

LEGISLATIVE ASSEMBLY

Friday 9 May 2008

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Postponement of Business

General Business Notices of Motions (for Bills) Nos 1 and 2 postponed by Mr Barry O'Farrell.

BOARD OF ADULT AND COMMUNITY EDUCATION REPEAL BILL 2008

Agreement in Principle

Debate resumed from 8 May 2008.

Mr DONALD PAGE (Ballina) [10.01 a.m.]: Having been the shadow Minister and having had responsibility for this area in the previous Parliament, I shall make a brief contribution. The Opposition will not oppose the Board of Adult and Community Education Repeal Bill 2008. Community education makes a significant contribution to New South Wales, with 63 community colleges. They are an efficient, low-cost, community, general education provider, and they offer friendly, local, flexible and broad-based short course options. As I said, during the more than 20 years that I have been a local member and a shadow Minister in this place I have had a lot to do with the community education sector, and I have a high regard for the people in that sector and the lifelong learning they provide for many members of our community.

Yesterday I was interested to hear the member for Wyong talk about the Labor Government's commitment to adult education. I would like to set the record straight in that regard. The fact is that the New South Wales Labor Government has cut funding to community colleges in recent years. In 2002-03 the State funding figure for community colleges stood at \$9 million. In 2004-05 it was cut to \$6.2 million. The most recent cut saw funding reduced to \$4.3 million. So the amount of money going to community colleges and adult education has been halved since 2002-03. Considering that the sector constitutes only 0.04 per cent of the total Education budget in New South Wales, it is a tiny fraction. I am disappointed that such an important sector has had its funding cut when it is only a small part of the total Education budget.

Adult education is a vital element of lifelong learning in our community, and approximately 400,000 people in this State benefit from adult education each year. Community colleges provide a broad spectrum of educational opportunities for the community. They provide vital skills to make students more employable. They offer pre-vocational courses and numeracy and literacy programs. They provide opportunities, including computer courses, to build confidence for future employment and community participation. Lifelong learning is critical to the continuing development of informed citizens and adds great social and economic benefits to the community.

As I said, community colleges are a cost-effective mode of delivering lifelong learning to a broad spectrum of people in the community. In relation to cost-effectiveness, I note that community college teachers are not members of the New South Wales Teachers Federation; hence, the cost of course delivery is very low compared with TAFE or school education. Organisation for Economic Co-operation and Development figures reveal that 29 per cent of New South Wales students achieve only basic literacy skills or below, and 33 per cent achieve only basic numeracy skills or below. This failure of the New South Wales education system could be addressed partly by increasing funding for community colleges, and for numeracy and literacy courses in particular.

Expanding course delivery options would be of great benefit to a wide section of the community. Having had a lot of contact with the adult education sector, I can assure the House that this Labor Government is

not at all popular with this sector, due largely to the halving of funding for community colleges and adult education that has occurred over the past five or six years. I call on the Government to do something about increasing funding for adult education. At the last election the Coalition had a policy to increase funding for adult education by about \$2 million each year over the next three or four years, which would have returned the level of funding to where it was in 2002-03. It is important that this sector, which is so vital for people in terms of their educational and pre-vocational opportunities, be supported properly. Currently, the Government is not supporting this sector, and I urge it to do so.

Mrs JUDY HOPWOOD (Hornsby) [10.05 a.m.]: I shall make a brief contribution to the debate on the Board of Adult and Community Education Repeal Bill 2008, which is a bill to repeal the Board of Adult and Community Education Act 1990 and to formally disband the Board of Adult and Community Education. In doing so, I express 100 per cent support for the concept of community education, and Hornsby Ku-ring-gai Community College in particular. I have been working closely with Hornsby Ku-ring-gai Community College for almost the entire time I have been a member of this place, and I have been a member of the council for all that time.

It is a tragedy that the Government has seen fit to reduce funding to this sector. A number of colleges have folded because of reduced funding. Hornsby Ku-ring-gai Community College has only held on by the skin of its teeth because it has had much less funding to continue its valuable work. The sector needs support from government. As the member for Ballina said, under a Coalition government the community college and adult education sector would now be enjoying increased funding. It is absolutely essential that the sector be maintained, encouraged and supported to continue into the future. I hope that in 2011 we still have the same number of colleges providing the same opportunities to their communities, and that no more community colleges have been forced to close.

The Opposition does not oppose the provisions in the bill relating to disbanding the Board of Adult and Community Education. However, we will be looking carefully at the effects of the disbandment. Obviously the board has had less to do because of reduced funding; it has not been taking on its role of allocation because of that reduced funding. I commend the principal of Hornsby Ku-ring-gai Community College, Fran O'Neill, who took over from Elaine Harris. Elaine Harris did a superb job and got the ball rolling in response to the extreme funding cuts this sector has had to endure. Fran O'Neill is working closely with her council, and there are many innovative and new ideas for how Hornsby Ku-ring-gai Community College will survive the severe funding cuts and promote the sector into the future.

I have done a number of courses at Hornsby Ku-ring-gai Community College, including the responsible service of alcohol, the responsible conduct of gambling and the first level of food safety. Those courses were extremely valuable from the perspective of seeing exactly what is taught in these areas and the potential difficulties that people undertaking these courses will face when they are eventually in the workplace, whether it be a registered club or a nursing home where they are looking after the food requirements of residents. In conclusion, I hope that the New South Wales Advisory Committee on Adult and Community Education is successful in its implementation of the projects. I implore the Government to continue its support for this valuable sector, and not to decrease further the sector's ability to continue its amazingly effective work in local communities.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [10.10 a.m.], in reply: I thank all members for their contributions to this important debate, particularly the member for Ballina and the member for Hornsby, who spoke this morning. The new arrangements for adult and community education in New South Wales are off to a terrific start. The New South Wales Advisory Committee on Adult and Community Education has established a number of projects that will commence in the second half of the year. These will include projects with other government agencies that run training courses across the State.

The advisory committee has a much broader membership than the board had, with representatives of organisations that support people with disabilities, indigenous people, and people with a non-English speaking background—the very people whom adult and community education supports in New South Wales. Government agencies with these responsibilities are also represented, and the Minister for Education and Training, the Hon. John Della Bosca, asked them at the inaugural meeting of the advisory committee to find ways of partnering with community colleges to improve outcomes for the people they support. There is also broader representation of the sector itself, with the peak body, Community Colleges New South Wales, and rural and metropolitan colleges represented.

The Community Partnerships Project commenced in March this year. This project will see all community colleges develop strategies for the delivery of courses to people with a disability. The project has brought agencies working in the area of disability into direct contact with the community colleges network. The Iemma Labor Government values the roles that community colleges play in the vocational training landscape of New South Wales and in their local communities. The Government supports the agenda of the New South Wales Advisory Committee on Adult and Community Education. The chair of the committee, Dr John McIntyre, believes that on-the-ground strategies are needed to link community colleges to the broader vocational training landscape of New South Wales. This was something the mechanism of the board could not achieve.

The Board of Adult and Community Education Act 1990 constituted one mechanism to provide advice to the Minister for Education and Training. We believe the advisory committee provides a better mechanism. With the establishment of the New South Wales Advisory Committee on Adult and Community Education, there is a renewed sense of optimism in the sector. This, coupled with strategies to enable the broader Department of Education and Training, and adult and community education colleges to work together, promises a more secure future for community colleges across the State.

It is time for a new direction in the adult and community education sector. The members of the board realised this when they moved to disband the board. Yesterday the Leader of The Nationals asked that we address the issue of the remuneration of the board, which was raised by the Legislative Review Committee—specifically clause 4 (b). I am pleased to be able to address his concerns. Clause 4 (b) of the bill is a normal, prudent provision designed to ensure clarity about the winding up of the board and the position of board members. All board members have long ago been paid their full entitlements and formally thanked for their contribution to community education. The board voted unanimously to disband, and the final board meeting was held on 23 July 2007. There is no outstanding board member remuneration and no controversy or dispute about board member entitlements. It is timely to repeal the Board of Adult and Community Education Act 1990. 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.

HIGHER EDUCATION AMENDMENT BILL 2008

Agreement in Principle

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [10.14 a.m.], on behalf of Mr John Watkins: I move:

That this bill be now agreed to in principle.

The Higher Education Amendment Bill 2008 makes changes to the Higher Education Act in accordance with nationally agreed revisions to the national protocols for higher education approvals. These revisions were endorsed in 2006 by all education Ministers, including the then Commonwealth Minister. The protocols stipulate the framework that regulates the approval and operation of higher education institutions. They are designed to ensure that any higher education provider operating or wanting to operate in New South Wales meets nationally agreed standards. These amendments will ensure that the Australian higher education sector continues to provide education and educational choice of the highest quality, and that it is regulated consistently to ensure the same high quality applies around the country.

The amendments will allow the State's higher education sector to develop over time in new and controlled ways, and remain competitive in an increasingly national and global education market. While the revised arrangements offer increased diversity, the quality bar will remain uniformly high. The amended Act will allow for additional types of institutions to be approved. These include universities that can specialise in

only one or two areas, colleges that aspire to university status, and other higher education institutions that can accredit their own courses. Any new universities approved under the revised protocols and the accompanying guidelines will have to meet the same high standards as existing universities. They will be required to meet rigorous quality criteria outlined in the protocols. This relates to a range of issues, including university and academic governance, financial management, the protection of students, course requirements, the culture of scholarship, facilities, staffing, and student services.

Currently, overseas universities may be approved to offer Australian-designed courses accredited under the Australian Qualifications Framework requirements. The amended Act will also allow overseas institutions to offer their own overseas qualifications, after they satisfy a thorough assessment process. Before an overseas higher education institution—including an overseas university—can operate in Australia, it will have to satisfy all the criteria required under the relevant sections of the protocols. Such an institution will require a clearly articulated higher education purpose, including a commitment to free intellectual inquiry; governance arrangements, quality assurance processes and a staffing profile appropriate to its goals and academic purpose; and sufficient financial resources, support and infrastructure for effective student learning.

Such an institution must have been accredited properly overseas by an authorised accreditation authority and its courses must be properly accredited and be of appropriate standard and standing. Arrangements must also be in place for academic oversight that equates to that of equivalent Australian institutions. The revised arrangements will also permit higher education institutions that are not universities to be granted authority to self-accredit courses provided they meet rigorous quality standards. Under the protocols, a range of significant criteria will have to be satisfied when determining whether an institution should be authorised to self-accredit any of its courses. The bill amends section 7 of the Higher Education Act to give effect to these new arrangements. A further, small amendment to this section was moved by the Government in the other place to clarify that the director general is required to have regard to the national protocols when deciding whether to authorise self-accrediting status to a higher education institution.

While implied in the bill, this additional amendment makes this intention clear and explicit. It ensures complete consistency and clarity throughout the bill regarding the underlying requirement that the terms of the national protocols and the associated guidelines must inform decision making. It is important to emphasise again that the National Protocols apply to all higher education institutions operating or seeking to operate in Australia, as well as to the offshore activities of all Australian higher education institutions. The proposed amendments to the Higher Education Act will maintain the existing high, nationally consistent standards for the establishment of higher education institutions and the accreditation of quality of courses. While providing the community with a greater range of higher educational choices over time the amendments will ensure that the enviable reputation of the higher education sector is maintained.

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

HIGHER EDUCATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr THOMAS GEORGE (Lismore) [10.22 a.m.]: I lead on behalf of the Opposition in debate on the Higher Education Amendment Bill 2008. The Opposition will not oppose this bill. The purpose of the Higher Education Bill is to amend the Higher Education Act 2001 to give effect to the revised National Protocols as approved by the Ministerial Council on Education, Employment, Training and Youth Affairs [MCEETYA]. The Higher Education Act 2001 regulates the provision of higher education in New South Wales. The Act reflects the requirements of the National Protocols for higher education, as determined by MCEETYA, which sets forth the agreed national framework for regulating the approval and operation of higher educational institutions.

The revised National Protocols replace the protocols approved in 2000, which have been implemented through the current Act. The new National Protocols will facilitate the establishment and operation of new higher education institutions within New South Wales. We need to maintain the standards of our universities. I place on record that the present threat is the proliferation of fake degrees that can be bought over the Internet. At least 25 counterfeit diploma factories sell University of Sydney MBA certificates over the Internet, and many routinely sell fake parchments and transcripts from universities around Australia. That is a major concern to universities and the education sector and I hope that this bill will stop those kinds of incidents occurring.

Currently the National Protocols allow for three types of institutions to operate in Australia: Australian universities, overseas higher education institutions including universities, and non-self-accrediting higher education institutions. The bill will allow for the following to operate in Australia: universities, which specialise in one or two areas only; higher education institutions with authority to accredit their own courses; and overseas higher education institutions—to be approved to offer their overseas qualifications. New higher education institutions will be held to the same standards as existing universities.

The bill represents mechanical changes. All other States and Territories have amended or are in the process of amending their legislation to align with the revised National Protocols. The bill will enable the creation of more universities, meaning there will be more diverse and geographically decentralised higher education options to service new areas and meet population growth, something which country and regional New South Wales needs. The bill must ensure that the standard of higher education in New South Wales is in no way diminished. I again refer to a recent case of websites offering fake degrees from Australian universities. Because of a drafting error the Government will move an amendment to the bill to enable the director general to refer to the National Protocols on university standards. The Coalition will not oppose the bill.

Mr ROB STOKES (Pittwater) [10.27 a.m.]: In commenting on the Higher Education Amendment Bill 2008 I stress the need to ensure that our universities have a solid standard of excellence, something which has concerned me about the operation of universities overseas. In my former life I was a lecturer at Macquarie University and my concern is that overseas jurisdictions have an enormous diversity in the quality of education provided at different institutions. For example, in the United States of America it is not the level of degree achieved but more the institution from which it came that seems to be the defining characteristic. That is deeply disturbing because entrance to institutions, particularly in the United States and other countries overseas, depends on issue such as class and wealth rather than merit.

A fabulous quality of Australian universities, until at least recently, was that entry depended fundamentally on merit. Unfortunately, with changes such as the introduction of full fee paying students the principle of entry by merit alone has been under challenge. However, we still have a very robust tertiary education sector of which we should all be proud. Something that I find deeply satisfying and of which I am also proud in our university sector is that it does not really matter from which institution one gets a degree—whether it is regionally based or city based—as fundamentally all people get the same level of education and degree status. I do not oppose the bill. It is important that we establish appropriate protocols for the awarding of the degrees. The uniform high standard of university qualifications throughout New South Wales and Australia must be guaranteed, and the Higher Education Amendment Bill goes some way to securing that.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [10.30 a.m.], in reply: I thank the member for Lismore and the member for Pittwater for their contributions to the debate. The Higher Education Amendment Bill will continue to maintain nationally consistent standards for establishing universities, registering other higher education institutions and accrediting higher education courses. The bill amends the Higher Education Act to make operational the revised National Protocols for higher education approvals. The proposed amendments do not seek changes to the Act beyond what is required by the new protocols, which were developed through a cooperative national effort that included extensive consultation with the sector and all the stakeholders.

All Australian jurisdictions are either currently amending the legislation or already have in place the necessary legislation to reflect the changes in these revised protocols. The National Protocols are designed to ensure consistent criteria and processes are applied nationally to the recognition of new universities, the operation of overseas higher education institutions in Australia, granting of self-accrediting authority to higher education institutions, registration of non-self-accrediting institutions, and the accreditation of courses.

The bill will ensure that New South Wales—this great State of ours—keeps a competitive edge in the higher education market. As well as setting quality standards for the higher education sector, the revised protocols allow for greater diversity in the higher education sector in Australia. The latest Commonwealth higher education student statistics show that the State's 10 public universities enrolled more than 300,000 students in 2006 and, of these, 22 per cent were from overseas. In the global market for international higher education students Australia occupies the fifth place behind only the United States, the United Kingdom, Germany and France. According to the Department of Foreign Affairs and Trade, the international education industry is Australia's second biggest services export sector, contributing \$10.1 billion to the Australian economy over 2005-06. That makes the universities of New South Wales one of the State's major export earners.

It is essential for the education sector to continue to offer attractive, high-quality courses that can help maintain Australia's status as a leader in higher education provision. The consistent standards set out in the National Protocols are expected to apply to all higher education functions of an institution regardless of whether its higher education students are located in Australia or offshore, and regardless of the way in which it delivers higher education courses. The amendments in the bill preserve the essential nature of Australian universities as higher education institutions that must focus on all three key aspects of teaching, research and scholarship. Universities must continue to engage in research and sustained scholarship, as well as delivering qualifications to PhD level.

The status of existing Australian universities, their Acts and the powers and responsibilities of their governing bodies will remain unchanged by these amendments. The nationally agreed arrangements for maintaining the quality of higher education in Australia will continue to include a comprehensive system of institutional registration or approval to operate, course accreditation, a national qualifications framework and external quality audits. State and Territory government accreditation authorities will continue to be responsible for the registration of higher education institutions and accreditation of higher education courses by non-self-accrediting institutions. The Australian Universities Quality Agency will continue to be responsible for auditing all universities and other self-accrediting higher education institutions.

The bill will enable New South Wales to maintain its important role as a key part of the nationally consistent quality framework for higher education, to which all jurisdictions have agreed. The minor amendment moved by the Government in the other place ensures complete consistency and clarity throughout the bill regarding the underlying requirement that the terms of the National Protocols and the associated guidelines must inform decision making. In giving effect to the revised National Protocols, the bill enables New South Wales to capitalise on any interest shown by higher education institutions, both domestic and overseas, in seeking to operate in this State. 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.

EDUCATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 6 May 2008.

