now need to prepare a report detailing the implementation and effectiveness of the community strategic plan. This report will identify the progress of a local government area in achieving its strategic objectives. The report must also address the performance of the council and other organisations against the civic leadership, and social, environmental and economic strategic objectives.

The requirement for councils to report on the state of the environment will continue. The bill provides flexibility for councils in how they develop this report, which will be required every four years at the end of each electoral term. This will allow councils to focus their resources on monitoring and reporting on environmental issues that are of concern to their community and where a council may influence outcomes. There are currently a number of regional approaches to state of the environment reporting, and under these reforms this approach will continue to be encouraged. State of the environment reporting at a regional or catchment scale provides opportunities for councils to work together to gain efficiencies, as well as providing opportunities to work together on environmental projects with catchment management authorities and other State government agencies.

The bill includes amendments to the Council Charter, the role of a councillor, and the role of the general manager to support the aims of these reforms. Mayors and councillors, with the support of the general manager and council officers, will play a civic leadership role in engaging with the community and guiding the development of the community strategic plan. It also ensures that mayors and councillors are increasingly focussed on the strategic direction of the council. Under these reforms mayors and councillors will oversee the performance of the council's administration in achieving the objectives set out in the community strategic plan.

To assist councils with the move to the new planning and reporting framework, the bill includes transitional provisions that will allow councils to choose when to commence the new framework over the next three years. This will allow councils that are well progressed to move onto the new framework from 1 July 2010, while other councils can choose to follow the next year, in 2011, and the third group of councils will commence in 2012. All councils will be operating under the new framework from the September 2012 elections. The transitional approach allows councils in the second and third groups to develop their plans over a longer period and to learn from the councils in the first group.

The current legislative framework for local government focuses on the short term, which can lead to planning that fails to adequately address sustainability principles. The proposed reforms will help councils identify and respond to the unique influences and pressures affecting their community, to set key directions and priorities, and to develop strategies to achieve the outcomes their communities want and can afford. The reforms focus on sustainability and, at the same time, provide a level of flexibility to allow councils to do things their own way and that suit their own circumstances. This is all about councils being accountable to their community for delivering positive outcomes.

These are the biggest reforms for local government in 16 years. They will lead us well into the future. We want to make sure that we get them right, and will support the local government sector in doing so. The Rees Government is committed to working in partnership with the local government sector in New South Wales to successfully implement these reforms. This bill provides the platform for the future sustainability of local government in New South Wales. I commend the bill to the House.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Business with Precedence**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.25 a.m.]: I move:

That standing and sessional orders be suspended to interrupt the business before the House at 11.45 a.m. to permit consideration of the business with precedence (approval of new standing orders).

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.25 a.m.]: This morning we see yet another example of this incompetent Government and its mismanagement of the Parliament. I do not blame the Leader of the House entirely; he is part of an organisation that is simply unable to run the Parliament efficiently. We see the Government's lack of organisational abilities every day when we try to catch a bus or a train to work, or we try to access a piece of infrastructure in this State that the Government mismanages. That is example enough. If this motion is passed, private members' time will be eaten into. Thursday in this House is private members' day. From 11.45 a.m. members get the chance to have a say on issues related to their electorate. I bet that the member for Hornsby will want to raise and have debated the important issue of the courage of Jane McGrath, which is the subject of a motion listed on the *Business Paper* for today. The member for Oxley has an issue that he would like to raise. His motion calls on the Government to conduct a rural communities impact statement review regarding decisions it makes that affect rural communities. The motion, if passed, will eat into the time members have to raise issues such as these.

Last night this House adjourned at 7.19 p.m. We were all here ready to debate issues, and we could have discussed these matters. Indeed, on a Friday we could do that if standing orders were in place—which we will debate later today—and we could have question time on a Friday. Indeed, Friday could be made a private members' day, when motions such as those I have just referred to could be debated. There are 505 motions on today's *Business Paper* that could be debated in this place. But because of the way the Government has mismanaged this House, those motions will not be debated. Again this morning—I know that the Nationals Whip, Thomas George, will agree with me—this place is in chaos. We have had members in the Chamber lined up ready to debate their motions. There has been almost a collapse of the House, with the lack of Ministers in the Chamber to deliver legislation or indeed debate legislation. Last week the same thing happened. We only have so much patience. The message to the Government is: You have to get your act in order.

We are coming up to the winter break. I know that some Government members will be whipping off overseas to some exotic destinations, but we will be out there working in our electorates. When we return we will bring more issues to the House, so there will be even more motions on the *Business Paper* for the House to debate. If this nonsense keeps up, what will happen is that members will be denied the opportunity to have their motions debated because the Government continually eats into the precious time private members have to raise important issues.

I know that the Government in the upper House had its problems last night. An absolutely extraordinary event occurred that caused the sittings of the House to be suspended—which is unheard of, I believe. I am told it is the first time that has happened in 185 years. The Government is now in a position where it is highly embarrassed. It is highly embarrassed by what is going on in elector-land, shall we call it. Indeed, the Government should be even more embarrassed about what is not happening here in this Parliament. The Ministers are not coming into the Chamber when they should to debate issues; they cannot get themselves organised. I do not totally blame the Leader of the House, although he has to cop some responsibility for that. However, he is part of an organisation that is simply deficient in its ability to organise this Parliament, to run it efficiently. As I said before, we see examples of that everywhere in New South Wales. Whether we are trying to get into hospital for an operation, trying to get some infrastructure built, trying to get on a bus or a ferry, or trying to get some basic service from a government organisation, this Government continues to let us down. This motion is a great example of just how bad and inefficient the Government is.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.29 a.m.], in reply: I will not speak for long because there is very little to reply to. The Government is going through the motions in the same way it always does on such occasions. We need to interrupt the business before the House at 11.45 a.m. because the Government has a full legislative program. As the House has dealt with almost a record amount of legislation, we have not had time to deal with the new standing orders which the Standing Orders and Procedures Committee has been considering for several months. It is important that we debate the new standing orders and the House agrees to them before the adjournment of the House for the winter break. That will ensure that when we come back for the spring session later in the year the House will be able to proceed under the new standing orders as printed.

If debate on the new standing orders is delayed the House will have to proceed under one set of standing orders and then complete the session under a different set of standing orders. I am sure all members would agree that that is not the optimum way of carrying out the business of the House. I have moved to suspend standing orders today to enable the business before the House to be not terminated but suspended so that members can debate issues relating to the new standing orders. How much time will be available for private members' motions will depend on the length of debate on the new standing orders. The Government has legislation to deal with. After the debate on the new standing orders the House will continue with debate on the Statute Law (Miscellaneous Provisions) Bill, which will be the next item of business. Debate on that bill will continue until 11.45 a.m. or until such time as the debate concludes and then the House will proceed with debate on the adoption of the new standing orders.

The contribution of the member for Wagga Wagga had little substance or bearing on the processes and procedures in the Parliament today and in the previous few weeks. Overall, the process has been orderly compared with many others that I have experienced in previous years. Gone are the days when members were here until 1.00 a.m., 2.00 a.m., 3.00 a.m., or even later. I recall one occasion when we sat until 6.30 a.m.; members then went and had a shower and some breakfast, and returned at 8.00 a.m. to continue sitting on the same day. That is unheard of these days: the House now has nice, orderly hours.

Rather than blaming the Government, the member for Wagga Wagga should have congratulated the Government on managing to deal with so much business yesterday and still finishing at 7.19 p.m. The



Government is committed to family friendly hours, not only for itself but also for the Opposition. If there was a backhanded accolade for the Government in terms of running the business of the House in what the member for Wagga Wagga said, I thank him for that and for referring to the fact that we finished at an orderly hour. We have dealt with a record amount of legislation. I hope that the new standing orders will be adopted and printed so that the new parliamentary session can be conducted under the new standing orders.

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

**Motion agreed to.**

## **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2009**

### **Agreement in Principle**

**Debate resumed from 24 June 2009.**

**Mr GREG SMITH** (Epping) [11.34 a.m.]: I lead for the Liberal-Nationals Coalition on the Statute Law (Miscellaneous Provisions) Bill 2009, which is not opposed. The bill makes minor amendments to various Acts and instruments as set out in schedule 1. Secondly, it amends certain other Acts and instruments for the purpose of effecting statute law revision, as set out in schedules 2 to 4. Thirdly, it repeals certain Acts and instruments and provisions of Acts, as set out in schedule 5. Fourthly, it makes other provision of a consequential or ancillary nature, as set out in schedule 6. The bill is part of the ongoing statute law revision program—making varying amendments to a number of Acts. I summarise the more significant of the amendments.

Section 54 of the Adoption Act 2000 is amended to provide that a child aged between 12 and 18 years may give sole consent to his or her adoption if at least 14 days notice of the application of the adoption order, containing the prescribed particulars, has been given to his or her birth parents or if the court dispenses with the giving of notice. At present the Act requires such notice to be given but does not specify the period for giving the notice or the particulars to be included in the notice. The definitions of "spouse" and "step parent" are amended so that a person is a spouse or step parent if the person has been in a de facto relationship—that is, the normal meaning of de facto relationship; a relationship between a man and a woman who live together as husband and wife but who are not married—with a child's birth parent or adoptive parent for two years rather than three years, as is currently the case.

The Adoption Amendment Act 2009 established arrangements for more open access to adoption information. Although these provisions have not yet commenced, a clarifying amendment is made to put beyond doubt that the type of information that is made available to adopted persons under existing access arrangements, which includes information relating to birth parents and siblings, can be made available under the new access arrangements. Section 84 of the Crimes (Domestic and Personal Violence) Act 2007 is amended to insert a missing reference to the Children's Court in this context. Section 15 of the District Court Act 1973 is amended to provide that judges are not entitled to remuneration for any period for which they are on leave without pay, being leave that they have agreed to take. A similar amendment is made to the Local Courts Act 1982 and the Supreme Court Act 1970.

Section 94EE of the Environmental Planning and Assessment Act 1979 is amended to ensure that the power of the director general to make payments out of the Special Contributions Areas Infrastructure Fund is not limited by the requirement for the Minister to identify what part of a special infrastructure contribution is for the provision of local infrastructure by a local council or the department. Section 80 of the Fire Brigades Act 1989, which is a disclosure provision, is amended to require an insurance company to inform property and home and contents policy holders of how much of their premium is attributable to any contributions the insurance company is required to make under the State Emergency Service Act 1989 towards the cost of State Emergency Service expenditure.

There are amendments to the Firearms Act, which were also amended in the other place. The Land Acquisition (Just Terms Compensation) Act 1991 is amended by the insertion of section 43A to permit corrections to compensation notices for compulsory acquisitions. Section 10 of the Law Enforcement (Controlled Operations) Act 1997 is amended to ensure that the protection given by the Act to a participant in a cross-border controlled operation applies where the participant was unaware of a variation or cancellation of an authority. Section 76J of the Mental Health (Forensic Provisions) Act 1990 is amended to enable information

sharing and exchange between the departments of Health, Corrective Services and Juvenile Justice. This information may be disclosed without the consent of any person concerned but only to the extent that the information is reasonably necessary to assist in the function of the department or agency concerned.

Section 212A amends the Protection of the Environment Operations Act 1997 to enable the Department of Environment and Climate Change to recover reasonable costs incurred by the Environment Protection Authority in connection with a prevention notice from the person to whom the notice was given. Section 118 amends the Residential Tenancies Act 1987 to ensure that the Tenancy Commissioner may prosecute any offence under the Act without the need for the prosecution to follow on from the investigational resolution of a complaint by a landlord or tenant. The Water Management Act 2000 is amended to extend the category of persons required to prepare compliance reports to the Minister, and section 364 increases the maximum monetary penalty a local court may impose in a prosecution under the Act from \$11,000 to \$22,000.

Schedule 2 contains procedural amendments to correct, for example, duplicated numbering, incorrect or outdated references and other minor technical amendments that are relevant to statute law revision. Schedule 3 amends the Legal Profession Act 2004 to enable the standardisation of the terms, for example, "Australian legal practitioner" or "on the New South Wales legislation website", across a number of Acts. Schedule 4 relates to the New South Wales legislation website maintained by the Parliamentary Counsel. Schedule 5 reveals a number of miscellaneous redundant Acts and amendment Acts. Schedule 6 contains the usual savings and transitional provisions. It also refers to the power of the Government to revoke the repeal of any Act repealed by this bill.

In favour of the bill it could be said that the amendments are part of the continuing statute law revision program and are the most efficient manner of dealing with necessary amendments, the amendments are of a non-controversial nature, and the amendments are too inconsequential to warrant a separate amending Act. There are no significant arguments against this bill. Accordingly, the Liberal-Nationals Coalition does not oppose the bill.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.42 a.m.], in reply: I thank the member for Epping for his contribution to the debate. The Statute Law (Miscellaneous Provisions) Bill 2009 is intended to make minor and non-controversial amendments to various Acts. The bill continues the statute law revision program, which was established in 1984 as a cost-effective and efficient mechanism for making such amendments. The member for Epping referred to a number of amendments in the bill and I will respond to a number of those. It is proposed to amend section 54 of the Adoption Act 2000 to clarify the meaning of "reasonable notice" in 54 (1) (c) by allowing not less than 14 days within which the birth parent or person who has parental responsibility may apply to appear in adoption proceedings to make their views known to the court in cases where the consent of a parent or person who has parental responsibility is not required.

This amendment will clarify the meaning of "reasonable notice" in section 54 (1) (c) by allowing not less than 14 days within which the birth parent or person who has parental responsibility may apply. The amendment follows the decision in *Re S and the Adoption Act 2000* NSWSC 1062. In that case the court considered the meaning of "reasonable notice" under section 54 (1) (c) and recommended that the meaning be clarified by prescribing a minimum of 14 days notice to be given to a parent or person who has parental responsibility. The amendment will ensure that, so far as possible, the court will have available all relevant information when considering the making of an adoption order.

The member for Epping also referred to the changes to the Crimes (Domestic and Personal Violence) Act 2007. Section 84 of the Act contains review and appeal provisions surrounding the making of apprehended violence orders. Section 84 (5B) was inserted in 2009 and provides that if the District Court allows an appeal made under the section against the refusal to annul an apprehended violence order and remits the matter to the local court the District Court must, unless satisfied that it is not necessary to do so, make an interim order under part 6 as if an application for such an order had been duly made. When this section was inserted reference to the Children's Court was inadvertently omitted. As the District Court may also remit the matter to the Children's Court, it is proposed to include reference to this court in this section. Numerous worthwhile amendments are proposed in the Statute Law (Miscellaneous Provisions) Bill 2009, and the inclusion of all these amendments in the one bill makes a cost-effective and efficient mechanism. 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 returned to the Legislative Council without amendment.**

**STANDING ORDERS**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.45 a.m.]: I move:

That:

- (1) the amendments to the standing orders adopted by the Standing Orders and Procedure Committee on 17 June 2009 be approved by the House;
- (2) the amendments be forwarded by the Speaker to Her Excellency the Governor for approval; and
- (3) on and from 1 September 2009, the sessional orders adopted by the House on 6 December 2007 and on 10 April 2008, be rescinded and the new standing orders be effective.

I thank all members of the Standing Orders and Procedure Committee for the diligent way in which the committee considered the current standings orders, made the various amendments, and then adopted those amendments. Changing the standing orders of a Parliament that has been in existence as long as this Parliament has is not an easy task. The outstanding thing is that after detailed deliberation of each of the specific issues in the standing orders the amount of change to the standing orders that the Standing Orders and Procedure Committee was required to make was relatively minor. I say that decidedly because it is important to acknowledge that the New South Wales Parliament has a very good set of standing orders, which have been around for a long time. The standing orders have needed only minor changes from time to time to meet any changes in the expectation of the community of this Parliament.

I compliment the Clerk of the Legislative Assembly, Mr Russell Grove. I also compliment the Clerk to the Committee, Mr Mark Swinson, who is currently sitting in the Clerk's chair and who did an outstanding job in noting the comments that were made by the various members of the Standing Orders and Procedure Committee, diligently recording them and then coming up with the appropriate wording for the recommended changes or alterations to the standing orders.

The report of the Standing Orders and Procedure Committee has been tabled and is available for perusal by members. The proposed changes to be adopted by this House are highlighted in that report. From a cursory glance it will be seen that the Committee felt compelled to change relatively very few of the standing orders. In most cases the changes have been made to facilitate the passage of legislation through this Chamber and to make the use of the Chamber's time as efficient as possible while not impinging upon the rights of members but, in many cases, elaborating upon the various rights and entitlements of members.

Although the standing orders have changed very little, the method of operation of the Chamber has changed substantially during recent years, particularly with the introduction of family friendly hours and the House not sitting late into the night or early morning as it regularly did previously. I remember that when I first came into this place the House regularly sat until 11.00 p.m. or 11.30 p.m. Quite often it would sit as late as 1.00 a.m. or 2.00 a.m. I remember on one occasion we sat through the night and the Speaker left the chair at 6.00 a.m. so that members could get sustenance and be refreshed, the long bell rang at 8.00 a.m., the House reconvened and then got up at about 11.45 a.m. Luckily that does not happen these days. In order to complete the bulk of the legislation in the past couple of weeks, the House sat as late as—dare I say—9.30 p.m. A number of people consider it outrageous to sit beyond 7.30 p.m. Things have changed for the better.

The community expects members of Parliament to do their work in an orderly way, the same as most other people. The concept of people legislating the lives of the citizens of this State until late at night or the early hours of the morning does not wear down too well with a lot of people. They ask, "How can anyone, having done a full day's work and being deprived of sleep and fresh air, make astute and appropriate decisions late at night?" I commend the changes that are well documented in the report and appropriately highlighted for members to peruse. The committee has been well served by the Clerk of the Legislative Assembly and, in particular, by the Clerk of the Committee, Mr Swinson. The committee has had long and deliberate discussions about these changes. I do not intend to detain the House any longer, but I commend the report to the House.

**Mr JOHN TURNER** (Myall Lakes) [11.52 a.m.]: Like the Leader of the House, I congratulate the Clerks in relation to the preparation of this report. It was not easy for them to steer through the political side of things, but they have devised a document that is workable, with a number of exceptions that the Opposition, particularly the member for Wagga Wagga, will raise in this debate. I was pleased that the committee reached a resolution in relation to the standing orders. We first embarked on changing the standing orders about 10 years ago. I remember we were discussing these matters in the Speaker's Dining Room and a division was called, and then late last year or early this year the discussions were completed—so it has been a long and tortuous journey. It is important to have standing orders that reflect the times of this House. As the Leader of the House said, times have certainly changed. However, I remember the House sitting a lot later—I think we sat for almost two days non-stop.

The changes to the standing orders contain a number of commonsense issues and a number of contentious issues. The commonsense ones have been alluded to, and include adjusting time limits in relation to some matters before the House. I think members could speak to some motions for only three minutes, which is a totally inadequate amount of time for a member to present a case. That has been tidied up. The standing order that requires a Minister to reply to petitions with more than 500 signatures within 35 days is welcomed. Many members wonder whatever happens to petitions once they are lodged in this House—they seem to disappear into the ether. The standing order that could have been changed is to bring back the naming of the people who lodge the petitions and on what issues they were lodged, because that now even further mystifies the petition process. However, the fact that a Minister has 35 days in which to reply to a petition with 500 or more signatures will certainly help our constituents believe they are doing something relevant when they sign a petition. We are also moving slightly with the times—which is almost unknown for this place—by having video links to conduct the undertakings of the House, something that is long overdue.

There are a number of contentious issues that are not included in the standing orders, which will be discussed by my friend and colleague the member for Wagga Wagga in more detail. One is the requirement to have divisions and question time on Fridays. We all know that the Friday sittings are a joke. It was introduced following pressure by the media on the Government that the House was not sitting enough days. Premier Carr brought in the Clayton's sitting day, Friday—on a turn up if you want to basis. We should either have a sitting day on Friday with question time, divisions and quorums or not have a sitting day. The administrative cost of having our Friday sittings is enormous and they are of no real benefit without question time, divisions and quorums. The Opposition is most anxious to pursue and push that aspect of the standing orders both now and in the future. Members will now be able to give notices of motions on Fridays, which is a slight step forward. The Friday Clayton's sitting days should be reviewed.

Another contentious issue is that if members are named and removed from the Parliament, as opposed to being suspended, their pay will be docked, for want of a better word. I do not condone anybody being removed from this House for whatever reason. It is very significant event within the parliamentary system for a member to be named in the House. However, in the 21 years I have been in this place members who have been named have been named because of matters of significant importance to their electorates. They have felt extremely emotional about a matter to the extent that they have raised the ire of the Speaker and then been named. Any person who is named and removed for a certain time does not go on holidays to Noosa, for example; they return to their electorate to work diligently to further push the matter they raised. It is nonsense to say that members should have their pay docked. I regret to say that I was disappointed the Speaker let that proposal out to the media before the committee had an opportunity to discuss it in full. I do not condone issues that lead to a member being named, but it is folly to think that members will go off on a holiday instead of working hard in their electorates.

The Opposition also sought time limits on answers in question time, but that was not accepted by the committee. Anybody who has listened to question time recently understands why the Opposition wants to push that matter. Question time has to be more relevant, and putting time limits on Ministers' answers would help to achieve that. In relation to relevance, the Opposition discussed matters such as questions that end with the words "and other relevant matters". We believe that is an open-ended invitation to Ministers to prattle on about matters that are unconnected with the question, and is something that should be looked at and brought into line. The Opposition believes the standing orders should say that answers shall be relevant, because an increasing practice of the Government in this House is to stray away from the relevance of the question to areas that are not relevant. Members of the Opposition then take points of order in relation to Standing Order 129, relevance. We see the frustration of the Speaker, who says he is not happy with the point of order. The House becomes unruly because the Minister invariably flouts the ruling and there is then anarchy in the House.

In the spirit of fairness and good debate, answers must be relevant and provide clear information. Changes in this regard were not considered for inclusion in the new standing orders. Also not considered for inclusion, but not abandoned, were changes in relation to citizens' right of reply. This is uncharted water in the lower House to a certain extent. This issue has been left to one side for the time being. It is difficult to strike the right balance between parliamentary privilege on the one hand and the rights of citizens on the other. I have no doubt that we will revisit this issue. I once again congratulate the Clerks on the work they have done in relation to the new standing orders.

**Mr GERARD MARTIN** (Bathurst) [12.01 p.m.]: As a member of the Standing Orders and Procedure Committee, I will make a brief contribution to debate on this motion. I congratulate all those who were involved in the review of the new standing orders—the Independent Speaker and the committee members from both sides of the House. Standing orders tend to be complicated and wordy and subject to interpretation. The interpretation of the standing orders is the role of the Speaker. Not surprisingly, at times the Government and the Opposition have a different understanding as to the meaning of the standing orders. The member for Myall Lakes spoke about question time. The old chestnut the Opposition always brings up is that question time should be listed on Friday. This House holds more question times now than it has held in the history of the Parliament. In 2008 the New South Wales Parliament sat 64 days. That is the most sitting days the Parliament has sat for almost 20 years. This year Parliament is scheduled to sit 70 sitting days. That is more days than the Commonwealth Parliament, which this year is scheduled to sit 68 days.

On current estimates, that makes us the most scrutinised Parliament of any Parliament in Australia. The Opposition's argument that it is being denied an opportunity to question Ministers because of too few question times does not stand up. In 1994, the last time the Coalition was in Government in New South Wales, there were only 38 question times. That is about half the number of question times that are held now. It is bit rich for the Opposition to plead it is being denied the opportunity to question and scrutinise the Government when on its watch question times were a scant amount—as I said, 38 question times. The Opposition strongly argues this point on a regular basis, but it is a red herring. In reality, the facts and figures show that the Government is open to scrutiny more than any other government in Australia. People in the public gallery and the Opposition have greater opportunity than in any other Parliament in Australia to observe the sittings of the Parliament and to scrutinise the Government.

**Mr Barry O'Farrell**: But don't try to go into the other House today. It's closed.

**Mr GERARD MARTIN**: The Leader of the Opposition, who often flouts—I mean, flouts—the rules of the House—

**Mr Barry O'Farrell**: I have never flounced in my life!

**Mr GERARD MARTIN**: The students in the public gallery are watching a clown in action. If they want tips on leadership, they should not take notice of the Leader of the Opposition.

**The SPEAKER**: Order! The member for Bathurst will continue with his speech.

**Mr GERARD MARTIN**: The Opposition exhibits rank hypocrisy. If the students want to see statesmanship and good order, they should look to this side of the House. They should not take any notice of the remarks of the Leader of the Opposition about the upper House. It is having a day off because it has completed its work.

**The SPEAKER**: Order! The member for Bathurst will confine his remarks to the motion on the standing orders.

**Mr GERARD MARTIN**: I have concluded my remarks on the standing orders. I commend the motion to the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [12.04 p.m.]: Standing orders are essentially a set of rules as to how this place can operate. Standing orders are like the rules the referee last night had to follow to try to control the State of Origin match. If the referee last night had a set of rules similar to those that apply in this House, it might have been a different outcome. If the House had moved a motion yesterday to back our boys, it might have been a different outcome. The standing orders, the rules of this place,

lack clarity and the determination to ensure that this place is able to undertake its functions properly. Parliament is about holding government to account. It is called responsible government because the Opposition is meant to hold the Government to account for its decisions on behalf of our communities.

The member for Bathurst can say what he likes about me, but I come into this place to represent my electorate—as he and every other member represents the people who live in their electorates. They have a right to basic services. We come into this place because the basis of democracy, which has existed here for 153 years, is about holding government to account, ensuring it is not a dictatorship, and ensuring the Government does not tell lies and admits failures or problems with policy. The Speaker of the House is an Independent member of Parliament. He is not a member of a political party that has a particular axe to grind—although, at times, I think he keeps a different axe in his knapsack. The Speaker presides over this place.

If the students in the public gallery are still here at question time, they will hear Opposition members ask the five questions we are allowed each day. I might ask the Premier: Is today Thursday? His answer would range from three minutes to eight minutes, and in some cases 15 minutes, and at no stage in his answer would he tell me whether today was Thursday. The standing orders do not enable him to be relevant in his answers. The standing orders do not enable him to actually answer the question that is put to him. The Opposition might ask the Premier a question in relation to the students in the public gallery: How many students are in their class? The Premier might have a piece of paper that says how many students are in the class, but he is not required to answer the question.

Today we are trying to make the rules more relevant. We are trying to update the rules to ensure that the umpire or the referee, whom we know as the Speaker, is able to apply the rules evenly across all sides of the House. The new rules not only will require that the questions asked by Opposition members—whether it is a Liberal-Nationals Opposition or, after the next election, a Labor Opposition—are relevant and in order, but also will require the government of the day, whether it is a Liberal-Nationals, a Labor or, in the occasional hope of the Speaker, an Independent government—

**The SPEAKER:** Hear! Hear!

**Mr BARRY O'FARRELL:** —to provide answers that are relevant to the questions and satisfy the requirement of responsible government in New South Wales. The Opposition is here supporting the Speaker. We support the Independent Speaker who time and again in question time is embarrassed—at times by me—because the rules do not allow him to terminate a Minister's answer, to sit the Premier down, to ensure that the answer provided is relevant to the question asked.

**Mr Gerard Martin:** That is not true. The standing orders do that.

**Mr BARRY O'FARRELL:** If the member for Bathurst stopped talking and listened, firstly, he would be twice as intelligent; and, secondly, he would understand the point I make.

**The SPEAKER:** Order! The member for Bathurst will contain himself.

**Mr BARRY O'FARRELL:** The Speaker cannot sit the Premier or a Minister down for not being relevant. Because of the shambles this place has increasingly become, not because of the Speaker but because of the abuse of the rules, we finally have embarrassed the Premier into initiating a review of the rules. That is what we are about to vote on here today. The Liberal-Nationals will vote for a set of rules that is fair to every member of the House, not just the majority party. The Liberal-Nationals will support fairness in the Speaker's rulings. The Liberal-Nationals will support amendments that will seek to put backbone into the rules.

**Mr ALAN ASHTON** (East Hills) [12.09 p.m.]: Did the Coalition have an Independent Speaker when it was last in government? I do not recall that that ever happened.

**Mr Adrian Piccoli:** We may well after the next election.

**Mr ALAN ASHTON:** We may well. That would seem to indicate that it will be a very close election. I thank the Standing Orders and Procedure Committee, of which I am a member, for the great work it has done on these amendments to the rules of debate in this House. In passing, the Leader of the Opposition was breaking

the standing orders and conventions of this Chamber when he spent most of his time addressing the students in the gallery. This thick document—our Standing Orders—state that members must address the Speaker, not visitors in the gallery. But any audience is a good audience, and I will do the same.

**The SPEAKER:** Order! The gallery will not encourage the member.

**Mr ALAN ASHTON:** I do not need much encouragement, Mr Speaker. The membership of the Standing Orders and Procedure Committee comprises members of The Nationals, the Labor Party and the Liberal Party. Our Independent Speaker is also a member of the committee. In a sense our Clerks, Russell Grove and Mark Swinson, are also members, and I thank them for their efforts in putting most of this material together. This distilled, 31-page document, which contains amendments to the standing orders, will eventually form part of a document that is three to four inches thick. I also thank Paul Lynch, the Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal, who is our expert on standing orders.