Mr THOMAS GEORGE (Lismore) [10.35 a.m.]: I lead on behalf of the Opposition and speak in support of the Education Amendment Bill 2008. However, I would like to raise a few issues of concern to me. The purpose of the bill is to amend the Education Act 1990 to legislate the current practice of charging fees to overseas students, to empower principals to obtain proof of a student's identity, age and residential address and to make other minor changes. The Education Amendment Bill 2008 does not represent any significant deviations from current policy; rather it enshrines existing Department of Education policy in legislation, which I find very interesting.

International students currently enrolled in New South Wales government schools are required to pay school fees ranging from \$4,500 per annum to \$12,300 per annum, depending on the category of the student. In 2007 there were 11,116 international students enrolled in New South Wales government schools, contributing over \$35 million to the Department of Education Training. Victoria, Queensland, South Australia, Western Australia and Tasmania all have legislation covering international student fees. Under the bill the director general has the authority to waive fees under special circumstances.

Allowing schools to obtain proof of the child's name, age and residential address will ensure all principals can establish a child's eligibility prior to enrolment. The Department of Corrective Services will be added to the list of agencies, along with the Department of Juvenile Justice, that may provide information to

government schools in relation to a student with a history of violent behaviour. The bill provides for other changes such as allowing the Minister to exempt a child from being enrolled at school, for example, if a child of compulsory school age is not ready to be at school. It also allows the Minister to streamline the process for formally establishing a district council of parents and citizens associations and to clarify that a principal has the power to enrol an adult at school.

The bill represents mechanical changes, not any serious change to existing Government policy, but I have concerns that New South Wales does not have the legislative authority to charge the fees that are being charged. The Department of Education and Training has derived revenue from international students for the past 15 years, which has amounted to approximately \$150 million over the past five years. According to the Department of Education and Training the loss of that revenue would have serious implications for the New South Wales education department. I acknowledge the presence in the Chamber of the Parliamentary Secretary for Education and Training, the member for Strathfield. I received a letter from Mrs Jennifer Winfield, which stated:

I am presently a full-time student at Southern Cross University in Lismore enrolled in their 2 year Masters of Indigenous Studies programme. My daughters Georgia and Cally are currently enrolled at Bexhill Public School and it is our wish that our son Finlay joins them there this January.

However, the fees we would be required to pay would be in excess of \$13,500 per year for all three of them with sadly only \$210 going to the school itself.

The fees, which, I have been informed, cannot be charged legally under current legislation, are for primary school. The family accepted that it had to pay the fees for their children's attendance. It is disgraceful that the little country school keeps only \$210 of a \$13,500 fee for three students. The legislation will enable the Government to legally charge fees to overseas students, which is what it wants to do. Surely, a little country school that attracts three students should benefit by more than \$210. The Winfield family is in the process of making a further representation to have the bulk of the money allocated to their school. The Bexhill Public School has demountable classrooms; it needs a lot of work. The Winfield family is very active in the school's parents and citizens association. The letter continued:

My husband is only able to work 20 hours of week on my visa and for the past year has been looking after Finlay while I study, as a result of this neither of us has been earning any income in Australia since we arrived in February 2007.

People who come to Australia understand the conditions. However, they are restricted in the income they earn. Mrs Winfield is undertaking indigenous studies, Mr Winfield is restricted to working 20 hours a week. In debate on the Higher Education Amendment Bill 2008, the Parliamentary Secretary emphasised the importance of overseas students and the percentage value of higher education; but those students are being crucified at the primary school level. Mrs Winfield could have gone to university in Queensland where the fees are waived, but pursuant to the visa that the Winfields arrived on New South Wales does not have the ability to waive the fees. However, I am surprised that the fees were not waived when it was discovered that New South Wales did not have a legal right to charge the fees until the bill is passed. Every other State has the ability to waive such fees. I ask the Parliamentary Secretary to comment on that. Mrs Winfield further wrote:

Therefore the fees that we are due to incur would be financially challenging for us at this time.

I am passionate about supporting local public schools and whilst I could enrol them into a private school with lower fees, I feel it would be detrimental to the relationships and friendships that the children have formed at Bexhill to date.

I emphasise that the Winfields could have enrolled their children in private schools that had lower fees. The letter continued:

I am writing to you to ask whether there would be any chance of the fees being waived under these circumstances.

Mrs Winfield received a letter directly from the Parliamentary Secretary, the member for Strathfield, following my representations on her behalf. I received a copy of that response after Mrs Winfield received her letter, signed by Virginia Judge, MP, Parliamentary Secretary for Education and Training.

[Interruption]

Yes, it went directly to the constituent, following my representation, but I eventually got a letter, which was appreciated.

Mr Daryl Maguire: That is an outrageous practice.

Mr THOMAS GEORGE: It is. It is a practice under this Government. In the education area, in particular, when a member of Parliament makes a representation on behalf of a constituent the reply goes directly to the constituent and not to the member.

Mr Daryl Maguire: That is a disgraceful protocol.

Mr THOMAS GEORGE: Yes, the member for Wagga Wagga is correct; it is disgraceful. Members opposite laugh, but it is a demonstration of the Government's arrogance. When a member makes a representation on behalf of a constituent, the Minister or the Parliamentary Secretary replies directly to the constituent, and later a copy of that reply is sent to the member.

Ms Virginia Judge: Point of order: With respect, will the Deputy-Speaker draw to the attention of the member for Lismore that what he is talking about has nothing to do with this very important bill that we are debating.

The DEPUTY-SPEAKER: Order! The House is debating the Education Amendment Bill 2008, which deals with specific issues. The member for Lismore will confine his remarks to the leave of the bill.

Mr THOMAS GEORGE: I am focusing on the bill. I am not challenging your ruling, Mr Deputy-Speaker. However, I am referring to a letter received following my representation on behalf of Mrs Winfield regarding overseas students fees. The bill is certainly about that. Mrs Winfield received a response directly from the Parliamentary Secretary, and that is what I was placing on the record. The letter from the Parliamentary Secretary to Mrs Winfield stated:

Under the *Commonwealth Education Services for Overseas Students Act* and associated *National Code of Practice*, education providers are required to notify prospective international students of the fees for the education of any school aged dependents accompanying them to Australia prior to their acceptance in a course of study.

The Department of Immigration and Citizenship requires principal student visa applicants to prove or declare on their visa application that they have sufficient funds to support themselves and all dependents including, specifically, the education costs of all school aged dependents joining them in Australia for the full period of the visa issued.

These requirements are applied nationally by all government and non-government school systems and independent schools.

In New South Wales, international student visa holders are required to pay the temporary visa holders fee in advance for any period of enrolment of their dependents in a NSW government school. Only holders of Australian Government (AusAID) and Defence Scholarships or holders of a full scholarship from an Australian institution of higher learning are exempt from the fee.

International students must pay the full annual fee to ensure the issue of a Confirmation of Placement by the Department of Education and Training to support their school aged dependents student visa applications. After the initial 12 months of enrolment, principal student visa holders are entitled to seek payment of their dependent's school fees by 20 week instalments.

This arrangement must be applied consistently for the large number of international students with dependents enrolled in government schools.

Whilst not eligible for exemption from payment of the fees in accordance with the visa conditions, you could seek payment by 20 week instalments for all your school aged children.

The Minister may consider that to be a generous offer, but for the family who must pay \$13,500 a year to enrol three children in a government school while the mother attends university, only to find out that the department could not legally charge those fees, the bill is of no assistance. I am sure that Mrs Winfield will consider taking further action. As I indicated earlier, the Opposition and shadow Minister will not oppose the bill.

Mrs KARYN PALUZZANO (Penrith) [10.49 a.m.]: I support the Education Amendment Bill 2008. Parents are key stakeholders in their children's education. Experience has proven time and again that the more interested and engaged parents are in their child's learning, the more likely the child will succeed at school. Many parent helpers in the Penrith electorate provide valuable assistance in the canteen, with art and craft, and reading. Up until 2007 I was a parent helper at my child's school. My son is now in year 9—I was a reading mum for well over 10 years. From 1999 until last year I enjoyed assisting reading groups from kindergarten to year 3. Parent helpers are extremely valuable to a school, and members of the local community also make an invaluable contribution to the success of their local school. Parents and citizens associations and parents and friends associations also provide valuable assistance, and support their local schools through fundraising efforts.

Last year the parents and citizens association of Mary MacKillop Primary School held a weekend art and craft festival to raise funds for the school. Even the preschools in my local area hold fundraising activities.

I have been able to donate bicycles to a number of schools in the electorate to assist them in their fundraising efforts. The successful partnership between parents, schools and the local community is of fundamental importance to a school. In the Penrith electorate the Community Development and Support Expenditure Scheme has provided money to local schools. The funds donated to the Penrith South Public School Support Unit were well received. Support in partnership is provided not only by parents but also by the local club community. The Penrith Panthers Foundation sponsors the Panthers on the Prowl program, which offers support to students at Kingswood Park, Braddock, Penrith South and other schools. The students participate in self-esteem and self-awareness programs and have positive role models in local Penrith Panthers players. A number of the Penrith Panthers players have become teachers aides and are well on their way to becoming teachers through study.

The role that parents and community members play in education is not limited to support for their local school. They also play an important part in educational matters at regional and State levels. We must address the artificial barriers that obstruct the full and active participation of parents and community members in local, regional and statewide education matters. We cannot tolerate such barriers. One of the key ways in which the energy and commitment of parents and community members can be galvanised is through their participation in a school's parents and citizens association. I know from visiting schools in my electorate that parents and citizens associations play an essential role in fundraising and other activities. They promote the interest of the school by bringing parents, citizens, students and teaching staff into close cooperation. I commend the parents and citizens association of Kingswood Park Public School. A few years ago at a Pollie in the Park day, we sat around a table and discussed the need for a school fence. The fence has now been erected at the school. I am pleased that the parents and citizens took the time on a Saturday to sit around a table in a local park and discuss their needs with me.

Parents and citizens associations also assist in providing facilities and equipment, and promoting the recreation and welfare of students. Penrith South Public School has a covered outdoor learning area—COLA—as a result of the promotion of the local parents and citizens association. Parents and citizens associations also encourage parent and community participation in curriculum and other educational issues in schools. Groups of parents and citizens associations may wish to form a district council of parents and citizens, with the object of advancing the common interests of government schools within a region. District councils can advise the Minister for Education and Training about matters relating to government schools within their region. I formed a relationship with Diane and David Giblin, who were involved with the local parents and citizens association at Werrington County Public School and Cambridge Park High School. They broadened their involvement in the parents and citizens organisation, and now Diane is the President of the New South Wales Parents and Citizens Association. She is a great example of what committed parents can do through the parents and citizens association to effect change, and advise and encourage schools in New South Wales. At the time I met Diane and David I was teaching their son in year 4. He is now a proud parent of a newborn baby.

It is important that rural and regional areas, in particular, have a conduit for raising educational issues of key importance in their areas. It is also important, in view of the role that district councils play, that there should be no bureaucratic impediment to a group of parents and citizens associations formally establishing a district council in their region. The Education Act requires an amendment to be made to the Education Regulation when a new district council of parents and citizens associations, outside a prescribed area, is to be formally established. The Act requires that a request is made to the Minister for Education and Training for the formal establishment of a district council, and that confirmation is provided of any existing legal requirements to form a district council—such as, the council must consist of delegates appointed by each parents and citizens association constituted for a government school situated in the area. Then instructions are given to Parliamentary Counsel to draft an amendment to the Education Regulation, the Governor of New South Wales is requested to amend the Education Regulation while sitting in the Executive Council, and the amended regulation is published in the *Government Gazette*.

This process can take months and involves a significant amount of red tape. The Government has decided to cut the red tape to make it easier for groups of concerned parents and community members to formally establish district councils of parents and citizens. Under the new scheme a request will be made to the Minister for Education and Training for the formal establishment of a district council of parents and citizens associations. Provided the existing legal requirements to form a district council are met, the Minister will publish an order formally establishing the district council in the *Education Gazette*. This is a timely and sensible amendment to the Education Act. I am proud to say to my community that we have taken steps to assist the participation of parents and other members of the community in education issues. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [10.56 a.m.]: The Education Amendment Bill 2008 enshrines existing Department of Education policy, such as, the charging of fees for overseas students. The bill codifies such policy. Previous speakers have referred to the objectives of the bill. I do not want to refer to all the amendments in the bill. However, I raise an issue that relates to 457 visas. Previously I have made representations to various Ministers about this issue, which does not only affect education. It affects many areas for new Australian citizens, particularly in the medical profession. When people come to Australia to work in the medical profession, they are surprised to find that they have to pay for their children's education in government schools and for school bus services. I recently received correspondence from Mr Miroslaw Nowacki, a Polish immigrant. Mr Nowacki, who has come to Australia to work for a major trucking company, said:

I am a Polish emigrant who has moved to Australia to work and I have a sponsored 457 visa. I have already been working here in Australia for a year, and my family joined me here 6 months ago.

This year my 16 year old daughter starts learning at Wagga Wagga Christian College. Wagga Wagga Christian College is a very good school with great reputation and has been established for a long time.

I have paid for the school fees, all study material and uniform, and I now find out that I must pay for the bus fare for have to travel to school as well, although others are not required to pay this large fare, that I really cannot afford.

I fail to see why my daughter should be discriminated against in this way. I am asking that the council would be able to provide me with assistance in this matter, and help resolve the issue in my favour.

I telephoned the Nowacki family and asked them to meet with me. It is not the first time such issues have been raised with me by people who have come to Australia to take up positions in various industries. Mr Nowacki has come to Australia to fill the demand for truck drivers. As members know, the trucking industry is forecast to grow by 50 per cent by 2020. Many overseas doctors come to work in Australia in the health profession. We all want the best education for our children and are aware of the costs involved. The Minister for Education, and all Ministers, should put before the Council of Australian Governments [COAG] the difficulties being experienced by people who are coming to fill skilled positions in Australia. In some cases transport fees need to be charged, but fairness and equality should determine access to basic services. I regard the transporting of children to school as a fundamental service, similar to access to health care, public education, electricity and water. Access to basic services enables people to work, live and play in the community.

I will be drawing correspondence to the attention of relevant Federal and State Ministers and urging them to take to COAG a dialogue requesting fair access to fundamental services. One inequity raised by Mrs Nowacki is that some families will have to find many hundreds of dollars to get their children to school. Mrs Nowacki, who came to see me, and her daughter have attended TAFE. They have undertaken English courses and are assimilating into Australian life just wonderfully. If members had the opportunity to meet this wonderful family I think they would be heartened and pleased to welcome to Australia citizens who are really having a go, who are working hard and assimilating, making every effort to qualify and to be accepted into our community. I think we owe it to those people to ensure that the responsible Ministers enthusiastically champion fairness and abolish the inequities I have spoken about.

Mr DAVID HARRIS (Wyang) [11.01 a.m.]: The Education Amendment Bill 2008 seeks to legislate changes to the enrolment of overseas students and admission to government schools. Today I will particularly focus on the provisions relating to admission to public schools. As the member for Lismore rightly pointed out, many parts of this Act are Department of Education policy currently, but this legislation will give principals more guidance. Section 34 of the principal Act currently provides that a child may be enrolled at a government school if the child is eligible to attend the school and the school can accommodate the child.

The section also provides that a child is entitled to be enrolled at the government school that is designated for the area within which the child's home is situated and that the child is eligible to attend. Schedule 1 [7] amends section 34 to provide guidance as to the matters that may be taken into consideration in determining whether a government school can accommodate a child. The amendments to section 34 also make it clear that nothing in part 6, government schools, prevents the principal of a government school from accepting an application for the enrolment of an adult at that school.

Section 34 of the Education Act provides that the parent of a child may enrol the child at any government school if the school can accommodate the child. No guidance is given in the Education Act at present about what is meant by "accommodate the child" and this has been of great concern to school principals. The bill amends section 34 of the Act to make clear what "accommodate the child" means. The question

whether a school can accommodate a child becomes relevant when the parents apply to enrol the child in a school that is not designated for the local area in which they live. This has been known as an out-of-zone enrolment and it causes great consternation to parents who wish to enrol their children, and to schools as to whether to take the enrolment.

Currently schools are required to have an out-of-zone policy and a committee to assess applications. If you reach the top of your buffer zone in terms of numbers—and I have done this, having spent 18 years as a school principal—you have to ensure that if you take out-of-zone enrolments it will not increase staff or accommodation needs. You have to work out a buffer to make sure you can accommodate all in-zone children living in the designated local area, but in some cases you are able to take children from outside your area if you are able to keep the necessary buffer and it will not affect staffing or accommodation.

Many school areas have developed protocols to prevent movement between local schools because of factors such as parental dissatisfaction with a school's decision on a behaviour matter. This is particularly important in small schools. I was the principal of Dooralong public school and I think we had a top enrolment of 54 students—it was a two-teacher school. Up the road there was Jilliby public school and around the corner were Wyong Creek and Yarramalong. Before I arrived at the school some people had become dissatisfied and had decided to move their children up the road, which meant one of the schools would lose a teacher or a classroom. After a little while at the new school, because the grass is not always greener on the other side, they decided that they had good friends at the other school and decided to move back. What would happen is that the numbers would go up and they would need another teacher and another classroom.

Schools need to have policies in place to make sure this sort of thing does not happen. Principals are very responsible; they will often ring their colleague principals and ask about the situation, and in some cases principals will reach agreement that it is in the best interests of the school and the child that movement take place, but sometimes they will say, "No, we need to work through the issues," and ask that the enrolment not proceed. This would be communicated to the parent very clearly and is clearly designed to make sure that there is not mass movement of people between schools, which could result in demountable classrooms coming and going and teachers and executive staff having to leave and then return, so it is quite sensible. It is very pleasing to see that this legislation clarifies the issue in terms of whether a school can accommodate additional students.