When I was elected to Parliament there were no such thing as family-friendly hours. There is some dispute about just how family friendly they are. In those days Parliament would sit, as it does now, at 10 a.m. but we would often be here until 10 or 11 o'clock at night. If we got away by 9.00 or 9.30 p.m., we were rather happy because that was considered to be an early night. But in those days also electorates such as Campbelltown, Camden and beyond were regarded by the Parliamentary Remuneration Tribunal as city electorates and the members of those electorates often drove to their homes after night sittings. Nowadays, with increased traffic congestion and other problems—there was a car accident again today on the Eastern Distributor—it is difficult for members of Parliament to travel such distances. That accident this morning prevented people from getting into Macquarie Street. The advantage that rural members have over city members is that at least they can walk back to a hotel here in the city, for which they are given an allowance.

**Mr Adrian Piccoli:** You get to go home every night.

**Mr ALAN ASHTON:** That is true; there is that balance. Family-friendly hours were the subject of a major change. When I became a member there were no Friday sitting times. On Fridays members had the chance to get back to their electorates. Personally I think that is the way it should be today; we should work here on Tuesday, Wednesday and Thursday, but then we should be able to get back to our electorates to complete the week and to reconnect with our constituents. However, we are not considering changing that practice; the family-friendly hours and not sitting late into the night allows members to do things on a Friday, which is very important because there is government business on Friday.

It has been suggested that we should have a question time on Fridays. The member for Bathurst handled that matter rather well, I thought, and I am sure the Leader of the Government in the House will have something to say on the matter also. Question time is essential; it is an important tool. There is no doubt that members of the Opposition often feel affronted when they do not get the answers they want, but I have to say that I have noticed that their questions not exactly of the highest calibre. On many occasions the Speaker has had to ask them to rephrase their questions, which are not supposed to contain argument, inferences, imputations, epithets, ironical expression or hypothetical matter. I realise that raises the question: What can you ask? But just as members have a right to ask questions, it is within the purview of the Premier and his Ministers to answer questions in the way they see fit. Given the recent Federal Parliament experience and the actions of Malcolm Turnbull, it may be that members should be very careful about what they wish for.

**Mrs Shelley Hancock:** He had the right to ask a question.

**The SPEAKER:** Order!

**Mr ALAN ASHTON:** I thank you Mr Speaker, but I can handle it. That is the difference, isn't it? It is just the way it goes. The Leader of the Opposition, who made his contribution and then, to use an American term, skedaddled—but I know he is a busy man—said that he cannot get an answer from the Premier. Sometimes we get answers if we refrain from constantly interjecting. The member for interjections, the member for Murray-Darling, loves interjecting, and he is often called to order for that. Sometimes, Mr Speaker, he is put on a call on suspicion—which I think is a good thing because it saves time. The same can be said of our Whip or our colleague from Cessnock, Kerry Hickey. It is similar to what used to be said about Bronwyn Bishop: Why do people take an instant dislike to her? It saves time. The answer is very obvious.

The committee has increased time limits by a couple of minutes to allow more reasonable time—more so for the Opposition than the Government I believe—in priority debate. We have also recommended that

written answers should be provided by Ministers, and I think there is a time limit in relation to that. That is important. I note that the member for Mount Druitt has a running battle with an Opposition member who asks questions printed on blue pages. I am not sure who is doing that, but we often see that and that is a very handy way of getting information.

Generally speaking there was considerable cooperation among the members of this committee to arrive at these amendments. The members of that committee are: Adrian Piccoli, Barry O'Farrell, former Speaker John Aquilina, Speaker Richard Torbay, Tanya Gadiel, Brad Hazzard, Grant McBride, Daryl Maguire, Gerard Martin, Alison Megarrity and John Turner. I include also the Clerks, Russell Grove and Mark Swinson. The members met in a spirit of bipartisanship to consider hundreds of standing orders, within which are many hundreds of procedural aspects. Members will continue to disagree about Question Time. I understand that there may be an amendment to dock the salary of members who are ejected from the Chamber. I listened very carefully to what the member for Myall Lakes said on this matter, and I take his point. Many of The Nationals members of Parliament may not necessarily agree. The Deputy Leader of The Nationals may have the same view that I have on this matter. Only one Government member of Parliament has been ejected in the time I have been here—

*[Interruption]*

There is good reason for that; the Government members do not usually act so outrageously. I recall taking a point of order once on the Premier when he was speaking. You do these things if you think you have to do them.

**Mr John Williams:** Yes, and that is why you are still on the backbench.

**Mr ALAN ASHTON:** Again we hear from the member for interjections. I wish he would make a speech—

**Mr John Williams:** I will in a minute, if I get half a chance.

**Mr Adrian Piccoli:** You made a mistake, Alan.

**Mr ALAN ASHTON:** I loved it; it was good fun. I got a wrap for that—people thought it was very good. But the point of order was relevant because my favourite mate, the member for Clarence, was holding up rude material that he would be arrested for if he displayed it on the street somewhere. I could not let that happen and I had to take a point of order. That basically is the reason why the parties in this Chamber are kept two-sword lengths apart—the space has been measured. This is the bear pit, and debate in this place is fiery and can get quite heated. But it is mostly members of the Opposition who are ejected by the Independent Speaker. I expect that, in the unlikely event that we ever end up in opposition, some of us will get thrown out too, because the Government controls things.

Maybe the only thing we did not look at is what happens in Canberra. When members are asked to leave they excuse themselves and wander back in after about 20 minutes or half an hour. I would not have a problem with that. But returning to the issue of pay, I am sure much would be said if members were docked \$13.80 for the hour they are not in the Chamber—or \$25 or \$100. But as the member for Myall Lakes said, members who are ejected leave, and then hit the phones. We have all seen Opposition leaders wanting to get thrown out of the Parliament so they can race down to level six, get on a news grab and say, "I was thrown out of Parliament. Isn't it outrageous! They don't want to hear me." It is standard practice.

**Mrs Shelley Hancock:** It is not standard at all.

**Mr ALAN ASHTON:** If the member for South Coast is not aware of that, she must be kept on the outer in her faction. That is what happens. They have got to get down to level six to get the news grab. The suggestion is that the Leader of the Opposition or the Deputy Leader of the Opposition would be fined. If that had been the practice, the member for Murrumbidgee would have been fined a couple of times—even the member for Blacktown would have been fined for a day or two. My concern is that if, say, a member is put out of the Parliament today or tomorrow—and that could happen—under the terms of the amendment that has been suggested, that member would not be paid the time that he or she is out of the Parliament—nine or ten weeks, or whatever the length of the recess. In that event what would the member do?



The member could not come into the Parliament. He or she could go to the electorate office and work there. As the member for Myall Lakes said, a member can get thrown out because of issues he or she seriously believes in. I remind members of the night of the kaffuffle—and I will not go into the detail—between a member of The Nationals and one of our Ministers. I tried to intervene on that occasion, with the help of Ian Delahunty, one of the Chamber attendants. That member of The Nationals was put out of the Parliament. The punishment should have been more than ejection from the Parliament because the incident involved physical violence. Those sorts of issues should be looked at.

In the past few years, the entitlements of members of Parliament have been whittled away as a result of a combination of the bad behaviour of members and media campaigns about members of Parliament. What will happen is that we will move back to the days when members of Parliament were members of the rural elite or the business elite, when ordinary working-class people or people with a labour bent would not get elected to Parliament. We will revert to the time when the only people who can run for Parliament are the millionaires and squillionaires from Potts Point will run for Parliament because they will be the only ones who can afford to be thrown out of Parliament for a lengthy time. They own many properties and have lots of shares and many fingers and toes in all kinds of pies.

**Mr John Williams:** Point of order: It relates to Standing Order 76, relevance. I remind the member for East Hills that the Friends of Dementia are meeting in the Jubilee Room so he can go over there and expose this—

**The SPEAKER:** Order! The point of order of the member for Murray-Darling is out of order.

**Mr ALAN ASHTON:** That is exactly the type of comment that lowers the standing of members of Parliament. To talk about dementia and Alzheimer's in that way serves only to belittle the member for Murray-Darling, who does not need to belittle himself any further; he has done a good job of doing just that in the last 2½ years. His comment will appear in *Hansard* and he will have to apologise for it to his electorate and to anyone else who heard it.

Back in the 1800s when members of Parliament represented rotten boroughs in England and electorates in Australia that had more sheep than people, members of Parliament were not paid because it was said that they did not need the salary. People said, "Give them nothing. If they really believe in representing the people, they will do it for nothing." We will return to those days when the only members of Parliament will be property owners—Pitt Street farmers and the like—and if they are thrown out of the Chamber, it will not matter that they are not paid because everyone will think that they became parliamentarians out of the goodness of their hearts. I recall I had a similar argument with Labor and Opposition governments when I was a schoolteacher. There was a suggestion that nurses should work for nothing because, after all, nurses love their patients and all that.

**Mrs Shelley Hancock:** You pay them nothing.

**Mr ALAN ASHTON:** We have improved their salaries and opened new hospitals. We heard yesterday just how many hospitals the Liberals closed. We build hospitals; you close them. When I was a teacher the Greiner Government sacked 2,500 schoolteachers.

**Mrs Shelley Hancock:** Rubbish! That is not true.

**Mr ALAN ASHTON:** You say it is rubbish. You must never have been in a school if you say that is rubbish. It is a fact that 2,500 teachers were sacked, and everyone knows it.

**Mr Adrian Piccoli:** Just get on with it, Alan.

**Mr ALAN ASHTON:** I am getting on with it, but do not interject with lies. Interject with humour, not with lies. The point is that teachers, nurses and so many other people could never become members of Parliament because they do not earn enough and they would never get elected. It comes back to the argument put by the member for Myall Lakes, an experienced and well-respected former member of The Nationals leadership team. We must ensure that parliamentarians set a certain standard, but we should not expect them to pay a fine if they are ejected from the Chamber. I know that is what the Speaker and the Leader of the Opposition have in mind. No disrespect intended to the Speaker, but it is obvious that the Leader of the Opposition is looking for a bit of cheap publicity because he has been thrown out of this place more often than most. I support the proposed amendments to the standing orders and thank those who contributed to their formulation.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.24 p.m.]: I was a member of the committee that looked at our standing orders and procedures. The member for Myall Lakes was quite right: a lot of time and effort was put in by members and it has been rather a protracted process. I note, however, that we omitted to look at the issue of Friday sittings and the presentation of petitions on Fridays. Every other day this House sits we call for the presentation of petitions and they are recorded. Although we have no question time when we sit on a Friday—and I will address that issue later in this debate—I believe it is important that members have the opportunity to put forward their petitions so that the concerns of their constituents can be heard.

In the standing orders we have agreed to accept general business notices of motions (general notices), from members—which is another way of highlighting the concerns of constituents and giving notice that debate will occur in the future. I note, however, that currently there are some 505 general business notices of motions, general notices, awaiting debate. On Tuesday 23 June a number of petitions highlighted various problems. The member for Sydney lodged a petition opposing national parks tourism development. I lodged a petition requesting funding for the construction of the Wagga Wagga Base Hospital in this parliamentary term. I lodged another petition calling for support for the establishment of a satellite renal dialysis service in Tumut. Another petition I lodged requested the installation of important equipment in Tumut Hospital and the Batlow Multipurpose Service. Another petition called for anaesthetist services to be implemented at Tumut Hospital.

The member for Hornsby lodged a petition calling for improved access to the Hawkesbury River railway station. The member for Davidson lodged a petition relating to the local environmental plan for town centres. The member for North Shore lodged a petition calling for the retention of the Mosman police station. All the petitions relate to important issues that members of the various communities are concerned about. It takes considerable time to collect signatures for a petition. As an example, I have here a petition relating to the Wagga Wagga Base Hospital. This one petition contains some 20,000 signatures. Allowing petitions to be presented will give greater reassurance to the public that their members are representing them and that their concerns are being raised. I move:

That the motion be amended by the addition of a new paragraph (2):

(2) The following further amendment be also approved by the House:

Proposed Standing Order 98 (Friday sittings); add the following new paragraph:

(3) Petitions.

This is a reasonable amendment and I believe it is a good addition to the work of the committee. Every member had input and it was dealt with in a very cooperative fashion. It is fair and reasonable to encourage the Government and its members to support this amendment, which I commend to the House.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [12.29 p.m.]: I have listened intently to the arguments put forward by the member for Wagga Wagga in relation to petitions and acknowledge that this should have been appropriately dealt with by the committee. We did not give that the consideration that it warrants. I agree with him that there is a persuasive argument to be made for the House to accept petitions on Fridays, and the Government will therefore agree to this amendment.

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

**Amendment agreed to.**

**Motion as amended agreed to.**

**Mr MICHAEL RICHARDSON** (Castle Hill) [12.30 p.m.]: I support the Leader of the Opposition in his remarks relating to question time and the opportunity the Government has missed in amending the standing orders to make this Government more accountable to the people of New South Wales. I do not know whether other members in the Chamber have had the privilege of attending the Prime Minister's question time in the House of Commons, in London. I have, when Tony Blair was Prime Minister, and I have to say that he would have answered in half an hour more questions than this Government answers in a week. The hardest questions came from his side of the House. That was a far cry from the practice in the New South Wales Parliament where, as we all know, most of our time is wasted on filibustering and dorothy dixers. My staffer Luke Scott did an analysis of question time in the first three months of Nathan Rees's premiership after the Premier told this House on 25 September:

On day one of my premiership I said that I was going to rebuild people's confidence in the administration of this Government step by step. That means more accountability and more transparency. We have heard a lot from members opposite today and on previous days about demands for more scrutiny of government, and I am going to give them what they wish. This year the Parliament sits in New South Wales for a record number of days—

that is certainly not happening this year.

—the most we have sat in 19 years. Next year we will break that record.

We have not broken that record and we will not break that record. The Premier continued:

Next year this Parliament will sit for an additional two weeks. And we can look forward to more sterling-quality questions, such as those we have had today.

Members might recall that on 25 September last year a grand total of 19 questions was asked, which was a record. In my 16 years here I have never seen a day like it. That is because the filibustering stopped and the Government ran out of answers for the dorothy dixers. There was an opportunity for members to put questions to the Government and have them answered. Indeed, on that day the Premier actually attempted to answer the questions. It was a wonderful day. It was a day the like of which we have never seen in this House, I suspect, probably since the nineteenth century.

How things have changed! Soon after making this pledge, and after Government scandals, the Premier began deliberately extending the time allocated to dorothy dixers to avoid answering the hard questions. In other words, he was abusing question time to try to cover up the problems the Government was facing. On 29 and 30 October, when claims of the member for Bankstown abusing a staffer were in the news, answers to Opposition questions made up only 15 per cent and 17 per cent respectively of question time. That means 85 per cent and 83 per cent respectively of question time were devoted to dorothy dixers.

On 29 October, the Minister for Finance brazenly began an answer to a dorothy dixer by saying, "I have 17 minutes to talk about the important issue of red tape reduction." Seventeen minutes! In fact, he went for 11 minutes and three points of order were taken against him during that time about the length of his answer. You, Mr Speaker, very correctly instructed him on several occasions to curtail his answer.

On 11 November, dorothy dixers filled 86 per cent of question time so the Government would not have to answer questions from the Opposition and the Independents about the mini-budget. On 27 November, when the Garling report panned the State's health system, the figure was 82 per cent. On 4 December it was another 82 per cent. The Premier used 21 minutes, or nearly half of the 45 minutes allocated for question time, on one of his own questions. Five points of order were taken on time he was taking to answer the question, but the Speaker was unable to stop him. He did not cease and desist.

Frankly, the claim that this is the most scrutinised Government in any Parliament in Australia is laughable. The Government and its members on the committee have missed a first-class opportunity to do something to sort out the absurd situation we have here where not only does the Opposition get to ask only five questions on Tuesdays and four questions on Wednesdays and Thursdays—13 questions a week—but those questions are brushed aside and our time is wasted listening to the most boring diatribes from Ministers relating to issues that the people of New South Wales, in most instances, have no interest in.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.35 p.m.]: I will speak briefly to the amended motion with regard to having question time on Fridays. I know that members on the other side of the House have suggested we would put up the argument that has been raised before in this place. I take issue immediately with the member for Bathurst. He suggested that we have sat a record number of days, 68, and that this year we will sit on 70 days. He failed to tell the House that each Friday among those days is a day that we cannot ask questions. From that record number of sitting days we have to deduct about 13 or 14 days on which no questions can be put to the Government by the Opposition or other members of this place.

There are 70 sitting days this year and only on 54 of those are we allowed to ask questions. At 10 questions per day that is 540 questions. The Government gets 270 and this side of the House gets 270, less 36 questions that are asked by other members. That means the Opposition has only 234 opportunities to ask questions, the Government has 270 opportunities to ask Dorothy Dixers and crossbenchers have 36 chances to ask questions. If question time were allowed on Friday, there would be an extra 16 days on which questions could be asked. That is 160 questions—80 for the Government and, let us say, 80 for the Opposition. If we deduct 16 for the crossbenchers, that is an extra 64 questions for the Opposition.

The member for Bathurst was rather untruthful when he said that the Parliament sat only 38 days in the last year of the Coalition Government. I will tell members why: it was an election year. In an election year the Parliament quite often does not resume until late March. It means that in a normal year there would be extra

weeks of sitting but in an election year there is a reduction. The member for Bathurst was not being very truthful when he suggested that we sat fewer weeks when the Coalition was in power. Yes we did sit less, but it was because of the election. Just this week the Premier, in an address to the House, said about the Government Information (Public Access) Bill 2009, "This legislation will vastly improve the transparency and integrity of the Government of New South Wales." The Premier went on to say:

In October 2008, I addressed this House on the issue of the transparency and accountability of Government and made clear my view that the old culture of Government secrecy has to end and that the public's right to know should be respected.

He then said:

And that means a total revamp of the system.

The standing orders should be revamped with regard to questions without notice on Fridays as well. If the Premier is serious about scrutiny, transparency and accountability, he should support the amendment that I am about to move. He further said:

The bills mark a paradigm shift. Our public sector must embrace openness and transparency and governments must forever relinquish their habitual instinct to control information. This is generational change and reform that is long overdue.

There could be no more appropriate words than those in support of my amendment. The Premier also said:

Last week I announced that the Government is adopting a new approach to the information it provides to the public. The public has a right to know ... Transparency and accountability are the cornerstones of good government.

The Premier is right. To achieve that, the Government must support my move to have questions without notice on Fridays. The Government has already agreed to have petitions lodged on Fridays and that members will be able to give notices of motions (general notices). Why not have questions without notice? Why not allow those extra questions to be asked? The member for Blacktown could ask about the lack of funding for Blacktown Hospital and what the Premier intends to do about it. Blacktown was not identified in the budget.

**Mr Richard Amery:** He can do that in a private member's statement.

**Mr DARYL MAGUIRE:** The member for Mt Druitt could ask a question about vehicle accidents at Rooty Hill. He is constantly putting questions on notice; in fact, he has 150 questions on notice. If he were given the opportunity to ask questions during question time there would be many fewer questions on notice. Members have placed about 7,000 questions on notice. If they could ask them during question time, that number would be reduced dramatically and we would probably save several forests. The member for Albury has 150 questions on notice; the member for Manly, 360 questions; the member for Port Stephens, 202 questions; the member for Willoughby, 157 questions; the member for Bega, 157 questions; the newly elected member for Ryde, 109 questions; the member for Goulburn, 269 questions and the list goes on—the member for South Coast, the member for Burrinjuck and the member for Hornsby.

If members opposite were to agree to have questions without notice on Fridays, the public would have a better opportunity to see firsthand what the Government is doing and we would have on the opportunity to examine its performance forensically. Of course, that presumes that Ministers answer questions truthfully rather than refuse to comply with the standing orders. This motion is important for many reasons. I refer in particular to the Premier's statement that transparency and accountability are the cornerstones of democracy. This Government has always shied away from that. The Premier could have achieved more with the new freedom of information legislation. The Government should support my motion and introduce question time on Fridays. I move:

That the motion be further amended by the addition of a new paragraph (3):

(3) The following further amendment be also approved by the House:

Proposed standing order 98 (7) (Friday Sitzings); replace the paragraph to read as follows:

(7) At 1.30 p.m. Private Members' Statements followed by Question Time, after which the House shall adjourn without motion moved until the next sitting day.

I think that is a fair and reasonable request. Given the fact that taxpayers pay an enormous amount of money for us to enjoy the privilege of coming into this place, we should allow them the benefit of question time on Fridays

so that Ministers can answer more questions. I commend this amendment to the House. I urge Government members to support the amendment to ensure that there is accountability and transparency in New South Wales and to support their Premier's sentiments. If they do not, the Premier's words are hollow. He has voiced a sentiment, but he is not prepared to support it. It would be an appalling shame if members opposite did not support my amendment.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [12.46 p.m.]: I have always been a reticent admirer of the member for Wagga Wagga, who from time to time espouses all sorts of sentiment in good faith and makes his feelings well known. However, I think there is more than a little tongue in cheek on his part on this occasion. In fact, it is obvious that he is finding it very difficult to stop grinning. The member has moved this amendment despite the very detailed argument that has been put—an argument that has almost made me believe that there should be an amendment to reduce the speaking time on general motions. He knows that everything he has said about questions without notice is absolute hogwash. He is talking about forensic examination. We know that questions asked during question time are supposed to seek fact.

However, the reality is that for as long as I have been here—and that is a considerable period and considerably longer than the member for Wagga Wagga—rarely is a question asked seeking some fact. It is rare that the member asking the question does not already know the answer or believes he or she knows the answer. Asking questions without notice has nothing to do with seeking fact. That is the reality of question time. It is all about members putting Ministers on the spot or bringing something out into the open. Often it is a tactic used to conduct a smear campaign or a grotty little tirade. It has nothing to do with seeking answers.

I put it to the member for Wagga Wagga that if members genuinely want factual answers, they should do what the member for Mt Druitt frequently does, and as he did today; that is, put questions on notice. Putting questions on notice guarantees that a member will get a detailed, factual reply. Most of the time, asking questions without notice has nothing to do with seeking facts. The Opposition often uses question time to conduct a smear campaign in relation to a Minister or the Premier. The Government often uses it to highlight an issue and to publicise it.

After hearing members speak in debate on this motion I am concerned about the way in which they have been loose with the facts. I know it was not intentional, but often they were loose with the facts because of insufficient or inadequate research. I dispute the research alluded to earlier by the member for Castle Hill and the member for Wagga Wagga. The member for Wagga Wagga debated a certain point at length, but the information to which he referred was wrong. In 2008 the New South Wales Parliament sat for 64 days, including Fridays—the most sitting days that this Parliament has had in the past 19 years.

In 2009 we are scheduled to sit 70 days—more sitting days than the Commonwealth, which is scheduled to sit for 68 days this year. On current estimates, that will make us the most scrutinised government in Australia. It is a fact that in 2009 there will be more question times than there were last year, and last year there were more question times than there were the year before. In 2008 and 2009 there have been no question times on Friday, but we will still have 54 question times this year, as opposed to the figure of 55 that the member for Wagga Wagga gave. In the last year that the Coalition was in government there were 38 question times, but not for the reason stated by the member for Wagga Wagga.

**Mr Daryl Maguire:** Yes.

**Mr JOHN AQUILINA:** No. The last year the Coalition was in government was in 1994 and not 1995, which was the election year. Earlier the member for Bathurst said that there had been 38 question times in 1994, which had nothing to do with the truncated sitting pattern because of the election, or the fact that the Government did not return until after the March election. Let me give the member for Wagga Wagga the benefit of the doubt as he might have made an honest mistake. I am sure that the member for Bathurst was referring to 1994 and not to 1995, the year in which the election was held, when he said that there were 38 question times.

The Government has already passed a range of important legislative initiatives this year, including special processes to build new infrastructure as part of the Commonwealth's economic stimulus package; specific legislation to crack down on outlaw motorcycle gangs and their members in order to protect the community; and a new freedom of information regime for New South Wales. Let us look at the Opposition's performance so far this year. The member for Goulburn, an Opposition member, described this Parliament as "a waste of space". Opposition members are asking for more question times and for more time in the Parliament when one of its own members is saying that this Parliament is "a waste of space".

The member for Epping became a member of Parliament with the express purpose of winding back police powers, which is what we have seen him attempt to do. Do Opposition members really want an additional number of days on which to ask questions? The member for Manly—another star recruit and a man that I admire, but not so much for his politics—has so little faith in his leader's ability that time and again he has gone over his head. The issue is not so much about scrutinising the Government. From the point of view of Government members, we like sitting in Parliament as we get an opportunity to scrutinise Opposition members and to watch them unravel, which is what they do time and again. I have seen it happen.

Opposition leaders—Mrs Chikarovski and Mr Brogden—have come and gone since the election of the Carr Government. Members will remember what Mrs Chikarovski did to poor Peter Collins, the former member for Willoughby. We have witnessed the unravelling of many Opposition members. From my point of view, Opposition members have an unrivalled record of bringing themselves undone in this place—much more so than any embarrassment suffered by the Government. Opposition members have got it wrong; the issues they raised are incorrect, the facts they quoted are incorrect, and the rationale they used is incorrect. Quite frankly, that rationale would not stand up to any scrutiny. Questions without notice rarely involve a forensic examination; the facts can be obtained by placing questions on notice. Questions without notice rarely seek facts and members rarely ask them without already knowing the answers to them.

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

**The House divided.**

**Ayes, 37**

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 Constance	Mr Merton	Mr Stoner
Mr Debnam	Ms Moore	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

**Noes, 46**

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

**Pairs**

Mr Fraser	Ms Gadiel
Mr J. H. Turner	Mr Tripodi

**Question resolved in the negative.****Amendment negatived.**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [1.02 p.m.]: I move:

That the motion be further amended by the addition of a new paragraph (2):

(2) The following further amendment be also approved by the House:

Proposed standing order 253 (Consequences of Suspension); add the following paragraph:

(2) Not receive basic salary nor, if applicable, additional salary and expense allowance, for the number of days of the suspension.

Members have raised this issue previously. The suggestion is made in an attempt to raise the public's perception of Parliament and of members of Parliament. For various reasons, incidents have occurred over the years that do not reflect well on members of Parliament, and this is an attempt to raise parliamentary standards. That is why the Opposition has moved the amendment.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.03 p.m.]: The existing standing orders make provision for the removal from the House of disorderly members and, in the most serious cases, for their suspension from Parliament. Suspensions from this Parliament are rare—they are few and far between. That is as it should be. After all, Parliament should have the highest standards of conduct. It is important to note that incidents of disorderly conduct in New South Wales that result in the suspension of members are not common. The few cases that occur are regrettable. However, members who are removed from the House or suspended from Parliament for disorderly conduct are still expected to perform all the other duties associated with their office. We do not stop being members of Parliament the minute we step foot outside the Chamber or outside the parliamentary precincts. Our duties as parliamentarians go on not for three days or five days a week but for seven days a week.

When we are not in Parliament we are in our electorate offices. When we are not in our electorate offices we are representing our constituencies. That applies to members of all political convictions, as well as independents. Our roles as members of Parliament are multiple. Attendance in Parliament is an important basic element of our role as members of Parliament, but it is not our only role. I am advised that no other jurisdiction in Australia has a provision in its standing orders such as the member for Murrumbidgee suggests today in his amendment. The member will be aware that even members of his political persuasion who served on the standing orders committee were at odds with him on this issue. So, there is not even perfect unity within the Opposition on this amendment.

The Government opposes the amendment. There is no need for it, there is no point in it, and if it is carried it would only compound people's misperception that a member's role is confined to what they do in the Chamber. The role of a member of Parliament is multifaceted, and what we do in the Chamber is only one aspect of it. We do not cease being members of Parliament the minute we leave the Chamber or the precincts of Parliament.

**Question—That the amendment be agreed to—put.****The House divided.****Ayes, 35**

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 Constance	Mr Merton	Mr Stoner
Mr Debnam	Ms Moore	Mr R. W. Turner
Mr Dominello	Mr O'Farrell	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Ms Goward	Mr Piccoli	<i>Tellers,</i>
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

**Noes, 47**

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

**Pairs**

Mr Fraser	Ms Gadiel
Mr J. H. Turner	Mr Tripodi

**Question resolved in the negative.**

**Amendment negatived.**

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

**Motion as amended agreed to.**

**COOMA HOME AND COMMUNITY CARE CENTRE**

**Mr STEVE WHAN** (Monaro—Minister for Emergency Services, and Minister for Small Business)  
[1.13 p.m.]: I move:

That this House:

- (1) welcomes the funding committed by the Federal and State Ministers for Ageing for a new home and community care centre in Cooma; and
- (2) welcomes the announcement made by the State member for Monaro and the Federal member for Eden Monaro of the site for the new centre on Sharp Street and looks forward to the new centre providing a central point for an improved range of home and care community services around the Cooma area.

I gave notice of this motion 12 months ago, but it remains relevant today. The new Cooma home and community care centre will provide a boost to services in the region and a great opportunity to centralise services for a range of home and community care clients. Currently, many services are provided from different locations. This motion highlights the great example of Federal and State Labor working together to deliver for local communities. I have been pleased to work with my Federal colleague Mike Kelly to ensure this facility is built in Cooma. The centre will be called Werri-Nina, which is a local Aboriginal word that means a good place, a place for everyone. In keeping with the name, the Cooma centre will give people with dementia and many others the opportunity to socialise, attend outings, build new friendships and receive assistance with personal care. The total cost of the package is \$16.3 million and the facility will be one of 13 dementia day care centres that have been announced around the State.

Werri-Nina also will offer opportunities for respite, which is necessary for carers of people with dementia in the Cooma area. This centre will be built in a terrific location on a 2,000 square metre block on Sharp Street at the edge of the Cooma central business district. The site is close to transport links and is a safe and accessible location. It will be easy to find because it is right near the Cooma Royal Hotel, a landmark known to those who know Cooma well. The centre will have the appearance of a colonial house with a pitched roof and verandas all around. The aim of the project is for it to be an inviting home rather than just a centre. It will have adaptable indoor and outdoor areas to meet the needs of a range of home and community care clients.



The garden and outdoor areas will offer opportunities for therapy to enhance the benefits of other activities. A range of services will be co-located at the facility to provide a single point of contact rather than clients having to travel to many locations to meet their needs. This was an important element of the project as many clients and carers have mobility issues.

The current contact centre provides a day care program and other services, and the relocation to Werri-Nina will include things such as Meals on Wheels services, home living support and home care. The centre also will have a carers' garden to provide respite and space for reflection for those caring for clients at the centre. Many people have been involved in getting this project to this stage. One of the key people is Leanne Atkinson, who has worked with the Cooma council and the community to identify the centre's needs. She went through the application process that secured \$1.75 million funding for the centre from the State and Federal governments. Werri-Nina will be a great addition to our region. Since giving notice of the motion until this week the council has called for tenders, with the construction completion time frame being April 2010. The centre will provide a wonderful facility for people in the Cooma area. The Department of Commerce will manage the tendering and subsequent contract management process for the Department of Ageing Disability and Home Care. Obviously, the Department of Commerce management team will ensure that we get the facility we need. I look forward to finding out who has successfully tendered for the project.

This new centre is part of a package of these facilities being built around the State and Australia to provide additional services for people with dementia. In 2006 more than 73,000 people in New South Wales were living with dementia; however, Access Economics estimates this figure will rise to 227,000 by 2050. Part of the focus of the Home and Community Care Capital Strategy since its inception in 2006 has been to prepare for that challenge. Obviously, these centres help by providing assistance to carers and people with dementia. The Government recognises the need to increase the awareness and accessibility of home and community care services in the community. For this reason, it is gratifying that one of the key elements of the day care centre is that it will integrate the delivery of a range of home and community care services at the one site. It will include Meals on Wheels, social support and home modifications. It will be the first point of contact for many people and will certainly be a focal point for the community. The capital strategy central to this will be to provide support for frail older people, people with a disability and carers.

Our region, like many others, has a growing ageing population and we are very keen to ensure that we service the community well. Over the years that I have been the local member and while this Government has been in office our local community has received improved services. Resources for these facilities have increased and since Labor has come to office federally, access to funds has been provided to boost construction on this project, plus a range of other community facilities. As a result of the partnership between the Federal and State Labor governments a massive amount of building activity is now getting underway in the Monaro electorate. The home and community care centre in Cooma is just one of those projects. Building the Education Revolution programs are now commencing and the second round was very generous for many local schools, including those in the Cooma area.

In addition, there has been a fundamental increase in public housing and the provision of a range of social services. As people often say, a good way to judge society is how well we look after those who are disadvantaged, and we are seeing improvements in a whole range of services for people in our community. Cooma is one of the major focal centres for the Monaro electorate and public housing in the area is being upgraded. Over recent years the Government has funded a new centre for preschool age children with special needs, which is, coincidentally, just up the road from the home and community care centre and is part of the delivery of improved services.

I am proud to be able to deliver those sorts of services to the Cooma area and even more proud to be able to do that in conjunction with Mike Kelly, a very proactive local member, who has been working very hard for the community. He and I had the great pleasure yesterday morning of attending a similar style of service being built in Queanbeyan, that is, the sod turning for Home in Queanbeyan. Home in Queanbeyan is a facility that will provide residential accommodation for people with mental illness. This is a community-driven project where the community, amazingly, raised over \$700,000 towards the centre. The Federal Government, through Mike Kelly and Gary Nairn, the former local member, committed \$2 million to the facility, and I was pleased to announce yesterday in Queanbeyan a contribution from the State Government of \$750,000 for construction of the centre. This means that the facility will be built in one stage and services offered to the local people. In addition, the State Government has boosted resources available to mental health in Queanbeyan so that mental health workers are available to work directly with residents of Home in Queanbeyan.

A range of new community facilities have been made available in the Monaro electorate as a result of the Government's commitment to improve social services. The Werri-Nina service in Cooma will be a fabulous addition to the town. It will be a focal point for people in the centre and shows the Government's commitment to those services. It is a tragedy that the Opposition cannot get on board and back these sorts of services. Instead, the Opposition has misread the budget papers and suggested there has been a reduction in funding for home and community care services when, instead, there have been increases in funding and more services are available. Obviously, we still have more to do because we have an ageing population and there are many challenges. However, we are heading in the right direction and we are building the things that matter to communities.

**Mr ANDREW CONSTANCE** (Bega) [1.23 p.m.]: I acknowledge the residents of Cooma and their attainment of the new facility in Cooma. I thank the Minister for Emergency Services for moving this motion with respect to the provision of home and community care. The Opposition strongly endorses the provision of these services in a one-stop-shop facility. The Opposition also supports the provision of the Werri-Nina facility in Cooma. The Minister for Emergency Services referred to the overall home and community care budget. He may not be aware that organisations such as the Council of Social Service of New South Wales has argued strongly over the past couple of budgets for a 20 per cent increase in State Government funding towards home and community care services. Of course, the Commonwealth provides 60 per cent of the funds towards home and community care while the State provides 40 per cent.

The Opposition's concern with the recent State budget actually relates to the Home Care Service of New South Wales and if one reads the budget papers it is there for everyone to see. The revised 2008-09 budget was in the order of \$223 million and in the next 12 months the State Government has budgeted for \$207 million. The point I make as shadow Minister is that that is a \$14 million cut to the budget to the Home Care Service of New South Wales. The Minister has failed to understand this week that the Home Care Service of New South Wales is the Government's sole provider of in-home services for the frail elderly and for people with disabilities. The Opposition is not talking about the overall home and community care budget, where we accept there has been a slight increase, not in the order that the sector has been calling for. I am referring to the Home Care Service of New South Wales.

If one reads the budget papers one will see that there is an effective \$14 million cut, which concerns the New South Wales Liberal-Nationals and me. The other point I make is that the website of the Home Care Service of New South Wales has a brochure that people can download. The brochure contains an eligibility requirement that stipulates clearly that, because of the high level of demand, not everybody who is entitled to a service will get that service. Obviously, the State Government recognises the level of demand and need for home care services. The Home Care Service of New South Wales in some communities is the sole provider. Of course, there are other non-government agencies around the State that provide in-home services. However, the Home Care Service of New South Wales, being the largest provider and the government provider, is the only provider in some communities and that is my concern.

Cooma will benefit from the one-stop-shop complex. I note that today Alzheimer's Australia is in the Parliament giving a presentation talk about the tsunami of people who will suffer from dementia in the years ahead. The Minister rightly identified the figures and highlighted the significant increase. Currently there are 170,000 people with Alzheimer's but over the next 40 or so years the figure will increase to 225,000 people. I note that the new centre will house Meals on Wheels. This will be an opportunity for many of the volunteers to come to one location. Members must acknowledge the contribution of Meals on Wheels volunteers. Unfortunately, in recent years there has been small decline in the number of Meals on Wheels volunteers, from 35,000 to 33,000. One of the key issues for Meals on Wheels relates to compliance. A variety of organisations provide Meals on Wheels, from local government to non-government providers.

Compliance is a matter of concern to me, and the Government should look very closely at the issue, talk to the association, and obtain a good grasp of the association's concerns in relation to it. We do not want organisations struggling under burdensome red tape with a consequential loss of volunteers. Meals on Wheels being accommodated in the centre will enable its integration with other in-home services, and that will be a big plus. It is pleasing that the Commonwealth and State governments are working together on the project, and no doubt local government also will play a part. The only point I make about the Commonwealth-State relationship is that there is no indication at this stage of what the Commonwealth will do in relation to the provision of home and community care services in the future.

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

*[The Deputy-Speaker (Ms Tanya Gadiel) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]*

### DISTINGUISHED VISITORS

**The SPEAKER:** Present in the gallery are the Hon. John Watkins and four staff members from Alzheimer's Australia NSW. I had the privilege of making the opening address at their meeting this afternoon with the Parliamentary Friends of Dementia. Members from all sides of the House attended the function. I congratulate the co-hosts and all the participants. The House joins with me in wishing Alzheimer's Australia NSW all the best in its very important work.

### QUESTION TIME

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*[Question time commenced at 2.20 p.m.]*

### LEGISLATIVE COUNCIL SPECIAL ADJOURNMENT

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Is the real reason he ordered the unprecedented lockout of members from the Legislative Council because he is afraid of the release of documents detailing his dealings over the Tony Stewart affair and his post-budget taxpayer-funded advertising blitz? When will he ever stop hiding the truth?

**Mr NATHAN REES:** When it comes to a choice between the nonsense and nuisance tactics of the Opposition or—

*[Interruption]*

**The SPEAKER:** Order! I call the member for Wakehurst to order. The Premier has the call.

**Mr NATHAN REES:** When it comes to a choice between the nuisance tactics of the Opposition or the business of government, the business of government will prevail every time.

### HUNTER REGION JOBS

**Mr FRANK TERENCE:** My question is addressed to the Premier. What action is the Government taking to support jobs in the Hunter?

**Mr NATHAN REES:** I thank the member for Maitland for his very relevant question. I was in the Hunter just four weeks ago to announce a Hunter Jobs package—

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

**Mr NATHAN REES:** —which included a \$3 million boost to the Hunter Advantage Fund to support and create jobs, a specialist defence industry adviser appointed to promote New South Wales and the Hunter as defence industry hubs, and \$250,000 to identify green job opportunities for the Hunter. That package builds on a long list of investment wins for the Hunter, including Jetstar, Bluetongue Brewery and Forgacs Engineering, which members may recall won the contract to construct the aircraft carrier hulls.

*[Interruption]*

It is called open democracy. I am proud to advise the House today on the latest achievement in our campaign to secure jobs and investment for the Hunter. I can advise the House that the New South Wales Government has approved a significant assistance package to Swedish company Sandvik Mining and Construction, to consolidate the company's facilities across New South Wales and Queensland into a single super site at Heatherbrae, near Raymond Terrace. Sandvik is one of the world's most respected high-tech engineering firms, providing equipment and tools for the mining and construction industry. In fact, the company is the world's largest maker of metal-cutting tools. This is a huge win for the Hunter and a huge win for New South Wales. I hope the members for Port Stephens and Upper Hunter are paying attention to this. Given their dismal record on supporting jobs in the Hunter region, perhaps they could glean—

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

**Mr NATHAN REES:** Entered on cue! Perhaps they could glean one or two insights. So keen are the members for Port Stephens and Upper Hunter to avoid the topic of jobs in the Hunter that they refused to enter the Chamber to debate the issue, which was rightly brought up as a matter of public importance by the member for Charlestown. There was the member for Charlestown, along with his Hunter Labor colleague the member for Swansea, eagerly awaiting a lively debate on the Government's measures to secure jobs for Hunter families. Regrettably, however, they found the other side of the Chamber empty. The member for Upper Hunter and the member for Port Stephens clearly did not think jobs for their constituents were an important enough issue to warrant their attendance in the Chamber. They were missing in action. The member for Maitland—who was not even scheduled to speak in the debate—thought it was important enough to show up. So he sat and listened while his colleagues proudly talked about jobs projects in the Hunter supported by the Government.

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

**Mr NATHAN REES:** For the information of the member for Upper Hunter and the member for Port Stephens, this is what responsible government does: support job-creating projects for local communities during times of global recession. Sandvik's decision to locate in the Hunter brings investment of more than \$65 million and secures up to 600 jobs, with a further 150 jobs expected to be created over the next four years. The super site at Heatherbrae will manufacture tools and equipment, and provide aftermarket service and support to the mining and construction industry. The Heatherbrae super site will also include an engineering centre, a training centre, and one of Sandvik's three warehouse hubs in Australia.

I thank Port Stephens Council for supporting this project, with 16 hectares of land to be sold by the council to facilitate the project. I also want to thank my colleagues the Minister for State Development and the Minister for the Hunter, along with officers of the Department of State and Regional Development, who worked so hard to win this investment and secure these jobs. We were in there fighting for Hunter jobs. We put in the best offer, and we won. We have secured those 600 jobs, with 150 more expected to come as economic conditions improve over the next couple of years. So the contrast is very clear: On the opposite side we have the blockers, the wreckers, those who sit on their hands—if, indeed, they are not wringing their hands. On this side we are securing jobs for the Hunter, protecting local families, attracting investment, and priming the region for recovery.

### GOVERNMENT PERFORMANCE

**Mr ANDREW STONER:** My question is directed to the Premier. Now that his tenuous 10-month premiership has disintegrated in a week where—

**The SPEAKER:** Order! Government members will come to order. The Leader of The Nationals will ask his question.

**Mr ANDREW STONER:** Now that his tenuous 10-month premiership has disintegrated in a week where he has lost the support of the public, the respect of his colleagues, and his ability and that of his staff to control his party's actions in the Parliament, why does the Premier not just call an early election and put the people of New South Wales out of their misery?

**Mr John Aquilina:** Point of order: Clearly this question, on the rulings given by you previously, is out of order. The question is argumentative, it gives more facts than it seeks, and it is clearly out of order and not within the standing orders of the House.

**The SPEAKER:** Order! The question is out of order. I ask the Leader of The Nationals to restate his question in order.

*[Interruption]*

**Mr ANDREW STONER:** The Minister for Planning was so nice when she first became a member of this place. She has to stop sitting next to Joe Tripodi.

**Ms Linda Burney:** She is not sitting next to Joe Tripodi.

**Mr ANDREW STONER:** They have gotten so bitter.

**The SPEAKER:** Order! Government members will come to order. I call the member for Miranda to order. The Leader of The Nationals will restate his question in order.

**Mr ANDREW STONER:** Now that the Premier, after just 10 months as Premier, has lost the support of the public, the respect of his colleagues, and the ability to control his party's actions in the Parliament, why does he not just call an early election and put the people of New South Wales out of their misery?

**Mr NATHAN REES:** The only thing that has disintegrated in the last 10 months is the Coalition's credibility as an Opposition. The Opposition has failed. Shortly after the last election the Leader of the Opposition, when asked by a journalist whether a lack of policy had anything to do with the Coalition's election loss, said, "We'll come back to you in two years." Two years is now up, and we still do not have an energy policy from the Opposition.

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

**Mr NATHAN REES:** We still do not have an energy policy from the Opposition—which is pretty basic, just so the lights go on for the families of New South Wales. We still do not have a water policy from the Opposition—two years on and no water policy!

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

**Mr NATHAN REES:** The people of New South Wales will be thirsty and sitting in the dark. That is a start. Under the Opposition's policy, when they were finally able to get to school—

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129. I know the Premier is desperate for more good ideas—

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. If he asks questions like that, he will get answers like this.

**Mr NATHAN REES:** This is the scenario under the Opposition. Children will spend the night in the dark and not have a drink of water because there is no policy for energy or water provision—neither of those basics. Members opposite should familiarise themselves with Maslow's hierarchy of needs for their policy development. If the Opposition had its way people would be sending their children to public schools that had been deprived of \$4.8 billion worth of infrastructure. That \$4.8 billion worth of infrastructure is delivering school halls, gyms and science laboratories in every school in New South Wales. But all of that would have been denied under the Coalition.

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

**Mr NATHAN REES:** Under the Opposition's policy—it went to the election with this policy, which has not changed—the children of parents who live in public housing would not have a home, let alone more than \$2 billion of infrastructure investment in public housing. All of those measures were opposed by the Opposition. Recently Duncan and Ashley in Blacktown received some \$25,000 worth of government assistance to buy their first home. That would not have happened under a Coalition government. Last week Alicia and Nathan at Mount Annan received \$11,000 worth of Government assistance to move into their second home. That simply would not have happened under a Coalition government.

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

**Mr NATHAN REES:** The Opposition's policy has not changed. Some years ago during an election campaign the Coalition said that it would scrap the Department of Community Services.

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

**Mr NATHAN REES:** In stark contrast, last week's budget provided \$62.9 billion, underpinning 160,000 jobs each year for the next four years. That promise, that undertaking, is embedded in last week's budget. As the ratings agencies have said, in the face of global recession, New South Wales is not only triple-A but has been returned to stable outlook. That is an extraordinary achievement by the Treasurer and this Government in the face of the global recession. As for financial matters, earlier this week the Opposition detailed some \$40 billion—

**Mr Barry O'Farrell:** Fantasy!

**Mr NATHAN REES:** Yes, your fantasy. Precisely!

**The SPEAKER:** Order! Members will cease debating the point.

**Mr NATHAN REES:** The Opposition detailed more than \$40 billion in unfunded promises for capital works projects around New South Wales. I will run through some of them: the M4 east extension, the M5 expansion, the F3 to M2 link, upgrade of the Warringah freeway to the northern beaches; the upgrade of the Princes Highway link from Gerringong to Bomaderry—that is \$1 billion, which apparently is small change—\$12 billion for heavy rail to the north west; \$1.36 billion for heavy rail to the south west; and \$1 billion for the extension of the rail line to Newcastle airport. I could go on. At the same time it has committed to cutting the equivalent of \$6 billion in recurrent funding. That is \$6 billion that it would not get from revenue or would have to spend. The Opposition cannot fund these promises. Its recipe is for a structural deficit from here to eternity.

In contrast, under this Government New South Wales has a rolled gold, triple-A rating and a stable outlook. We are not saying that; the ratings agencies are saying that. And that makes members opposite deeply uncomfortable. Even when it comes to basics, the handshake of the Leader of the Opposition cannot be relied upon. What he says cannot be relied upon, and we cannot rely on his policy positions. Everywhere I go in the Opposition's natural constituency the business leaders of New South Wales and Australia tell me that they do not know what the Opposition stands for. The Leader of the Opposition needs to rectify that.

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

**Mr NATHAN REES:** In 10 months we have restored the stable triple-A rating. We have outlined a plan for the next four years, underpinning 160,000 jobs. In our ongoing plan we have established 4,000 new apprenticeships and 2,000 cadetships throughout New South Wales. New South Wales is the first State in Australia to get infrastructure spending in our education system and our housing sector stimulus package up and running. Recently I stood in western Sydney with the Federal Minister and the State Minister as we opened the first house and handed over the first set of keys, and we have visited the first schools in Australia to receive support and to see work on the education stimulus package get underway. That is a solid program of work for the next four years, with 160,000 jobs and \$62.9 billion worth of infrastructure. In stark contrast, when the Leader of the Opposition had the chance in his budget reply he laboured mightily and brought forth a gnat.

### BROADBAND SERVICES

**Mr PAUL PEARCE:** My question is addressed to the Minister for Commerce. Will the Minister update the House on New South Wales Government efforts to improve broadband services across the State?

**Ms CARMEL TEBBUTT:** The New South Wales Government clearly recognises the importance of the information and communications technology [ICT] industry to the State economy. New South Wales is a leading centre for ICT in the Asia-Pacific region. For example, Sydney is home to some 76 per cent of Australia's ICT regional headquarters and regional operating centres. More than 120,000 people in New South Wales work in the ICT industry. In 2007-08 New South Wales exports of ICT services exceeded \$800 million. So this industry sector is very important to the New South Wales economy. The rollout of the Federal Government's national broadband network will provide an enormous boost to the information technology [IT] industry across Australia. The national broadband network will transform the national economy and have profound impacts on Australian society beyond just the ICT industry.

The network will deliver an optical fibre network directly to homes and businesses for the first time. It is a huge undertaking, and it will occur only if State and Federal Labor governments work in partnership. The national broadband network demonstrates that once again Labor governments are taking on the huge challenges that confront our country. Labor governments are building infrastructure and communities, and they have a vision for the future. It is anticipated that the network will directly support some 25,000 jobs each year for the eight years of its rollout.

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

**Ms CARMEL TEBBUTT:** That is 25,000 jobs each year for the eight years of the rollout of the national broadband network. New South Wales can expect a high proportion of those job opportunities, given its

size, population, geographical spread and the importance of the ICT industry to New South Wales. This State can expect to reap the reward of being home to the lion's share of the nation's high-tech industries and the demand for their goods and services that the network will create. But the Rees Government is leaving nothing to chance. We are working closely with the Commonwealth Government to ensure that the people of New South Wales benefit from the opportunities that are offered by the broadband rollout. No doubt the changes will transform the way we provide services to every household, every school, every hospital and every community in New South Wales.

The Government has already established a task force, chaired by the Director General of the Department of Commerce, to prepare New South Wales for the rollout of the new broadband network. The task force has representation from government, industry and the CSIRO, and it is tapping into the significant expertise that is available in New South Wales to explore the next generation of applications and content that the high-speed broadband rollout will enable. Today the New South Wales Government is taking the next step to maximise the opportunities that the broadband rollout provides for our State. The Government is making its case in a submission to the Federal Government for Sydney to be the national broadband network headquarters.

The Government believes Sydney has a number of natural advantages over other cities that make it an obvious site to be the headquarters for the broadband rollout. Sydney is ideally placed to provide a gateway for business service and government service providers across Australia to the opportunities that the network will provide. New South Wales has a highly skilled workforce in areas such as research. It has Australia's largest pool of skilled telecommunication managers and professionals. It has the largest pool of telecommunication engineers in Australia to draw upon for the design and deployment of the national broadband network. It leads the country in telecommunications research and development, and New South Wales has the largest share of telecommunications research and development of any State.

**The SPEAKER:** Order!

**Ms CARMEL TEBBUTT:** There is a lot of noise coming from the other side of the House. I have no doubt that the noise is an attempt to cover up the embarrassment of Opposition members. I would be embarrassed if I were on that side of the House because the Opposition does not support the national broadband network. On top of that, those on the other side of the House also have to deal with the legacy of the 12 long years of the Howard Government when we had some 18 different plans to improve online services—

**Mr Greg Smith:** Point of order: I refer to Standing Order 129. The Minister's response is not within the leave of the question. She is using this opportunity to attack the Opposition.

**The SPEAKER:** Order! I remind Government members that members are entitled to take a point of order. That is not a point of order. The Deputy Premier has the call.

**Ms CARMEL TEBBUTT:** I am simply reminding the House that in the 12 long Howard years we had some 18 plans to improve online services, but we saw no improvement. New South Wales is now embracing the opportunities that the national broadband network will provides for the State: opportunities of community improvements and jobs growth. Many factors support Sydney being the natural home for the headquarters of the broadband rollout. Sydney has the best international connectivity in Australia. A vast majority of the international high-capacity fibre cables enter through Sydney. That means that Sydney is the most suitable interconnection point for the new national network. More public and private sector users and content providers are based in Sydney. Australia's major digital, publishing, film, interactive media and advertising companies are Sydney-based. We also have the highest concentration of potential users in areas such as the financial services sector and the news services. We are well placed and the Rees Government is making its case to the Federal Government for Sydney to be the home of the headquarters of the broadband rollout.

No matter where it is decided that the location of the headquarters will be, the rollout will have huge benefits for New South Wales. It will provide the foundation for the digital economy that will have far-reaching and lasting impact across the economy. It will bring benefits to schools, hospitals and communities across Australia. Businesses will benefit from improved access to online services, and that will facilitate finance, banking, research and information services. There are many benefits for New South Wales in the rollout of the national broadband network—

**The SPEAKER:** Order! The Leader of The Nationals will cease continually interjecting.

**Ms CARMEL TEBBUTT:** The Rees Government is determined to make sure that New South Wales is well placed to take advantage of those benefits for years to come.

## LIQUOR LICENSING LAWS

**Mr GEORGE SOURIS:** I direct my question to the Premier. Will the Premier admit the Government's liquor laws are a joke when it continues to allow the Sapphire Suite, a well-known trouble spot and bikie hangout, to continue to trade without restrictions even after two shootings?

**Mr NATHAN REES:** I thank the member for Upper Hunter for his question. From memory, when the Government introduced legislation recently to drive down alcohol-related violence—

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

**Mr NATHAN REES:** —it was opposed by the Opposition. Legislation that saw the number of glassings in licensed premises reduced—

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr NATHAN REES:** —from around 15 to zero, from memory. We have seen the horrific examples of people who have been subjected to—

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

**Mr NATHAN REES:** You have asked the question. Have a few manners, George! Legislation that drove alcohol-related glassings—

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

**Mr NATHAN REES:** —from around 15 down to zero was opposed by the Opposition.

**Mr Barry O'Farrell:** Not true.

**Mr NATHAN REES:** It is entirely true. The Opposition opposed it. It is a deeply uncomfortable truth.

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting. The Premier has the call.

**Mr NATHAN REES:** The member for the Upper Hunter would be better served by pulling down the Hunter Liberals sign from Wollombi Road. That matter is still unresolved not only in the Upper Hunter but also, I suspect, in Monaro and Wollondilly. It is yet to be determined whether you are going to have a three-cornered competition there. Which is it? Look up, Andrew! Last week this headline appeared in the *Muswellbrook Chronicle*—the local paper of the member for the Upper Hunter—in response to the budget, "Upper Hunter a big winner". The article reads—

**Mr Adrian Piccoli:** Point of order: Standing Order 129. The question was about licensed premises still operating when there have been two shootings. It was a question about licensing laws. You can go to jail for serving a drink at a club but you can continue operating if there are shootings at your club.

**The SPEAKER:** Order! The member for Murrumbidgee will state his point of order, not debate it. I remind the Premier of the question before the House.

[Interruption]

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

**Mr NATHAN REES:** The Government's record on crime, whether it be bikie-related crime or alcohol-related violence in licensed premises, is there for all to see. Earlier this year the member for Epping said that the Opposition would not enter a law and order auction.

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

**Mr NATHAN REES:** He even expressed reservations about our tough bikie gang laws. On top of that, when the Opposition had the chance to support—



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

**Mr NATHAN REES:** —legislation aimed at driving down alcohol-related violence, legislation that has been a staggering success, the Opposition opposed it. That is the record. In relation to the substance of the question, give the details to the police commissioner.

### **METROPOLITAN COAL PROJECT**

**Mr PAUL McLEAY:** I direct my question to the Minister for Planning. Will the Minister update the House on how the planning system is striking a balance between the environment and mining in New South Wales?

**Ms KRISTINA KENEALLY:** I thank the member for his question and his ongoing support for and interest in this important issue. Today the Rees Government takes another significant step forward in creating its goal of having Australia's best planning system with the approval of the Metropolitan Coal Project. The Metropolitan Coal Project involves a landmark decision that supports 1,900 jobs and \$154 million in wages for New South Wales families. It is a landmark decision that streamlines the assessment process for coalmines and increases transparency for the community. Importantly, it is a landmark decision that protects our waterways, our drinking water supply and our environment.

This approval provides protection for the Waratah Rivulet and Eastern Tributary from subsidence impacts. It imposes a barrier underneath those important waterways. No mining will occur there. The result of this barrier is that 8.6 million tonnes of coal—nearly three years worth—will not be mined and these important waterways will be protected. The Metropolitan Coal Project approval demonstrates the principles of Australia's best planning system, where decisions provide certainty, are efficient and transparent, and are made at the most appropriate level. Pleasing, I am sure, to the member for Heathcote and other Illawarra members, is that this project will deliver 700 jobs indirectly and directly for that region, including 320 jobs at the mine.

**Mr David Campbell:** Hear! Hear!

**Ms KRISTINA KENEALLY:** The Minister for the Illawarra acknowledges that. The Metropolitan Coal Project was a technically complicated proposal. It was assessed under part 3A, and the Planning and Assessment Commission reviewed the proposal in light of the Southern Coalfield inquiry and held public hearings. As a result of the approval, the Metropolitan Coal Project will, as a whole, contribute \$687 million per annum in business turnover in New South Wales. In fact, the next benefit to New South Wales stemming from this approval is up to \$1.3 billion. This important approval stands in stark contrast to the economic blight promised by those opposite. Under the Opposition's approach all key factors that made this approval possible will be gone. Part 3A—gone! The Planning and Assessment commission—gone! The major projects system—gone!

*[Interruption]*

**The SPEAKER:** Order! The House will come to order. Members will listen to the Minister in silence.

**Ms KRISTINA KENEALLY:** And, unbelievably, even the mining industry in New South Wales—gone! On 28 January 2009 the Leader of the Opposition said on NBN TV:

... the next Liberal / National Government ... will ensure that mining can't occur in any water catchment area and will ensure that mining leases and mining exploration permits reflect that common sense, no ifs, no buts, a guarantee ...