The Act will now make clear that a child's age, the type of school chosen by the parents, the resources allocated to the school and existing classroom facilities will be able to be considered when a decision is made whether a child can be accommodated at the school. The vast majority of parents and carers are scrupulously honest when they apply to enrol their children at school. However, for a range of reasons, some public schools have many more people wishing to enrol at them than they can accommodate. Quite often a grandparent or someone will look after a child in the morning, so the parents will try to enrol the child using the address of the family member or whoever is looking after the child. That puts pressure on some schools to take children out of zone, but if they have a buffer as part of the out-of-zone policy sometimes they are able to accommodate if there is a particular issue. This policy clarifies why and how you can take children and it helps principals.

Another aspect that is very important to principals and teachers is where a family might, for a variety of reasons, provide false or misleading information. This might be because there is a family court matter going on and the parent might change the child's name to hide the fact that they are at the school. It may be that parents also might wish to hide a student's past history of violent behaviour. As a principal I always used to ask, "Were there any issues at your previous school?" Often parents would say, "Oh, no, no, no", and after about the second day it was very clear that there certainly were issues at the previous school, but the school did not have the resources to accommodate the child in the short term because there are many procedural processes to go through to get support for students.

It is important for people to realise that the new procedures that have been in operation in schools have helped considerably. The procedure now is that when a new student comes to the school, before he or she is enrolled the school receives information from the parent and principals are required to telephone the school from which the student has come and ask if there are any issues concerning that student. That seems to be a very simple process but it was a process that in the past generally was not thought out. If the principal of the former school said there were issues with that student, the principal of the enrolling school could ask, for example, what level of support the student was receiving, whether the student was getting teacher aide support, and whether the student was involved in any other programs. That would mean that when the child actually starts in the new school the school is able to ensure that the child is properly supported and that potential issues do not arise.

I was at a school in the northern part of the Wyong shire that had a reputation for helping children who had particular issues. As it does, word got around and we had people lining up to enrol their children at that school. Schools sometimes can accommodate one, two or three kids with behavioural problems—depending on the size of the school. But if that increases to five, six or seven, it becomes a real issue, and there are safety factors that have to be taken into account. For those reasons I welcome this legislation.

Schools must be able to accurately identify children when making decisions about their enrolment. A school's ability to properly cater for a student's needs, particularly in the area of behaviour, is compromised if the enrolment process is compromised. As we know, the Department of Education and Training has an obligation to ensure a safe working environment for its staff and students. To this end, schools are required to obtain and use, as appropriate, information to ensure both the health and safety of their employees at work and of others who come onto departmental sites, such as students, parents and members of the school community. In this context, it is reasonable that principals have available to them, prior to enrolment procedures being completed, information that is relevant to the assessment of a prospective student's enrolment.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [11.12 a.m.], in reply: I thank all members for their contributions to the debate today—the member for Wagga Wagga, the member for Lismore, the hardworking member for Penrith, and the member for Wyong, who made a very thoughtful contribution. I will firstly address two issues that were raised during the debate. The member for Lismore raised some concerns about fees. Fees go to help the whole of the school system, as they should, as well as individual schools right across the State. This bill makes sure that there is fairness and equity in the school system. Some areas, such as Chatswood, have many international students, while some areas have only two or three. The bill makes sure that the money from school fees goes into the general education area.

The member for Wagga Wagga read to the House a letter from a gentleman named Mr Miroslaw Nowacki. Mr Nowacki was in Australia on a 457 visa. People who come here on such visas are neither citizens nor permanent residents; therefore, they do not have the same rights as Australian citizens. It appears Mr and Mrs Nowacki are working very hard and are becoming very involved in the Australian community—I believe the gentleman has been working here for a year. At some point in time it may well be that they might apply to become Australian citizens, and, of course, all Australian citizens are entitled to the same rights and resources. I hope that clarifies the issues raised. The only other issue raised—by the member for Lismore—was totally irrelevant to the debate and I will not waste time in the Chamber by discussing that today.

New South Wales is a centre for excellence in education. This is illustrated by the fact that people from around the world send their children to this State to be educated in government primary and high schools. New South Wales government schools are internationally recognised for superb teachers, the excellent quality of our education programs and the pathway our schools offer to a career or to further study, including at Australian and overseas universities. It is reasonable and fair that the parents of overseas students, who are not usually Australian taxpayers, make a financial contribution to the system that provides their children with the excellent education they receive.

Since the early 1990s financial contributions have been collected from overseas students studying in New South Wales government schools. In excess of \$35 million was paid for the enrolment of these students in New South Wales in the last financial year. The States of Victoria, Queensland, South Australia, Western Australia and Tasmania all have legislation allowing them to impose fees on overseas students attending government schools, although the details of the legislation differ in each State.

Recently, although untested by the courts, there has been some debate in legal circles about the power of the New South Wales Government to charge such fees in the absence of a specific legislative provision enabling it to do so. Given the amount of revenue involved, it is prudent for the New South Wales Government to make plain and unambiguous its power to collect a financial contribution from overseas students in its own education legislation. This will make the system for collecting fees from overseas students in New South Wales transparent and clear to all.

The scheme set out in the bill preserves the features of the existing policy under which fees have been collected from overseas students since the early 1990s. No new categories of fee-paying students will be created by the legislation and this scheme will not apply to Australian citizens or permanent residents of Australia. The Director General of the Department of Education and Training will take steps to ensure that the current categories of exemptions from the requirement to pay fees, such as those given to residents of Norfolk Island and participants in student exchange programs, will be retained. Existing requirements to give access to education to New Zealanders will also continue to be honoured.

Under the proposed scheme, the Director General of the Department of Education and Training will have the discretion to set fees to be paid by overseas students or classes of overseas students studying at government schools. This will include students who travel to Australia under a study visa and the children of temporary residents of Australia. These fees will be published on the department's website. The director general will have the power to exempt an overseas student or class of overseas students from any requirement to pay a fee and to order the refund of a fee that has been paid. This enables the department to respond flexibly and sympathetically to cases of individual hardship or special circumstances.

On occasion the parents of overseas students agree to make a financial contribution to the education system and then break their word although their children have received an education from a government school. If that happens in future the Department of Education and Training will have a legislated right to recover the amount of money a parent has promised to pay and can, if the circumstances warrant, end the student's enrolment at the school if payment is not made. Some may argue that confirming the power to collect fees from overseas students is an admission that there was no authority to impose them in the first place. To provide certainty and to avoid unwarranted litigation, the bill provides that such fees paid in the past for instruction received in New South Wales government schools were validly imposed.

The legislation governing education needs sufficient flexibility to meet the needs of individual students while still ensuring that rigorous standards are maintained. Section 22 of the Education Act provides that a child must attend school at all times when the school is open for the child's instruction or participation in school activities. Section 25 of the Education Act provides that the Minister for Education and Training can exempt a child from being enrolled at a school. Exemptions are given in individual cases, such as when expert evidence indicates that a child who is of compulsory school age is not yet ready to start school.

The bill will amend section 25 to make it clear that the Minister also has a power to exempt a child from attending school for part of the school day. Such an exemption would be granted to meet a student's personal circumstances. An example would be where a child is returning to school after a serious accident or injury. If a doctor recommends that the child attend school for only some of the day initially and then gradually works his or her way back up to full-time attendance, an exemption from the requirement that the child attend school full time could be granted. Section 34 of the Education Act provides that the parent of a child may enrol the child at any government school if the school can accommodate the child.

At present, no guidance is given in the Education Act about what is meant by "accommodate the child". The bill will amend section 34 of the Act to make it clear for a school what being able to "accommodate the child" means. The question of whether a school can accommodate a child becomes relevant when the parents apply to enrol the child in a school that is not designated for the local area in which they live. The Act will now make it clear that a child's age, the type of school chosen by the parents, the resources allocated to the school, and its existing classroom facilities will be able to be considered when a decision is made as to whether the child can be accommodated at the school.

For example, high schools normally enrol students aged 11 or 12. If a parent seeks to enrol a 10-year-old child in a high school, consideration will be given to the child's age when a decision is made as to whether the child can be accommodated at the school. A parent who seeks to enrol his or her 15-year-old child in a primary school will be subject to the same considerations. This does not mean that no 10-year-old child will ever be enrolled at a high school, or that no 15-year-old child will ever be enrolled in a primary school; government schools in New South Wales will continue to meet the reasonable needs of students. It just makes it clear that a child's age and the type of school are valid considerations when deciding whether or not that child can safely, and in an educationally sound manner, be accommodated at that school.

It should be borne in mind that a decision that a child cannot be accommodated in a school can occur only in relation to a school located outside the intake area for the child's home address. That child has a right to enrol in a local school provided he or she is eligible to attend that school, and the director general has the duty to designate such intake areas so that all school-age children are eligible to attend a school. The bill will amend the Education Act to make it clear that the financial and other resources provided to the school and the existing number of classrooms and other facilities are considerations when determining whether or not to accept an enrolment from a student who lives outside the local area. It is important to recognise that the right to choose the school in which a child enrolls is subject to the resources made available to schools across the State. This makes it clear, for example, that an out-of-area enrolment is not to be a trigger to bring in a new demountable building that would eat into available playground space.

It can be seen that a child's age and where he or she lives are important when considering whether a child has a right to enrol at a particular school. The vast majority of parents and carers are scrupulously honest when they apply to enrol their children at school. However, for a range of reasons, some public schools may have many more people wishing to enrol at them than they can accommodate. Unfortunately, a small number of people provide false and deceptive information in order to enrol their children at a preferred school for which they are not eligible. In the past there have been a number of circumstances where it has been known or suspected that parents have provided false information. These include: using a name other than that on the child's birth certificate when one parent has taken a child away in breach of Family Court orders, or, sadly, when family relationships have broken down; parents wishing to hide a student's past history of violent behaviour, thereby impeding the ability of the school to assess and manage any risk of violence the student presents to staff and students at his or her new school; or parents claiming that a child is older than he or she is, or that a child lives at a false address.

It is important that schools can accurately identify children when making decisions about their enrolment. Enrolment of a child who is too young may harm the educational and social needs of that child and other children. It may also compromise the ability of the school to meet its duty of care regarding the children's safety. A student's address is also crucial information for the running of the school. It is vital that schools are able to make contact with parents in an emergency. It is also of profound importance that a school is able to communicate effectively with all parents of its students concerning every aspect of school life. Finally, as a matter of basic fairness, a child should not be able to jump the queue and be enrolled in preference to the child of parents who have been honest and put the child's name on the waiting list. Steps should be taken to ensure that honest people are not disadvantaged by the unscrupulous behaviour of others.

Accordingly, the bill will amend the Education Act to empower a principal to require a person seeking to enrol a child at a school to provide proof to the satisfaction of the principal of the child's identity, date of birth and home address. This may include a requirement to produce any document or to provide a statutory declaration, or both. The child will not reasonably be entitled to be enrolled at the school unless and until the requirement is complied with, unless it cannot reasonably be complied with in the circumstances. The director general may terminate the enrolment of a child at a government school if the child was enrolled as a result of providing false information. The bill also amends the Education Act to add the Department of Corrective Services to the list of agencies that can be asked to provide information to schools about students with a history of violent behaviour. This is necessary because the Department of Corrective Services has assumed responsibility for the Kariong Juvenile Correctional Centre. It will also help the Department of Education and Training to assess the risk of adult offenders who seek to resume their studies at a government school.

One of the ways that parents support schools is through their participation in parents and citizens associations. I acknowledge the tremendous efforts of, and thank, the many parents around the State for giving up their free time voluntarily to participate in enriching their children's schools. Whether it is through fundraising, through school fetes or trivia nights, helping to run special cultural musical or sporting events, generously donating their time to working bees, running great school canteens or uniform shops, or making clear their views about how the school can be improved and run better, the quality of schooling in our great State would be immeasurably reduced without the efforts of our parents and citizens associations.

On occasion a group of school parents and citizens associations may decide to form a district council of parents and citizens associations to represent a region of the State. At the moment the education regulation must be amended to establish formally a district council of parents and citizens associations. This bureaucratic and cumbersome process impedes the active participation of parents in their children's education. The Act will be amended to provide that the Minister for Education and Training can establish a district council of parents and citizens by publishing an order in the *Education Gazette*. The only district council formally established under the regulation—the Far South Coast District Council of Parents and Citizens Associations—will be preserved. The reforms set out in this bill are necessary, timely and appropriate, and I commend them 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.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2008**Agreement in Principle****Debate resumed from 7 May 2008.**

Mr MIKE BAIRD (Manly) [11.28 a.m.]: I lead for the Opposition in debate on the Public Sector Employment and Management Amendment Bill 2008. We do not oppose the tenets that are espoused in this bill: indeed, we support anything that will streamline employment opportunities and people's terms and conditions. However, we wish to highlight the deficiencies that we believe exist in the culture, efficiency and maintenance of independence in our fine public sector. We also believe there is a worrying trend in public sector vacancies and we will briefly reflect those concerns in this debate. The bill proposes changes to the Public Sector Employment and Management Act to replace, in a broad sense, the requirement to advertise vacancies in public sector notices with a requirement for online advertising. It seeks to simplify provisions relating to eligibility lists—a list of applicants who have met the selection criteria for a vacant position ranked in order of merit. At present such lists remain current for 12 months for entry-level positions and six months for other positions. The bill will extend the expiry date to 12 months for all positions.

The bill also looks at simplifying the process for converting longstanding secondments of at least two years to permanent employment—including in cases where the individual has been seconded into a position at a higher grade than that held in the home agency—where the individual meets the selection criteria for the relevant position and undergoes a merit selection process. It also looks to simplify the process for converting long-term employment of at least two years to permanent employment where the individual meets the criteria and goes through a similar process. The bill also makes some minor amendments in relation to the Government and Related Employees Appeals Tribunal Act 1980.

I endorse the comments made in the other House by my colleagues the Hon. Catherine Cusack and the Hon. Greg Pearce, and also by Greens member Dr John Kaye. We have concerns about the culture in the public sector, including whether there is selection on merit for key appointments and about transparency. This bill offers an opportunity for the Iemma Government to consider the public sector as a dynamic workplace full of talent and opportunity that offers fulfilling careers to people who serve the State day in and day out but who are hidden in back rooms. Their role should not be perceived as simply achieving the aims of government. The public sector is about being independent, performing a noble job and, ultimately, serving the community—which is why we have a public service. The Opposition is concerned about its independence, and both my colleague the Hon. Catherine Cusack and Dr John Kaye picked up this point. The Hon. Catherine Cusack said:

I ... thank Mr John Kaye, whose thoughts I endorse on the eligibility list and the position of public servants who, unfortunately, in this political public service in New South Wales, may wish to put out feelers by applying for a job in a particular area or elsewhere in their organisation but do not wish it to be known that they are applying for the job because it could undermine their current position. Once the word is out that somebody is looking to leave, this could have a profound effect on a person's ability to perform the job well. It is also presumptive as to the wishes of that person, so I urge caution.

That comment touches on a key point regarding culture. If people are not encouraged to apply for positions that may progress their career they will feel stymied. They will feel deeply that they are unable to move forward, fulfil their desires and seize career opportunities in the public sector. People must not feel compelled to apply for jobs in an underhand manner. That issue is relevant in the case of Rudi. I return to my earlier point about efficiencies. When I asked the Premier about the average length of time people spend in the government redeployment program I received the surprising answer that it was 38 weeks. The process reflects the culture. We are very happy to put on a redeployment list people who no longer have jobs and tell them we will find them other work elsewhere but the case of Rudi reveals something very different. Rudi wrote a quite detailed letter to me from which I will quote some key points. He wrote:

The subject I want to talk about is when employees lose their jobs in the public service. They are not granted redundancies. They are forced into a non-performing redeployment process where employees are virtually doing nothing or very little on full pay for months

In my case and the 11 other valuers who lost their jobs [at the] end of February 2007, we have been doing nothing for 6 months. Actually, by now, the amount of my redundancy that could have been paid @ 1st March has been entirely spent on my wages and other expenses by August 2007. While Labor and the Unions highly criticised Tristar regarding redundancies, the NSW Labor Government is doing far worse and on a bigger scale.

It seems that the redeployment process is just in place to wear out employees and to ultimately avoid paying redundancies.

Rudi was ultimately paid a redundancy after close to 38 weeks of redeployment. Why was he on the redeployment program? Why was he sitting around doing nothing for the State? Why did we play with his mind, denigrate him and then finally pay him a redundancy? It is a mystery, and reminiscent of an episode of *Fawlty Towers*. The entire public sector redeployment program is farcical. Forty per cent of the people involved in it last year were paid a redundancy. They were on the list for about 38 weeks while being paid a full salary to do nothing and then received a redundancy payout. Why did that happen? It is inefficient and nonsensical. On the human side, losing one's job is culturally significant. Rudi received a wonderful letter from the human resources section of the Department of Commerce—this is HR at its best—which read:

Keep working on yourself; believe in your skills and ability to combine your strong valuation background into a new line of work. Please make sure you take time to work through the emotions—

I note the misspelling of "through"—

that you might be feeling and give yourself time to "grief" the loss—

the word should be "grieve"—

of the work with Commerce.

That is no way to treat someone. People who unfortunately no longer have a job do not need to receive letters telling them to believe in themselves. They should not be sat in an office for 38 weeks doing nothing while their employer says it will redeploy them. They should be treated like people. That example reveals the culture in the public sector. Moving to the appointment process, I will not elaborate on the Joe Scimone affair—my colleague the Hon. Greg Pearce did that. We believe strongly that every single appointment must be transparent and based on merit; there should be nothing to hide. The Lemna Government has a history of appointing mates rather than the best person for the job. This State would be better off beyond words if we started employing the best people.

My final concern relates to public sector vacancies. Again, this reflects the public sector culture: people cannot talk to anyone about the jobs they want, they are not sure about transparency when applying for a job, and appointments are not based on merit. How does that culture manifest in this State? It is shown when one considers public sector vacancies, which have increased significantly. Australian Bureau of Statistics figures reveal that the number of unfilled public service positions in February was at a six-year high of 5,400. That figure rose from 4,900—an increase of more than 10 per cent—in the previous survey in November. Some of those vacancies were Federal but the bulk of them were in the New South Wales public sector. The trend continues across various other areas.

Experienced officers are leaving the New South Wales Police Force in droves—780 police left in 2006-07. Of the 57 officers who left in October 2006, 16 were of the rank of sergeant and above and 29 were senior constables. Almost 70 per cent of the force has fewer than 10 years experience. The force is losing experienced officers not because they dislike their jobs but because they are disgruntled with the organisation and their conditions. These figures come from a University of New South Wales survey. Two-thirds of doctors and nurses have seriously considered quitting in the past year because they are exhausted and disaffected. As the health system in New South Wales lurches from crisis to crisis, it is not surprising that it is having an impact on the morale of our public servants. Imagine what doctors and nurses have to deal with day in, day out. They do not have adequate resources, they have no assistance, they are working double shifts and there are not enough beds. It is an absolute nightmare, and they are at the coalface—which is why they are considering leaving. Only 17 per cent of employees trust management in the health sector compared with the industry average of 71 per cent. Even the majority of junior doctors are considering leaving, according to a University of Sydney Workplace Research Centre study involving 2,860 doctors and nurses in New South Wales.

According to a national survey of 1,732 public school teachers by the Australian Education Union almost half of all new teachers are planning to leave the profession within 10 years. A crisis in the education sector could be imminent in view of the increasing ages of nurses and teachers. I highlight that the Opposition is extremely concerned about this trend. Other States provide incentives to attract employees. The Opposition believes that the lack of transparency, lack of merit selection and lack of resources provided to nurses and doctors in New South Wales will lead to a loss of our best assets in the public sector. My final point addresses contract employment in the public sector. The bill refers to the need to make it easier for contractors to become full-time employees. In attempting to understand employee statistics in various departments we identified a rampant increase in the number of contractors across every department.

A private sector employer will engage contractors to reduce its number of full-time employees. With Treasurer Michael Costa imposing punitive costs, departments are employing contractors to minimise their

number of full-time employees. The Opposition calls on the Iemma Government to be transparent about public sector full-time employment statistics. It is difficult to establish the number of contractors employed in the public sector because they are hidden under a blanket of secrecy. Not only is the ultimate cost of using contractors higher; the State loses continuity of employment history and skill, requiring the training of new staff. It is an inefficient way to run a service organisation. In conclusion, the Opposition supports the tenets of the bill but believes that New South Wales should have a stronger public service. If the Iemma Government employed the simple principle of employing the best people in the best jobs we would be the best State.

Mr FRANK TERENCEZINI (Maitland) [11.41 a.m.]: I am pleased to support the Public Sector Management Employment and Management Amendment Bill 2008. I was interested in some of the comments of the member for Manly. If I have interpreted his comments correctly, he is advocating increased public sector employment, which is different from the policies espoused by the Opposition in the lead-up to the last State election. This bill implements the legislative recommendations of the Government's Review of Recruitment Practices in the New South Wales Public Sector. The proposed amendments are part of a package of reforms designed to make the public sector more attractive in an increasingly competitive labour market. They address also the need to obtain efficiencies in management of employment in government agencies and do so without diluting ethical and merit-based recruitment practices.

Government agencies will benefit from these legislative changes by implementing practices that will make workforce management in the New South Wales public sector simpler, faster and more effective. The bill allows for a more up-to-date method of advertising government jobs. Advertising all government jobs online will ensure that more potential applicants can access jobs. This will ensure that one key aspect of merit selection—to ensure all members of the community are able to apply for jobs in government—is enhanced by this reform. The bill provides efficiency mechanisms that continue to support the Government's merit selection principles by simplifying and extending the use of eligibility lists and making them more widely available.

These changes will assist by sharing the employment of quality applicants between agencies, which is likely to reduce overall employment costs. Privacy issues will be considered in implementing this proposal. Specifically, administrative arrangements will require an applicant's consent to be obtained before his or her name is included on an eligibility list shared with another department. The job applicant will have to consent to any information to be shared with other departments—for example, an applicant's job application. All privacy issues will be addressed when the proposal to share eligibility lists across departments is implemented.

The Government's review recommended also that quality temporary staff be appointed to permanent positions without the need for the duties to be substantially the same, but with the proviso that the appointed person meets the selection criteria for the permanent position. This reform will assist in obtaining efficiencies by ensuring that valuable staff can be retained in a time of increasing skills shortages. The bill simplifies also the process for converting certain longstanding secondments of at least two years to permanent appointments. The bill provides for a simpler process to appoint a person to the position to which he or she has been seconded. Importantly, a person will be appointed to the new position only if that person was selected for secondment on the basis of merit to the same or similar position. The person must also meet the selection criteria for the position.

None of the proposed changes affects the merit principle upon which recruitment to government agencies is based. The Government's review reaffirmed the importance of the merit principle, and the bill supports that decision. In particular, public sector agencies strongly support the use of e-recruitment. The bill will facilitate the increased use of e-recruitment for public sector positions and assist in filling areas of skills shortages in government agencies. After all my years of public service employment from 1987 before being elected to this place, whether it was as a motor vehicle inspector with the Department of Motor Transport [DMT], as it was then called—now the Roads and Traffic Authority [RTA]—as a teacher in the TAFE system, or in the Department of Public Prosecutions [DPP], I witnessed significant change in the public service.

Many years ago when someone joined the public service they would think, "I'm going to have this job for a very long time. I'm going to sit behind this desk and remain here for my whole career." From my experience in the public service the transformation has been significant. Advertised basic public service jobs were filled according to merit, but always were given to those who deserved the position. This bill is about the public sector becoming more flexible and more efficient, and putting itself in a much better position to compete in the labour market.

Talk is always about the private sector poaching from the public sector. I have seen many talented people who were great assets to the public service leave to take up employment in the private sector. I am

confident that we will move to a position where the reverse will apply; the public sector will become more efficient and competitive. More people from the private sector will want to join the public sector. There is a wealth of talent out there and the public sector, in my experience, has become a place that provides satisfaction of employment and fulfils one's experience by serving the community in many different roles. This bill is about ensuring that we keep heading towards that goal. I am pleased to support this bill. I am sure it will add to the Government's reform process. I commend the bill to the House.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [11.47 a.m.]: I was encouraged to contribute to the debate on the Public Sector Employment and Management Amendment Bill 2008 after listening to the member for Manly. Firstly, I congratulate him on his successful revolt against his leader yesterday afternoon. It demonstrated his growing influence in his party.

Mr Greg Smith: Point of order: I appreciate that the Parliamentary Secretary cannot resist making irrelevant comments that have nothing to do with the bill before the House. He is aware of Standing Order 76 and has deliberately breached it. But we will forgive him this time.

ACTING-SPEAKER (Mr Thomas George): Order! I am sure the member for Monaro is about to refer to the bill.

Mr STEVE WHAN: Of course, I accept the point of order taken by the member for Epping. He is absolutely correct: I could not resist. I shall respond particularly to some of the comments of the member for Manly about public sector employees. I appreciate his point of view on what needs to be done to ensure New South Wales does not have a shortage of public sector staff. He was right about one particular area he highlighted: many challenges the New South Wales Government and all Australian governments and, indeed, all employment sectors will face in the coming years are driven by the fact that our population is ageing.

The baby boom bubble is working its way through the workforce and not as many people are entering the workforce now as will be needed to fill all the positions. That will be particularly challenging for the public sector. He was right to highlight that point. It is a challenging situation and we will have to ensure that public sector employment is competitive and satisfying. I look at the students in the gallery and hope that many of them will consider working in the public service when they finish their education, because it is a satisfying sector to serve. Employment is not always about the salary package; it is often about the satisfaction one can get from serving the community and doing a job.

I take issue with a couple of the points made by the member for Manly. He talked about shortages and blamed the Government for difficulties experienced in filling positions. However, over the years the Opposition has consistently attacked this Government for the percentage of the State's budget that is spent on wages. It is true that this Government spends more than half of the State's budget on public sector wages, and the Opposition has frequently told us that we are wasting money. We are not wasting money because we are paying wages that attract people to work in the public sector. We must recompense our employees well to ensure that we retain the talented people we need to maintain the public sector.

That is the reason I take issue with the Opposition's position. On the one hand members opposite tell the Parliament and the people of New South Wales that the Government is not doing enough to keep people in the public sector and to give them satisfying jobs; on the other hand they talk about faceless bureaucrats and attack the Government about the money it spends on salaries. This State pays its nurses and teachers more than nurses and teachers are paid in any other State in Australia because it knows they are worth that investment. When members opposite talk about budgets they pretend this Government is wasting money and that it spends too much on salaries. It would be nice to hear them endorse the Government's paying public sector employees what they are worth.

[Interruption]

That is yet another comment about bureaucrats. Members opposite often make that sort of broad, insulting comment. In fact the member for Murray-Darling asked the Premier a question yesterday and said that the Government is asking the people to do Clayton's jobs in the public sector. They are not Clayton's jobs; they are real, valuable jobs servicing the community. That is why this Government appreciates the work that public sector employees do. The member for Manly talked about morale in the public sector. Is it any wonder that we sometimes have difficulty with morale, particularly in the health sector, when day after day individual incidents catch the attention of the Opposition's publicity bandwagon and some in the media and overwhelm the vast majority of positive stories about hospital services and care?

I can cite a good example of that. Would anyone blame staff at the Cooma Hospital for being upset and depressed recently when the Opposition and the media in the south-east attacked their performance when dealing with a young girl who needed an appendectomy? They said that Cooma Hospital's performance was not up to scratch and that the staff had not looked after the girl and were not able to do the job. In fact, the girl was given great treatment at the hospital, but no surgeon was available because—surprise, surprise—surgeons cannot work 24 hours a day; they need a break. The girl was transferred to Canberra Hospital and her mother chose to drive her because she wanted to accompany her daughter. She chose to drive rather than wait for an ambulance. The mother felt that the Cooma Hospital staff had been unfairly treated and wrote to the newspaper thanking them for their help. She did have some issues about the length of time it took for the surgery to be done when her daughter arrived in Canberra, and some issues need to be resolved. However, overwhelmingly she was happy. That is the sort of story we need to highlight.

Mr Daryl Maguire: Point of order: I was there at the meeting with the lady and the problem was that no ambulance was available and the hospital directed her to drive the child to Canberra. That was the issue. The lady was not upset about the treatment she received at the hospital—the staff were great. The fact is that there was no ambulance and no surgeon and it was an urgent case. She drove her daughter to Canberra herself.

ACTING-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr STEVE WHAN: As the member for Wagga Wagga knows, that is not a point of order. He should have read the mother's letter to the newspaper in which she said an ambulance was available but she chose to drive the child to Canberra because she could do so straightaway. Of course, the ambulance would have had to come from finishing its other job, but the child was being well looked after. Many parents choose to drive their children to treatment in that situation. Coincidentally, a couple of weeks after that incident my son had to have an appendectomy, and we were given that option. My son was transferred to Canberra in an ambulance because he had had painkillers. That mother was given that option and she wrote to the newspaper congratulating the staff at Cooma Hospital.

The story the Opposition generated for the media was appalling. It is all about bashing public servants and hospital service. The majority of people working in our public sector do a terrific job and they do not deserve to be criticised—as they often are—by the Opposition. The Nationals constantly criticise people working in the national parks in my electorate. Staff working in the Kosciuszko National Park do a wonderful job, as do the many people working in a range of other public sector jobs. The Parliamentary Secretary is keen to get on with her reply, so I leave my comments at that. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [11.54 a.m.]: This debate gives me the opportunity to put on the record the Opposition's concerns about public service appointments. We continue to be critical about those appointments because, generally speaking, they involve gentlemen such as Joe Scimone. We are well aware that the Labor Government has a huge debt to repay to friends, pals, supporters, fundraisers—

Mr Frank Terenzini: Point of order: Standing Order 76 refers to relevance. I am very keen to hear the contribution of the member for Murray-Darling on this bill, and I am also keen to hear him start making it.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will address his remarks to the leave of the Public Sector Employment and Management Amendment Bill.

Mr JOHN WILLIAMS: We talked about control of the environment, the mining industry and the need for rehabilitation of the mines and so on in this place the other day. The debate rolled out and I thought about the issue. The bell rang a couple of days later: the bill being debated was designed to give jobs to people who are owed favours. The Government is looking for jobs for a dozen fallen angels—the bagmen and the people who have pushed and shoved the developers into a corner and made them pay for preferential treatment.

Ms Virginia Judge: Point of order: This is becoming a fiasco. Standing Order 76—

ACTING-SPEAKER (Mr Thomas George): Order! I ask all members to respect the fact that the Parliamentary Secretary should be given the opportunity to present her point of order.

Ms Virginia Judge: I refer to Standing Order 76, relevance during debate. The member should confine his comments to the bill.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will confine his remarks to the leave of the bill.

Mr Barry Collier: You will miss the flight home if you don't get on with it.

Mr JOHN WILLIAMS: Ha, ha. Thank you.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling would make better progress if there were fewer interjections.

Mr JOHN WILLIAMS: I want to get on with it, but the interjections are ruining my presentation. This is important legislation.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will address his comments through the Chair.

Mr JOHN WILLIAMS: Environmental police will be employed in the public sector, and guess what? A little name will probably bob up there. Joe Scimone will be an environmental officer for the mines—someone who has probably never even grown two tomato bushes—and he, together with another three fallen angels, will give advice on the rehabilitation of mine sites.

Mr Frank Terenzini: Point of order: The time of the House will not be spent productively if Government members have to take points of orders as a tag team each time the member for Murray-Darling transgresses. He should confine his remarks to the leave of the bill. As he said, it is very important legislation, but I am still waiting for his contribution.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will confine his remarks to the Public Sector Employment and Management Bill.

Mr JOHN WILLIAMS: We are talking about employment in the public sector. If that is not a concern for the Opposition of this House, it should be. Substandard people are being appointed to public sector roles because they are owed a favour, not because of their qualifications or credentials. I would have liked to have been a fly on the wall when the New South Wales Director General of the Department of Education Training was appointed. He was appointed for one reason.

Ms Virginia Judge: Point of order: My point of order relates to Standing Order 76, relevance. I do not think that the member for Murray-Darling should use the Chamber to attack hardworking people in the public sector. They have nothing to do with the debate. They are appointed on merit, on talent and expertise, and the director general to whom he refers is an outstanding director general.

ACTING-SPEAKER (Mr Thomas George): Order! What is the member's point of order?

Ms Virginia Judge: Relevance. His remarks should be confined to the leave of the bill.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling is referring to government appointments.

Mr JOHN WILLIAMS: It is interesting that the Parliamentary Secretary should say that. It shows that she is not listening to teachers—teachers who are suggesting to the Opposition that the director general is not suitable. He has no experience in education. His appointment was for the political purpose of making sure that the Department of Education and Training is heading in the direction in which Labor wants it to go. That is a concern that people on the Opposition side of the House should share and should bring to attention. We should make sure that people are protected from substandard appointments in the education sector. We should make sure that children receive an unbiased education—an education that does not lean towards the principles espoused by the government of the day.

Mr David Harris: Point of order: My point of order relates to Standing Order 76, relevance. The Department of Education and Training has a clear set of guidelines and a very transparent system of appointment. The member is ranting. His remarks are inappropriate and do not address the bill at all. Several times you have ruled that he should confine his remarks to the leave of the bill, but it is just not happening.

ACTING-SPEAKER (Mr Thomas George): Order! The comments of the member for Murray-Darling relate to teachers' representations to him about education appointments.

Mr JOHN WILLIAMS: As I have said, my role as a politician is to listen to people. Perhaps opinions in the west of New South Wales are a little bit different to those on the eastern coast.

Mr Barry Collier: Don't start that.

Mr JOHN WILLIAMS: Do you want to run a survey? Please run a survey.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will direct his comments through the Chair. The member for Murray-Darling would have less difficulty directing his comments through the Chair if members made fewer interjections.

Mr JOHN WILLIAMS: We will do a survey. I think we should.

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

Mr JOHN WILLIAMS: I assure the House that there are concerns about the education system. People are very concerned about the direction being taken by the Department of Education and Training in regard to the future of teachers in New South Wales.

Mr David Harris: What absolute rubbish. My wife is a teacher.

Mr JOHN WILLIAMS: I remind the member for Wyong we have had a number of strikes in New South Wales that teachers have attended in great numbers. What does that tell you? Does that tell you about their satisfaction? It tells you about dissatisfaction.

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

Mr JOHN WILLIAMS: They are very dissatisfied with the system. Those people are moving on. They tell me there is a breakdown.

Mr Barry Collier: Point of order: The bill is not about industrial relations management or strikes. The member for Murray-Darling should confine his remarks to the leave of the bill. He has said enough.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Murray-Darling will confine his remarks to the leave of the bill. He will direct his comments to public sector employment.