All of New South Wales is a catchment area—every single bit of it! This no ands, ifs or buts policy of the Opposition will destroy coalmining in New South Wales. The coalmining sector employs directly 13,500 people. Regional towns and communities depend on this important industry for their economic wellbeing. In the 2007-08 financial year, the New South Wales economy received more than \$500 million in royalties from mining and more than \$10 billion worth of coal was mined in New South Wales. This reckless statement by the Opposition is a promise that the Coalition will stop the royalties, jobs and investment coming into our State. If that were not devastating enough for the State's economy, the Opposition's promise to abolish part 3A and replace it with nothing will strangle the planning system and economic investment in this State. If the Opposition's approach to planning had been in place since the beginning of the global financial crisis the situation in New South Wales would have been compounded by the loss of some 55,000 jobs and some \$13.9 billion of capital investment.

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

**Ms KRISTINA KENEALLY:** Those are the jobs and capital investment the Rees Government has brought into New South Wales as a result of its major project system.

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

**Ms KRISTINA KENEALLY:** Instead, this supposedly pro-business political party will abandon economic investment in jobs and will shift everything in the planning system—all the cost, all the responsibility—onto local councils. It is promising to choke the planning systems of local councils and devour all of their resources.

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

**Ms KRISTINA KENEALLY:** Mums and dads who want to get a development application for a new home approved will simply have to wait while their council deals with power stations, hospitals and multimillion dollar residential and commercial developments. The Leader of the Opposition makes so many glib promises and provides so little detail. I refer to the hand all planning policy back to council approach. Let us think about what it means. Does it mean proponents of major projects will have to deal with 152 different planning systems in New South Wales? What will it mean if a project crosses council boundaries? How will he deal with that? What will be the cost of duplication and red tape when the Department of Environment and Climate Change or the Roads and Traffic Authority has to deal with 152 different major project systems? How are councils supposed to pay for all that work? One can only imagine an international retail chain—

**Mr Barry O'Farrell:** Like Costco—

**Ms KRISTINA KENEALLY:** Yes, like Costco. It writes to the Leader of the Opposition and says, "We want to open up several stores in different locations in New South Wales."

**The SPEAKER:** Order! I remind the Leader of the Opposition that this is question time, not a debate.

**Ms KRISTINA KENEALLY:** His response will be "Got nothing to do with me."

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

**Ms KRISTINA KENEALLY:** This vacate-the-space approach to planning of the Opposition signals two things: New South Wales will be closed to business and we will have poor outcomes for local communities and the economy of the State as a whole. The Rees Government, through its project approvals such as Metropolitan Coal, Silverton Wind Farm and IKEA, Tempe all demonstrate its determination to facilitate economic investment and jobs in this State.

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

**Ms KRISTINA KENEALLY:** We are not creating Australia's best planning system just to have a great system in and of itself, but for outcomes, economic investment and jobs.

**The SPEAKER:** Order! Members will cease interjecting. I call the member for Bega to order. The member for Upper Hunter will come to order. I call the member for Wakehurst to order for the second time.

**Ms KRISTINA KENEALLY:** Our focus on Australia's best planning system is on outcomes, jobs, economic investment and environmental protection. On this side of the House we have builders; on the other side we have wreckers!

## LEGISLATIVE COUNCIL BUSINESS

**Mr ADRIAN PICCOLI:** My question is directed to the Premier.

**The SPEAKER:** Order! Members who wish to conduct conversations will do so outside the Chamber. I call the member for Murray-Darling to order for the second time.

**Mr ADRIAN PICCOLI:** Why did the Premier falsely tell the media this morning there were no outstanding bills in the Legislative Council last night when there are, in fact, seven?

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

**Mr NATHAN REES:** Everything is relevant, relevant priority to the Government. As I said earlier, when it comes to choice between the nuisance tactics of the Opposition or getting on with the business of government, government business will prevail and government business must prevail.

### ROAD PROJECTS

**Mr KERRY HICKEY:** My question is addressed to the Minister for Roads.

**The SPEAKER:** Order! Members will remain silent so Hansard can hear the question.

**Mr KERRY HICKEY:** What is the latest information on the delivery of road projects in New South Wales?

**Mr Adrian Piccoli:** Point of order: I refer to the wording of the question. Mr Speaker, you have raised issues about inflammatory and misleading wording used by the Opposition. The member's suggestion in that question that the Government is actually delivering on road funding is clearly misleading. I ask you to rule the question out of order.

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

**Mr MICHAEL DALEY:** I thank the member for his ongoing interest in roads. I notice that he is a Hunter member who is smiling about an unprecedented \$1.7 billion investment in his neck of the woods. The budget session has been a lot of fun. This side of the House has had a lot of fun.

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

**Mr MICHAEL DALEY:** There is no end to the feeling of satisfaction one gets from rolling up one's sleeves and getting on with the job of delivering Roads budgets. New South Wales has a record Roads budget. I am happy to talk about it until the cows come home, particularly the cows in the electorate of Oxley—they will benefit more than most. This year a \$4.4 billion record Roads budget will deliver thousands of jobs throughout the State. Country roads will receive three-quarters of the budget, \$3.1 billion. We will spend \$1 billion on road maintenance, as part of a \$62.9 billion plan to turn New South Wales into a construction zone. We are building roads throughout the State. In conjunction with the Rudd Labor Government, after a decade of starvation of funds for New South Wales roads from John Howard—no thanks to the Opposition—we are doing what we can to build and maintain New South Wales roads and to keep New South Wales moving. The people of New South Wales have every right to contrast our team and our plans with those of the Opposition.

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

**Mr MICHAEL DALEY:** The Opposition has had, at best, a very ordinary budget session. There is an epidemic of incompetence and comedy on the other side of the House. I can hear the chief clown, the Leader of the Opposition. Judging by his performance on *Stateline* on Friday night and that of the man who would be Treasurer, there is an epidemic of comedy on the other side of the House. The Leader of the Opposition could not explain the difference between a budget surplus and a budget deficit. He languished in embarrassment, with no help from his shadow Treasurer, who had left his budget papers on a bookshelf. The budget was a disaster for the doomsayers on the other side of the House.

**The SPEAKER:** Order! All members who have been called to order are now deemed to be on three calls to order. Question time will be conducted in an appropriate way. The Minister has the call.

**Mr MICHAEL DALEY:** The perennial doomsayers on that side of the House have said it is another disastrous budget, particularly for country New South Wales. I can imagine the joint party room on the day the budget was delivered. It would have resembled a scene from Monty Python's *Life of Brian*. Do members remember the scene, "What have the Romans ever done for us"? Picture Coalition members swanning around in their togas the day the budget was delivered. The Leader of The Nationals leads off, "What has the Government

ever done for us?" The member for Manly pipes up, "Well, Andrew, there is the matter of a record \$4.4 billion Roads budget." The Leader of The Nationals cries, "Apart from the \$4.4 billion record Roads budget, what has the Government ever done for us?" Various members of The Nationals up and down the coast chime in—

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129, relevance. The Government can butcher the budget, but it cannot butcher Monty Python. They were Judeans, not Romans.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. The Minister for Roads has the call.

**Mr MICHAEL DALEY:** How could they possibly say that this record Roads budget is irrelevant? Members of The Nationals up and down the coast chime in, "But, Andrew, there is the Pacific Highway, \$3.6 billion on our way—Tintenbar to Ewingsdale, Karuah to Bulahdelah, the Ballina bypass and Coopernook to Herons Creek, 77 kilometres of dual carriageway currently under construction, 1,290 direct jobs, 7,000 indirect jobs." "Yes, yes", says the Leader of The Nationals, "but apart from Tintenbar to Ewingsdale, Karuah to Bulahdelah, the Ballina bypass, this massive project all through National party electorates, what has the Government ever done for us?" From the room comes a cry, "The \$1.7 billion Hunter Expressway." The Leader of The Nationals says, "Yes, yes, but apart from the \$1.7 billion Hunter Expressway, \$3.1 billion spent in the bush, \$1 billion on maintenance, what has the Government ever done for us?" And from up the back of the room, probably from the every-truthful member for Coffs Harbour, whose seat will benefit, comes the final blow, "The \$618 million Kempsey bypass."

This is a \$618 million monument to what two Labor Governments have done for the people of Oxley, which the Leader of The Nationals, the member for Oxley, could not achieve. A monument, if ever one was needed, to show how much that joke of a Coalition was ignored by John Howard after 10 years in Government with unprecedented surpluses approaching \$20 billion. The Leader of The Nationals may not have noticed that on 15 May 2009 local headlines read, "Stoner says Kempsey short-changed in budget". He has not noticed the new police station and the \$618 million bypass. I am not surprised because he is too busy swanning around Port Macquarie drinking champagne and holding parties where he lives. The Opposition's negativity and stupidity does not just come from the Leader of The Nationals. It extends through the ranks like an epidemic and the main carrier is the Leader of the Opposition, the member for Ku-ring-gai. The Government is constructing the inner west bus way.

**Mr David Campbell:** Hear! Hear!

**Mr MICHAEL DALEY:** Hear, hear, indeed. The Minister for Transport, together with the Roads and Traffic Authority, will deliver on this \$175 million public transport project, which will benefit up to 200,000 bus users a week.

**Ms Tanya Gadiel:** Hear! Hear!

**Mr MICHAEL DALEY:** The constituents of the member for Parramatta will benefit, as will the constituents of the member for Drummoyne. Our Government will help 200,000 bus users a week. What is the Opposition's policy?

**The SPEAKER:** Order! I remind the member for South Coast that she is on three calls to order.

**Mr MICHAEL DALEY:** The Leader of the Opposition's plan shows a special kind of stupid. According to the University of Newcastle, it is not viable to put another clip-on lane onto the existing bridge to take the buses. The project will take longer, it will be more expensive and people who live on Victoria Road will see their homes demolished. The address of the lucky people who live in Renwick Street near Birkenhead Point will change. If the Leader of the Opposition gets an opportunity to put his plan into action, they will not live in Renwick Street any more, they will live in Victoria Road because the houses behind will be demolished. The Leader of The Nationals has a different view on the inner west bus way. On 2SM in June this year he told Leon Delaney that he did not support the Government's plan to tack an additional lane onto the bridge. That is Barry's plan; that is the plan of the Leader of the Opposition. The Leader of The Nationals is right: it is a stupid plan. The Leader of The Nationals said that we would be better off spending money on improving public transport. That is what we are doing—\$175 million to benefit the 200,000 people on buses.

**Mr Andrew Stoner:** Wasted.

**Mr MICHAEL DALEY:** I hope *Hansard* shows that the Leader of The Nationals said, "Wasted." The Leader of The Nationals can tell the member for Ryde that his constituents deserve to sit on a bus in traffic for 40 minutes to get into the city. We have a plan to fix that problem. I thank the Leader of The Nationals for his support on the M2, the M4 and the M5. He says they are broken. They were all ticked off by Bruce Baird and Wal Murray. We are doing what we can to negotiate with the private sector to fix them. But we will do it only if we can secure a good deal for taxpayers, the best possible deal—a concept that is presently being ignored by members of the Opposition, as they swan around promising \$18 billion worth of roads projects, and that is just in Sydney. That is the record Roads budget four times over, and they cannot identify what they will axe to pay for it. I would love to keep talking about the record Roads budget. But there is a matter of philosophy at play. Whether times are good or bad, the Coalition does not build. At the moment, Coalition members are coming up with the comedy; the Government continues with the construction.

### INNER-CITY ALCOHOL ABUSE

**Ms CLOVER MOORE:** My question is directed to the Premier. Following representations from the City of Sydney about the strong evidence of saturation of liquor licences and high levels of alcohol-related violence in Darlinghurst Road, Kings Cross, Oxford Street, Darlinghurst, and George Street in the city, what action will the Premier take to reduce alcohol-related violence and anti-social behaviour in these city areas?

**Mr NATHAN REES:** I thank the member for Sydney for her question and her very constructive approach to a serious issue.

**The SPEAKER:** Order! I remind members that a number of them are on three calls to order. They are on their final warning.

**Mr NATHAN REES:** Last month the member raised a number of issues with me about areas in the Sydney local government area, which she administers, which have what she termed saturation of licensed premises—some 1,900 premises across the area, of which 345 are clubs. What does it mean? It means that alcohol-related violence in that area is four times the State average, so this is clearly an issue. On that basis the member and I will co-chair a task force that will comprise representatives of key government agencies, such as the Department of Gaming and Racing and the Department of Health, as well as representatives from the Australian Hotels Association, the Restaurant and Caterers Association and Clubs New South Wales. We are doing this to drive down alcohol-related violence and improve amenity in and around three key areas: Kings Cross, the southern end of George Street and Oxford Street, Darlinghurst.

The first meeting of the task force was held this morning. It went pretty smoothly and, although there is plenty of work ahead, arising from our deliberations agreement was reached on one critical measure: a 12-month freeze on new alcohol licences in CBD trouble hotspots as identified by the Lord Mayor. We will take a commonsense approach to this. Applications that have already been lodged—some 33 on my understanding, with just over 20 being applications for restaurants—will be processed, as in all likelihood will applications associated with already approved development. This is a critical measure to improve amenity to ensure that city businesses continue to thrive in the CBD and that international and domestic tourists as well as locals have an opportunity to enjoy a quiet drink in a safe environment. That is what this is about. We intend to address this rate of four times the average with regard to alcohol-related violence, and we will work with police, health agencies, proprietors and anyone else interested to make sure that we continue to embed Sydney's international image as a safe place in which to have fun. I thank the member for her question and commend her constructive approach to the partnership.

### SOCIAL HOUSING

**Dr ANDREW McDONALD:** My question is addressed to the Minister for Housing. What action is the Government taking to improve social housing in New South Wales?

**Mr DAVID BORGER:** I thank the member for his question and for his commitment to very disadvantaged people that live in public housing in the Macquarie Fields electorate. The New South Wales Government is absolutely committed to expanding the amount of housing for very disadvantaged people across the State. That is why I was proud this morning to announce that this Government will give the lead to all the other States when it transfers up to 7,000 properties to the community housing sector. This is a bold step and it will grow the amount of housing that is available for disadvantaged families that are struggling to put a roof over their heads in difficult times and to pay rent during the rental squeeze.

By providing registered and approved community housing organisations with a balance sheet, we will give them the chance to grow and build more housing, to borrow against that asset base and enhanced income stream, and to do more for disadvantaged people. The sector in New South Wales has already proved that it is ready for this challenge. Operating in New South Wales is 40 per cent of the community housing sector for the whole of Australia. I am advised that with the social housing growth fund the sector has been able to secure \$23 million in private finance that would not otherwise have been available to deliver an extra 79 homes with a much more modest program than the one we announced today. In the United Kingdom, where such a policy already exists, there has been massive growth in social housing over the past 20 years, with 255,000 houses being delivered to, and 43 billion pounds invested in, social housing by community housing providers taking a similar approach.

In New South Wales we will transfer title to 7,000 properties by the end of June 2012 as a first step. Based on a completely independent analysis, and subject to market conditions, community housing providers could borrow up to 50 per cent of the market value of those properties. We are committed to helping the sector grow because of its strong track record in managing social housing and looking after people, with tenants in the community housing sector in New South Wales reporting much higher levels of satisfaction than expressed by traditional public housing tenants.

We know that we need more than the Government approach to deliver housing for the State. Community housing providers can access a range of additional finance streams, partnerships and Federal Government funding, such as Commonwealth Rent Assistance, which is not available to State providers. They can also deliver new housing at a lower price because, with their charitable status, they do not pay GST on new housing. So there are a lot of financial reasons for putting money into community housing, transferring title and unlocking the potential of such properties. We will keep an ongoing interest in the transferred properties, and approval will be needed to redevelop or sell any of the properties to ensure that the numbers of social housing homes is maintained within the State. This bold new policy is already receiving support from the sector. Nick Sabel, the President of the New South Wales Federation of Housing Associations, said:

This is fantastic news! The Community Housing sector welcomes and applauds the New South Wales Government's approval of title, in effect meaning that community housing providers will have ownership over some of its assets.

Title will provide the sector with increased opportunities to generate additional finances through leveraging from our assets. This in turn will enable us to acquire and develop more housing for people with a housing need in New South Wales.

I acknowledge Adam Farrar from the New South Wales Federation of Housing Associations and Nazha Saad from St George Community Housing, who are present in the gallery today. They know this is a historic opportunity to grow housing for disadvantaged people. I look forward to keeping the House updated on this bold new initiative.

**Question time concluded at 3.16 p.m.**

## **VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2008-2009**

**Mr David Campbell** tabled, pursuant to the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriations for 2008-09 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates—Roads and Traffic Authority, Department of Environment and Climate Change, and Ministry of Transport.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders**

**Mr ADRIAN PICCOLI:** I seek leave to move a motion acknowledging the role of Premier Nathan Rees in his 10 months as Premier and to wish him the best regards from the Opposition as we farewell him, as this will be our last opportunity to farewell the Premier before Parliament resumes.

**The SPEAKER:** Order!

**Mr JOHN AQUILINA:** The Opposition has fallen to new depths today in terms of a political stunt. The House should be treated with much more sincerity and respect. Leave is denied.

**Leave not granted.**

**BUSINESS OF THE HOUSE****Notices of Motions**

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

**JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL****Report**

**Ms Marie Andrews**, as Chair, tabled a report entitled "Report on the Fifth General Meeting with the Valuer General", together with answers to questions on notice, transcript of evidence and minutes of proceedings.

**Report ordered to be printed on motion by Ms Marie Andrews.**

**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**.

**South Coast Rail Line Staffing**

Petition opposing the relocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

**South Coast Rail Services**

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

**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**.

**Ku-ring-gai Local Environmental Plan**

Petition requesting that the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 not come into force, received from **Mr Jonathan O'Dea**.

**Old Northern Road, Castle Hill, Vista Preservation**

Petition requesting that a heritage order be placed on Old Northern Road, Castle Hill, to preserve the vista of the Blue Mountains, received from **Mr Michael Richardson**.

**RSPCA Policy on Drought-Affected Farm Animals**

Petition opposing the destruction of drought-affected farm animals by the RSPCA without prior right of appeal by the owners, received from **Mr Kevin Humphries**.

**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**.

**Shoalhaven Police Station**

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

**Culburra Policing**

Petition requesting increased police numbers in the Culburra area, received from **Mrs Shelley Hancock**.

**Cowra Policing**

Petition requesting that Cowra police station be staffed 24 hours a day, received from **Ms Katrina Hodgkinson**.

**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**.

**Shoalhaven Mental Health Services**

Petition requesting the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

**Princes Highway Rest Areas**

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Notices of Motions (General Notices) Nos. 1 to 17 on the Business Paper for Wednesday 24 June 2009 lapsed pursuant to Standing Order 105 (3).**



## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Education Funding

**Mr ROBERT COOMBS** (Swansea) [3.20 p.m.]: My motion should be accorded priority. The New South Wales Government has allocated \$14.7 billion to education in this State, and that will go towards the provision of facilities such as classrooms, halls and gyms. The provision of such infrastructure is very necessary and the bipartisan support of all members of this House is required to assist that. The Opposition has been very quick to oppose stimulus packages and a number of other initiatives in the budget that offer a government intervention role in this time of economic uncertainty and difficulty. The Opposition should use the winter break to rethink its strategy in relation to such important issues.

There cannot be a more important issue than education. It is a priority of this Government. We must do all that we can to put aside our political differences and stop playing games to put ourselves in the best position to ensure that our kids are given the best possible education that the Government can provide. Members of the Opposition need to be reminded that in these times of economic difficulty, during the present global financial crisis, governments throughout the world, including our major trading partners—countries in the Organisation for Economic Cooperation and Development [OECD] group of nations—are putting money aside or investing money to ensure that their economies can continue to prosper to deliver quality health and education, and that jobs do not disappear as they did back in the 1930s during the Great Depression. Governments must take practical steps to ensure that these services can still be delivered and that unemployment does not increase and dole queues do not stretch from here to the never-never.

That cannot be done in the best way possible without bipartisan support. It is no good the Opposition coming into this House and opposing stimulus packages; it is no good the Opposition opposing for the sake of opposition as happened last night in the upper House. It has been part of the Opposition's manifesto to sell NSW Lotteries, now all of a sudden it is not. During debate on the issue the other day I asked the member for Vacluse whether it was in his manifesto to sell NSW Lotteries and he nodded. That means yes. It is part of the Opposition's policy to sell NSW Lotteries, just as it is to sell electricity—although it says no on occasions. The Opposition says no to these sorts of things to try to make the Government look stupid, but they succeed only in making themselves look stupid.

**Mr Wayne Merton:** Point of order: It directly relates to relevance. The member for Swansea does not need our assistance to make himself look stupid.

**The SPEAKER:** Order! There is no point of order. The member for Baulkham Hills will resume his seat.

**Mr ROBERT COOMBS:** The point I am trying to make is that if the Opposition continues to play politics with everything, the punters out there will realise very quickly that it is a political game. If the Opposition uses such tactics to tamper with health and education, it should expect a backlash. I do not think I need say anything more than that my motion should be accorded priority.

### Legislative Council Special Adjournment

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.24 p.m.]: The bedrock of all social policy—and, indeed, every other policy upon which this Parliament deliberates—is the very democracy that sends the member for Swansea and all members of Parliament to this Chamber and to the upper House. Today—when we thought that it could not get any worse for the state of affairs in New South Wales; when we thought the Government could not be any more incompetent—we have reached an all-time new low. For the first time in the history of democratic institutions in this State, members of Parliament—elected by the community—were locked out of their workplace. Why? Was it because it was not a sitting day? Was there some emergency? No. They were locked out because those opposite were not happy with the decisions of the parliamentary process.

For 153 years members have been elected to serve in this Parliament on behalf of their communities and to bring to this place and to the other place the concerns of the people of New South Wales. For 153 years education policy, social welfare policy and every other policy has been designed by legislation that has passed the two Chambers of this Parliament and has been signed by a Governor—not legislation that can bypass that process, but legislation that goes through that process having been moulded and crafted by members in this Chamber and the other Chamber and is then submitted to the Governor for signature.

In one fell swoop we have an attempt by the Robert Mugabe of New South Wales to try to change that. We have an attempt by those opposite—because the Government did not like the colour and complexion of the upper House and because it was not happy that it could not ram its legislation through—to close down a democratic Chamber. We understand that the Premier has never been elected by the people of New South Wales. We understand that the Premier was elected by Sussex Street and the union movement. But government in this State is still determined by the passage of legislation through both Chambers. Government in this State still rests upon a democratic mandate that every person who serves in this Parliament brings to this and the other Chamber. We will not stand by and allow those opposite to shred the Constitution and to, essentially, lock down the Parliament because it suits them.

Yesterday we saw in the upper House a light of democracy shining, and we saw those opposite scuttle out of the Chamber like cockroaches. They have closed the place down; they have no regard for the democratic process. There could be no worse act in any democratic Parliament than what those opposite did last night in the other place. It simply continues the wrong priorities, the recklessness and the mendacity and lies of those opposite, led by the Premier—someone who has never been elected to be Premier of this State by the population, but by those opposite merely because they did not like Morris Iemma.

This is a man who is currently pursuing a \$5 billion metro when people in Labor heartland in south-west Sydney and in western Sydney want a north-west and a south-west rail link. This is a man who is pursuing another plaza for this great city at a time when people across country New South Wales—in Dubbo, Port Macquarie or Wagga Wagga—cannot get upgrades to hospitals. This is a man who wants to spend \$1 billion on the Opera House at a time when there are families and businesses across New South Wales who cannot get access to the basic services we are meant to provide for them. This is a reckless man opposite who, three months ago, correctly said that a local preference policy that excluded overseas imports would cost jobs, that it would cost jobs in the Hunter because of coal contract cutbacks, but who, two months later—because his job is under pressure and because he needs the support of the union movement—flips on the issue.

He flips on the issue in the face of Federal Government opposition, in the face of the Federal Minister for Trade saying it will cost steel jobs in Wollongong, and in the face of the Minister for Foreign Affairs saying that it will cost taxpayers more. And does he produce the economic modelling upon which that decision was made? No, he refused to do so. It is that sort of reckless decision that this State can ill afford. The biggest lie that this man is pursuing is that he is about to create 160,000 jobs. We hear it day in and day out, and yet his own budget papers forecast that unemployment will rise from 173,000, when he became Premier, to 300,000 people in 24 months. Unemployment is going in the wrong direction because that bloke opposite is loose with the truth, reckless and wrong-headed. His favourite author is John Milton, who wrote *Paradise Lost*. One of the quotes from Milton is, "Better to reign in hell than serve in heaven." That is the problem. We are in heaven in New South Wales and we are going to hell in a hand basket. [*Time expired.*]

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

**The House divided.**

**Ayes, 51**

Mr Amery	Ms Gadiel	Ms Megarritty
Ms Andrews	Mr Gibson	Ms Moore
Mr Aquilina	Mr Greene	Mr Morris
Ms Beamer	Mr Harris	Mrs Paluzzano
Mr Besseling	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Ms Burney	Ms Hornery	Mr Piper
Ms Burton	Ms Judge	Mr Sartor
Mr Campbell	Ms Keneally	Mr Shearan
Mr Collier	Mr Khoshaba	Mr Stewart
Mr Coombs	Mr Koperberg	Ms Tebbutt
Mr Corrigan	Mr Lalich	Mr Terenzini
Mr Costa	Mr Lynch	Mr West
Mr Daley	Mr McBride	
Ms D'Amore	Dr McDonald	
Mr Draper	Ms McKay	<i>Tellers,</i>
Mrs Fardell	Mr McLeay	Mr Ashton
Ms Firth	Ms McMahan	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 Constance	Mr O'Dea	Mr J. H. Turner
Mr Debnam	Mr O'Farrell	Mr R. W. Turner
Mr Dominello	Mr Page	Mr J. D. Williams
Mr Fraser	Mr Piccoli	Mr R. C. Williams
Ms Goward	Mr Provost	
Mrs Hancock	Mr Richardson	<i>Tellers,</i>
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Mrs Skinner	Mr Maguire

**Pair**

Mr Tripodi

Mr Cansdell

**Question resolved in the affirmative.****EDUCATION FUNDING****Motion Accorded Priority****Mr ROBERT COOMBS** (Swansea) [3.38 p.m.]: I move:

That this House:

- (1) welcomes the record \$14.7 billion investment in education in the New South Wales budget, including new classrooms, halls and gyms at schools across the State; and
- (2) calls on the Opposition to get behind the investment in jobs for local tradespeople and better schools for New South Wales students.

The Rees Government is investing a record amount of money in education and training in this State, delivering a world-class education system for students in our schools and TAFE institutes. In fact, last week's State budget delivered a massive injection of \$14.7 billion for education in 2009-10 in recognition of the high priority the Rees Government places on giving our young people the best possible start for the future. My electorate of Swansea was a beneficiary in this budget. Seven local schools are set to receive funding, including a major investment of \$4.2 million at Floraville Public School. This money will enable the current upgrade to continue, including the provision of new administration facilities, a new library, community hall, six classrooms and two special programs rooms.

Four other schools—Belmont North Public School, Jewells Primary School, Belmont High School and Swansea Public School—will each receive \$120,000 to upgrade bathroom facilities. Nords Wharf Public School will receive \$55,000 for a roof upgrade as part of the Principals Priority Building Program and Jewells Primary School will receive a further \$100,000 to upgrade its stormwater system under the same program. All of these funding commitments by the Rees Government are very welcome in the seat of Swansea and will greatly benefit students, teachers and other school staff for years to come.

The Rees Government can rightly be proud of delivering an education budget that will deliver tangible benefits for school communities across the State. Expenditure on school infrastructure is at record levels. The New South Wales Government's capital expenditure on schools is up 22 per cent on last year, and capital spending for our TAFE facilities is up 54 per cent. In addition, 17 major new building projects in schools and 13 in TAFEs will begin thanks to this year's budget, which will ensure that major multi-year building works can continue at another 38 schools and 26 TAFE colleges. A record \$440 million has also been allocated for school maintenance, with more than \$1 billion of maintenance works scheduled over the next four years. All of this complements the massive contribution that the Federal Labor Government is making to our schools through the historic Building the Education Revolution program.

The Rees Government's 2009-10 budget has delivered funding for the implementation of the new school leaving age. The New South Wales Parliament passed this landmark reform last month. From next year, all students in this State must remain at school until the end of year 10. After completing year 10, any student

under the age of 17 years who wants to leave school will have to undertake another form of education, an apprenticeship or paid employment. This major reform is about creating a flexible, skilled and educated workforce. In addition, \$25 million will be provided over five years for new capital infrastructure to support the change in leaving age with a further \$100 million per annum to pay for teachers and counsellors to support the additional students.

I could refer to many examples to highlight the Rees Government's commitment to the educational system in this State. In April, Premier Nathan Rees announced that Sydney would host the headquarters for the new Australian Curriculum, Assessment and Reporting Authority. The budget provides \$4 million in recurrent funding each year over four years for the nation's first national curriculum authority. Locating the Australian Curriculum, Assessment and Reporting Authority in Sydney means that we can play an integral role by sharing our expertise, experience and resources in curriculum development and assessment. This is a major coup for our city and excellent recognition of our outstanding record of curriculum development, and our testing and reporting processes.