Mr JOHN WILLIAMS: In conclusion, I point out that the Opposition has a responsibility to the people of New South Wales to ensure that public sector employees, particularly directors general of departments, are employed in the best interests of the State. If members of the Opposition honestly believe there is an issue about employment and management of the affairs and services provided in New South Wales, they should debate that issue to ensure that everyone who is employed has been engaged without any political bias affecting the process of appointment, and that appointees have undergone due and diligent process to obviate political bias. The best possible appointment is an apolitical appointment, but that does not seem to be achieved in the current environment. They are the concerns that have been expressed to me. This is an opportunity for me and other members of the Opposition to put forward those concerns. I thank the House for the opportunity to address the bill.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [12.06 p.m.], in reply: I thank all honourable members who contributed to the debate. Most of the contributions were very relevant and addressed the bill, but it was a shame that a couple of speakers had not read the bill and did not know what it was about; they went off on a tangent. In a nutshell, it is absolutely outrageous and the ultimate hypocrisy for the member for Manly to raise morale in the public sector. I remind him that it was the Coalition that went to an election with a slash-and-burn policy on the public sector. Fortunately, Australian electors are so intelligent they could see through Opposition arguments. How could he have the audacity and hypocrisy to complain about morale when, if such matters had been placed in the hands of the Coalition, people would not have had a job to have any morale about. His comments are absolutely outrageous, and I hope the Opposition understands that.

[Interruption]

Members opposite should not dumb down the debate to the Australian people because electors are too intelligent for that. Primarily the bill implements recommendations arising from the review of employment processes in the New South Wales public sector by the Council on the Cost and Quality of Government. The bill will formalise the use of the Government's jobs.nsw website as the main means of advertising vacancies and will make small changes to some appointment processes when merit selection has already occurred.

The bill also amends the Public Sector Employment and Management Act 2002 to extend the currency of eligibility lists for all graded officers to 12 months, to allow any departmental head to use another department's eligibility list for positions that are substantially the same, to facilitate the conversion of long-term temporary employment to a permanent appointment in circumstances in which merit selection has previously occurred, and to simplify the mechanism for converting a longstanding secondment, initiated by an employee, to a permanent appointment, when the person was initially seconded following merit selection. 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.

JUSTICES OF THE PEACE AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 8 May 2008.

Mr GREG SMITH (Epping) [12.09 p.m.]: The Opposition does not oppose the Justices of the Peace Amendment Bill 2008, which amends the Justices of the Peace Act 2002 to implement certain recommendations contained in the 2007 report on the five-year review of the Act tabled in Parliament on 5 December 2007. The bill enables the director general to reappoint a justice of the peace. The Act currently allows only the Governor to appoint and reappoint a justice of the peace. The director general holds a high office and this amendment is appropriate. The bill provides that the appointment of a justice of the peace can continue until a determination is made in respect of any duly made application for reappointment.

Currently, unless reappointed before the expiry date, they no longer remain justices of the peace. That is ridiculous, and it inconveniences the public because it is difficult to find a justice of the peace. It is important to have suitable people appointed as justices of the peace, and those who were found to be suitable on their original application should retain their appointment, unless there is evidence of misconduct. Further, the bill provides that the guidelines issued by the Minister with respect to the exercise of specified functions by justices of the peace are to incorporate relevant provisions of any code of conduct for justices of the peace that have been prescribed by the regulations. As I understand it, no code of conduct to date applies to justices of the peace, and that hiatus in the justices of the peace scheme should be rectified. The bill was assented to on 21 June 2002 and the Act commenced on 8 December 2003. It regulated the appointment of justices of the peace who previously had been appointed on an ad hoc basis for life. However, some appointments clearly were unsuitable.

I remember character evidence being given in the trial of a person I prosecuted who was not before the court; he was unable to attend due to ill health. His name was Frank Hakim or Fayeze Hakim and he was a justice of the peace. Evidence was given that many police visited him to ask him to sign their search warrants. Apparently, he would make them breakfast as well. I do not wish to cast aspersions on the dead, but Mr Hakim was publicly proclaimed as a nobbler, and a man involved with the former celebrated Labor Minister Rex Jackson and others in the corrupt early release of prisoners. He was charged with a large number of offences. However, due to his ill health he faced very few charges after he was dealt with for his part in the early release of prisoners conspiracy. He was the sort of person who should not pass muster. People should be screened. It is rather amusing that he was said to be good of good character after he had already been convicted of this conspiracy.

Mr Barry Collier: He went to the dark side.

Mr GREG SMITH: I will not comment on what time he went to the dark side. Section 5 (3) of the Act provides for a five-year term of office. The bill provides for the reappointment of justices of the peace by the Governor on the recommendation of the Minister or the Director General of the Attorney General's Department. Initial appointment of justices of the peace will continue to be approved by the Governor. Section 4 (4) provides that, after an application for reappointment is made, the person's appointment will remain in force until an application for reappointment is made. Submissions to the review committee raised the concerns that a renewal may not be complete before the term of a justice of the peace expires.

There might be a delay, the post might not arrive or the application might become lost and, unfortunately, a person might slip from the list of approved justices at the expiration of the five years. In his agreement in principle speech the Attorney General stated that the code of conduct in New South Wales would be designed to make justices of the peace more aware of what standards are expected of them. It will cover matters such as prohibition on the charging of fees or profiting from the office of the justice of the peace. It will cover the need to maintain confidentiality, and notify the Attorney General's Department of certain information, such as criminal charges, conviction or bankruptcy. It will also cover the general conduct of a justice of the peace, such as behaving in a courteous manner.

Recently I met with some justices of the peace at Tweed Heads as part of my duties as shadow Attorney General. I met with a number of different organisations including the Tweed Valley Justices Association and its President, Mr Ian Russell, and committee member, Mr Lance Munday. They were impressive men. The association, which has operated for 10 years, represents justices of the peace in the area to give them a voice. Difficulties exist in the area because of its proximity to the Queensland border, particularly as Queensland justices of the peace have identification cards— something that perhaps New South Wales should consider.

Justices of the peace in that area seek a commonality stamp because their counterparts in Queensland have a specific stamp with a number and they sign next to their name. It is appropriate for them to have an officially sanctioned identification card with a name and a number. The alternative could result in stamps with exotic designs that might encourage fraudulent witnessing of affidavits and statutory declarations by somebody purporting to be a justice of the peace. It is preferable to have a stamp with an appropriate number issued by the Attorney General's Department.

The association would also like the Lawlink website, which the Attorney General's Department operates, to include additional information such as listing those justices of the peace who speak another language. We live in a multicultural society in which many people do not speak good English. It would be useful to have a register on the Internet setting out those details. A justice of the peace with such skills would assist people from non-English speaking backgrounds. In addition, the Tweed Valley Justice Association funds the association, which operates to serve the public. Perhaps the Attorney General's Department could allocate some money to the association and similar associations to put towards stationery, postage and ancillary matters.

Such a provision is not in the bill, but perhaps the Attorney General could consider it. Members of the association perform a voluntary service in the Tweed shopping centre each Thursday. I am aware of a gentleman in my electorate who attends the Westleigh shopping centre all day each Thursday to witness documents for the community. As I said, there are many committed justices of the peace throughout the State. From time to time a list of justices of the peace should be published in local newspapers, with either a website or email address so that people can contact them quickly. Sometimes people have difficulty finding a justice of the peace in their area. In the past people would go to the bank because the manager was a justice of the peace.

Mr Barry Collier: They don't have managers.

Mr GREG SMITH: These days many banks do not have a manager. If people want to see a bank manager they must make an appointment a week ahead and someone will travel from the city or they must travel to the city. So that facility is not so easily available. In the past postmasters were justices of the peace. These days post offices are like supermarkets, and people must wait for a long time simply to buy a stamp. It would be better to make it easier to find justices of the peace, and the Government should encourage that. The arguments are clearly in favour of this legislation: it reduces unnecessary red tape in the reappointment of justices of the peace. It proposes to introduce a code of conduct, which I believe is a forward step. Submissions to the statutory review identified that the process for reappointment is time-consuming and unnecessarily formal. Perhaps something more simple could be worked out.

We welcome any code of conduct provided it has sufficient terms in it. I assume that that will not be done by legislation, but we would like to see the code of conduct for comment, if necessary, before it becomes operable. As for arguments against the legislation, we do not know what will be in the code of conduct, but some recommendations are provided in the review report. There is no notification requirement in the code of conduct for justices of the peace in Western Australia in the event of a justice of the peace being charged with, or convicted of, a criminal offence or becoming bankrupt, but such notification provisions are required in the code of conduct for justices of the peace in South Australia. We recommend that the Government follow the South Australian line in that area. We do not oppose the legislation.

Mr FRANK TERENCE (Maitland) [12.22 p.m.]: It is my pleasure to support the Justices of the Peace Amendment Bill 2008. The office of justice of the peace has a long history that can be traced as far back as the thirteenth century. Justices were originally appointed by the English Crown to maintain the King's peace throughout the realm. In 1363 they were empowered to hold court hearings in country counties four times a year, exercising the equivalent of summary jurisdiction. By the sixteenth century justices of the peace had attracted various administrative responsibilities, such as issuing warrants, building and mending bridges, and regulating food supply. Over time justices of the peace came to wield significant power, having the authority to call out troops and oversee corporal punishment and imprisonment. Of course, as times have changed, so has the role of justices of the peace, and with the emergence of magistrates the judicial functions of justices of the peace were gradually overtaken.

Today some 84,000 justices of the peace serve the people of New South Wales, and a fair few of them reside in my electorate of Maitland. Prior to the reforms engineered by the former New South Wales Attorney General, justices of the peace were appointed for life. The Justices of the Peace Act 2002 provided for the appointment of justices of the peace and renewal of their appointment every five years, setting out the functions of justices of the peace and establishing a public registry of justices of the peace. A statutory review of the Act was undertaken in 2007 and a total of 21 submissions were received from members of Parliament, justice of the peace organisations, individual justices of the peace and former justices of the peace.

The report, tabled in Parliament at the end of last year by the Attorney General, made seven recommendations to further improve the operation of the justices of the peace scheme. The bill before the House today embraces those recommendations requiring legislative change. Justices of the peace voluntarily provide an important service to the community. That is why the New South Wales Government will amend the law to ensure that they do not become entangled in red tape. The action is also consistent with priority P3 of the Iemma Government's State Plan—cutting red tape. Justices of the peace will soon be able to renew their position through a simple administrative procedure, rather than requiring the approval of the New South Wales Governor.

The Government will also introduce a justices of the peace code of conduct to uphold the integrity of the office. The code of conduct will remind justices of the peace that they must behave courteously and maintain confidentiality, they must not charge fees for their services and they are obliged to notify the Attorney General's Department of certain information, such as if they are convicted of an offence or declared bankrupt. As the Parliamentary Secretary said, the bill will amend the Justices of the Peace Act to provide that the Director General of the Attorney General's Department may also reappoint justices of the peace; clarify that justices of the peace may be reappointed despite the expiry of his or her appointment, provided the application has been duly made and the person is eligible; and allow for the inclusion of a code of conduct in the justice of the peace guidelines issued by the Attorney.

I note that as the result of previous amendments to the justices of the peace scheme, people can no longer simply make an application and be appointed as a justice of the peace. They must justify their need for the qualification for a particular purpose. All members of Parliament process justice of the peace applications. As well as the two character references that must be provided, we must also have confirmation from an employer or community organisation that the person needs to hold the office of justice of the peace for his or her job. These days it is possible for many people to sign statutory declarations. However, justices of the peace fulfil the role of witnessing affidavits and other important duties. So the screening process for justice of the peace applications has been tightened.

I turn now to the provisions relating to five-year appointments. In my electorate is a justice of the peace association, the Raymond Terrace Federation of Justices of the Peace. Recently I attended the annual general meeting of that association, which performs a crucial role in getting the local justices of the peace together, keeping them up to date with procedural changes, ensuring that they get the proper guidance and assistance to

fulfil their role and ensuring that they do not do anything unintentional or untoward, or get into trouble. One question that arose at the meeting related to the five-year appointments. The provision of appointments for five years exists for a good reason. In the past people were appointed as a justice of the peace for life; the association lost track of justices who changed their address or in some cases either got into trouble or were no longer fit to perform their role as a justice of the peace. Five-year appointments will ensure that the Attorney General keeps track of people who hold the office of justice of the peace to ensure that they can be located and that they are still fit to perform that function. The mechanism is already in place to ensure that all those things occur.

As a result of previous reforms to the scheme, a list of justices of the peace is readily available online. People can look at the website to get the names and addresses of justices of the peace. In my electorate we have justices of the peace on our local council, and local banks still have a justice of the peace. I know this because I process applications for appointment as a justice of the peace. We already have in place a good, efficient regime to keep track of appointees to make sure they are readily available and to ensure that the screening process is appropriate. The bill provides for a code of conduct for justices of the peace. The code of conduct will provide extra guidelines and remind people of the importance of the office of justice of the peace and the duties they perform. My local justices of the peace, who are good, upstanding citizens performing an important role, are keen to see the code of conduct because they want to assist new appointees and ensure that they are properly performing their duties as a justice of the peace. It is an excellent bill and, as a former justice of the peace before I started practising law, I fully support it. I believe it is a very important office, and these reforms will further enhance the importance of that office. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [12.29 p.m.]: The Justices of the Peace Amendment Bill 2008 amends the Justices of the Peace Act 2002 to implement certain recommendations contained in the 2007 report on the five-year review of the Act. A key proposal is to reduce the superfluous red tape in the reappointment of justices of the peace. Under the current scheme only the Governor is allowed to appoint and reappoint justices of the peace. The amendment enables the Director General of the Attorney General's Department to reappoint justices of the peace, while the original appointment of justices of the peace remains solely with the Governor. The bill also provides that a person's appointment as a justice of the peace continues until a decision is made in reference to their application for reappointment. This addresses the situation in which a renewal is not complete before a justice of the peace's term expires due to an administrative error or delay. These reforms remove unnecessary bureaucracy and simplify administration.

In 1195—going back further than the member for Maitland did—Richard the Lionheart commissioned certain knights to preserve the peace in unruly regions. These knights were responsible for preserving the king's peace and ensuring that the law was upheld. They were referred to as "keepers of the peace". An Act of 1327 called for good and lawful men to be appointed in every county to guard the peace. The title "justice of the peace" derives from 1361, in the reign of King Edward III. The introduction of a code of conduct for justices of the peace is important in ensuring that they are, indeed, good and lawful men and women. While we are as yet unaware of the specifics of the proposed code of conduct, it has been suggested that it will cover matters such as the need to maintain confidentiality, notifying the Attorney General's Department of certain information such as a criminal charge, a conviction, or bankruptcy, and the prohibition on the charging of fees or profiting from the office of justice of the peace.

Given that administering oath declarations, witnessing signatures, and attesting and certifying documents all involve the issue of integrity, a code of conduct is indeed appropriate. Justices of the peace serve an important civic function, without financial reward. It is always refreshing to see people willing to donate their time and energy to the community. I support this legislation as it provides simpler administration and removes the time-consuming and unnecessarily formal process for the reappointment of justices of the peace. It also provides that guidelines issued by the Minister are to be incorporated so as to create a code of conduct for justices of the peace to ensure that their reputation in society and the trust placed in them are warranted and preserved.

Mrs DAWN FARDELL (Dubbo) [12.33 p.m.]: As a longstanding justice of the peace I wish to make a few observations about the Justices of the Peace Amendment Bill 2008. I was appointed a justice of the peace many years ago when I was a loans officer at the Commonwealth Bank in Woodlark Street, Lismore, when it was necessary for me to witness signatures on mortgage documents. The only other person in the bank who had that authority at the time was the bank manager. At that time there was a great need for signatures on various documents to be witnessed, so the accountant and I were appointed as justices of the peace.

In those days—as I believe occurs today—justices of the peace were appointed at the local courthouse. The accountant and I had to sign the necessary documents, and the bank arranged the process. We had to appear before the magistrate at Lismore courthouse and provide reasons why we needed to be appointed as justices of the peace, and explain our intended use of the role. The magistrate explained to us the legalities involved in performing the role, and what we could and could not do. These days, however, it is a little like going to the supermarket: everyone wants to become a justice of the peace.

I have some concerns about the bill. As a local member I have at least three or four applications coming through my office each week—from well-meaning people; I do not wish to detract from their character. However, since the announcement that people can apply for appointment as a justice of the peace, my office has been inundated with applications. Many citizens have come to my office to lodge justice of the peace applications, and various reasons have been put forward. They have asked me to sign their forms, and I have signed them willingly because I know they are of good character. The reasons given for wanting to become justices of the peace are that their workplace needs up to three justices of the peace, or that they are a member of a sporting organisation, or whatever it may be. I find that there are now more citizens in my community who are justices of the peace than there are ordinary citizens. So I am not sure it is a good thing that the office has been opened so much; perhaps we should be more restrictive.

I support the five-year reappointment of justices of the peace. When I was appointed a justice of the peace we were not given a number; however, I now have a number. Maintaining such a record allows the Attorney General to keep track of justices of the peace. With regard to the five-year reappointment, perhaps justices of the peace should be required to keep a record and provide a return detailing the occasions on which they carry out functions as a justice of the peace. It may be that the reason some people apply to become a justice of the peace is that they think it would be useful for them. I know of people in my electorate who put "JP" after their name—which I do not do. It is not like an OAM; however, it is an honour to have that qualification. I ask the Government to look at that matter.

The return could also include the number of times the person has performed functions of a justice of the peace during the five-year period. If such functions have not been carried out during the five-year period, the role has not been used sufficiently for the reason given at the time of the application, or if it is considered that the person may be abusing the office, perhaps the person's appointment as a justice of the peace should be reconsidered and perhaps withdrawn. I have no problem with the fee that will now be connected with justice of the peace applications. A fee was not involved in the past.