I now turn to a few other examples of what this education budget will deliver. The budget has allocated \$33.2 million over four years for extra mentoring and class preparation time for beginning teachers and \$117.4 million to keep expanding the Best Start literacy and numeracy initiative for kindergarten students to every New South Wales school over the next four years. In a new initiative, the Rees Government will allocate \$2.25 million of new funding over four years to establish four bi-lingual primary schools to provide intensive primary school teaching in priority Asian languages. Students will be immersed in the languages for 1½ hours each school day from as early as kindergarten. Research shows that the best way to learn a second language and to master fluency is to start early. This is about preparing the future workforce to be fluent in key Asian languages including Mandarin, Korean, Japanese and Indonesian.

The Rees Government's massive investment in information technology for our students is further supported by this budget. This includes its ongoing rollout of the New South Wales Connected Classrooms initiative, which is delivering interactive whiteboards, videoconferencing facilities and online learning tools to every New South Wales public school. This initiative will continue with \$47 million in capital and recurrent funding to be provided in 2009-10. Let us not forget our TAFE institutes. The Government's commitment to TAFE and other vocational education and training programs will receive an increase of \$104 million on the previous financial year, with almost \$2 billion in recurrent funding committed next financial year. The Learn or Earn initiative will benefit from a further \$86 million over the next four years, including \$21 million in 2009-10 in recurrent and capital funding to provide more than 5,800 extra training places at TAFE New South Wales and 15 additional trade schools.

**Ms KATRINA HODGKINSON** (Burrinjuck) [3.45 p.m.]: This is an interesting motion. It calls on the Opposition to get behind investment in jobs for local tradespeople. It is extraordinary that the Government would move such a motion when, time and again, local firms in regional New South Wales that have been bypassed and railroaded approach members of the Opposition. Dozens of schools have contacted us to express their concern about the way in which Federal Government stimulus funds are being spent. The Liberal-Nationals welcome any additional funds being spent on public schools in this State. However, we are very concerned that a lot of that money will be wasted. Up to half of it could be lost in management fees and departmental bureaucracy.

**Ms Verity Firth:** That is not true.

**Ms KATRINA HODGKINSON:** It is little wonder that school communities are concerned about the use of the stimulus funds, given New South Wales Labor's terrible record of delivering infrastructure projects. The Minister can scoff, but she will not even find \$129,000 to prevent the closure of Bellhaven Special School in Young—less than the cost of one of her advisers. She should not scoff. To illustrate my point, I will quote from a couple of letters I have received from Design West, an architectural firm in Cowra. Karen Gay writes:

We are a small firm of Architects operating from an office in Cowra, in your electorate.

We have been in business for the past 20 years and have completed projects in Orange, Parkes, Forbes, Canowindra, Grenfell, Young and Cootamundra, with numerous works in Cowra. The most recent being the refurbishments of the Cowra Civic Centre—a Project of some \$1.5 million and Grenfell Community Hub—a Project of \$1.2 million.

I have visited both sites. They are fantastic centres and the pride of those communities. The letter continues:

We have also worked with the Catholic Education Office and Building Committees from local schools—including the Cowra High School shade structure, the opening of which you attended.

We are concerned that the consulting work for the BER Project is not being spread fairly around the State.

Our community has been in a state of depression for several years and Projects like these would certainly boost the local economy.

At least six local schools have been allocated substantial funds for building projects and in spite of our company being registered with the Department of Education (BER site) the Architectural documentation has been awarded to large city architectural firms from Sydney and Wollongong.

How local is that to Cowra? The letter goes on:

Could something be done to spread any future work around the state more equitably as there are many local firms more than capable of carrying out the required standard of work.

I received another letter from Design West earlier this month, which states:

In today's Cowra Guardian there is an article stating that ... Mulyan School Cowra will be receiving \$1.7 million for new Administration Facilities in the next stage of the School Infrastructure Project.

then a further \$800,000 for a new canteen.

I cannot wait to see the new canteen. The letter continues:

Woodstock Public School \$250,000 for a new Library  
Holmwood Public School \$250,000 for a new Library  
Greenthorpe Public School \$250,000 for a new Cola

That is going to be one smack-bang covered outdoor learning area! I went to the opening of a covered outdoor learning area in Adjungbilly that cost \$4,000. A covered outdoor learning that costs \$250,000 will be amazing. It must have air conditioning. The letter continues:

All these schools are within 30 minutes of this office.

We have an Architect, a Building Designer, CAD draftsman, a Structural Engineer and a Surveyor working from this office and a proven track record with all these types of buildings.

My question is

After my letter last week—

that is the letter I read first—

regarding the fact that no local contractors had received any work from round one of the BER Project, will the local Consultants and Building Contractors be able to Tender for Services on one or more of these Projects in round two?

This is but one of dozens of local firms, and I quoted that example for the sake of this debate. That is only one of dozens of representations that various members of the Opposition—and I am sure Government members—have received. We are experiencing the worst drought in Australia's history in western New South Wales, on the central slopes and in the Southern Tablelands. This Government is so Sydney-centric or metro-centric that it does not recognise the extremely experienced, competent, capable and qualified professionals who are working in rural and regional New South Wales. The example I gave of Design West shows that those competent architects are capable of constructing large projects such as the Cowra Civic Centre, which will cost about \$1.5 million, and they are capable of doing it well, yet they are being totally bypassed by this out-of-touch city-centric Government when applying for funds to build projects in their own communities.

Karen Gay said in her letters that her office is only 30 minutes away from the proposed buildings or structures. The local companies that work in the Central West know the area better than anyone, yet this Government is telling them, "Do not worry about it. You live west of the Great Dividing Range. You do not know anything. You do not know how to build buildings. We will bring in Laing O'Rourke, a head contractor, who will probably charge 5 per cent to 10 per cent per construction." Ten per cent of a construction project worth \$5 million is \$500,000. That head contractor is located in North Sydney, which begs the question—

**Ms Verity Firth:** You are lying.

**Ms KATRINA HODGKINSON:** The Minister for Education and Training says that I am lying. I have a letter dated 5 June from Wyangala Dam Public School. The principal wrote to Design West and said:

I refer to your telephone conversation with Lynne Redman today. I advise that Laing O'Rourke is the managing company that will be overseeing construction of our cola ... I advise their contact address so that you may liaise with them direct.

Laing O'Rourke  
Development and Building  
PO Box 1505  
NORTH SYDNEY NSW 2059

That is the truth. The member for Lismore, who will speak in debate on this motion, raised this issue, and it has also been raised by the shadow Minister for Education and Training, the member for Murrumbidgee. Opposition members appreciate that funds are being provided for their schools, but they would like those funds to be spent in the local area so that local firms can reap the benefits rather than being ripped off, thanks to the incompetence of this State Labor Government. [*Time expired.*]

**Ms ANGELA D'AMORE** (Drummoynes—Parliamentary Secretary) [3.52 p.m.]: I congratulate the Government on its record spend on education, which was announced in last week's budget. This budget contains a 21.6 per cent increase in State Government funding for capital works in our schools, and a massive 53.7 per cent in our TAFE colleges. As the member for Swansea said earlier, that includes 17 major new building projects in schools and 13 at TAFE institutes. Those capital work projects are in addition to those that the Commonwealth Government announced recently under the Building the Education Revolution program.

In my electorate of Drummoynes, four schools will benefit from this increased State spending in capital and minor works. That includes projects such as those in the Principals Priority Building Program—a \$150 million program of more than 500 minor works across the State announced in the mini-budget—that have been identified as the number one priority for school principals. These significant projects, which will ensure that schools are running smoothly, include the upgrading of toilets, the construction of new security fences, and the replacing of roofs. In the Drummoynes electorate, three schools will benefit next year from projects under the Principals Priority Building Program. Next year's budget includes \$350,000 to upgrade toilets at Strathfield North Public School—one of the larger schools in my electorate—\$230,000 for a roof replacement at Drummoynes Public School, and \$200,000 for a roof upgrade at Concord High School.

This financial year the Principals Priority Building Program funded two projects in my electorate: new security fences at Concord Public School and at Lucas Gardens School. I thank members of the relevant parents and citizens associations for their excellent work in highlighting those priorities. I know that the Abbotsford Public School community will also be pleased about the news in last week's budget that it will get a new covered outdoor learning area in 2009-10, worth \$100,000. Only two weeks ago I attended a meeting of that parents and citizens association, so it is great news that we have been able to deliver on a priority project highlighted by the principal and by the parents and citizens association.

The Rees Government's record education budget includes funding of \$2.25 million over the next four years for the new bilingual school initiative—an initiative about which my electorate will be very interested. That funding will enable four primary schools to offer a bilingual education to their students in Mandarin, Korean, Japanese and Indonesian—all key languages. I have a significant and growing Korean community in my electorate and I know that they will welcome this injection of funds. Students will learn one of the languages for 1½ hours each school day. Schools will apply to join the program, and the first four bilingual schools will be announced in the near future. As Asia is on our doorstep, this program is vital to the future economic and social prosperity of New South Wales. I am proud to be part of a Government that embraces such forward thinking about how to prepare our children for closer engagement with Asia economically, socially and culturally. The Rees Government's record \$14.7 billion education budget is a true Labor budget and a genuine commitment to creating opportunities for our kids, our economy, and society.

**Mr THOMAS GEORGE** (Lismore) [3.55 p.m.]: I speak in debate on the motion accorded priority that was moved by the member for Swansea. I am tired of coming into this place and hearing Government members continually criticising Opposition members for not supporting a number of different proposals. However, when Opposition members support this Government's proposals they are ridiculed. All members, whether they are fathers, brothers, sisters, uncles or aunts, want their communities to benefit from work opportunities in their areas, and all members appreciate improvements to educational institutions in their electorates.

Government members state day after day that Opposition members are against their proposals when that could not be further from the truth. On many occasions I have said in this House that the schools in my electorate are not getting value for money. I have also referred to the problems being experienced by Wyrallah Road Public School, so it is good to see the Minister for Education and Training in the Chamber. All members of Parliament—Government, Opposition and Independent members—strive to improve their electorates and to get value for money. Every job in country and regional areas is important.

For some time now the Wyrallah Road Public School Parents and Citizens Association has been negotiating with the Department of Education and Training to have the demountables at that school replaced.

The deal was almost finalised and the department told the school that the replacement of the demountables would cost \$2 million. The Federal Government allocated the money, which was much appreciated, but the cost then escalated to \$3 million. Two of the parents in the parents and citizens association, who work for a major building company that performs a lot of government contracts in Lismore, believed that the demountables could be replaced at a cost of \$1.2 million to \$1.3 million. Immediately they were told, "You will have to assume responsibility for everything."

Independent schools are getting much better value for their dollar than public schools in regional New South Wales are getting. Casino West School was located in my electorate but it is now in the electorate of the member for Clarence, who is not in the Chamber. It has been told that it will receive a new school hall—which it has been waiting 10 years for. Teachers and students were excited at the prospect of getting a new school hall and the local newspaper featured a front-page article informing the community about this new project. However, Casino West School has since found out that the hall will be only half the size that is required to cater for students. We want value for money in our electorates. I assure Government members that Opposition members are not against receiving money for their electorates, especially to ensure additional educational benefits for our children.

**Ms MARIE ANDREWS** (Gosford) [3.58 p.m.]: The Rees Labor Government believes in education. Education is core business for this Government, as it should be for our children, our society and our economy. Throughout 2009-10 the Government will spend a record \$14.7 billion on education in New South Wales. This Government's substantial investment in education infrastructure will not only result in new and improved facilities in our schools but create valuable jobs for families in our local communities. In 2009-10 we are building or upgrading school and TAFE facilities with \$560 million in State Government funding, including the start of 17 major new building projects in schools, 13 in the TAFE sector and increased investment in information technology. We are also spending \$440 million on public school and TAFE maintenance—including the Principals Priority Building Program, with expenditure of more than \$1 billion scheduled over the next four years to improve physical school environments for our kids and support jobs across New South Wales.

In my electorate of Gosford, it means an investment of more than \$26 million in local schools. This includes a toilet upgrade at Ettalong Public School; sewerage and stormwater upgrades as part of the Principals Priority Building Program commitment at Brisbane Water Secondary College, Woy Woy, Gosford East Public School and Kulnura Public School; and roof upgrades, also as part of the Principals Priority Building Program commitment, at Central Mangrove Public School, Peats Ridge Public School and Woy Woy Public School. Most significantly, this also includes provision for a brand-new school in my area, Kariang Mountains High School.

On top of all this, New South Wales will deliver the Commonwealth's \$1.98 billion Building the Education Revolution program in 2009-10, creating jobs and providing new halls, classrooms, libraries, science laboratories and language centres throughout the State. Delivering new facilities like this for our children demonstrates the New South Wales Government's commitment to quality education in the Gosford region. We are creating greater opportunities and choices for the young people of New South Wales. It is this philosophy, this focus on building opportunity for the next generation, and this belief in learning in the classroom, in the workshop or on the job that underpins our Government's historic school leaving age legislation. We are backing our commitment to raise the school leaving age from 2009-10 by committing \$25 million over five years for new infrastructure—including new classrooms—on top of an investment in staff and other recurrent costs that will increase to around \$100 million. We all know that students who stay longer at school generally get higher wages, have less unemployment throughout their lives and are more likely to do further study. I commend the motion to the House.

**Mr ROBERT COOMBS** (Swansea) [4.01 p.m.], in reply: I thank the members for Burrinjuck, Drummoyne, Lismore and Gosford for their contributions to the debate. That is appreciated. The member for Burrinjuck and the member for Lismore had some concerns about the capacity or ability of local contractors, local tradespeople and small businesses and companies to get involved in the infrastructure program. I say with respect, especially to the member for Burrinjuck, that a bit of initiative is required. I had similar concerns so I contacted the asset manager from the Department of Education and Training for my area. He in turn got hold of the managing contractors who had been allocated work in the area, and we had a seminar. We invited along the local contractors and businesses that would like to tender for work so they could learn how to participate in the process. I think we will get a result from the seminar, now that local contractors have been educated about what application forms to fill in and the scope of the work required to get the jobs.

The member for Lismore asked whether our schools are getting value for money. If principals feel they are not getting value for money, they can manage the projects themselves. The Department of Education and Training has set up a training program to ensure that principals have the expertise to participate in the competitive tendering process and pick the best and cheapest contractor who offers the best value for money so they can be satisfied that they are getting good value. I hope that addresses the member's concerns. The provisions for the managing contractors put the onus on them to provide work for local contractors. The New South Wales Government is clearly leading the charge when it comes to delivering resources for our students, teachers and the wider community. While our record speaks for itself, the New South Wales Opposition is yet to reveal its plan for education in this State. I commend the motion to the House.

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

**Motion agreed to.**

**ACTING-SPEAKER (Mr Matthew Morris):** Order! The motions accorded priority having concluded, the House will now consider General Business Orders of the Day (for Bills.)

### **HURLSTONE AGRICULTURAL HIGH SCHOOL SITE BILL 2009**

#### **Agreement in Principle**

**Debate resumed from 4 June 2009.**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.05 p.m.], in reply: Prior to the interruption of debate on the Hurlstone Agricultural High School Site Bill 2009 I was talking about the visit by members of The Nationals to the school on 26 March this year, when we were welcomed warmly by the school community. I note that the school will soon have its annual open day, which, ironically, may be its last open day ever.

**Ms Verity Firth:** The school is not going to be sold.

**Mr ANDREW STONER:** It will be the last time the school in its current form—and it has been that way for the past hundred years or more—presents itself to the community. The school community is upset about that, and the Minister should take heed. I was talking about the visit, and I spoke about the school's uniqueness and importance as a working farm. We inspected the dairy, beef cattle, pigs, sheep, poultry, cropping of grain, lucerne and other fodder, dams and irrigation. To run a farm like this one needs to be able to rotate crops and livestock from paddock to paddock, particularly when some of the lower paddocks are under flood, which happens from time to time at Hurlstone. In short, Hurlstone Agricultural High School needs the full 160 hectares to retain its value as a working farm. You do not need an inquiry to tell you that; all you need to do is listen to the teachers past and present.

We all know in this place that a review or an inquiry is simply a well-worn stalling tactic employed by governments who want to shift unpalatable or unpopular decisions to sometime in the future in the hope that the heat in the matter will go away. This is a simple proposition. This is not surplus educational land and it must not be sold. Earlier in the debate the members for Macquarie Fields and Camden indicated that they were opposed to the sale of Hurlstone Agricultural High School land, and the subsequent emasculation of the school as a working farm. I credit those members for having the courage to express their opposition to this policy. In the earlier debate, the member for Macquarie Fields said:

The uncertainty of the sale process is already severely disrupting the school, and this issue needs to be resolved sooner rather than later. For that reason I have asked, and will continue to ask, that this proposed sale be abandoned now.

I support his sentiments in that regard. He went on:

As for my vote, I will not be crossing the floor to vote with the Opposition on the Hurlstone Agricultural High School Site Bill. For the benefit of posterity, I wish to place my reasons for not doing so on the public record. To cross the floor would make me the first person from the Australian Labor Party to do so in this place since George Petersen in 1987.

**Mr Thomas George:** He could create history.

**Mr ANDREW STONER:** George Petersen is remembered, unlike many other people who come into this place. The member for Macquarie Fields continued:

I would walk into this place as a member of the Labor Party and walk out three minutes later as an Independent. In three minutes, I would deprive the 70,000 people of my electorate of the voice in government that the majority of them voted for in 2007.



Very modestly—over-modestly I say—he then said:

The electorate voted for the Australian Labor Party, not for Andrew McDonald.

Dr McDonald underrates himself. He continued:

I have been asked by those opposite to cross the floor—as you would expect; it is their job to do so—and also by some from outside the electorate. It does not matter to people outside the electorate if someone else's member of Parliament ceases to be a member of the Government. I have had no groundswell of majority opinion from inside my electorate to walk out of the Government of their choosing on their behalf, and will not do so. I would also like to point out that no member currently in this place, with the exception of the admirable Russell Turner in 2003 on a matter of conscience, has ever crossed the floor. To finish, I oppose this proposed sale. I will always oppose the sale of any part of the Hurlstone site to private interests. I have been talking to the silent majority of people in my electorate for six months. They oppose the proposed sale. Their views will not change; neither will mine.

Well said, Dr McDonald. The member for Camden spoke in a similar vein and said that he supports the member for Macquarie Fields in his opposition to the sale of Hurlstone Agricultural High School. He said, "My reasons are the same as his." We will not give him 10 out of 10 for originality, but for brevity, yes. He said:

This area has been a green open space since the early 1960s. At the time the Sydney regional outline plan showed a spine between Campbelltown and Camden. It started at Liverpool or Hurlstone. That land is green open space to provide lungs for what was then envisaged to be the future growth of the tri-cities plan of Campbelltown, Appin and Picton. Thankfully that plan has faded into the distance.

He goes on to say:

... I believe the land should be retained as open space. I oppose the sale but I will not vote with the Opposition in a cheap political trick.

It is a shame that is his view of this bill. The members for the electorates of Macquarie Fields and Camden said they oppose the sale of most of the Hurlstone Agricultural High School site and its subsequent emasculation as a working farm and green space in western Sydney. The question is, what is the position of the other so-called Macarthur boys, the members for the electorates of Wollondilly and Campbelltown? One assumes that they too would oppose this policy, which is simply bad policy for their electorates. If indeed they oppose the virtual destruction of an iconic and historic educational institution and valued community asset, they need to support the one thing that will stop this sale proceeding: this bill.

**Mr Thomas George:** Are there four of them?

**Mr ANDREW STONER:** There are four of the so-called Macarthur boys. Members are elected to this Parliament first and foremost to represent their constituents. That should take precedence over representing party-political objectives. That is why the Liberal-Nationals countenance the opportunity for their members to do what is known as crossing the floor if they cannot in conscience support a party-political position. The member for Macquarie Fields is inherently a decent man, whose conscience I believe has been pricked on numerous occasions by a ruthless New South Wales Labor Party machine. I believe the member for Campbelltown, the member for Camden and the member for Wollondilly essentially are decent people also.

I understand that the Sword of Damocles, which hangs over their heads, is the threat of disendorsement at the next election by that ruthless Labor machine should they follow their consciences and support the only thing that will stop the ghastly plan to dismantle and destroy the wonderful learning institution that has served western Sydney and, indeed, the entire State so well for so long. The decision for them can be boiled down to two options. First, do they put their constituents first, or second, do they put their Labor Party careers first? It is an agonising decision because if they put their Labor Party careers first, they may end up with no political career at all, because the voters in Campbelltown, Camden, Macquarie Fields and Wollondilly will remember them at the ballot box in 2011.

I am sure that I need not remind the member for Macquarie Fields that the margin for his electorate is 11.1 per cent, in Camden it is 3.9 per cent and for Wollondilly it is 3.3 per cent, all considerably less than the average 18 per cent swing against Labor at the by-elections last November. The member for Campbelltown holds a margin of only 0.5 per cent more than that swing. In my view it would be far better for these members to follow their consciences and represent the people who put them in this place; at least they will then be able to sleep at night. The member for Macquarie Fields noted that in the past some members have had the courage of their convictions and changed their political allegiance on a matter of principle. That course of action is open to the aforementioned members.

If the Labor Party does not want people of decency, the future prospects for it are poor; but the prospects of people of principle and integrity will always be bright. The challenge to the members for the electorates of Camden, Campbelltown, Macquarie Fields and Wollondilly is to make good their words with actions. They should follow the courage of their convictions and support the one thing that does what their communities want, that is, abandon the sale because it is simply wrong. They should follow the courage of their convictions and vote the right way for their people. I commend the bill to the House.

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

**The House divided.**

**Ayes, 40**

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

**Noes, 44**

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

**Pair**

Mr Cansdell

Mr Tripodi

**Question resolved in the negative.**

**Motion negatived.**

**Bill not agreed to in principle.**

**GARLING INQUIRY (CLINICIAN AND COMMUNITY COUNCIL) BILL 2009**

**Agreement in Principle**

**Debate resumed from 18 June 2009.**

**Mr VICTOR DOMINELLO** (Ryde) [4.26 p.m.]: When this debate was adjourned on the last occasion I was in the process of articulating the grounds upon which I believe this bill is really important to scrutiny of

public health and public confidence in New South Wales. I indicated that there is precedence in that the Ombudsman tables the report to Parliament rather than to the Executive. This bill, which effectively seeks to table a report to the Parliament, should follow suit. My last example related to section 39 (1) of the Crimes (Criminal Organisations Control) Act 2009, which provides that the Ombudsman is required to keep under scrutiny the exercise of powers conferred on police under the Act for a two-year period from the commencement of the Act. Section 39 (5) requires that the Ombudsman must furnish a report to the Attorney General as soon as is practicable after the expiration of the two-year period, while section 39 (6) provides that the Attorney General is to lay a copy of the report before both Houses of Parliament.

In the three examples I have given the Attorney General is required to table the report to both Houses of Parliament, so why should we have a different situation with respect to the Garling inquiry, which contains important information gathered by Peter Garling that has serious ramifications for public health in New South Wales. In those circumstances it is most important that this Parliament, not the Executive, be entitled to a report from the experts, as outlined by the Deputy Leader of the Opposition in her agreement in principle speech. In summary, what is valuable to New South Wales? One of the most valuable portfolios is Health. Under 14 years of Labor Government we have had a conga line of health Ministers, which has seriously eroded the level of trust and confidence that people in New South Wales have had in health services under Labor.

New South Wales has had six Ministers for Health since 1995 and I will outline that history for the House. In 1995, Minister Refshauge started the rot in NSW Health and put it one foot under. The next health Minister, Craig Knowles, put NSW Health two feet under. In 2003, Minister Morris Iemma put NSW Health three feet under. Minister Hatzistergos followed in 2005, and then Reba Meagher in 2007. Since 2008, Minister John Della Bosca has effectively put NSW Health six feet under. NSW Health is almost dead. The Government tried to kill off NSW Health. It could not even do that properly because the people of New South Wales are very resilient. The Government has done its best to kill off NSW Health. Thankfully, the shadow Minister, Jillian Skinner, who is primed to take over the portfolio when the Coalition gains office, has more experience than all those health Ministers combined. I cannot emphasise enough the importance of this portfolio; indeed it is probably the most important portfolio.

People have access to education, policing and the like, but if their health is not good that can jeopardise their ability to obtain a decent education. It is most important that this bill is passed, and it should be passed with bipartisan support. If it is not, I will not be able to understand the reason: This legislation applies to all of us. I intended to criticise the Government further regarding waiting lists et cetera, but I am sick to death of complaining about the Government. I have been a member of the House for six months, and I have had enough. It even breaks my passion sometimes. I will not whinge too much more about the Government and its appalling record. All I ask is that the Government take this bill seriously. This bill has been introduced in the interests of the people of New South Wales. It really is not a politically motivated bill. It has been introduced to make sure that all the effort and hard work underpinning Commissioner Garling's recommendations will result in improvements.

**Mr JOHN WILLIAMS** (Murray-Darling) [4.30 p.m.]: When the Premier said that the Government would address the recommendations made by the Garling inquiry and that the Government pretty much will take up the majority of the recommendations, a cold chill ran down my spine because I knew it would never happen and that they were only words. The system the Government has created to administer health services is nothing short of a disgrace. There might as well be a brick wall between the public and the health system, such is the complete and utter lack of transparency of health administration. Everything that goes wrong is covered up. We will never improve health services until we can deal with problems in an open and transparent manner.

The advisory committees set up by the Government are an absolute joke. I continually receive complaints from advisory committee members about the lack of respect shown to them and their ideas by area health services. If there are any changes to the way in which health is administered committee members are the last to find out, and they usually find out through press reports. Advisory committees were set up to help the State Government and area health services to deal with the issues in the health system but members of advisory committees are being totally ignored. That has been clearly demonstrated in the township of Hay, which advertised for members of the health advisory committee associated with the Greater Southern Area Health Service. Only one application was received. The gentleman who applied came to see me and said, "I know what is going on. They advised me of a meeting but I was the only one who attended. The people who were supposed to be present were not present."

There is absolutely zero trust between upstanding citizens who become members of advisory committees and are concerned about the health of their community but are being totally ignored and the

Government. Members of those committees have been hung out to dry. Appointments to advisory committees are mere window-dressing, as members of the committees eventually realise. The Government has destroyed the goodwill of people of the community who would otherwise be prepared to take up positions on advisory committees in the hope of changing the system. Those people present themselves for appointment to advisory committees with all good intentions but, unfortunately, they get nothing but a snow job and they find out firsthand that the door between them and the health administration system is firmly closed. They are not allowed to discuss any of the issues of concern to the community. The area health services take the issues on board, and that is all that is ever done. There is no change and no further discussion. The issues are buried. That has led to frustration in my electorate about the health system. Fortunately, after a lot of work, the Deniliquin renal dialysis service was expanded to Broken Hill.

**Mr Robert Coombs:** Tick.

**Mr JOHN WILLIAMS:** I can certainly tick that box. I can tell Government members that people involved in treatment are totally and utterly elated that they no longer have to seek treatment in Adelaide; instead they will be able to have renal dialysis treatment, which they so badly need, in Broken Hill. The alarm bells have been ringing for years about the need for the Government to respond in advance of the tsunami that is forming. Large numbers of people will require renal dialysis services and that will hit the Government with great force. What will it do? It will have to transport people to Victoria, South Australia and Queensland. Basically, the Government will be passing the buck and doing what it has always done to local governments—cost shift.

People have had enough of that. Linda Rumble is an advocate for the renal dialysis service in Deniliquin. An offer has been received from the Rotary club, which is prepared to buy hardware and equipment for a renal chair at the Deniliquin Hospital, but so far the offer has fallen on deaf ears. The area qualifies for renal dialysis services based on the number of people between Finley and Deniliquin requiring treatment. Linda assures me that there are now six people who are going to Shepparton, Echuca or other places to have renal dialysis. That is a disgrace. The provision of treatment should have been better managed. I often wonder what the Victorian Government charges the New South Wales Government to provide the service. I am sure that the services could be provided by this State, but the Government does not recognise its obligation to provide the service.

Another problem with area health services is that they are not paying their bills. That is not only a very bad sign; it also points to a process of cover-up. There is always a cover-up and always a reason bills have not been paid. This leads to continual delays. Even though we catch up a little, after a couple of months we fall back to the same level of indebtedness. The current Minister for Health, the Hon. John Della Bosca, told the Greater Western Area Health Service that if it wants its bills paid it will have to bring forward next year's budget. The area health service's budget can barely provide the funds needed for adequate health services, but it will now have to draw on funds from next year's budget to pay debts owed from the previous financial year. That is a matter of real concern and it highlights inadequate funding, which is a hallmark of the Government's inability to provide vital services.

If there is a failure in the provision of health services and a failure to communicate it becomes fairly evident because morale in the community begins to die. Currently in Deniliquin front-line staff such as nurses are being offered redundancy. Employment is being reduced to just four days a week and the service is being wound back. What does that do to the level of confidence of the people of Deniliquin and people associated with the Greater Southern Area Health Service who are confronted by a reduction in front-line staff? The Government has built up a monstrosity in administration. The backroom boys are chewing up the budget and the front-line staff are paying the price.

It is a matter of deep concern to constituents of my electorate that they are continually being hammered in relation to health services. There is a new rumour every week. If the Government cannot get over simple problems it makes me wonder about its intentions in respect of addressing the Garling report. We have had problems associated with allied health services in Broken Hill also. People in my electorate require speech therapy services for their children to prepare them for school but they currently have to hop into their cars and drive to Mildura or Adelaide for speech therapy services.