However, a certain amount of administration is involved in lodging an application, and therefore I do not have an issue with that. The member for Epping suggested the publication of a list of justices of the peace. However, as the member for Maitland said, people can simply look at the website to check their justice of the peace number. My justice of the peace number is quite long, and from time to time I have to view the website to find out what my number is. I know I was appointed a justice of the peace in 1975. In summary, I support the bill, particularly the reduction in red tape, and I welcome the code of conduct. However, perhaps when reappointment is considered after five years the performance of justices of the peace should be reviewed.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.36 p.m.], in reply: I thank members representing the electorates of Epping, Maitland, Davidson and Dubbo for their contributions to this debate. Currently there are more than 84,000 justices of the peace in New South Wales who voluntarily perform functions for the benefit of the community. These include witnessing signatures on legal documents, administering oaths, taking statutory declarations, and certifying copies of original documents. The bill will enhance the provision of these valuable services by cutting red tape, maintaining public confidence, and upholding the integrity of the important office of justice of the peace.

I personally interview all those in my electorate who apply for appointment to the very important office of justice of the peace. I am impressed with the quality of the applicants, their diversity of occupations, and with the many and varied ways in which they will use their proposed appointment as a justice of the peace to serve their community. I take this opportunity to thank the Clerk of Sutherland Local Court, Mr Colin McDermid, and his staff for the efficient manner in which they assist prospective justices of the peace attending the court to take the oath or make the relevant affirmation prior to taking office.

I also take this opportunity to thank the officers of the community relations unit of the Attorney General's Department, who are always so helpful in providing the advice and assistance needed from time to time when processing justice of the peace applications. I must also take this opportunity to thank my

hardworking electorate staff—Wanda Fowler, Kim Hall and Maree Shepherd—all of whom are justices of the peace, for the assistance they give to constituents seeking justice of the peace services, and the role they play in processing applications for this important office.

The member for Epping raised a few issues about stamps. I am aware that justices of the peace can obtain a stamp from their local rubberstamp manufacturer, who will put on the stamp the person's name, justice of the peace number and the relevant wording, to save the justice of the peace writing out the same words hundreds and hundreds of times. Many justices of the peace do this. Indeed, the handbook that is provided to justices of the peace when they are appointed contains examples of stamps that new justices of the peace can take along to rubberstamp suppliers. So stamps are really not of concern and most justices of the peace do not have problems with them. The handbook I have referred to sets out dos and don'ts for new justices of the peace. It provides examples of stamps, as I have said, and it sets out the obligations of justices of the peace. I understand that the handbook is currently being revised.

The bill contains important amendments to the Justices of the Peace Act 2002. These amendments implement certain recommendations contained in the five-year statutory review of the Act. They streamline the appointment process and the continuation of the appointment of a Justice of the Peace until his or her application for reappointment has been determined, which I think all members will agree is a very important step forward. Those two amendments strengthen the five-year terms by simplifying the renewal process and safeguarding against administrative error or delay. The bill also provides for the introduction of a code of conduct for justices of the peace. The code will cover matters such as a prohibition on the charging of fees or profiting from the office of justice of the peace, the need to maintain confidentiality, the requirement to notify the department regarding certain matters, and the general conduct of justices of the peace.

A draft code has been distributed to justices of the peace associations and will be reviewed in light of comments received from these and other stakeholders. Once introduced, the Attorney General's Department will monitor compliance with the code over time through its complaints handling processes. This will inform future assessment of the need to introduce any formal sanctions regarding breaches of the code. As I have indicated, the justice of the peace handbook—including fact sheets and frequently asked questions—is currently being developed and when finalised will be available on the Internet. Other dissemination methods are also under discussion.

In relation to a register of justices of the peace, as the member for Maitland and the member for Dubbo pointed out, justices of the peace consent to have their name published on the register as a condition of appointment or re-appointment. The register publishes only very limited information, and it is available on the Internet. Currently the Justices of the Peace Regulation 2003 requires the register to contain the name of the justice of the peace, the suburb or town where the justice of the peace carries out most of his or her functions as a justice of the peace, the relevant postcode, and a telephone number. The justice of the peace has the option of providing a mobile telephone number or business number instead of a home number, or providing the telephone number of a local community organisation—for example, a justice of the peace association.

When justices of the peace perform their function as a justice of the peace primarily for purposes related to their employment, section 7 (2) (a) of the Justices of the Peace Act 2003 provides that the justices of the peace may withdraw consent for the inclusion of their contact information on the public register. That may occur, for example, when the safety and wellbeing of a justice of the peace is in jeopardy. The main purpose of the Justice of the Peace Act is to provide a community service that is publicly accessible. The register enables people to find a justice of the peace in their locality. The provision of contact details of justices of the peace on the public register is thus a key part in fulfilling their role under the Act.

What happens if a justice of the peace forgets to reapply for reappointment or does not know about the legislative requirement to renew? If that occurs, and they have not applied for reappointment by the expiry date for applications and their five-year term ends, the appointment of the justice of the peace lapses. The Act has been in place since 2002 so there has been sufficient time for justices of the peace to familiarise themselves with the new system. If a justice of the peace re-applies for appointment, and in the meantime their five-year term expires, then they remain a justice of the peace until the reapplication is determined. The first five-year renewals will be due for justices of the peace in March 2009, and they are able to apply for reappointment from six months before this date.

The point raised quite correctly by the member for Maitland is that before we had five-year appointments—I make the people I interview to become justices of the peace aware of this, and they accept it—

we faced the problem that we did not know who was and who was not a justice of the peace. It is important that the register be kept up to date. The five-year appointments make good sense and allow the roll to be updated. Within any five-year period individuals on that roll may commit a criminal offence, may become bankrupt or, sadly, may suffer from dementia and other forms of illness—as some of our older residents do—that make their continuation as justices of the peace inappropriate.

Information will be made available on the website of the Attorney General from about six months before the five-year renewals become due, and the justice of the peace automated telephone system will provide information regarding renewals. A reminder notice will be sent to a justice of the peace three months before the due date for renewals. If a justice of the peace fails to apply for reappointment and his or her appointment subsequently lapses, he or she may need to apply for a new appointment. That basically entails the same conditions as the original appointment: nomination by a member of Parliament and taking an oath of office or the relevant affirmation.

In relation to sanctions and criteria for a removal from office, when the code is in place the Attorney-General's Department will monitor the compliance with the code to ascertain whether standards are, in fact, being met by justices of the peace. The Act already provides that justices of the peace must notify the Minister's department of any convictions, declarations of bankruptcy or other matters that would render them ineligible for appointment. This ensures that office holders meet the appropriate standards of probity. Notification of such occurrences will not automatically disqualify a justice of the peace and each case will, of course, be considered on its merits. Each justice of the peace is usually given the opportunity to show cause as to why his or her appointment should not be revoked.

Provisions for the removal of a justice of the peace are currently provided in section 9 of the Act, which sets out the basis upon which the Governor may, at any time and on the recommendation of the Minister, remove a justice of the peace from office. They include bankruptcy, mental incapacity, a criminal record and other circumstances. In fact, the regulations stipulate that a person may be removed from the office of justice of the peace in circumstances where that person fails to take the oath, the Minister is of the opinion that he or she no longer satisfies the criteria for appointment as a justice of the peace, or the person has failed to carry out properly his or her functions as a justice of the peace. This is an important bill. On behalf of a grateful community, I thank the many justices of the peace who perform a wonderful service. I am sure all members of Parliament will join me in thanking them for their contribution to our community. 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.

GAS SUPPLY AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 8 May 2008.

Mr PETER DEBNAM (Vaucluse) [12.46 p.m.]: The Opposition does not oppose the Gas Supply Amendment Bill 2008. Last June, Sydney suffered a short-term gas supply disruption, and a subsequent inquiry identified an imbalance between supply and demand as the cause. The June disruption resulted in major customers being required to curtail demand while pipeline pressures were rebuilt. The disruption also highlighted the inadequacy of gas market information and rules in New South Wales. This bill flows from the recommendations of the inquiry. The bill establishes a wholesale natural gas market scheme to ensure the continuity of supply of natural gas to customers and will apply to owners and operators of natural gas transmission pipelines, shippers of natural gas, and authorised reticulators and suppliers.

The bill provides for the appointment of a scheme regulator and for compliance powers and mechanisms for imposing sanctions for non-compliance. A tender process will allow producers and shippers

with spare production capacity to be paid for delivery to offset critical imbalances. To provide appropriate incentives to shippers of natural gas to keep pipeline imbalances in the operational range, the costs of rectifying any critical imbalances will be back-charged to shippers by the scheme operator. The industry and I have no doubt that the new bill and scheme should strengthen market regulation and enhance reliability. The industry also believes the devil is in the detail of the regulations. The industry and the Opposition look forward to seeing those regulations to ensure that the objectives I have outlined are achieved. The Opposition will not oppose the bill.

Mr DARYL MAGUIRE (Wagga Wagga) [12.48 p.m.]: As the member for Vaucluse states, the Opposition will not oppose the Gas Supply Amendment Bill 2008. The measures in the bill are necessary because we need to supply gas to major industry and to houses across New South Wales. Importantly, the legislation will have to be revisited regarding gas supply and infrastructure because as New South Wales moves to gas-powered peak-load generation, and possibly baseload generation, a better, guaranteed service will be needed. The problem is that if existing and proposed generation entities are unable to access gas the generators may be fired on diesel or kerosene. As the market expands, places such as Uranquinty, Tallawarra, Tamworth, Cobar and others will need certainty of supply.

In New South Wales cars use liquid propane gas and ethanol—there is also talk of using hydrogen—but the view in the motoring industry generally is that natural gas powered cars will be commonplace within the next 10 to 15 years. Therefore, bills such as this are important, as is revisiting legislation that manages the marketing and distribution of gas. In addition, we must consider reducing carbon emissions. The Government has not put in place any infrastructure to allow residents who choose to be environmentally friendly and remove their wood-fired heaters—as councils are encouraging them to do—to access natural gas. People in places such as Lockhart, The Rock, Batlow and Tumbarumba—which was within the boundaries of my electorate but is now represented by the member for Albury—are being forced to buy more expensive liquid propane gas. Those communities need access to a reliable source of energy at the most cost-effective price. Sadly, the Government is doing nothing to ensure that the network is expanded to give those communities access to a cheaper, reliable and green friendly source of energy. Emissions are reduced by 50 per cent by burning gas rather than coal.

When the Uranquinty power station is completed by November it will generate 600 megawatts of power. In question time yesterday the Premier referred to Uranquinty and singled me out for mention. I am very proud that I picked up on a two-sentence announcement in a report that was tabled in this place. I pursued the issue with the Minister and the relevant companies and the construction of Uranquinty was the result. Until then the deficiency in the network's peak-load generation capacity was only a suggestion. It was caused by underinvestment in transmission capacity in New South Wales, particularly in Yass, where the capacity of the TransGrid lines was reduced and the needs of the growing economy in the south of the State could not be met. The transmission lines from the Snowy Mountains were restricted as well. So the decision was made to build the Uranquinty power station. There is no doubt that we will need more peak loaders as we tackle the desperate problem of energy underinvestment in New South Wales. Through legislation such as this the Government must address the issue of supply—which will become even more important as people begin to use more green-friendly products, such as gas, and pursue new initiatives, such as natural gas powered motor vehicles.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [12.54 p.m.], in reply: I thank the member from Vaucluse and the member for Wagga Wagga for their contributions. The member for Vaucluse was very concise, and I agreed with everything he said. The member for Wagga Wagga raised a number of broader issues. I was interested in his comments on reticulated gas, and I will be interested to see whether his party's policy commits a Coalition government to building reticulated gas systems around towns. The Gas Supply Amendment Bill 2008 is about devising a workable solution to avoid some of the problems faced by gas consumers last winter. There has been a lot of input from the gas industry and consumers. In a sense, this will be temporary legislation as its provisions will be in place for only a couple of years until the national regulations take over. Interestingly, this place has already passed replacement legislation. The bill is the result of events that occurred last year, and, as other members have said, it has been extensively discussed in the upper House. Both Government and Opposition members have explained the bill in detail, and I do not propose to turn it into the gas-bagging bill. I commend the Gas Supply Amendment Bill 2008 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 COMMITTEE ON PUBLIC WORKS

Report: 2006 Conference Report—The National Parliamentary Public Works and Environment Committees Conference, Brisbane and Cairns

Question—That the House take note of the report—proposed.

Mr DARYL MAGUIRE (Wagga Wagga) [12.56 p.m.]: We have not dealt with committee reports in this place for five years. Today we are supposed to consider a number of reports but the chairmen of the relevant committees—who are usually Government members—are not in the Chamber to speak to them. I point out also that when reports are tabled Opposition members do not have much opportunity to read and receive briefings about them. My comments have had some effect as I note that a member of the Standing Committee on Public Works has arrived in the Chamber to talk about what some in the media regarded as a junket.

However, I believe committee inquiries are important. They enable sensible decisions to be made and allow for dialogue with other instrumentalities so that effective legislation can be brought to this place for the ultimate benefit of the people of New South Wales. Perhaps the Standing Committee on Public Works might inquire into public-private partnerships and consider their effective operation. It is clear from the news this morning about the Lane Cove Tunnel and other debacles that the Government has an appalling history regarding public-private partnerships. Now that electricity privatisation is on the agenda, the Government must manage the process far better than it has done in the past.

Mrs KARYN PALUZZANO (Penrith) [12.58 p.m.]: The report of the Standing Committee on Public Works entitled "2006 Conference Report—The National Parliamentary Public Works and Environment Committees Conference, Brisbane and Cairns" was tabled in this Parliament but emanated from an inquiry conducted during the previous Parliament. I participated in that inquiry and I remain a member of the committee, but I was not a delegate to the conference. I note, however, that excellent activities occur at such conferences. On 23 to 25 July this year a joint committee of the Standing Committee on Natural Resource Management (Climate Change) and the Standing Committee on Public Works will host a conference—I invite the Opposition Whip to attend that conference, which will be attended by Australian and New Zealand participants—on sustainability. The New South Wales committee has held an inquiry into public and private partnerships. I invite the Opposition Whip to read its transcripts, which are available on the committee's website.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Public Accounts Committee Annual Review 2006-07

Question—That the House take note of the report—proposed.

Mr DARYL MAGUIRE (Wagga Wagga) [1.01 p.m.]: I note that the Public Accounts Committee has conducted a number of inquiries and tabled four reports in 2006-07. The committee's November 2006 report related to managing animal and plant diseases. An inquiry into the home and community care program was reported on in 2007. The committee held 11 meetings in the Fifty-third Parliament and held five hearings, at which 31 witnesses appeared. Two meetings followed the appointment of the committee in the Fifty-fourth Parliament. A number of inquiries were completed and have been reported on.

Recently there has been major focus on the Government's privatisation of the State's electricity industry. I note the chair's foreword at page 3 of the report but would have liked to question him whether the committee intends to scrutinise the transactions between the Premier, the unions and others on the sale of electricity generators, retailers, et cetera. As the committee is charged with monitoring public accounts, it certainly could broaden its view on the world and insist—it could be through the Public Accounts Committee or the Public Bodies Review Committee—that those transactions deemed to occur should be examined. So far very

little detail has been given, apart from a few media releases. I note that a couple of members of Parliament agree wholeheartedly with me. Although they are not wearing their yellow T-shirts today I recognise them from television broadcasts of a recent protest.

Mr Steve Whan: Point of order: As the House has not been considering the take-note debates on committee reports for very long it might be worthwhile seeking a ruling on whether we should constrain ourselves to discussion of the actual committee reports, or whether we should undertake a fishing expedition, suggesting things that committees should do in future, as the member for Wagga Wagga seems to be doing. I suggest it should be the former. Perhaps he should be drawn to speak about the reports.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I uphold the point of order. The member for Wagga Wagga is well versed in the standing orders of the House. He will confine his remarks to the report.

Mr DARYL MAGUIRE: Forgive my enthusiasm, but it has been so long since committee reports were debated, almost five years. Page 1 of the 2006-07 report states:

Section 57(1) of the *Public Finance and Audit Act 1983* (the Act) sets out the Committee's general functions. These functions are replicated for State owned corporations under section 28 of the *State Owned Corporations Act 1989*. The Committee's main functions are:

- (1) To examine the Total State Sector Accounts transmitted to the Legislative Assembly by the Treasurer;
- (2) To examine the accounts of authorities of the State, being accounts that have been audited by the Auditor-General or an auditor appointed under section 47(1) of the Act, or laid before the Legislative Assembly by a Minister of the Crown;
- (3) To examine the opinion or any report of the Auditor-General transmitted with the Total State Sector Accounts or laid before the Legislative Assembly with the accounts of an authority of the State (including any documents annexed or appended to any such opinion or report);
- (4) To examine any report of the Auditor-General laid before the Legislative Assembly ...

My point is that the electricity industries to which I referred are corporations. Ultimately they are the responsibility of government.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member has been engaging in sophistry. The member is referring to 2008. The take-note debate relates to the 2006-07 report. The member will confine his remarks to that report.

Mr DARYL MAGUIRE: Without canvassing your ruling, Mr Assistant-Speaker, I wish to highlight the functions of the committee and encourage it to do more: to ensure that it checks microscopically the dealings between the unions, the Premier and others over electricity privatisation.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [1.06 p.m.]: I was a member of the Public Accounts Committee for the period covered by this report, before the last election. The report essentially reviews some of the things that the committee had done previously. The member for Wagga Wagga interestingly set out his scope of what he believes should happen in future. However, I know that the committee does a very good job in fulfilling its mandate as set out in its rules, under the excellent leadership of the member for Heathcote. The Government keeps a close eye on government-owned corporations. It can make a decision on the way it wants to proceed with the issue that the member for Wagga Wagga consistently referred to. We do have the knowledge of how the electricity sector works. The Government, very sensibly, decided that the vast bulk of the sector in the transmission and distribution monopoly ownership should stay in government hands, unlike what the Kennett Government did in Victoria.