People might say that it is not a big impost to go down the road but I can assure members that "down the road" in Broken Hill is 500 kilometres or 300 kilometres. It is an absolute disgrace that people are forced to travel that distance to obtain the services of a speech therapist. Currently we have a shortage of radiographers in

Broken Hill and consequently there is now a huge backlog of people requiring vital scans and X-rays, which is a problem. The situation has to be managed. People need these scans and X-rays to be done as soon as possible; indeed, their scans are marked as urgent by their treating doctor. The Government needs to remedy this dire problem. If that means relocating radiographers from somewhere else and paying the price in order to get the backlog fixed that has to happen. If the Government wants to avoid the tsunami it had better start fixing the problems when they arise. If the Government is going to be reactionary it will have to pay the cost of being reactionary.

Given that there are ongoing health issues in Murray-Darling, it is pleasing that the Garling report has been released. The report has some very good recommendations based on health forums held throughout New South Wales, which gave health providers, the general public and all those who are concerned about the administration of health Wales an opportunity to contribute. A problem highlighted before the Garling inquiry was the Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS]. As I have said many times in this House, the scheme's administration fee is an absolute and utter disgrace. It is a smack in the face for those who live in regional New South Wales and who have to travel long distances to get specialist services and other health services. The Minister has said, "We are going to remove this administration fee." We are waiting for that to happen. I have already announced the removal of the fee to the community. So I am going to receive a very nasty backlash if it does not happen. The Government is supporting that Garling report recommendation—

**Mrs Jillian Skinner:** It is qualified.

**Mr JOHN WILLIAMS:** It is qualified.

**Mr Robert Coombs:** Tick.

**Mr JOHN WILLIAMS:** They have got a tick in the box. So when can I tell the people in my electorate that the \$40 administration fee has gone? They are expecting that announcement. I have told the community that the Government has accepted the recommendation and it is going to make this change. When do we stop charging the \$40? I do not know, and neither do the people who require this service. They will only find out when they put in their next IPTAAS claim form. If they travel from Finley to Albury to receive chemotherapy they will receive just \$6 after the \$40 administration fee is taken out. They will fill out all that paperwork for \$6, simply because this crazy administration fee has been put on.

About two years ago the Senate conducted an inquiry into the Isolated Patients Travel and Accommodation Assistance Scheme with a view to the Federal Government setting up a program to address the needs of people who need such a service. No action at all has been taken on that. Australian health Ministers have never even addressed the issue. It was highlighted as an urgent matter. It was suggested that all the health Ministers in the Commonwealth should find a way of making the Isolated Patients Travel and Accommodation Assistance Scheme fair and equitable, to make the reimbursement worthwhile. As long as the problems are sitting on the other side of the sandstone curtain this Government is not going to—

**Mrs Jillian Skinner:** They don't care.

**Mr JOHN WILLIAMS:** They really do not care about it. The issue is out of sight, out of mind. The Government cannot understand the cost of travelling, and it cannot understand the impost it puts on our constituents to travel such long distances, in most cases to receive life-saving treatment. While this situation continues people start falling through the cracks. Many people genuinely do not have the financial resources to travel to obtain health services. Older people who have required chemotherapy have made the decision, after a couple of treatments, that the travel costs involved are beyond them, that they cannot support them, and that they will not continue with their treatment. It is of concern that these people do not have the same access to such treatment that their city cousins have. In most cases people who live in city areas are able to hop on a bus or get a cab and go down the road, visit the nearest hospital, and receive the treatment. They leave in the morning and they probably arrive home on the same day. People in regional areas do not have that luxury.

Most chemotherapy patients in the lower half of my electorate travel to Bendigo to access services provided by the Victorian Government. The Victorian Government has also been very generous in providing accommodation for those people at a fair price. The problem is that when the patients have sought to claim for the cost of that accommodation, the New South Wales Government, in its typical manner, has found a way of not meeting its obligations.

**Ms KATRINA HODGKINSON** (Burrinjuck) [4.45 p.m.]: The object of the Garling Inquiry (Clinician and Community Council) Bill 2009 is to establish a Clinician and Community Council that will be responsible for monitoring and evaluating, and reporting to the public through Parliament on the implementation of the recommendations of the Special Commission of Inquiry into Acute Care Services in New South Wales Public Hospitals, otherwise known as the Garling inquiry. This debate has been going on for some time. I congratulate and commend the shadow Minister for Health, the Deputy Leader of the Opposition, for introducing this very important private member's bill. I am pleased that the Parliamentary Secretary for Health is in the Chamber, because I know he takes an interest in health matters. I am sure he will agree with most, if not all, of what Opposition members have to say about the bill.

There was a reason for the Garling inquiry, of course. To briefly remind the House, a series of problems were recognised within NSW Health which culminated in the death of Vanessa Anderson, who was only 16 years of age. Her death was found to be avoidable. The finding was made by Deputy Coroner Karl Milavanovich. Mr Milavanovich called for a full and open inquiry into the delivery of health services. Thus the special commission of inquiry headed by Justice Garling was born. I commend the inquiry for the most comprehensive and thorough series of recommendations on health issues we have seen in this State for quite some time. I also commend the work of Deputy Coroner Karl Milavanovich. Mr Milavanovich also investigated the death of David Iredale following the tragic series of 000 calls the teenage boy made when he got lost in the Blue Mountains. Mr Milavanovich has also called for an inquiry into that matter.

I am aware that some progress has been made in relation to the 000 system since that time—certainly the Government has put the fox in the henhouse—but I believe there has not been any significant change made to the 000 operations. I look forward to the day when we know that our children can ring 000 with confidence that they will not be laughed at, ridiculed, or asked a series of questions that are totally inappropriate to the cause they are ringing about. In speaking about the 000 system, which relates to health, I am reminded of the case of the yachtsmen who were lost at sea in wild storms off the coast in the Tasman Sea. The yachtsmen rang 000 to ask for boating assistance from the sea patrol. The 000 operator asked them what their nearest crossroad was and would not allow them to progress with the call until she was given the nearest cross street. That shows the level of ridiculousness of some operators who are obviously incapable of doing the job they are paid to do. When people's lives are at risk, surely 000 operators must be screened more thoroughly.

The Garling special commission of inquiry made 139 recommendations, some of which—the shadow Minister of Health has used some of them in developing Coalition policy—relate to area health services. Currently, there are eight massive area health services. Since I have been a member of this place I have watched our health service go from the Southern Area Health Service to the Greater Southern Area Health Service, which covers an area the size of greater Germany. The head office in Queanbeyan is trying to service hospitals everywhere from Crookwell to Albury and beyond. It has been an unmitigated disaster. All we have to do is look at the amount of unpaid bills that small businesses, many of which are in my electorate, must deal with. Small business owners contact me, I contact the health Minister and he says, "Yes, better pay that one." Subsequently someone else contacts me, and each time I have to make separate representations to the health Minister. The Minister should just pay the bills.

Last Friday morning I had a debate with the Minister for Small Business on 666 ABC Radio. The Minister said, "As a local member I refer each representation to the health Minister to get paid." This guy is responsible for small business! Yet the amount of money owed to small businesses in the electorates of Monaro, Burrinjuck, Wagga Wagga, Albury and Bega—all the electorates covered by the Greater Southern Area Health Service—runs into many millions of dollars for invoices that are overdue by 45 days plus. That is poor management. Clearly the system is not working when an area health service cannot pay its bills.

I remember raising the issue in this place in 2000 or 2001. A small business in Goulburn that was supplying tyres to the local area health service was not getting paid. However, the person did not want it to become public knowledge because he was nervous about losing the contract; he liked the security of having a government contract. But getting paid was another matter entirely. So 12 months passed, then 14 months passed and he still had not been paid. Finally, he contacted me. He said, "I don't want my name to be revealed"—to this day I have never revealed the name of the company, but I managed to get him paid. Once again, I call on all small businesses: If you waiting to get paid by the State Government, contact me so that I can get your money for you. Do not hang around; do not think it will come to you eventually. It probably will not come to you eventually because that is the sort of health system and government we have in place at the moment.

Earlier the member for Ryde ran through the series of recent health Ministers—everyone from Andrew Refshaug through to John Della Bosca, with a great big hunk of Reba Meagher thrown in for good measure.

We continue to see the same problems year after year after year—14 plus years of a Labor Government and things are as bad as they were when Labor took office. Since the introduction of area health services things have ended up in a crumbling heap, including the provision of services. The member for Murray-Darling spoke about dialysis services. Four patients in Young, in the electorate of Burrinjuck, need dialysis. Three times a week at 4.45 a.m. they board a bus, travel to Murringo to pick up another patient and then travel to Canberra to access dialysis. From Young to Canberra is a fair distance. These patients get home at 5.00 p.m. A dialysis service would be useful in Young. The machines are available, but there is a lack of nurses.

The Government is not training nurses to provide dialysis services. What is the Government doing about the nurse shortage? Is it encouraging people to train as registered nurses in New South Wales? No, the Government continues to threaten the nursing courses offered at universities and TAFE. One of the best TAFE training colleges for nursing is in Cootamundra in my electorate of Burrinjuck. Last year I attended the nurses graduation. The nursing program at that TAFE is second to none. I congratulate the nursing instructors at Cootamundra TAFE and thank them for their dedication. I also congratulate the graduates of that course; last year there were quite a number of them. However, there was a big question mark hanging over those courses last year. Indeed, I had to raise the matter in this place to ensure that the Government quashed the rumours that those courses would be cut.

The number of places for people training as registered nurses and enrolled nurses must be increased. Until we have more nurses, and more nurses wanting to work in country hospitals, patients such as those in Young will have to continue travelling up to five hours per day, three times a week, simply to access dialysis. It is an outrage. Dialysis patients in Cowra must travel all the way to Orange, which is 100 kilometres away. In fact, it is 99 kilometres away, which brings me to another point relating to the Isolated Patient Transport and Accommodation Assistance Scheme [IPTAAS]. The journey from Cowra to Orange is not quite 100 kilometres. Regularly, when patients make a claim under IPTAAS, they are told, "Sorry, you do not live the required 100 kilometres away. You're one kilometre off so therefore you are not eligible." When Reba Meagher was the health Minister I got a guarantee from the bureaucrats working for her they would not be so pedantic. They were measuring from post office to post office, rather than from the person's physical address—they might live in the country—to the health facility. Being pedantic like that does not help anyone.

On top of that, the administration charge basically wipes out any entitlement once the 100 kilometres are reached. So even if patients are eligible because they have travelled 100 kilometres, whether it is from Cowra to Orange or from Cootamundra to Wagga Wagga to access dialysis, they will not receive their entitlement because of the administration charge. This is another issue that is raised with me continually by people such as Jenny Beale from Cootamundra, who works for the local newspaper. She is always being asked by people such as those involved with cancer support groups, "Why isn't IPTAAS paid when people travel to Wagga Wagga because they have gone 98 or 99 kilometres each way?" The answer is that they should be paid, because I had that guarantee from the Department of Health in the past, yet they continue to be knocked back.

I want a commitment from the Government that the bureaucrats will not be pedantic in the future. If there are only a few kilometres either side from post office to post office, for heaven's sake get with the program, stop being so ridiculous and have a heart for those who must travel a distance to access this service. Dialysis services should be available. If five patients must travel 100 kilometres each way to access dialysis there should be a chair available in their local hospital, particularly in larger communities. Cowra has 8,000 or 9,000 people; it is a fair sized community. Yass has about 30 patients who must travel to Canberra to access dialysis. The need to rebuild Cowra hospital and Yass hospital cannot be overstated. Recently I went through Cowra hospital. If Justice Garling went through there he would be shocked by what he saw. Little or no work has been done on the hospital for a very long time; it is in a dilapidated condition.

The nurses and doctors at Cowra hospital do an exceptional job—this is absolutely no slight on them—but the hospital needs to be rebuilt, and rebuilt as a matter of urgency by this Government. Likewise, Yass hospital is very tired and old, and needs to be rebuilt. Under this Government we have seen the loss of obstetric services as well. Justice Garling is concerned about women's health, as we saw with the case of Vanessa Anderson and others. But the loss of obstetric services from 34 or 35 hospitals over the past few years under this Government is absolutely outrageous. We have lost emergency service departments and obstetrics services. For example, obstetrics services at Yass hospital were closed in November 2004 without a good reason or explanation. Crookwell hospital lost its obstetrics department at the same time. I do not have sufficient time to go into the Carla Cranny report today.

It is absolutely outrageous that the Government makes country women travel so far to access obstetric services. A lot of country women worry in the lead-up to the delivery of their babies about whether they will

make it to hospital on time. Some even consider booking in for a caesarean section to make sure they are at the hospital in time. Some of those women may have had babies in the past that have come very quickly and if it is likely to be a complicated delivery that is fair enough, but when it is to be a simple delivery why close down obstetric services in country hospitals? The closure of essential health services is absolutely outrageous. It seems that if you live in the country and you are a woman, heck, you can do it yourself! But you cannot. Country women are not second-class citizens and, at the very least, deserve everything that is available in metropolitan areas. I welcome the seed dollars allocation in the budget for the planning of the Gundagai Multi Purpose Service, but when is it going to be built? [*Extension of time agreed to.*]

The member for Murray-Darling referred to the need for speech therapists. There is a paucity of speech therapists in regional areas and positions for speech therapists are always being advertised in local medical journals. I know a gorgeous profoundly deaf eight-year-old girl in Yass who is in desperate need of the continuing services of a speech therapist. The speech therapist left Yass and left this little girl in the lurch. This girl is an absolute delight to behold and is in real need of assistance with her speech. Things are a lot more difficult for this little girl as she is profoundly deaf, but there are many other children who need speech therapy as well. These children are having difficulty forming their words properly and their inability to express themselves could lead to severe confidence problems in the future, and restrict their ability to gain employment.

Some people from Queanbeyan contacted me the other day concerned that paediatric services are not available in the new Queanbeyan hospital. Paediatric services should be available in a brand-new hospital. One would expect in a city the size of Queanbeyan, with a population of approximately 30,000 people, paediatric services would be available, but no. What happens if a child is in distress and needs urgent attention? They have to be taken to Canberra. That begs the question as to how much money the New South Wales Government pays to the Australian Capital Territory Government for health services each year. It would be a fortune, but Jon Stanhope does not mind. He is rubbing his hands together at the thought of the amount of money coming from the New South Wales Government. If the Government invested in services such as paediatrics for Queanbeyan, an emergency operating theatre for Yass, dialysis for Young, and the other examples I have raised today, it would save a fortune in the lost interstate funding that ends up in the pocket of Jon Stanhope's health department.

I have referred to the Isolated Patients Travel and Accommodation Assistance Scheme and said that cancer is a growing problem. I wish to close with a quote that was provided to me from someone who attended a Christmas party and was within earshot of Nathan Rees, who was talking about the funding of projects in regional New South Wales—he had been the Premier for only a short time. With a bit of a laugh, Nathan Rees responded:

If they choose to live there, then that's their problem.

That is the problem with this Government. The Premier is arrogant and smug. He has probably never driven himself down a country road.

**Mr Robert Coombs:** He doesn't have a licence.

**Ms KATRINA HODGKINSON:** The member for Swansea said that the Premier does not have a licence. He is the head of the State, yet he has no drivers licence. He probably does not understand the tyranny of distance for people in the country. How could he possibly have any concept or understanding of what people have to go through when waiting for community transport? There is no community transport in New South Wales to meet the required demands. Community transport is massively underfunded. How can people be expected to get themselves 100 kilometres for dialysis services if there is no community transport? I will tell you: They rely on family and friends three times a week to drive them. Then when they go to get some sort of Isolated Patients Travel and Accommodation Assistance Scheme reimbursement they have to pay an administration fee—it is not worth putting the form in!

I commend the member for North Shore, Mrs Jillian Skinner, for putting this important and vital piece of legislation forward. I have raised but a fraction of the issues faced in regional New South Wales and, more particularly, the electorate of Burrinjuck. I could go on ad infinitum but time precludes me from doing so. Suffice to say any member of the Government who votes against this bill is not thinking with their head, or acting in the best interests of the people of this State. Members who vote against the bill should hang their heads in shame. This Government is to be condemned for not meeting the needs of people of this State who are unwell, either mentally or physically. It is time for the Government to realise that everyone in New South Wales deserves a good and healthy system.



**Mr GEOFF PROVEST** (Tweed) [5.05 p.m.]: I support the Garling Inquiry (Clinician and Community Council) Bill 2009. The object of the bill is to establish a Clinician and Community Council that will be responsible for monitoring and evaluating, and reporting to the public through Parliament, on the limitation of the recommendations of the Special Commission of Inquiry into Acute Care Services in NSW Public Hospitals. Let us give praise where praise is due. Because of the efforts of the shadow Minister for Health, and pressure from my colleagues, doctors and patients, the Government was forced to establish the Garling inquiry. I have been a member of this House for just over two years. The chief level of complaint and concern from my constituents—I am sure other members have the same experience—relates to lack of health services, lack of doctors and nurses, and so on.

I place on record that I have the greatest respect for the doctors and nurses in New South Wales. They are hardworking, dedicated people. When I participated in a hearing of the Garling inquiry held in Tweed Heads, doctors and nurses were lined up. I will touch on some of those issues shortly. Today, before coming to the Chamber to give support to the bill of the shadow Minister for Health, I did some research into questions on notice. Questions on notice are a fine tool used by members of Parliament to gather information—although sometimes a little bit of secrecy sneaks in, with redirection to websites and so on. I found more than 1,000 questions on health. Health is the most raised issue. But I digress for a moment to something I found rather strange, and that made me scratch my head. From my research I found that our own Parliamentary Secretary Assisting the Minister for Health—

**Mr Phillip Costa:** A lovely man.

**Mr GEOFF PROVEST:** Yes, Dr Andrew McDonald is a lovely man. From my research I found that the Parliamentary Secretary had asked several questions about magnetic resonance imaging machines [MRI], the number of patients, programs, budget allocations and so on. I scratched my head when the Parliamentary Secretary asked the Minister for Health about hospitals in his electorate. It appears that there is no communication between members of this Labor Government. That is worrying because it demonstrates a failure to communicate and to be transparent—which is relevant to aspects of this bill. The hospital reform group proposes that the council be chaired by an independent prominent citizen. Its membership would comprise nurses, doctors and allied health professional representatives and, most importantly, would include patient and community representatives. The council would report directly to Parliament about the implementation of reforms, patient safety and clinician engagement in public hospitals—about all of which I am in 100 per cent agreement. On 1 April 2009 the *Sydney Morning Herald* reported:

The head of one of the State's busiest trauma centres warns that senior doctors have lost faith in the Government and remain highly cynical of its ability to overhaul the health system.

Valerie Malka, head of trauma at Westmead Hospital, said yesterday it was "no longer possible to trust the Government" after it had neglected the system for 10 years despite constant pleas from clinicians and nurses.

"We were so grateful for the Garling report but when John Della Bosca says he is going to implement 134 of the 139 recommendations it is really hard to believe what the Government says," Ms Malka said.

It is hard to believe that after 14 years in government that would occur. This bill is necessary because the Rees Labor Government wants to filter the information on how well it is implementing the Garling reforms through the office of the Minister for Health and NSW Health. Time and again we have seen waiting lists reclassified. I am perplexed about a memo dated 17 November 2008 from the North Coast Area Health Service, which states:

External recruitment to all positions, other than front line service delivery positions, apprenticeships, traineeships and graduate positions is suspended.

The vocal protests made in this place by the member for Clarence about the loss of 400 positions on the North Coast have almost resulted in his removal from the Chamber on a number of occasions. Tweed Hospital is losing approximately 20 positions, and these will not be backroom positions but 2.6 medical positions in the emergency department. The memo outlines a reclassification of positions that will result in a ward clerk becoming a patient support officer and a booking clerk or receptionists becoming a patient support officer, bookings. That demonstrates yet another feeble attempt by this Government to suggest that it is providing services to the communities. Most hospitals on the North Coast are over budget. Currently Tweed Hospital, which is \$4.8 million over budget, has 673 full-time employees and 28,287 admissions—an increase on the previous year of some 4.7 per cent.

Tweed Hospital is currently running, on average, at 104 per cent. When I went to school I was taught that 100 per cent full was completely full, but it appears that our hospitals can run at 104 per cent—which

explains why the Tweed Hospital is \$4.8 million over budget. One would think that the Tweed, one of the fastest-growing regional areas in New South Wales, would have its budget adjusted accordingly to enable it to service the people in its community. It is the right of every citizen in New South Wales to expect and to receive first-class health services. According to the Garling report 1,200 patients have been treated in the corridors of Tweed Hospital. It is perplexing that a cleaner who leaves a bucket and mop in a corridor can be penalised under occupational health and safety provisions but no-one is penalised when patients are treated and left in beds in hospital corridors. I cannot be convinced that such patients—given the many interruptions that would arise and the lack of privacy and a whole raft of other issues—are receiving the best possible care.

In relation to pharmacists and the use of antibiotics, according to the Garling report 50 per cent to 55 per cent of pharmacists do not adhere to the therapeutic goods guidelines with regard to prescribing and over-prescribing, and this costs a lot of money. The North Coast Area Health Service does not have access to a microbiologist to monitor this issue. Currently Tweed Hospital does not have any specialist dementia nurses but has four pharmacists. Garling found that, working on the basis of one pharmacist for 30 to 40 beds, technically the hospital is six pharmacists short. Medical clerks who presented information to the inquiry are very concerned about a lack of documentation. The systems are being computerised but recently 50 boxes of patient records had to be archived because there was insufficient time to input data. North Coast Area Health Service archives for Tweed Hospital are stored at Southport, which is some 20 kilometres north. The clerks said that sometimes it takes months to process material from the Department of Community Services and for coronial inquiries.

As well as the current population in the Tweed of approximately 80,000, the Tweed Hospital serves a large number of people from Queensland. Just as happens in Queanbeyan, as stated by the member for Burrinjuck, the bills are sent across the border. Recently under freedom of information I requested and received a copy of a task force report on cross-border medical issues. It is a large document. New South Wales residents can access Queensland health and all levels of services. The Minister for Health referred to the new Gold Coast Hospital but I remind him that construction has just begun and it will not come on line for a couple of years. Is the Minister of the opinion that people will not get sick in the intervening period? We need to provide services and to have openness and transparency, and for those reasons I strongly support the bill.

I will be amazed if members of the Government do not support this bill because surely their key priority is to provide open and transparent information about health systems and decent health care in their electorates. If that is not their priority, they are not serving their constituents well. They should support this bill, which is one of the best pieces of legislation I have ever read with regards openness and transparency. The Minister for Health is all about controlling information and keeping the State Government's true progress secret, and that is appalling. Of the 134 Garling recommendations that the Minister has supported, 55 have strings attached involving further reviews that will substantially delay implementation.

Delay tactics are being adopted by the Government in relation to a number of other bills—conduct a review here and an inquiry there—in the hope that they will all go away. But this bill is supported by a highly motivated, independent community and clinical review team, which comprises doctors, nurses, allied health professionals and patients. In answer to a question from Commissioner Garling about whether I had any medical experience, I informed him that I did. When he asked me about my qualifications, I said that I have been sick on many occasions and, therefore, have experience in the health system first-hand.

*[Interruption]*

I hope the Parliamentary Secretary has received answers to his questions on notice addressed to the Minister for Health.

**Dr Andrew McDonald:** I will.

**Mr GEOFF PROVEST:** He may have been referred to a website or to another Minister, as sometimes happens.

**Dr Andrew McDonald:** My constituents will get the answers as well.

**Mr GEOFF PROVEST:** I hope the constituents of the member for Macquarie Fields get not only the answers but also the MRI machine that they need. I am glad the member agrees with me. This bill relates to a serious issue. The provision of health should be our highest priority. My electorate has the highest proportion of

people over the age of 65 of any electorate in New South Wales. Elderly people require extra health services, but many of them are being denied these services. Hospital waiting lists are extremely long. In relation to dental care, we cannot retain dentists and people are unable to have their dentures replaced. It is an intolerable situation. I have taken up the case of many constituents, as have all members on this side of the House. I have managed to get treatment for a young boy to help him walk again and to arrange speech therapy for a young girl. We have achieved some great results. The Opposition asks Government members to support this bill. If Government members vote against it, they are not serving their communities. Once again, I am 100 per cent for the Tweed.

**Mr KEVIN HUMPHRIES** (Barwon) [5.20 p.m.]: It is with pleasure that I speak to the Garling Inquiry (Clinician and Community Council) Bill 2009, which establishes a council responsible for monitoring, evaluating and reporting to the public through the Parliament on the implementation of the recommendations of the Special Commission of Inquiry into Acute Care Services in New South Wales Public Hospitals. I commend the shadow Minister for Health for introducing this bill. As previous speakers have said, often the simplest bills are the best bills. We, and I hope the other side of the House, are committed to better medical and clinical care for all people in New South Wales. This bill has been framed very simply so that it is easily understood. The overriding principle in the bill is that a council be established to report to the Parliament, not to the Minister for Health, as proposed by the Government. We are accountable to the people of New South Wales, and the only transparent way of reporting to the people of New South Wales is through the Parliament. However, the upper House may have a few issues in that regard.

One problem with reporting to the Minister for Health is that people do not necessarily trust the Minister. The Health portfolio represents one-third of the State's budget—\$13.5 billion. The people of New South Wales require transparency and accountability in this area. That is why the Opposition seeks to establish a council to report to Parliament on the implementation of the Garling inquiry recommendations. The council will comprise eminent clinicians, staff members and respected community members across New South Wales. The Auditor-General has commented in his reports to Parliament on various portfolios about transparency and accountability. The health system is a good example of the need for transparency and accountability and goes to the core of the Government's problems. The creation of super sized area health services and the centralisation of decision-making have resulted in more layers of decision-making and bureaucracy in the health system. The Auditor-General has said that the more red tape and levels of bureaucracy introduced into a system, the more opportunity for concealing problems that arise. We end up with an increase in the number of layers to which blame can be shifted, with no-one taking responsibility for action that is needed at the local level.

The difference between the Opposition and the Government is that we will decentralise what we can and centralise what we must. One of the platforms of the New South Wales Liberal-Nationals Coalition has been the establishment of district boards in order to give the health system back to the people. That is what they want and that is what they need. The boards will allow local communities to develop their own priorities, in consultation with the professionals. They will introduce local accountable governance systems that engage local people, and they will get it right more often than the centralised systems, which are far too remote. In his inquiry, Garling identified that there has been a fundamental shift in the way we run our health system in New South Wales from a clinical community-based care model to a centralised bureaucratic system. The fundamental people responsible for delivering care in our health system—the clinicians, doctors, specialists, nurses and allied health employees—have been disconnected by this bureaucratic approach to health.

The change of Ministers over the years has not helped, nor has the culture of bullying in the health system. There are serious workforce issues in relation to bullying, and they have led to the workforce being unable to openly discuss issues and recommendations that could fix our health system. This bureaucratically heavy and centralised system has become very successful at concealing problems. The Liberal-Nationals Coalition has put forward this bill to expose the weaknesses in the system and to create a better health system for the people of New South Wales, particularly in accessing acute care services in our hospitals and raising standards. It is about continuous improvement. It is not about driving our health system into the ground. We know the current health system is not working because of the amount of money that is continually poured in to prop it up.

Extra money has been needed to pay doctors and nurses. Tens of millions of dollars have been spent to prop up the Greater Western Area Health Service. It got to the stage last year where the community became involved in civil disobedience measures in order to highlight the issue to the Minister, who visited Dubbo on a number of occasions. Our skilled people, our doctors, were not getting paid. After the fourth public protest, which was held in Dubbo, a senior area health official—based out of the city—rang me to say that the show of

public discontent out west was making it difficult to attract doctors and nurses to regional parts of New South Wales. I told him that paying staff would be a good basic recruiting strategy. He said that they were working on overcoming those difficulties. I advised this very senior departmental official that if the Government openly admitted what was wrong with the system, the community might stop raising these issues at public meetings. He said he was not in a position to do that. I informed him that the community would continue to run the public rallies until the health system was fixed.

The people of New South Wales have been shut out of this whole process. That is why we will establish local district boards. We will close the gaps in health. We will target all the recommendations that were made in the Garling report. Shame on the Government if it is not able to articulate openly and transparently to the people of New South Wales the progress that should be made, and indeed needs to be made, in terms of the Garling report. Some of the specific issues in the report to which I will refer have been mentioned today and some have not. The first item I comment on is recommendation 12 (a), which states:

NSW Health should take immediate steps to enhance the supply of a skilled workforce of clinicians to rural areas by ways which include, at least:

- (a) Giving consideration to whether there is an available process by which there ought be made compulsory a rural training term for employed junior medical officers in their second and third year of employment with NSW Health...

This is something that rural doctors have been calling on for years.