Mr Jonathan O'Dea: Point of order: I ask you, Mr Assistant-Speaker, to be consistent in your rulings. What is good for the goose is good for the gander.

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

Mr STEVE WHAN: You are absolutely right in upholding that point of order, particularly since I drew a similar one to your attention a few minutes ago. The Public Accounts Committee is doing a very thorough job, as the report shows. I notice particularly that the committee has ahead of itself a very ambitious schedule of inquiries for the coming year. Members of this House will be very interested to hear the result of those inquiries, and to hear which part of the backflip members opposite participated in last night.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Report: Review of the Draft Constitution (Disclosures by Members) Further Amendment Regulation 2007

Report: Review of the Proposed Draft Constitution (Disclosures by Members) Regulation 2008

Question—That the House take note of the reports—proposed.

Mr PAUL PEARCE (Coogee) [1.08 p.m.]: I will speak on the 2007 and 2008 regulations together, as I am sure that members do not wish to hear my comments twice. When I tell members of the public that I chair the Privileges and Ethics Committee I generally get the response of eyes rolling back. To some extent I can understand that. There is a view among some members of the public that perhaps we have far too many privileges and not enough ethics. However, as we all know, the committee does a very substantial job in giving confidence to the public and in protecting the interests of members. A scheme for members to disclose interests has been in place in New South Wales since 1983. The scheme operated unchanged until 2006, when it was strengthened by amendments to the Constitution (Disclosures by Members) Regulation.

The major changes were the introduction of biannual reporting through supplementary returns and increased reporting obligations on members who hold outside employment or engagements. Also, members were able to lodge discretionary disclosures outside the stipulated six-monthly reporting due dates. A further major change was the introduction of new forms for reporting, with a clearer layout, and increased information and sample entries. Members used the new forms for making an ordinary return for the first time in 2007. That occurred not without issues. The two reports of the committee related to minor amendments arising from the changes that were made in 2006. Under the Constitution any amendments to the disclosure scheme must be referred to a parliamentary committee for comment prior to the regulation being made.

The committee's first report, which was tabled in November 2007, considered and commented on proposed amendments to the regulation governing the disclosure scheme. The major amendment concerned one of the examples contained in the form relating to the disclosure of shareholdings. The proposed amendment confirmed that members have to disclose only the nature of an interest in a corporation, not the number of shares that they hold in a corporation. The committee supported that amendment. In addition to commenting on the proposed amendments, the committee reviewed the new ordinary return form that was adopted in 2007. The new layout of the form increased the number of pages.

Consequently, the forms, when published in the register, failed to meet the objective of clearly disclosing areas where conflict of interest may arise. The committee recommended that the layout be changed so that the examples and explanatory information would be presented in a preliminary section of the form, with a second section for the member to fill out and lodge. This reformatting will considerably reduce the number of pages that are required to be lodged, without losing the benefits of increased information for members about the exact details that need to be reported. Another result is that the published register more clearly delineates the actual declaration made by each member—as is evident in the supplementary returns, which were tabled in the House this week.

The committee's second report, which was tabled in February this year, formally reported on the new two-section form, as required under the Constitution. This report also reviewed a number of minor amendments that were introduced to clarify definitions and ensure consistency between the various forms mandated by the regulation. The committee sought advice about the minor amendment that concerned listed public companies. Cabinet officers confirmed that the amendment did not reflect a change in policy, but was merely a technical amendment to bring the definition into alignment with the text of a particular clause in the regulation. The committee's February report also referred to a recommendation of the Independent Commission Against Corruption that the register be established as an electronic database that can be accessed via the Internet.

Given the size of the register, especially now that there is biannual reporting, the committee reported that further consideration could be given to using the Internet for registration of interests or publication of the register in CD-ROM format for easier distribution. Under the current regulation the register is already available

for viewing at the Parliament, as well as at the State Library as part of the Parliamentary Papers series. As previously reported, provided that security and privacy aspects can be addressed, electronic publication may be considered in the future. I can advise the House that the Legislative Council Privileges Committee held concurrent inquiries on the various draft amendments to the disclosures regulation and there was agreement between our two committees in support of the proposed amendments to the regulation. I commend the reports to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [1.13 p.m.]: I congratulate the Standing Committee on Parliamentary Privilege and Ethics on the review of the Draft Constitution (Disclosures by Members) Further Amendment Regulation. All members would support transparency in public office. People in public office—local councillors, members of State or Federal Parliament or people who hold a position of community interest, such as, judge or even journalists—should disclose interests. If a person holds public office or makes a public opinion, such transparency is important. The committee's task to alter, adopt, change and revisit the forms is an important one because it gives the public confidence that we are open in the way we operate. However, I am disappointed about the way that pecuniary interests are reported in the media. Often no consideration is given to the fact that many members were successful before their election to Parliament.

There has been great debate in the media about the quality of members of Parliament. The community encourages people to participate in community service and run for Parliament. But the interests of members of Parliament and others who hold public office are subjected to intense scrutiny. The community must understand that members have had a life before Parliament. Many members on this side of the House have been successful people who have operated businesses and invested in companies and real estate. In my private capacity I have been blessed with a business career that has served me well and a community that supported my business interests. When the media report that a member has X amount of properties they do not give consideration to the fact that the member came to Parliament with many of those assets. I am saddened when I read reports about members who have interests overseas, perhaps in a family company. They have partnerships and extended families, but none of that is considered. The media are only interested in the number of properties. The privileges and ethics committee may want to examine this issue, because the media articles portray members in a bad light and do not give consideration to their success before they became members of Parliament.

Question—That the House take note of the reports—put and resolved in the affirmative.

Reports noted.

STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT (CLIMATE CHANGE)

Report: Report on Conference Attendance, 12th Annual Conference of Parliamentary Public Works and Environment Committees, Darwin, 19-21 September 2007

Question—That the House take note of the report—proposed.

Mrs KARYN PALUZZANO (Penrith) [1.17 p.m.]: It gives me great pleasure to speak on the first report tabled by the Standing Committee on Natural Resource Management (Climate Change) as the chair of the committee. This brief report describes the 2007 annual conference of the Parliamentary Public Works and Environment Committees. The 2006 annual conference was referred to in a previous take-note debate. The twelfth annual conference of the Parliamentary Public Works and Environment Committees was held in Darwin from 19 to 21 September 2007. I was fortunate to attend with the deputy-chair, Michael Daley, the member for Maroubra.

It was not my first visit to Darwin; I previously visited as an 18-year-old. However, on that occasion I travelled in very different circumstances. I flew to Darwin in the back of a Royal Australian Air Force [RAAF] Hercules from Richmond, sitting on netting and wearing earplugs. I saw Australia from a different perspective. Darwin has changed dramatically since my father was stationed at the RAAF base in Darwin. There has been significant development. The conference agenda included an examination of the redevelopment of the Darwin foreshore, its impact on the community and the activities that will take place in the area.

The foreshore will be redeveloped with entertainment-type space to cater for conferences or larger events. Part of the harbour will be dredged to create a lake or a ducted part of Darwin harbour around which there will be residential development. For those who do not know Darwin, it is quite high above the water, but the redevelopment will take place on the low side so that it will impact on the escarpment. Each year Australian

parliamentary committees, as noted in the previous take-note debate, with responsibility for public works and environment issues hold conferences in an Australian city. The purpose of these conferences is mainly educational—parliamentarians can learn about major developments in environmental and resource management and improve their effectiveness as committee members. We also have the opportunity to learn from our colleagues in different jurisdictions by exchanging information about the committees' functions and current inquiries.

As I am sure members will remember, the climate change committee was appointed only in June 2007, a mere three months before the conference. As the new committee chair I was grateful for the opportunity to attend. The conference helped me to learn a lot about the importance of natural resource management issues and the potential impacts of climate change. It helped me to discuss the future work program of the committee with other members. Since attending the conference, the climate change committee has embarked on a comprehensive work program and intends to produce two reports this year. The first will examine the potential impacts of climate change on natural resource management in New South Wales. The second will deal with the committee's inquiry into emissions trading schemes. I note that submissions to that inquiry close today. The committee has received more than 40 submissions relating to the inquiries and will hold full-day public hearings in the coming months to examine those submissions.

The theme of the Darwin conference was ancient knowledge and science in contemporary resource management. The environment sessions of the conference focused on combining indigenous knowledge and skills with the knowledge of modern science and taking care of the environment. I particularly enjoyed the presentation of Mr Paul Purdon of the Northern Territory Greenhouse Office on the Western Arnhem Fire Abatement Program, which is part of a project that over the past 10 years has developed an accredited greenhouse emissions inventory methodology. As the indigenous people have shifted off the land they have used traditional practices less. Most burning occurs predominantly in the latter half of the dry season, typically as uncontrolled fires. By adopting the traditional practice of strategic burning-off in the early dry season, carbon dioxide emissions have been halved. This practice has resulted in a greenhouse gas emissions offset agreement between Darwin Liquefied Natural Gas, the Northern Territory Government and indigenous owners.

Jocelyn Davies of the CSIRO Sustainable Ecosystems and Desert Knowledge Cooperative Research Centre gave an interesting presentation. She discussed applying traditional knowledge for a sustainable livelihood framework in environmental management. She said that it is important to Aboriginal people to recognise the value of traditional knowledge and associated customary law as a part of sustainable development, and for the understanding of biodiversity and ecological relationships. I was particularly struck by the statistic that the worldwide rate of extinction of mammals was highest in the deserts. The public works component of the conference concentrated on the major redevelopment of the Darwin waterfront, which I have outlined. The connection between its place on the harbour side and the escarpment was particularly noted. There will be potential for a pedestrian covered walkway link to the city.

The Sessional Committee on Environment and Sustainable Development of the Northern Territory Legislative Assembly hosted the conference. It was extremely well organised, with a heavy program over three days. I record my appreciation of the hard work of staff of the Northern Territory Legislative Assembly. The next annual conference for parliamentary public works and environment committees will be held in Sydney and will be jointly hosted by the committee I chair, the Natural Resource Management (Climate Change) Committee, and the Public Works Committee, of which I am a member. Work is well advanced in organising a major conference with the theme of sustainable public infrastructure.

Experts, eminent academics and senior officials have been invited to make presentations. There are plans to conduct a site visit to the Parramatta town centre and Rouse Hill to look at innovation in urban development, as well as to the Blue Mountains and to Penrith lakes to look at the challenges of environmentally sustainable development, not only in the urban setting, as Penrith lakes is, but also in a world heritage listed area. The conference will be held from 23 to 25 July in this Parliament. I invite all members who are interested in these key topics and who would like to learn about jurisdictional reports of other parliaments to the conference. I commend the report.

Mr ROB STOKES (Pittwater) [1.27 p.m.]: I will comment briefly on the report on the conference and the appendix. Going through the report—it sounded like a fascinating conference in many ways—I could not help but notice that there was not a great deal in the report relevant to the terms of reference of the standing committee as adapted to take into account climate change. The appendix notes new terms of reference and a slight name change. Adding the words "climate change" is a significant name change. It changes the direction in

which the committee should focus. Four of the five terms of reference refer to climate change. Some discussions at the conference referred to climate change, as the member for Penrith pointed out. The Western Arnhem Fire Abatement program sounds like a fascinating program and may have some application in New South Wales, but there was no great focus on the need to adapt our land use planning processes and natural resource processes to take account of the reality of a changing climate.

I searched the report looking for references to climate change. I note that an ethnobiologist, Glen Wightman from the Department of Natural Resources, Environment and the Arts, gave a presentation on preserving traditional biological knowledge, which may be the basis of a very important inquiry and it may have some relationship to traditional knowledge—going back over time to see how indigenous people adapted to change in climate—but I am searching to find much in the way of reference to climate change. I would suggest, given the terms of reference provided in the appendix, scoping for better conferences to attend in the future. It would be better to focus on conferences such as the law of climate change conference that was held in March this year or the floodplain management conference that was held in Wollongong in March this year. I note that Pittwater Council in my area is holding a conference on 28 May to assess climate change and its impact on coastal management.

These are the sorts of conferences I believe our committees should consider attending to determine how we are going to adapt our statutory planning practices and our land use management practices to take account of change in climate. Certainly decisions such as those affecting planning at Anvil Hill and also *Walker v Minister for Planning* in relation to the Sandon Point development reveal that the courts now recognise that climate change and the impacts of coalmining or development on low-lying coastal land must be factored into our planning decisions.

Mr Gerard Martin: This is a report about a specific conference.

Mr ROB STOKES: It is a report about a specific conference and an appendix, which provides some details about the matters that the committee should inquire into. In one sense it is a little ironic: the amount of money spent or the amount of carbon emissions from the aviation fuel used to get to the conference may have been better spent elsewhere. I do not think our descendants will thank us if we do not focus directly on climate change and how we should adapt our planning practices to take account of it.

Mr Michael Daley: Point of order: This take-note debate has nothing to do with Anvil Hill or any of the other things the member for Pittwater wants to talk about, which have no bearing on this debate. He should look at the terms of reference of the committee. I was at that conference and he is wrong, wrong, wrong.

Mr ROB STOKES: To the point of order: I am merely referring to the conference report and the presentations made.

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

PRIVATE MEMBERS' STATEMENTS

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

DESALINATION PLANT

Mr MALCOLM KERR (Cronulla) [1.30 p.m.]: I refer to a matter of considerable interest to my electorate—in fact, a vital matter of considerable interest to this State and Australia as a whole—the building of the desalination plant at the birthplace of modern Australia, Kurnell. It could more correctly be described as the salination plant because its main effect, so far as the people of Kurnell are concerned, will be to pump salt into Botany Bay. The people of Kurnell will not get a drop of water, so all they will have to show for their wounds is salt being rubbed into them.

Mr Steve Whan: They are not getting a Sydney Water supply?

Mr MALCOLM KERR: The Parliamentary Secretary should know that the water will be pumped to the Eastern Suburbs, if the plant is ever finished. Sydney Water sent a notice dated 23 April 2008 to the residents of Kurnell in relation to Silver Beach, which stated:

A silt curtain is a protective sheet in the water that keeps sand and soil from construction areas from escaping into waterways like Botany Bay.

The silt curtain at Silver Beach has not been working properly. A second silt curtain was put in place last Friday. Over the weekend, it did not work properly either. Sydney Water believes these failures happened due to the silt curtains getting stuck on the sand during low tide and not refloating. To fix this, Sydney Water is putting in steel posts to hold the silt curtain above the waterline. The new posts will be in place by next week. The silt curtain is checked daily. Water quality is also monitored continuously.

In response to a suggestion from a local resident, Sydney Water is also putting a special type of netting—called geofabric—on Silver Beach to stop construction fill mixing with the beach sand.

If Sydney Water and the Minister are interested in hearing the constructive suggestions of residents, they might like to listen to the contents of an email I received about a visit on 3 May to the construction area by Kerry Schott from Sydney Water. The resident, Pieter de Rooy, says in his email to Mr Schott:

Thank you for your brief visit at Prince Charles Parade on Saturday 3rd May 2008 at 9.45 AM. We confirm the following.

Items raised and to be responded to:

- The continuous failure of sediment control systems currently in place and its proposed rectification. A study must be carried out to establish the damage to seagrass, marine life and long term effects of the many tons of sediment on the Botany Bay floor and the environmental impact on Botany Bay as a whole. This needs to be made public.
- The method of large rock boulders being dumped directly onto the ground from trucks at considerable height. This practice causes considerable movement to our homes.

We suggest that grapple attachments be used to the excavators to unload and place the rocks into position. This would minimise the possibility of property damage and associated claims.
- The method in which the compound is constructed and re-instatement of our precious beach at completion. Filled spoil is constantly being mixed with the beach sand. Sediment continues to escape into Botany Bay. It will also cause major problems at the completion of the contract when spoil is removed from the site.
- Confrontation with locals and Contractors.

Mr MALCOLM KERR: The Minister was down there this morning and might wish to tell the House about the relationship. Finally, Mr de Rooy says:

We have a strong, united community in Kurnell that is very sensitive about the environment ...

The Minister must address these issues, and he should state what he is going to do to resolve them. They are incredibly important issues.

Mr Grant McBride: Where is the old Malcolm?

Mr MALCOLM KERR: The member is interrupting. He should show more respect for the birthplace of modern Australia. I understand it takes him longer to talk his way out of retirement villages in his electorate these days. [*Time expired.*]

BATHURST HOSPITAL

Mr GERARD MARTIN (Bathurst) [1.35 p.m.]: I will refer to issues surrounding the commissioning of the new hospital at Bathurst and put on record what the Government has achieved and delivered for the people of Bathurst with this wonderful facility. At the outset I say there have been some major problems with the commissioning of the hospital. I am very disappointed that a breakdown in communication between the planners, clinicians and staff over the last few months of construction appears to be part of the problem. The Minister for Health was quick to visit Bathurst and discuss the problems with the new hospital and, amongst other things, has ordered a thorough and independent inquiry into what happened during the planning and construction phase that led to a number of these problems, which, quite frankly, should not have occurred.

Bathurst Hospital is fully operational and is providing excellent facilities and services to the people using it. Problems in relation to the size of operating theatres, observation problems in the intensive care unit and the final location of ambulatory care services are being dealt with. Initial problems with the high-tech communication system were addressed very quickly, and with the input of clinical staff the communication system in the operating theatre has been described by one of the doctors as being probably the best and safest system in New South Wales. A systematic remediation plan is underway at the hospital and is being very competently managed by the acting general manager, SueAnn Redmond. She has developed a very good relationship with the doctors and other staff at the hospital, and all parties are working cooperatively to address

the outstanding issues. It should be noted that the new hospital is the redevelopment of the old base hospital, which has been plagued by the standard problems that occur when a new facility is developed on the site of an operating hospital. Demolition of the old hospital is continuing and when that work is completed by the end of May, people will see a dramatic change in access to, and parking at, the new facility.