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

## PRINTING OF PAPERS

**Motion, by leave, by Dr Andrew McDonald agreed to:**

That the following papers be printed:

Reports for the year ended 30 June 2008 of:

- Administration of Agricultural Statutory Authorities
- Consumer, Trader and Tenancy Tribunal
- Nature Conservation Trust of New South Wales
- New South Wales Aboriginal Land Council
- New South Wales Climate Change Fund
- New South Wales State Emergency Management Committee
- Official Community Visitor Scheme
- Ovine Johne's Disease Transaction Based Contribution Scheme
- State Rescue Board of New South Wales
- Waste Recycling and Processing Corporation (trading as WSN Environmental Solutions)
- Wild Dog Destruction Board

Half yearly reports for the period ended 31 December 2008 of:

- Country Energy
- Delta Electricity
- EnergyAustralia
- Eraring Energy
- Hunter Water Corporation
- Integral Energy
- Landcom
- Macquarie Generation
- Newcastle Port Corporation
- NSW Lotteries Corporation
- Port Kembla Port Corporation
- Rail Corporation New South Wales
- Rail Infrastructure Corporation
- State Water Corporation
- Superannuation Administration Corporation (trading as Pillar Administration)
- Sydney Ferries
- Sydney Ports Corporation
- TransGrid
- Transport Infrastructure Development Corporation
- Waste Recycling and Processing Corporation (trading as WSN Environmental Solutions)

Report of the Electoral Commission on the by-election held in the electoral district of Cabramatta on 18 October 2008

Report of the Electoral Commission on the by-election held in the electoral district of Lakemba on 18 October 2008

Report of the Electoral Commission on the by-election held in the electoral district of Port Macquarie on 18 October 2008

Report of the Electoral Commission on the by-election held in the electoral district of Ryde on 18 October 2008

Chairperson's Report of the Victims Compensation Tribunal of New South Wales for the year ended 30 June 2008

New South Wales Government response to Legislative Council General Purpose Standing Committee No. 5 Report No. 28: The Former Uranium Smelter Site at Hunter's Hill, dated March 2009

Report of the Wine Grapes Marketing Board for 2008

### **PRIVATE MEMBERS' STATEMENTS**

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

#### **HOLDEN STATE NETBALL CHAMPIONSHIPS**

**Ms NOREEN HAY** (Wollongong) [5.30 p.m.]: I inform the House of a prestigious three-day sporting event that recently took place at Fred Finch park, Berkeley, in my electorate of Wollongong. After days and days of rain, the clouds parted and the sun shone through as Wollongong turned on its best weather for the participants of the 2009 Holden State Netball Championships. As the local member, I am allowed to be biased in my view that these championships could not have been held in a better location, with some of the best sporting facilities available in the State. Wollongong, and indeed the whole of the Illawarra region, has a proud history of sporting achievement. The tradition within netball in the region runs particularly strong, with the host association, the Illawarra Netball Association, celebrating 60 years in the region last year.

On 6 June more than 2,000 players and officials converged on Fred Finch park to participate in the championships, turning the sporting field into a makeshift tent city, which was to be home to some 23 teams from all over New South Wales. I acknowledge a number of VIPs who attended the opening: Mrs Wendy Archer, AM, Netball New South Wales president; Carolyn Campbell, Netball New South Wales general manager; Netball New South Wales board members; former Australian captain Liz Ellis, AM; Ray Grant, Gateway Motor Group, representing Holden; Mike Archer, Bluescope Steel; Netball New South Wales and Illawarra Netball Association life members; and, travelling from Queanbeyan on the day, the wife of the Minister for Emergency Services, Sheree Whan.

Illawarra had five teams playing in the titles, with a team participating in every division—a first for quite some years I am advised. Illawarra finished a very respectable twelfth overall after playing 22 gruelling matches over the three-day event against some very fierce competition. I take this opportunity to recognise the great work that Netball New South Wales has undertaken in developing a strong athlete pathway for young netballers statewide. Through its development programs, many young athletes are being provided with the best resources and encouragement to achieve through their sport. I know that in the Illawarra, as is the case across New South Wales, the regional academies of sport are an integral part of athlete development and that the partnership between both regional academies, such as the Illawarra academy, and Netball New South Wales is a strong and beneficial one for the future of netball.

Sport plays an important role in developing the physical, social and mental wellbeing of people, both young and old, as well as in encouraging people to develop teamwork and leadership qualities, which are valuable life skills. It is important, especially in the current environment, that we value the role that sport can play in the broader picture, providing a healthy and positive environment for people to engage with each other and strengthen their communities. I congratulate the Illawarra Netball Association and all the volunteers on their outstanding effort in making the 2009 Holden Netball State Championships such a resounding success. I am sure the House will be pleased to know that Berkeley's Fred Finch Park will host the titles in 2011—clearly an acknowledgement of the success of this year's event and the quality of the facilities located there.

I am very proud of the facilities available in Berkeley and I am very proud of the way that the Berkeley community came together very early on a chilly morning to welcome visitors from all across New South Wales—team advisers, supporters, the young participants and their families. I was moved when I saw some of the tiny tots who were leading some of the teams in the acknowledgement procession around Fred Finch Park. I cannot remember seeing such a sporting event with so many people at a local level for a long time. I was very

proud of the way the athletes were received but, more importantly, very proud of the way that everybody participated in a good, supportive, friendly and sporting manner. I congratulate everyone who participated in the event.

### PARLIAMENTARY LIBRARY OFFICER DAVID CLUNE

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [5.35 p.m.]: The conclusion of *Decision and deliberation: the Parliament of New South Wales, 1985-2003*, says:

As in society at large, the business of this Parliament develops by compromise and negotiation, by a process in which conflicts are resolved on the basis of shared underlying assumptions and values. The process may seem too untidy to some, too uncertain to others. From a positive standpoint, the case for Parliament can always be overstated. Nonetheless, at the highest level in this polity, the Parliament of New South Wales is the forum that encapsulates and expresses the pluralistic, creative and all too human endeavour that goes by the name of politics.

I pay tribute to one of Parliament's most valuable and faithful officers. I am not talking about a Speaker, Premier or some other elected representative, nor am I speaking about a long-serving Chamber officer who has helped guide proceedings for decades. Instead I pay tribute to one whose work rarely attracts the limelight focused on the rest of us; someone who, throughout a 35-year career here, has supported the work of members on behalf of those we represent and—more importantly, in my view—has worked to ensure that our parliamentary system and its history are better understood by the wider community and succeeding generations.

David Clune began his career in the Parliamentary Library on 2 December 1974, when Bob Askin was Premier, Neville Wran was Opposition Leader and Jim Cameron was Speaker of this place. During his distinguished career his service has spanned the terms of nine Premiers, six Speakers, four Clerks of the Legislative Assembly and far too many Leaders of the Opposition. David Clune deserves to be proud of his career in the Parliamentary Library and the New South Wales Parliament. Arriving here freshly minted with a Bachelor of Arts degree from the University of Sydney and a Diploma in Librarianship from the University of New South Wales, David's first decade was spent dealing with newspapers and reference services for members. He was the Parliament's first media librarian and introduced its well-used media monitoring service.

During his second decade here, David Clune served as senior librarian, heading the library's information resource unit where, amongst other advances, David helped introduce new technology to assist library staff and members alike. Along the way, David managed to find time to further his academic studies. In 1982 he earned a Master of Arts from the Department of Government at the University of Sydney, studying the 1941 election from a rural perspective. David followed up in 1991 with a PhD focused on the longevity of government referencing Labor's rule from 1941 to 1965. It is clear from these studies and other writings that David has a soft spot for Bill McKell, a Labor Premier who combined a commitment to principle, down-to-earth decency and deft political skills to advance the interests of the State—the type of old-style Labor so evidently absent from the modern politics of this State. In 1994 David became Manager, Research Services—a position he continues to hold to this day.

In all these roles, like his colleagues across the library's various sections on level 6, David has worked to assist members with their varied requests from the routine through to the rhetorical. Like one of my predecessors, I have found David a great source of parliamentary anecdotes. Overwhelmingly these vignettes of our parliamentary history have been fascinating and well received, but I confess on occasion decorum prevented the public recounting of a ribald nineteenth century anecdote that had tickled his fancy and mine. I pay particular tribute to David's work on the history of this place. It was this work that brought me into closer contact with this remarkable man, who has a passion for the New South Wales Parliament and what makes its tick. Along with his colleagues and, at times, co-conspirators Michael Hogan and Ken Turner, David has contributed to a body of work on this place, the people who have served here and the electoral battles that have been waged for 153 years of which we can all be proud. They range from his contributions to publications such as the *Australian Journal of Politics and History* through to books such as *Decisions and Deliberations*, the official unofficial history of this Parliament from 1856 to 2003, which he co-authored with Gareth Griffith.

I had the honour of seeing David in action during our membership of the Committee on the Sesquicentenary of Responsible Government in New South Wales 1856-2006. Without any disrespect to any other members of the committee, especially its chairman and our friend in common Rodney Cavalier, David was the general in command. Whether drawing on his experience to ensure the commissioned projects possessed the desired integrity, scope and quality, his expertise in helping to steer the committee's work through the labyrinthine bureaucracy or his diplomacy in handling the egos and personalities of those involved in the

project, David Clune's efforts were central to its success. The success of that project should be regarded as one of David's many achievements during his 3½ decades of service to the people of New South Wales through the Parliamentary Library.

Fittingly, in 2001, David was appointed New South Wales Parliamentary Historian. I pay tribute to David today because next month he will take leave to finalise another project—a book on the State's Governors, to be published as part of our celebration of one of its greatest: Lachlan Macquarie. David will then take an early retirement. It is a decision that many people in and around this place and beyond regret. It is a decision I regret and, were I able to advance the clock by 18 months, it is a decision I would take steps to try to prevent. As one who knows his work well said to me:

David is an unheralded jewel of the New South Wales Parliament, a not unimportant part of the fabric that gave the Parliament its character.

Just as I miss my conversations with Andrew Tink, a former member for Epping, so too will I miss my chats with David Clune. I will miss his insights, his humour, his patience and his service. On behalf of my Liberal-Nationals colleagues past and present, and on behalf of David's many friends and colleagues in this place and beyond, I place on the public record our thanks for all his efforts on behalf of the people and the Parliament of New South Wales. I make two final requests. By agreement with the Leader of the House, I seek leave to have a list of David Clune's publications incorporated into *Hansard*. Finally, I ask you to consider offering the title of New South Wales Parliamentary Historian Emeritus to this noble servant of the State.

### **Leave granted.**

#### **DAVID CLUNE PUBLICATIONS**

'The State Labor Party's Electoral Record in Rural New South Wales 1904-1981' in *Labour History*, No. 47, November 1984.

'The NSW Election of 1941' in *Australian Journal of Politics and History*, Vol. 30, No. 3, 1984.

'NSW Labor in the 1950s: the Cahill Government 1952-1956' III *Traditions for Reform in NSW: Labor history essays*, Pluto Press, 1987.

'The McKell Style of Government' in Easson, M, ed., McKell, Allen and Unwin, 1988.

'Parliamentary and Extra Parliamentary Labor: New South Wales 1941-1965' in *Labour History*, No. 62, May 1992.

'The Legislative Assembly of New South Wales 1941-1991' in *Legislative Studies*, Vol. 7, No. 1, Spring 1992.

'From McKell to McGirr' in *Journal of the Royal Australian Historical Society*, Vol. 79, Pts 1 and 2, 1993.

'The Decline and Fall of the Labor Government in New South Wales 1959-1965' in *Australian Journal of Politics and History*, Vol. 39, No. 3, 1993.

*Australian Dictionary of Biography*, Melbourne University Press, 'QS Spedding', Vol. 12, 1990; 'JJ Cahill', Vol. 13, 1993; 'AG Enticknap', Vol. 14, 1996; 'J McGirr', Vol. 15, 2000; 'WF Sheahan' and 'FE Stewart', Vol. 16, 2002; 'WR Colbourne', Supplement 1540-1980, 2005; 'JT Kane', Vol. 17, 2007; 'A Landa', and 'JB Renshaw', Vol. 18, forthcoming.

*Biographical Dictionary of the Australian Senate*, 'JG Arkins', 'J Dunn', 'D Grant', Vol. 2, Melbourne University Press, 2004; 'J Arnold', 'JA Mulvihill', 'J Ormonde', Vol. 3, University of New South Wales Press, 2009.

'New South Wales Political Chronicle', *Australian Journal of Politics and History*, July-December 1996 to January-June 2002 (twelve chronicles).

Editor with Michael Hogan of *The People's Choice: electoral politics in twentieth century NSW*, Parliament of New South Wales and University of Sydney, 2001, 3 vols. Author of chapters '1941', '1947', '1953', '1959' and with Ken Turner '1973'.

'Back to the Future? The November 2001 Federal Election' III *Australasian Parliamentary Review*, Vol. 17, No. 1, Autumn 2002.

'Bob Carr: the unexpected colossus' in Wanna, J, and Williams, P, eds., *Yes, Premier: Labor leadership in Australia's States and Territories*, University of New South Wales Press, 2005.

'Howard at the Crossroads? The October 2004 Federal Election' in *Australasian Parliamentary Review*, Vol. 20, No. 1, Autumn 2005.

With Gareth Griffith, *Decision and Deliberation: the Parliament of New South Wales, 1856-2003*, Federation Press, 2006.

Editor with Ken Turner of *The Premiers of NSW, 1856-2005*, 2 vols, Federation Press, 2006. Author of chapters 'SA Donaldson', 'CG Wade', 'GW Fuller' and 'JJ Cahill'

'Elections, policy and politics: an overview' in Bramston T, ed., *The Wran Era*, Federation Press, 2006. 19.

'Michael Maher: a good local Member' and 'Reg Downing: a safe pair of hands' in Turner, K, and Hogan, M, eds., *The Worldly Art of Politics*, Federation Press, 2006.

With Gareth Griffith, 'Arena v. Nader and the waiver of parliamentary privilege' in Winterton, G, ed., *State Constitutional Landmarks*, Federation Press, 2006.

Editor with Eamonn Clifford and Antony Green of *Electoral Atlas of NSW*, 18562006, New South Wales Department of Lands, 2006.

Editor with Ken Turner of *Writing Party History: papers from a seminar held at Parliament House, Sydney, May 2006*, New South Wales Parliament, 2007.

'1858 and 1859' in Hogan, M, Muir, L, and Golder, H, eds., *The People's Choice: electoral politics in colonial NSW*, Federation Press, 2007.

'New South Wales Premiers' in Galligan, B, and Roberts, W, eds., *Oxford Companion to Australian Politics*, OUP, 2007

'Morris' Minor Miracle: the March 2007 New South Wales Election' in *Australasian Parliamentary Review*, Vol. 22, No. 2, Spring 2007.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [5.40 p.m.]: It saddens me to respond to the Leader of the Opposition's glowing tribute to David Clune. Only a couple of hours ago I became aware of the fact that David Clune is retiring. I was shocked and saddened by the news, and I emailed him to express my feelings about his retirement. Having heard comments made around the Chamber today and having listened to the tribute of the Leader of the Opposition, it is obvious that many members will be shocked and saddened also.

David Clune is an institution in this place. He has been here for almost 35 years. The Leader of the Opposition has detailed the breadth and extent of his works, which are amazing. What came to the fore in his work was his contribution to the sesquicentenary committee, during which time I had the honour and the privilege to be the Speaker of the House. His contributions not only will hold the Parliament in good stead but will be part of the rich historical fibre of this State and nation. We owe him much in that regard. As the Leader of the Opposition stated, David is retiring early so that he can work on a book. I understand that he, along with Associate Professor Ken Turner, is going to be working on the chapter of the Governor's book that deals with her Excellency Marie Bashir.

I am pleased to say that David Clune is undertaking another project. On my recommendation, the Premier appointed him to the Macquarie 2010 Bicentenary Celebration Committee, of which I am chairman. He is already doing outstanding work in that regard. Along with Professor Jill Roe and Associate Professor Ken Turner, he has formed an historic subcommittee of that committee to document and help research the work of Lachlan Macquarie to ensure that we make it a very fitting celebration next year. I am sorry to see David Clune go. He will be a great loss to this Parliament and a great loss to New South Wales in terms of his contribution to this Parliament. I know many, many people—current and past members from all sides of the House as well as the Independents—will pay him huge respect for the work he has done and continues to do.

**The SPEAKER:** As Speaker of the House I join with the Leader of the Opposition and the Leader of the House in congratulating David Clune on his remarkable contribution to this place and to history because of person he is. He is passionate—and I can assure the House that it is a passion—in delivering the wonderful publications and the anecdotes that many members have referred to. Next Tuesday 30 June at 10.00 a.m. in the Parkes Room a morning tea will be held to honour and celebrate David's contribution. I look forward to looking very favourably at the requests that have been made today. I cannot think of a more worthy person to be honoured in this way by this Parliament. I congratulate David Clune on an outstanding contribution.

### JETSTAR AIRWAYS

**Mr PAUL GIBSON** (Blacktown) [5.45 p.m.]: My good wishes go to David Clune also. Tonight I speak about Qantas, the great Australian airline, regarded throughout the world today as one of the safest and best airlines in the whole world. Back in 2003, Qantas established a low-cost domestic carrier called Jetstar. Jetstar carried its first domestic passengers in 2004. At the end of 2005, Jetstar commenced operations out of Sydney, Melbourne, Brisbane and the Gold Coast. Since then, Jetstar has carried hundreds of thousands of people on domestic and international flights. Everything had been going well for the airline until recently, when alarm bells started ringing—not from a safety point of view but from a passenger point of view. Jetstar has hit turbulence that is not going down too well with the public.



The turbulence is that Jetstar does not seem to want to fly its planes unless they are full. It seems that unless the plane is full it suddenly develops mechanical problems and the flight is cancelled. It is happening too often. Jetstar does not care too much about people's arrangements and commitments. It does not care too much about passenger meeting times and dates. It does not care too much about connecting flights, taxis or hire car arrangements. It does not care too much about friends, colleagues and family who have taken time off work to pick up people from different airports. Kingsford Smith would be ashamed of the way that Jetstar is running its planes at the moment. The other day somebody said to me sincerely that Jetstar should think about changing its name to "Jokestar".

I have had quite a few sad experiences with Jetstar—the latest one last Friday. I was booked on the 6.20 a.m. flight to the Gold Coast. At about 7.00 p.m. on the Thursday night I received a message on my phone to say that the early morning flight had been cancelled. It is very hard to arrange another flight at such short notice. And that was not the first time that one of my flights had been cancelled. When I got to the airport many people were criticising Jetstar. When I got to the other end of my journey they were still criticising Jetstar. If you google "don't fly Jetstar", you get thousands and thousand of hits, not all criticising Jetstar but many do. If you google "Jetstar flight cancellation" you can read thousands of stories—more stories than you would find on the streets of San Francisco. If you google "Jetstar cancellation" you will see thousands of stories there as well.

Only yesterday, six mates from the Gold Coast were coming down to Sydney to watch the State of Origin. They were told that the 12.25 p.m. flight would be at least four hours late and would not leave until 4.05 p.m. They were also told they would not get a refund. They were left \$1,000 out of pocket. Luckily, they then decided to fly with Virgin Blue, which cost them more money. The Jetstar flight they had originally booked did not leave the Gold coast until 5.00 p.m. On 23 June Jetstar cancelled three flights in 24 hours. Passengers who were supposed to fly out of the Gold Coast on Sunday night had their substitute flight cancelled at 9.00 a.m. and again at 11.00 a.m. Eventually they were bussed to Brisbane in the mid afternoon the following day and arrived home a day late.

Also on 23 June, hundreds of Jetstar passengers were transferred to other flights after an airport handler used a remote control on the wrong plane, forcing the cancellation of six flights. On 18 June—the night of the Australia versus Japan soccer match—a flight from Sydney to Melbourne, via Brisbane, took eight hours because the plane sat on the tarmac for a number of hours. The return flight from Avalon to Sydney was cancelled. Again, the passengers ended up flying on other airlines. On 3 October 2008, 160 travellers were supposed to catch the 6.20 a.m. flight to Melbourne but it was cancelled at 4.30 a.m. as passengers arrived at the airport. A party of eight people who arrived at 5.10 a.m. were told the flight was cancelled and that they should return home to find flights on the Internet. They were also told their money would not be refunded for five to six weeks. There are many more examples of such incidents.

On 2 February 2008, "Jetstar treated us like animals", people said. After waiting five hours in a line, 300 passengers were kicked out of Sydney Airport and forced to camp outside overnight in the rain—no toilets, no food—after the flights were cancelled. This is not good enough. It is an appalling way to treat passengers. It is very arrogant, very irritating and very unprofessional and, more than anything, it is very un-Australian. If Jetstar has to cancel so many flights because of mechanical problems, one has to ask: Should they be in the sky at all?

### MALE VICTIMS OF DOMESTIC VIOLENCE

**Mr RUSSELL TURNER** (Orange) [5.50 p.m.]: I raise a serious issue that is occurring not only in my electorate but also, I am sure, all over New South Wales. I refer to services provided by the Department of Community Services and other services that are funded through similar departments. There is a lack of support for males who are involved in marriage break-ups and domestic violence, and especially for the children involved when they are living with their father either by choice or as a result of a court order. I will read into *Hansard* a letter that I have received from a constituent who is in a situation such as I have just described. He writes:

Recently my eldest daughter produced my first grandchild. She has a sister and brother. Her brother is now 17 and her sister is 21.

Their mother left the family home when my son was 9. Since that time I have been a sole parent. The support available for males like me is practically zero. My ex wife received support from all and sundry, told incredible lies in the divorce, was believed by Centrelink, CSA—

that is the Child Support Agency, which is a federally funded body—

—and local church support organisations despite the fact I was the custodial parent.

After the recent birth of my grand daughter ... each of my children received abusive and threatening sms' from my ex wife's partner's children. The only way they could have known those mobile numbers was to be given them by my ex wife! And yes the new mother, my eldest, was subjected to this garbage!

Each of my children was traumatised by these infantile and cruel messages. My son despite his youth was very clever and kept the messages going back and forth to establish strong evidence of the exact events.

I subsequently approached the Orange Police and received great support from one of the senior constables there. At last, after 9 years of lies, emotional and mental abuse, malicious damage to my car, theft of items from my (& my son's home) by the ex-wife and her partner etc., I found somebody who saw EXACTLY what was going on! My son's cleverness to save all the relevant sms' & phone numbers clearly helped.

That policeman approached my ex and her partner about the sms' and his response per the police officer was "Oh they started it!" He didn't say what he thought but it was obvious once the fool had made that comment. The ex's partner was told that under no circumstances is there to be contact by him or his family with me or my children. Thank God they have been frightened off and we have been able to get on with our lives, as a result!

Because my son is doing his HSC this year and my second daughter is in her final year of nursing at Uni I asked the Police to intervene to stop this abuse of my children. The Police Officer said he could refer the matter on if I gave permission. I did that and have now received the enclosed by way of reply!

I will read into the record the reply from Operation Courage, which is the Orange Domestic Violence Service. It states:

Your details have been forwarded to me by Orange Police after a recent domestic incident. Unfortunately Operation Courage is not funded to work with male clients but I have enclosed some information that may assist you.

It is signed "Cathy". His letter goes on to say:

My purpose in writing to you is not for myself. The purpose is to demonstrate that the bureaucracy has no interest in children of male sole parents nor those fathers. The funding is 'only available for women'! This is clear discrimination against men and children of fathers where domestic violence of the worst kind - inflicted by a mother - is involved!

I find funding, discriminating against fathers who turn themselves inside out to protect their children and ensure they have the opportunities they deserve, unacceptable. I object to such use of taxes I pay. There should not be any discrimination against fathers or children of fathers in these matters. Funding should be for all or none!

My reference to you is because I believe funding provided to Central Tablelands Housing Association (CTHA) for "Operation Courage" should be withdrawn if the discrimination is to continue. Note that there is no return address on the letter nor is there a full name of anyone let alone the so-called co-ordinator! "Courage"! "Cowards" is more suitable!

I am going to run out of speaking time. My constituent goes on to say that he did receive some assistance, but only for a short period. He said that despite his ex-wife earning something like \$80,000 a year she had not contributed to the upbringing of those children.

### WALLSEND ELECTORATE CRICKET

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [5.55 p.m.]: As winter takes hold in New South Wales, the football codes fight for supremacy as the major winter sport. They all strive to be the truly national winter game but, with all due respect to the football codes of this country, I do not believe any of them can claim the auspicious title of "the national game". The effort is not the same in the summer months. The game of cricket has dominated the Australian landscape in the summer months for more than a century. This being an Ashes year, the interest in the game will be at an all-time high. At the moment the Australian cricket team is the number one test-playing nation as well as the 50-over world champion. Shame about the Twenty20 but, as members know, you cannot have everything! May I suggest that the extraordinary number of volunteers who willingly and happily donate their precious time displays the strength of the game.

The Newcastle District Cricket Association, or Northern District Association, as it was formerly known, was formed on 30 August 1889, with 15 clubs affiliating on the night. As was common in those days—and some might argue even today—the inaugural meeting took place in a pub, the Centennial Hotel. Mr Tom Raysmith offered to donate a 20-guinea cup as the trophy prize for the competition—a not untidy sum in the late nineteenth century. From its inception, the Wallsend electorate has had representation in the organised competition. When it comes to cricket and politics, most of us think of Sir Robert Menzies, Bob Hawke and the self-confessed cricket tragic, John Howard. Yet I wonder how many people would know that Sir Edmund Barton, Australia's first Prime Minister, wielded the willow in the Hunter area in 1872 or that Sir George Dibbs, a future Premier of New South Wales, also played cricket in the Hunter in the 1860s. As members can see, the association of cricket and politics in this country is a very long one.

We all know the broad range of benefits of physical activity for our health and wellbeing. We also recognise the advantages of participating in a team environment. It plays a vital role in binding our communities together, from developing the self-esteem of young people to maintaining the health and fitness of senior citizens and nurturing talented athletes, and improving everyone's enjoyment of life. There are also potential environmental, social and economic benefits to being more active in our lives. Sport or other physical activity can help people enjoy a longer life, be less likely to have a heart attack, reduce the risk of developing diabetes, feel more energetic, manage their weight, have lower blood pressure, stronger bones and muscles, a better sleeping pattern, and feel more confident and happy. I encourage everyone to become involved in a team sport to promote health and wellbeing, both physically and mentally. I know firsthand that sporting clubs in my electorate welcome the participation of new and old members alike at whatever level they are comfortable with.

It makes me very proud to mention three local boys who have done the Wallsend electorate particularly proud. Scott Sharma, from Wallsend, is a very talented young sportsman who has achieved a scholarship from Cricket NSW to play in England, and Burt Cockley and Mark Cameron from Lambton and Waratah Clubs have won titles in the New South Wales and Australian second eleven, which is a coveted team of up-and-comers! I convey my congratulations to these gifted young cricketers and to the Newcastle District Cricket Club, which won the Country Championships and the State Cup last year. It was my pleasure to attend the Newcastle District Cricket Association's 2008-09 season presentation evening on Friday 29 May 2009. It was a wonderful evening and I thank all members who made me particularly welcome, especially the management committee led by the chairman, Paul Margery-Banks, and the secretary, Royce McCormack. It was great to see that after more than a century cricket in Newcastle is stronger than ever.

### **HOUSING CONNECTION (NSW) INCORPORATED**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [6.01 p.m.]: I draw the attention of the House to an organisation that is very active in the electorate of Willoughby and the lower North Shore and which involves a group of quiet achievers. I refer to the Housing Connection (NSW) Incorporated. I had the privilege of meeting with representatives of Housing Connection last year and acquainting myself with the organisation's services. It is appropriate that I inform the House about the great work the organisation and the excellent model it has developed to support people who want to live independently in the community but who might have a disability or illness that precludes them from doing so.

Housing Connection is a not-for-profit charitable community organisation that proudly provides innovative, individualised and high-quality support to people with disabilities living in the community. The organisation's office is located in Chatswood in the heart of the electorate of Willoughby. As I said, it provides services throughout the lower North Shore in a number of local government areas. The organisation is delighted that groups in other parts of Sydney, including the eastern suburbs, have contacted it to find out how they can replicate its very effective model. The Housing Connection organisation was established in 1981 by local families and others who saw the need for more flexible living options as an alternative to institutional models of care. The families got together and established a transitional group home that provided 24-hour support and an opportunity for individuals to develop their living skills and to move into more independent living. The organisation has subsequently expanded to provide a more flexible drop-in model of support tailored around the specific needs of each person.

From the beginning, the aim was to provide appropriate, individually tailored training, support resources and opportunities to enable people with disabilities to live as independently as possible in a home and community of their choice. Housing Connection currently supports 46 clients in two programs—39 within a supported living program and seven as part of the transition to work program. The organisation has historically provided support to adults with an intellectual disability. That has included a large number of adults with a dual diagnosis, including a mental health issue. In 1995 the organisation expanded its constitution to cover disability more generally. However, the bulk of people it supports have an intellectual disability and dual diagnosis. As members know, unfortunately people with a dual diagnosis often fall through the cracks because they do not fit neatly into the boxes dealt with by government funding agencies. That is why organisations like the Housing Connection are vital. The organisation has provided me with a briefing paper, which states:

We work to provide each person with the maximum possible choices in relation to accommodation preferences, with whom a person lives, daily lifestyle and opportunities for community interaction. With the person we work together to determine their support needs, their skills, their aspirations and dreams. We pride ourselves on our creativity—we will do anything within our resources that will help the person realise their aspirations and dreams.

As stated, the support programs offered vary in scope up to 24 hours a day, depending on the needs of the individual. This could include training in a range of social, domestic, personal and interpersonal skills to enable

individuals to do things for themselves and to be as independent as possible. Training and support is offered in a number of areas. The organisation offers a two-year transition to work program especially targeting school leavers to support their transition to vocational education and open employment.

Housing Connection is special because it tailors its services to meet the needs of the individual. This means that individuals are dealt with at a personal level and a program is tailored specifically to what they need and what they want to achieve. It is also heartening to know that so many committed and trained staff are working with the organisation. It also relies on the valuable input of volunteers. Great enthusiasm and innovation is offered by voluntary board members who provide enormous support to the organisation and to those working on the front line. It is important to note quiet achievers in the community such as Housing Connection and to thank them publicly for the fantastic work they do to support individuals and their families in need in the Willoughby electorate and the lower North Shore.

### CENTRAL COAST ARTIFICIAL REEF PROJECT

**Mr GRANT McBRIDE** (The Entrance) [6.06 p.m.]: I relate to the House the story of HMAS *Adelaide*, a naval ship recently decommissioned from the Royal Australian Navy that will become an artificial dive wreck located south-east of The Haven at Terrigal. I have been associated with the artificial reef on the Central Coast since I attended a public meeting held by the Central Coast Artificial Reef Project at the Ourimbah Campus 10 years ago. As the member for The Entrance, and Minister for the Central Coast from 2004 to 2007, I have been associated with the bids for HMAS *Brisbane*, HMAS *Canberra* and the successful bid for HMAS *Adelaide*. The argument for the creation of an artificial reef on the Central Coast is a no-brainer. It will go ahead, notwithstanding what has been written in the media and what has been said about the project by the member for Terrigal.

HMAS *Adelaide* has been decommissioned and is moored adjacent to the Anzac Bridge in Sydney, ready for the next phase of preparations. The negotiations between the Federal Government and the State Government will come to a conclusion soon—and by "soon", I mean weeks, not months. HMAS *Adelaide* will be scuttled at Terrigal as an artificial dive reef, and it will become the next must-see tourist destination on the Central Coast. In saying that the project is a "no-brainer", I ask members to think about these tourism statistics. The population of Terrigal and surrounding areas comprises 500,000 people in the Hunter, 4.5 million in Sydney, 300,000 in the Illawarra, and another 300,000 on the Central Coast. That is a total population of 5.6 million people in New South Wales who live within 100 kilometres of this dive wreck. An enormous number of people who live within an hour or an hour and a half's drive will be able to access the wreck.

In addition, the wreck will attract international visitors. Horst Endrulat, the Chief Executive Officer of Central Coast Tourism stated that the dive wreck will be an enormous boon for the Central Coast and estimated that it would earn up to \$15 million for the local economy in the first year after it is established. Once the ship is sunk—the day it is sunk—it will start to earn money and employ people. That is one of the big bonuses for the Central Coast and its economy. This site will generate employment for hundreds of people indirectly and 100 or more directly, including those involved in the dive industry, the tourism industry and in the maintenance of other facilities and associated equipment. The member for Terrigal has asked why the project has been delayed. I remind him of the recent history of the establishment of artificial reefs. In 2002, Howard gifted HMAS *Brisbane* to Queensland at no cost when Premier Beattie refused to pay for it.

Premier Beatty said to the Howard Government, "If you do not pay for the full cost you can take back the boat, and suffer the electoral consequences associated with it." Beatty won. In 2006 Howard gifted the HMAS *Canberra* to Victoria at no cost. On current estimates, it will cost between \$7 million and \$8 million, and it has still not been completed. In 2007 Howard gifted the HMAS *Adelaide* to New South Wales with a \$3 million commitment. The argument now is how that extra \$3 million or more will be shared between the New South Wales and Federal governments.

The funding history begs the question: Why does the New South Wales Government have to pay the costs that were waived by the Howard Government for Queensland and Victoria? That is at the hub of the financial dispute. This dispute has been almost totally resolved and within weeks the project will go ahead. Given the money that is involved, it was appropriate for the New South Wales Government to seek an equitable solution that reflects the treatment of other States. In Queensland, HMAS *Brisbane* was scuttled at Mooloolaba and it has been an outstanding success, as will be the HMAS *Adelaide* off the coast of Terrigal.

### WHOOPING COUGH EPIDEMIC

**Mr DONALD PAGE** (Ballina) [6.11 p.m.]: I bring to the attention of the House the recent tragic death of young Dana McCaffery who died on 9 March this year at just four weeks of age. Dana McCaffery died of

whooping cough. Her parents, siblings and family are heartbroken to have lost their beautiful baby girl to a disease that could have been prevented by vaccine. At that young age Dana was too young to be vaccinated and she caught whooping cough from someone else. Since Dana lost her battle, her parents, Toni and David McCaffery, are determined to raise awareness about whooping cough, not only on the North Coast of New South Wales but also across Australia, to try to prevent something similar happening to others.

After Dana's death her grandfather, Ken McCaffery, a former board member of Royal North Shore Hospital and a very fine person, rang me to tell me about what had happened to Dana. I have referred to this issue in the House tonight to help the McCafferys with their quest to raise awareness of the whooping cough epidemic that is currently sweeping through New South Wales. The New South Wales Department of Health's communicable disease report, which is dated 17 May, states that more than 7,200 cases of whooping cough were reported in New South Wales in 2009, and we are barely halfway through the year. Children and teenagers from newborns up to 19 years of age are the most vulnerable.

Let me tell members the story of Dana McCaffery. She was born on 5 February 2009—a beautiful and healthy little girl. When she was 11 days old Dana started to be more unsettled at night, and at three weeks of age she started to cough. She tested positive for whooping cough and was admitted to Lismore Base Hospital. Tiny Dana McCaffery fought the bravest of fights, coughing uncontrollably, turning blue, and requiring oxygen. She developed pneumonia and was airlifted to the intensive care unit at the Mater Children's Hospital in Brisbane. Five days after being admitted to hospital Dana's condition worsened. Doctors tried desperately to save her. Toni McCaffery, Dana's mother, said:

We were powerless to save her. After nearly 10 hours of desperate blood transfusions Dana's beautiful heart stopped beating and she let out her last sweet breath.

The cause of Dana's McCaffery's death was whooping cough. Unbeknown to Toni and David McCaffery, New South Wales, in particular the far North Coast, was in the grip of a whooping cough epidemic. On 9 February, four days after Dana was born, the New South Wales Department of Health said:

Over 1,000 notifications were reported on the North Coast during 2008 making it the worst year on record with no sign of the outbreak losing its momentum. Whooping Cough can be ... very serious, even fatal, in babies.

The Department of Health said that in 2008 on the North Coast 37 people with whooping cough were admitted to hospital, including 17 babies aged less than 12 months. A spokesman said that, luckily, there had been no deaths associated with the outbreak. Obviously he spoke too soon. Toni and David McCaffery said that at no time after baby Dana was born were they warned of the local whooping cough epidemic—not by midwives, hospital staff or general practitioners. No health warnings were posted on notice boards. I empathise with the grief that Toni and David must have felt when they wrote:

We were inconsolable as we left our baby in the hospital morgue and drove home from Brisbane with an empty baby capsule. We weep as we explain to our children that their baby sister isn't coming home and remember her trusting eyes pleading for help. Our hearts broke when our six-year-old son helped carry her tiny pink coffin out of the church. And when our children ask why Dana died we falter because it was completely preventable.

We cry ourselves to sleep with memories of our daughter coughing until she could not breathe, attached to a ventilator, going into cardiac arrest and holding her bruised and swollen body after her heart stopped.

I ask the New South Wales Government to work with the McCaffery family to try to prevent whooping cough claiming any more lives. The McCafferys are asking all parents to vaccinate their children. They also want a free booster to be available for all adults and for all levels of government and health workers to improve the way in which the community is alerted to outbreaks of viruses and diseases. On the North Coast of New South Wales we have a whooping cough epidemic. Until Dana McCaffery's death hardly anyone knew about that epidemic. The Department of Health needs to make adults aware that the whooping cough vaccinations they received as children will wane after 10 to 12 years.

Adults need to have booster shots to protect themselves from whooping cough. They also need to have these booster shots so that they do not pass on whooping cough to other people, including babies like Dana McCaffery. As I said, it is believed that Dana contracted whooping cough from someone else and at four weeks of age she was too young to be immunised. I urge all adults to update their whooping cough injections so that we can minimise the impact of the epidemic on the North Coast. The Northern Rivers region has one of the lowest vaccination rates in New South Wales. If we, as a community, had ensured we were vaccinated against preventable diseases such as whooping cough we would not be mourning the death of four-week-old Dana McCaffery.

I acknowledge the good work being done in this area by the member for Lismore, who is in the chair. I am not the only person committed to the campaign to increase whooping cough awareness and the importance of immunisation so that people can resist whooping cough and, just as importantly, not pass it on to babies like Dana McCaffery. We are working together to increase public awareness of this problem. I am delighted to see that the Parliamentary Secretary for Health is in the Chamber. I would welcome some comments from him, as I am sure he would agree this is a very sad case. Anything that the Government can do to help increase the level of awareness would be much appreciated.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [6.16 p.m.]: This is a tragedy. I extend to Dana's family the sincere condolences of all members in this place. There are still too many incidences of pertussis. Young children rely for their protection on the herd immunity of all adults, as vaccinations are not effective until the age of six months. Modern vaccinations are safe, effective and have minimal side effects. Apart from a few rare medical contraindications there is no excuse for anybody to fail to vaccinate any child. It is everyone's responsibility to have the booster shots. I have had mine and I urge all adults on the North Coast, when they next see their general practitioner, to ask for their vaccination status to be checked and, if necessary, to have those adult booster shots. As the member for Ballina said, adults are a major reservoir for pertussis. Everybody has a responsibility to ensure immunity to pertussis, as these epidemics are likely to increase over the next few years. I commend the member for his statement and for sharing his thoughts with the House.

**ACTING-SPEAKER (Mr Thomas George)**: I thank the member for Ballina and the Parliamentary Secretary for their contributions tonight. Whooping cough is a major problem, especially in the electorates of Lismore and Ballina, which have the highest percentage of children to be immunised in New South Wales. Members would be aware that the member for Ballina and I are working on promoting whooping cough awareness. It was good to hear the comments of the Parliamentary Secretary for Health.

#### **MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART**

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [6.18 p.m.]: My comments tonight will pale into insignificance when compared with the comments of the member for Ballina relating to the important and serious matter that he raised. Last Friday I held a function at Bankstown Sports Club to help raise funds to support my current Supreme Court case against the New South Wales Crown and Chris Ronalds, SC. Approximately 340 people attended the fundraiser—people from all walks of life from the wider community, and people from Bankstown and outside my community. The three guest speakers at this function were Father Chris Riley, the Hon. Richard Amery and my instructing solicitor, Mr Ken Scully. All three made outstanding speeches that were well received by those in attendance. I take this opportunity to thank Father Chris Riley for his unswerving support throughout my entire ordeal—from my blackest days until now—as I convey the message and the truth about what confronted me.

My colleague and member for Mount Druitt, Richard Amery, has believed in me, along with many others in this House, and I thank them for that. Members on the Government side, members on the crossbenches, and members of the Opposition have come to me at various times to demonstrate not only their support but their understanding and belief in me and in my quest for the public and the House to know the truth. Richard Amery has believed in me strongly and that is indicative of the backbone of support that I have been given. My local solicitor, Ken Scully, along with John Kelly, Senior Counsel, has put a huge amount of effort and time into supporting my case. That is now showing dividends. I thank the hundreds of people who turned up at my fundraiser, along with the many who could not attend but who told me they would have liked to have been there and provided support in other ways. I thank them for their belief in my need to attain fair and reasonable justice after I was the victim of a malicious and unsupported allegation that, as we all know, led to my dismissal by the Premier of New South Wales as a Minister of the Crown.

During the past two weeks I have again attempted to resolve the issue without the need to progress it in the Supreme Court. In the main, this has again involved a proposition to the Crown that my matter be rightly subjected to a reinvestigation through a jointly agreed judicial process. Unfortunately, I have to inform the House that despite my good intentions I have not heard from the Crown in any form with regard to my well-intentioned proposition, a proposition that would save taxpayers a lot of money and angst in this fiasco. Unfortunately, at this stage, nothing has been heard at all.

Consequently, my matter against the New South Wales Crown and against Chris Ronalds, SC, will continue in the Supreme Court, with a substantive issue scheduled for 12 August this year. That will deal with

the constitutional aspects before I get into the substantive issues pertaining to my case. The Crown is arguing, in essence, that the Bill of Rights of 1688—100 years before Arthur Phillip came to Australia—was substantive enough and that my rights as a member in this House and my rights as a citizen do not need to be met. We say strongly that we have a case. We say that parliamentary privilege and immunity in my case do not exist because the report that was tabled in this House was already a public document in many ways. We also say that the process used in that report is an issue.

I hope fair and reasonable justice is achieved. I want to see the case end. I know it has upset the culture of this place. I apologise for that but I do not apologise for doing one thing that is so important—that is, protecting my name. I am only the custodian of my name. I have passed it on to my sons, who will take it on to further generations. I want them to do that proudly, without it being diminished by a false and malicious lie.

### GOULBURN ELECTORATE FUNDRAISING EVENTS

**Ms PRU GOWARD** (Goulburn) [6.23 p.m.]: At a time when New South Wales is economically stuck in the red and unable to pass go, residents in the Goulburn electorate are digging into their own pockets to raise money for the local community. We all know that much of this money is for core services and equipment, such as that needed by our hospitals. Had this Government put the community first in its budgets over the past years, those essentials might have come from government. However, two major fundraising events are planned for the next few months that I am pleased to have the opportunity to speak about this evening.

I have spoken before in this place about the Berrima District Credit Union Children's Foundation that has raised more than \$300,000 towards the new children's ward at Bowral Hospital. The credit union has now turned its sights and its heavy artillery on Goulburn Base Hospital and is staging a Dancing With the Starz Spectacular in September. In the spirit of community goodwill, although with some trepidation as I am not the world's most accomplished dancer, I submitted my name and, for better or worse, was chosen to compete. My partner, local dance instructor and ex-competition dancer, Warren Matthews, and I will be up against local talent, Greg Moore, Russell Hogan, Andy Curry, Morris Owen, Jess Deegan, Judy Ryall and Sharon Falconer. I only hope to be able to literally put my best foot forward for this very good cause. I assure the House I will not be giving up my day job.

The Berrima District Credit Union Goulburn Hospital Foundation aims to fund urgently needed equipment at Goulburn Base Hospital and the community health centre. Funds raised from the Dancing With the Starz Spectacular will go towards the purchase of a bariatric patient lifter, 10 baby cots for the maternity ward and a portable spirometer for people with lung and respiratory disease. Tickets for the night range in price from \$10 to \$100, and such is the community support—and horrible fascination—in Goulburn, I believe tickets have already sold out and a matinee event has been planned. Oh dear! That means some of us have to go through hell twice.

I am overwhelmed by such a display of support for our hospital from a community that has battled years of drought, the closure of major industries and unemployment. The ability of Goulburn residents not only to survive hardship but also to dig down to support their local community is astounding. They may also have heard that I am not a dab foot at dancing in high heels, so I might well be the night's comic entertainment. Still, my instructor—who is very competitive—is very supportive and strict so we might still give the other contestants a run for their money.

The other fundraising event in my electorate is being staged in Bowral. Members might be familiar with a new phenomenon that has grown in popularity since the economic downturn called a Swap or Switching Party. It is when people, usually women, or so I believe, get together to swap their clothes, thus reducing waste, recycling, and saving money all in one move—climate change, shop till you drop and economic belt tightening all fixed. The idea was born of a brainstorming session I had with my staff, Rebecca Reid and Keri Ahmet, at which we discussed what we could do to not only raise money for the local community but also engage the community and raise awareness of domestic violence.

We all know domestic violence exists but it continues to be the crime people are reluctant to talk about. It is, for many reasons, enveloped in secrecy and many victims are reluctant to ask for help. The Southern Highlands Domestic Violence Forum is an extremely active group of people comprising, amongst others, Senior Constable Felicity Hanson and Simone Haughton; Highlands Community Centre Manager Nikki McAdoo, and community worker Michelle Coates; Coordinator of the Wingecarribee Family Abuse Prevention Service Finette English; the Centre of Youth, Cristy Hicban; clinical senior social worker Leonie Parsons; the Manager of Wingecarribee Family Support, Donna Crawford, and Department of Community Services Brighter Futures caseworker Kim Larratt

This group meets on a regular basis. It offers ongoing support for victims of domestic violence. We thought this forum would be able to guide us where to give the money. That group would be a perfect recipient for the money we raise from a clothes Switching Party to be held on 7 August. Fashion icon and media star Deborah Hutton has very kindly agreed to open the event for us and, for a minimal outlay of money as a nominal cover charge, fashion lovers will be invited to trawl through their wardrobes and update their fashions. It is a guilt-free, chic solution that will raise money to help support victims of domestic violence and raise community awareness of this dreadful crime. It is very much a win-win! As I said earlier, I am constantly in awe of the generosity and kindness of the community of Goulburn and the Southern Highlands and salute them for their commitment to making our place a better place.

### **TAFE TERTIARY PREPARATION COURSE**

**Mr RICHARD TORBAY** (Northern Tablelands—Speaker) [6.28 p.m.]: Some of the most challenging education issues facing us concern school retention rates and accelerating more people from lower socioeconomic backgrounds into university. The impetus is that our society is changing and most of the jobs of the future require higher academic qualifications than in the past, when blue-collar jobs were more plentiful. While this debate rages, it is often overlooked that we already have a weapon in our armoury that is successfully giving people from those target groups either a second shot at education or support to continue at school. Not long ago I was invited to meet a group of students aged from their late teens to their forties undertaking their tertiary preparation course at the Armidale TAFE. Of the 12 students aiming to complete their Higher School Certificate this year, the majority are planning to go on to university.

One of the reasons for my visit was to hear an account from a mature-age student, Ben McLean, aged 29, who completed the tertiary preparation course and is now studying part time for his Bachelor of Education at the University of New England. His wife is studying nursing and the couple has two children. Ben told the class a familiar story. He hated school and left at age 15 years in year 10. He worked as a labourer on building sites and in the mining industry. It was not until he married and had children that he decided the best way to get ahead was by linking back into education through TAFE. He describes his time in the tertiary preparation course as initially very difficult as he had a lot of catching up to do, but to his surprise he discovered for the first time that he loved learning—they are great words. He also says he found TAFE an ideal environment with no bells ringing for classes, and skilled and supportive teachers who encouraged him through the difficult times. He enjoyed working with his fellow students and said what surprised him most was the confidence he began to feel in his ability to study and achieve.

In discussions after Ben's talk the other students said they too had been unable to thrive at school and liked the more adult teaching and learning environment and interaction with teachers at TAFE. They spoke about their plans to enter university and the confidence they now felt that they could achieve their goals. This second chance at education is working for them, with about 60 per cent of the original enrolment continuing to complete the course. The success of the general studies division of TAFE is repeated across my electorate at the Glen Innes, Inverell and Tenterfield campuses. Because courses can be delivered online, smaller numbers of students can be accommodated in classes. Courses range from basic literacy and numeracy, English as a second language courses for migrants, special courses for women through to the School Certificate and Higher School Certificate equivalent courses.

When students present at TAFE wanting a second chance at education they are assessed through the Australian core skills framework and guided into the courses best suited to them. One course that is achieving outstanding success in all Northern Tablelands TAFE campuses, with an 85 per cent retention rate, is the program to engage young people at risk of leaving school too early. These young people are nominated by their teachers to attend TAFE one day a week, where they are introduced to technical courses and positive educational experiences. These courses are popular with students, teachers and parents and have encouraged many students to continue with their studies to Higher School Certificate level or to achieve their School Certificate and move on to TAFE studies. Many students taking advantage of TAFE general studies courses are Aboriginal.

I particularly mention an initiative at Tamworth TAFE campus to assist indigenous people to enter the New South Wales Police Force. Eighteen students aged from 18 to 35 years from Armidale, Inverell, Uralla, Tamworth, Moree, Ballina, Boggabilla and Nambucca Heads have been interviewed and will start the course on 28 July. They will study in blocks of four days to gain the academic qualifications necessary for entry to the Police Academy at Goulburn. They will be assisted also with the complex application process and filling in their application forms for the academy. The general education faculty partners with police and liaises with Charles



Sturt University to include all the essential ingredients for the course. The success of TAFE general studies courses in my electorate is repeated at campuses across New South Wales. It deserves wider recognition and support for the expertise that has been developed to re-engage many people in the formal education process and give them a second chance.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [6.33 p.m.]: I thank the member for Northern Tablelands for informing the House about the importance of the various TAFE courses. Nursing is a wonderful vocation and we are lucky to have men with extensive life experiences in that profession. TAFE is the educator of second and third resort in many cases and it is vital to the future of education in this State—more so for those at risk of disengaging from the education system. I thank the member for his comments and wish Ben all the best for his future in the wonderful profession has chosen.

### **LAKE MACQUARIE IMPROVEMENT PROJECT**

**Mr GREG PIPER** (Lake Macquarie) [6.34 p.m.], by leave: Lake Macquarie has a surface area of 110 square kilometres and a catchment of 640 square kilometres and houses 190,000 people. Through the 1980s there was recognition that the lake's environmental health was in serious decline. The lake was overloaded with sediments and nutrients; its shores were often devoid of native vegetation and were eroding. Water clarity was poor, and aquatic flora and fauna were in decline. We were simultaneously loving and neglecting the lake to death. An estuary management plan prepared between 1993 and 1997 heralded a new model of management. Premier Bob Carr appointed a task force in 1998 to review the recommendations of the Estuary Management Plan and develop an action plan for improving the lake's health. The task force produced the Integrated Estuary and Catchment Management Framework, which Cabinet accepted in February 1999. The project was implemented that year and funded jointly by Lake Macquarie City Council, Wyong Shire Council and the New South Wales Government.

Although the major symptom of the lake was poor water quality, the treatment was required in the catchment and at foreshores. Major physical works included the installation of 70 stormwater treatment devices with a focus on wetlands, rehabilitation of 38 kilometres of foreshore and estuarine creek bank, rehabilitation of 15 State significant wetlands and planting 600,000 endemic plants through Lake Macquarie Landcare. An independent review by the Australian National University in 2005 noted that the project was cost effective, well focused, had a high proportion of expenditure for on-ground works, was scientifically robust yet flexible and had strong community interaction, involvement and support. Significant improvement in water quality was a fundamental goal of the project and was achieved at a high level, with a measured 95 per cent improvement in water clarity from 2000 to 2009.

The project was a finalist for the prestigious Theiss Riverprize for waterway improvements in 2006 and 2007 and won the prize in 2008. It was included among the 13 case studies in a book of best practice published by the International River Foundation. The project was also inspected and ideas drawn on by a team from the Japan Water Forum seeking to draw on our experience and success for a project near Tokyo. The Lake Macquarie Improvement Project ends on 30 June but significant work will continue. Current projects include riffle ponds, riparian vegetation, gross pollutant traps, wetland ponds and foreshore stabilisation. Further projects will follow. As well as chairing the Lake Macquarie Estuary Management Committee since its establishment in the early 1990s I have served on the Premier's task force and ensuing Project Management Committee, which I have chaired since 2002. This has been a privilege and a learning experience for me. During this time I met and worked with many professional, passionate and dedicated people.

With the project concluding, it is appropriate to name and thank those who have participated in the Project Management Committee. Current members are Tony Farrell, Lake Macquarie City Council; Bob Gardiner and Jack Garaty, community representatives; Charlie Dunkley, New South Wales Maritime Authority; Grahame Clarke and Brian Dooley, Department of Environment and Climate Change; and Dr W. E. J. Paradise, Hunter-Central Rivers Catchment Management Authority. The committee has benefited also from the expertise of Ian Kiernan, Bob Wilson and Professor Bruce Thorn, who were appointed by then Premier Carr. Former members who also deserve our gratitude are Peter Nelson, community representative and chairperson from 1999 to 2002; Don Cameron, community representative; John Fisher, New South Wales Waterways Authority; Doug Sneddon, Planning New South Wales; Cathy Cole, Department of Land and Water Conservation; John Diplock, Department of Primary Industries—Fisheries; Tom Bagnat, National Parks and Wildlife Service; Michael Kerr, Environment Protection Authority; Neil Rose, Wyong Shire Council and the catchment management authority; Craig Abbs, Anthony Signor and Kevin Thompson, Department of Lands; Ric Slatter, Department of Environment and Climate Change; and Paul Wise, Wyong Shire Council.

The program was administered through the Office of the Lake Macquarie and Catchment Co-Ordinator, with Jeff Jansson leading the team. Other staff that should be acknowledged are Loren Tunbridge, Mark Saunders, Jason Parsons, Pam James, Dorothy Kocunik and Jennifer Hammond. Jeff Jansson was appointed as the Lake Macquarie and Catchment Coordinator when the project commenced and his dedication and commitment deserve special mention. His high level of expertise expanded as understanding of the science and practicality of the project developed. Jeff has given a lot to the outcomes of the project and no doubt has gained a lot. He has taken the project's finalisation as a cue to move to another stage of his life. He will be retiring, but no doubt will never be able to completely remove himself from something that became so much a part of his life—the remediation of Lake Macquarie. I wish Jeff and his wife Sue all the best.

In closing, I thank the New South Wales Government for its role in this outstanding partnership with local government and the community. The result was achieved through the support of former Premier Bob Carr, former Ministers Richard Amery and John Aquilina, and current Ministers Tony Kelly and Ian Macdonald. The great support of the former member for Lake Macquarie, Jeff Hunter, also must be noted. At the close of this highly successful, 12-year-long, \$22 million Lake Macquarie Improvement Project, involving a whole-of-government approach and unique delivery model, as State member for Lake Macquarie and as Mayor of the City of Lake Macquarie, I convey the appreciation of the Lake Macquarie community to everyone involved in delivering these outstanding outcomes.

### **MACQUARIE FIELDS POLICE YOUTH WORK**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [6.39 p.m.], by leave: On 27 May 2009 I handed over a cheque for \$2,500 to Myrna Williams, a youth liaison officer from Macquarie Fields Local Area Command to help the excellent work of Camp Impact. Camp Impact is a two-day camp, which costs approximately \$95 per child and is subsidised by the State Government. The camp is for youth who may be having difficulties and in 2008 Camp Impact won a national police medal and a national certificate.

Activities at Camp Impact include rock climbing, rope courses and lectures on topics such as motivation and self-care and career advice. The usual camp has about 15 to 20 children aged 14 to 17 years. To qualify for the camp children have to be nominated by the school. There is usually a mixture of children who may or may not have experience of or are at risk of becoming involved in the criminal justice system. Following the camp there is a meeting with the children and their parents at which a survey is completed. Camp Impact has been going since the civic disturbances at Macquarie Fields some years ago and two camps are run each year. These camps enable local police and youth to build up positive relationships, which not only have an enormous benefit on a day-to-day basis in Macquarie Fields but also are useful in protecting against disengagement of local young people from local police.

Our local police in the Macquarie Fields Local Area Command do a wonderful job. Pierre Donat is the crime prevention officer and Myrna Williams is the youth liaison officer. Myrna commenced with Macquarie Fields Local Area Command in 2006 and has been the youth liaison officer since December 2008. Hers is a very challenging job and we are very lucky to have her. By the time Myrna becomes involved many of our youth are nearing adult life and it is often their last chance to avoid a life of alienation. Myrna's main work involves engaging some of our more difficult young people as a positive role model and assisting them with programs that will help them. She also administers youth cautions, which not only are an effective way of allowing children to see the difficulties they may face but also allow some of our young people not to have a criminal record—a record that may have life-long effects.

Currently Myrna is involved in about 10 youth cautions a week. Each caution usually lasts for approximately 30 minutes. This involves getting the young people to admit to their behaviour, usually in the presence of their parents, and to give everyone a chance to ascertain the underlying causes of their behaviour. For example, there may be opportunities to see whether any help at home or at school can improve the life of the young person. There is a limit of three cautions per young person.

The most common reasons for cautions are stealing, assault and graffiti. Having been the doctor for many of these patients, I know that some of them have had a long history of behaviour difficulties since early childhood. Some may experience significant family breakdown or drug and alcohol issues. Domestic violence may also be part of the picture. It is very difficult to change behaviour in all the people Myrna sees but she does a wonderful job in trying to prevent their difficulties escalating into incarceration, with the attendant risks that has for a young person. One major difficulty is that often when children are suspended from school for misbehaviour they may have nowhere to go, and crime often supervenes. Moving to in-house suspension is a far more effective way of dealing with difficult behaviour.

I met Professor Ken Nunn at a recent visit to Reiby Juvenile Justice Centre. Professor Nunn is one of the world's great child psychiatrists and he does a wonderful job at Reiby. He indicated to me that for many young people Reiby is a positive experience as, for the first time in their life, they receive appropriate education, focusing on such areas as art, practical activities and sport. They also have safe and clear behaviour guidelines. I commend Camp Impact and Macquarie Fields Local Area Command police to the House.

**Question—That private members' statements be noted—put and resolved in the affirmative.**

**Private members' statements noted.**

**The House adjourned, pursuant to sessional orders, at 6.44 p.m. until  
Friday 26 June 2009 at 10.00 a.m.**

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