The new Bathurst Hospital is a \$98 million investment. It includes additional beds; enhanced dental services with two extra dental chairs; a state-of-the-art CT scanner with all the latest radiology equipment, which will allow much more accurate diagnosis and treatment; a 13-bed acute mental health ward, which has been mooted for some time; integrated community health and inpatient services; a wonderful rehabilitation centre and stroke clinic that is world's best practice; an in situ mammography unit, which means that women in the area will not have to travel or wait for mobile mammography units; and extra renal dialysis chairs. A new hydrotherapy pool is under construction in the rehabilitation centre. The list of enhanced services, as well as improvements to the services that have existed for some time, is impressive.

One of the things we had to do was work through the remediation problems. The Opposition stirred up considerable bad press about the hospital. I talk regularly to the clinicians at Bathurst, who are concerned to get the real story out about the hospital, particularly to attract services. A review is being carried out on the classification of the hospital. If anyone wants to be confused they should try to read the guidelines—State or Federal—on how hospitals are classified. Suffice to say, Bathurst Hospital will be a referral hospital. That has implications for visiting specialist services, and it will be monitored on an ongoing basis. Both the Federal and State governments are working on a universal scheme to classify hospitals, which will take a lot of the guesswork out of some of these services.

Depending on who adds up the figures—it also depends on the level of separations, case mixes and so forth—a decision is made to classify patients as C1, C2, B1 or B2—and I am not talking about those people in blue and white pyjamas. I place on record the great job that has been done under the leadership of SueAnn Redman and doctors such as Chris Halloway and others, who are working hard with nursing staff and the Bathurst Health Council. Everyone has been consulted and we are well on the way towards having a fantastic hospital.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [1.40 p.m.]: I thank the member for Bathurst for bringing to the attention of the House the progress that has been made in Bathurst hospital, which will now provide more services than it has provided in the past. The member for Bathurst referred to the well-publicised teething problems that we have to try to avoid when opening new hospitals. However, as the member for Bathurst quite properly pointed out, once this hospital is up and running, and because of his impressive lobbying and advocacy, it will provide vastly increased services to the people of the region. A 13-bed acute mental health unit, a computerised tomography [CT] scanner, additional renal services and a range of other services will be provided in Bathurst hospital that were not provided at the old hospital.

I congratulate the member for Bathurst on the role that he has played in bringing these matters to the attention of the Government, which has resulted in additional services for the Bathurst community. I join the member in congratulating and thanking SueAnn Redman and Dr Chris Halloway in the Bathurst Health Council. It is important for everyone to pull together to make a new project like this work. Whenever new facilities are built we try to avoid the teething problems to which the member referred. However, we must keep in mind that, as a result of the efforts of their local member, the people of Bathurst are getting a great new hospital. As a result of the efforts of this Government, many country communities are getting new hospitals and better health facilities.

TWEED HOSPITAL INQUIRY

Mr GEOFF PROVEST (Tweed) [1.42 p.m.] Once again, I am 100 per cent for the Tweed. On 29 April 2008, Commissioner Peter Garling, SC, of the Special Commission of Inquiry into Acute Care Services in New South Wales Public Hospitals, conducted an inquiry into Tweed hospital. I take this opportunity to thank patients, hospital staff, medical professionals and others who took the time to come before the commissioner and voice their concerns. When I was elected to this place last year, without doubt health care in the Tweed was the number one issue on my agenda. Over the past year the people of the Tweed have made it extremely clear to me that the health care funding and services that the Labor Government is providing are simply not good enough.

The Tweed, one of the fastest growing regions in the State, simply does not receive adequate funding to match that growth. When Tweed hospital was named as part of the inquiry my immediate reaction was relief, as

I thought that the concerns of the Tweed would finally be heard. I had hoped that it would lead to the New South Wales Government taking some action to address these problems. Members have probably heard me on many occasions voice my concerns about health care in the Tweed, but more than likely they are not aware of some of the other issues that were brought before the commissioner. With that in mind, I will give members a brief overview of some of the issues that were raised.

A number of nurses voiced concern about the lack of beds in Tweed hospital. Currently, the hospital has 204 beds. However, most of the time it operates at above 100 per cent capacity, that is, when more than 204 patients are admitted to the hospital. Nurses informed the inquiry that the average operating capacity is 103 per cent and that sometimes it is as high as 108 per cent. When the hospital reaches more than 100 per cent capacity that gives rise to a situation that staff term "corridor wards". Patients are treated in the corridors of the hospital when there is no room in the wards. To give an indication of the extent of this problem, the inquiry was told that in 2007, 1,234 patients were located in corridors in the emergency department at the time of discharge.

The inquiry also heard from one of the pharmacists at Tweed hospital who spoke about the lack of staff in his department. Currently, there are four pharmacists at the hospital, and that means that the ratio of patients to pharmacists is greater than 50 to one. I am advised that the Society of Hospital Pharmacists of Australia has a guideline of one pharmacist to every 30 to 40 beds in the hospital, plus one pharmacist for every 15 specialised care beds. With that in mind, it is clear that Tweed hospital has an enormous shortage of pharmacists, and current staff members are stretched to the limit.

Midwifery training is another issue that was raised at the hearing. At present the maternity unit at Tweed Hospital delivers more than 1,200 babies a year. We have a soaring population growth and there is intense pressure on the maternity unit to meet that level of demand. Alarming, the maternity unit has funding for only two 0.5 full-time equivalent midwife training positions. Many nurse graduates in the Tweed would love to pursue a career in midwifery but, because of the lack of funding from the New South Wales Government, they are being turned away. At least one of the graduates from the most recent batch of midwifery course graduates was turned away from Tweed hospital. The majority do not even apply; they simply go to hospitals in Queensland, as they know that they have no chance of being hired, and that is not good enough. Midwives at Tweed hospital maternity unit are under immense pressure and urgently need help.

Bearing in mind that the Tweed is one of the fastest growing areas in New South Wales it is imperative that extra funding is allocated to enable the hiring of more trainee midwives. The most serious issue that was raised at the inquiry came from staff of the critical care wards who expressed a great deal of concern about the fact that Tweed hospital possesses only seven intensive care and high-dependency beds. The commissioner informed those present that, as a guideline, around 10 per cent of the total number of beds in a hospital should be devoted to critical care. Given that information, Tweed hospital should have at least 20 critical care beds, but it is 13 short of the mark. It is deeply troubling that the Department of Health cannot attain the minimum guidelines for emergency beds in Tweed hospital.

Many other issues were heard at the inquiry but there is simply not enough time to go through them all. However, there was one common theme in each person's statement to the commissioner—the need for additional funding for Tweed hospital. I urge the Minister to review current funding at Tweed hospital. The recent rural and regional report clearly indicated that the Tweed has a population of more than 60,000—the largest urban area outside Sydney, Newcastle and Wollongong. These problems will only worsen. Once again, I am 100 per cent for the Tweed.

TOUKLEY GUILD CLUB FOR WAR WIDOWS BIRTHDAY LUNCH

Mr DAVID HARRIS (Wyang) [1.47 p.m.]: On Monday 4 May I was privileged to attend the birthday lunch of the Toukley Guild Club for War Widows. In effect, it was the club's annual general meeting, but it is significant to note that its former secretary, Mrs Daniels, described it as a birthday party. The war widows viewed the occasion as a celebration. This branch of the war widows guild is notably friendly and compassionate. The war widows pride themselves on their welcoming attitude and generally care about all their members. This year the Toukley guild is 34 years old. More than 100,000 people are on the war widows compensation pension in Australia.

The War Widows Guild of Australia NSW Ltd, which was established in 1946, is a not-for-profit membership-based organisation whose mission is to promote and protect the interests of war widows in New South Wales. War widow Mrs Jessie Mary Vasey, whose husband, Major-General George Vasey, was killed on

active duty during World War II, established the guild in Victoria in November 1945. In June 1946 the guild was established in New South Wales. By the end of 1947 there were guilds in each State and the guild became federated. The guild's origins were as a craft group to help widows learn skills that would help them to support themselves and their children financially, given the meagre war widows pension paid as compensation to widows.

Mrs Vasey was president of the national guild from its inception until her death in 1966. By that time the guild had grown into an influential national lobby group, recognised and respected by governments as an organisation that advocated strongly for war widows. The war widow guilds, with more than 11,400 members in New South Wales, operate throughout Australia with significant volunteer input, and the Toukley branch is no exception. I recognise the valuable work of the outgoing president, Mrs Jean Obernan. As president, she was a very hard worker and she continues to remain a member of that guild. Mrs Margaret Nunn, the newly elected president, is enthusiastically looking forward to the next 12 months.

I make special mention of another member of the Toukley branch of the war widows guild. Mrs Edna "Danny" Daniels was awarded an OAM in the Australia Day honours in May 2007. Her citation was for service to ex-service personnel and their families and to the Toukley community. Danny, as she is known, a British war widow, joined the guild in March 1999. Later that year she was elected honorary secretary of the Toukley Guild Club for War Widows and remained in that position until 2005. After a year's break—which I am told was well deserved—Danny was again elected to that position, which she still holds.

During the guild's annual general meeting luncheon, Mrs Audrey Blood, OAM, a State board member, addressed the meeting about guild activities, as did Peter Moore OAM, who is also the patron of the guild. Peter Moore offered me some important advice: If I was sensible as a politician I would stop kissing babies because they are too young and cannot vote and instead kiss older people because there are more of them and they can vote. I promised to consider that good advice seriously, and I received a few friendly offers from the audience to help me get started.

The Toukley branch firmly upholds the guild's values. It organises its priorities according to its members' needs and active participation is encouraged. It also organises regular bus trips, meetings, picnics and special event parties. The guild members value each other, are courteous and respectful and maintain each other's privacy while seeking and appreciating each other's views and differences. War widows have vitality and try to enhance their ability to have fun and to enjoy life. Their motto reflects the loved ones who made that ultimate sacrifice: We all belong to each other; we all need each other; it is in serving each other and in sacrificing for our common good that we are finding our true life.

Special mention was made of the unfortunate death of Lance Corporal Jason Marks in Afghanistan. It was pointed out that many men and women are serving in dangerous regions across the world. Although Lance Corporal Marks' death unfortunately and sadly means that one more war widow's name is added to the guild's list, the members were pleased to be able to say that they were available to help the new widow and her family in her time of great need. That is what the War Widows Guild is all about.

BOORANGA WRITERS CENTRE

Mr DARYL MAGUIRE (Wagga Wagga) [1.52 p.m.]: This is a good time to be talking about the Booranga Writers' Centre, which is based at Wagga Wagga and has been connecting, serving and supporting Riverina-Murray writers for more than 20 years. It also introduces writers and their books to readers, schoolchildren and communities throughout the region. It is a good time because this week the former Premier of New South Wales launched his book *My Reading Life*. Oh for a Premier and a Government with an appreciation of readers and writers!

Writers' centres such as Booranga are ideally placed to engage creatively with key diversity groups such as youth, culturally and linguistically diverse and indigenous communities, people with disabilities, young people at risk, seniors, local libraries, writing groups, the indigenous and refugee settlement communities and schools. For example, in 2007 acclaimed young indigenous writer Tara June Winch resided twice at Booranga and performed readings and facilitated writing workshops in Albury, Koorringal High School, Gundagai Library, Ashmont Public School, Ariah Park Central School and Temora High School to more than 400 people.

Booranga's continued existence is being threatened by a recommendation to review or withdraw funding to New South Wales regional writers' centres by the Review Panel into the New South Wales Cultural

Grants Program. Without this operational funding, Booranga would find it difficult to continue in its present role of nurturing and supporting literary excellence; promoting reading, writing and improved literacy in schools; contributing to a dynamic and vibrant regional arts community; fostering networks of writers across the region; supporting local writers' groups; inspiring writers, readers, students and communities through its writers-in-residence program and other activities; offering outreach workshops and mentoring opportunities; and sustaining innovative and inspiring partnerships with local arts organisations, libraries, educational institutions, non-government and government agencies at all levels.

Indeed, the New South Wales Rural and Regional Task Force 2008 report to the Premier recommends that the New South Wales Government dedicate resources within the Ministry for the Arts to encourage the growth of the arts industries, activities and individual artists in regional areas. Most importantly, the Rural and Regional Taskforce also acknowledges the critical contribution of social infrastructure in rural and regional communities; the importance to rural economies of support for regional arts; the role of the arts in creating healthy, harmonious communities, quality of life and social cohesion; and the need for specific consideration of support for all arts genres in rural and regional communities. The report of the review into the New South Wales Cultural Grants Program demonstrates a lack of awareness of these factors.

Booranga's 12-page newsletter, *Booranga News*, is sent to more than 400 individuals and organisations every two months. It keeps members, teachers and students in schools, TAFEs and universities, librarians, bookshops, readers, local writers and local members informed about publishing opportunities and its work. Each year, Booranga produces *fourW*, an anthology of poetry and prose that attracts contributions from regional, State, national and international writers, offering regional writers an opportunity to publish their work. Booranga Writers' Centre, like all the other regional writers' centres, relies on funding from a diversity of sources. The operational funding it receives from Arts New South Wales is essential to ensure its continuing existence and support for Riverina writers. After 20 years it is an embedded and critical part of the Riverina, Wagga Wagga and Albury arts network. Small arts organisations such as Booranga Writers' Centre depend on a large number of volunteers, community goodwill, in-kind support and strong partnership building to foster artistic excellence and innovation in the arts in the Riverina and beyond.

It promotes book sales through writer-in-residency programs and offers mentorships for emerging writers. It has strong regional networks and a high profile. All art forms need to be supported in regional areas, not only the performing and visual arts. The support of Arts New South Wales is integral to enabling Booranga to continue to operate and maintain much-needed literary infrastructure for our cities, towns, villages and communities in the Riverina. To add insult to injury, this Government has been busy cutting back funding to libraries. In my electorate alone, library funding is pathetic. In Wagga Wagga, the Government has cut its funding to the local library to \$2.55 per capita while the council bears the cost of \$27.16 per capita. In Lockhart, the Government has reduced its funding to \$6.44 and the council provides \$23.08 per capita. I wonder what Bob Carr would say about these cuts by his philistine mates in the State Government, not only to regional writers' centres, but also to libraries.

WORLD RED CROSS DAY

Mrs KARYN PALUZZANO (Penrith) [1.57 p.m.]: I note that the co-chair of the New South Wales Parliamentary Friends of the Red Cross is in the Chamber. Yesterday, 8 May, was World Red Cross Day and I was privileged to attend the Western Sydney region celebrations. John Fries, the chair of Red Cross New South Wales, and his wife Vivienne, the local branch member Yvonne Cassidy, OAM, the Federal member David Bradbury, representatives from Penrith City Council and Australian of the year, Lee Kernaghan, also attended. The celebrations had a country music theme and a Red Cross Calling Country Spirit songwriting competition had been organised. The winner and the runner-up sang their songs. The runner-up, David Agius, wrote *Australian Breed*, the chorus of which is:

From city to country and all in between
Millions of people the Australian breed
In our own Aussie way we do what we can
To help out people in need
If your brother's in trouble you'd drive across town
Maybe just a phone call to talk things out
Ain't nothing at all that we wouldn't do
Always ready to please ... The Australian Breed

Yamaha provided a guitar and an amplifier to the runner-up and Cool Country Radio 2KA and Penrith City Council also provided prizes. Penrith Museum of Fire donated a ride in one of its very old fire trucks to the competition winner. Jennifer Savage, the Western Sydney director of New South Wales Red Cross, gave an excellent speech about Red Cross and its history. Members may not be aware that the Red Cross was established in 1859 by Henri Dunant, who was looking for Napoleon III somewhere in Italy. He went to Solferino, where Napoleon's army was clashing with the Italian army. There were many injuries and he saw that the locals were attending to only the Italians and he thought, "That is a bit unfair for the French. We must do something about that." He suggested that the community should help whoever is in need. His theme was "tutti fratelli", which means "all men are brothers", but we could also say "tutti sorelli" as we also are all in the sisterhood.

The International Red Cross was one of the first organisations to join the Geneva Convention—five more similar organisations have since joined. Its principles are humanity, impartiality, neutrality, independence, voluntary service, unity and universality. The International Red Cross was one of the first eight agencies to go to Burma following the recent storms. I do not refer to the politics of recent events in Burma; the International Red Cross is beyond politics. Australian Red Cross is holding an appeal to help the citizens of that region. The Parliamentary Friends of Red Cross will support that appeal. I urge my colleagues in this place to do so as well. We will be distributing information about that appeal.

What does the International Red Cross do? In the Penrith electorate we have Nepean Red Cross VAD and also Red Cross Telecross, with 600 people each day picking up the phone and talking to people, mainly elderly people. We have a hands-on service of about 150 women attending palliative care and nursing homes providing manicures to patients. When my mother-in-law was in palliative care at the end of 2006 and last year, she had her very first manicure at the ripe old age of 86 years. I commend those women for providing that hands-on service. Penrith also has 40 community volunteers. Red Cross has its Good Start Breakfast program and I have taken part in that program to serve breakfasts in the local community. The winner of the song contest was Tamara Stewart with her entry "I Won't Let Go". The words of the chorus are as follows:

I won't let go
When you're falling like a rock
I'll be your pillow.

PUBLIC TRANSPORT

Ms PRU GOWARD (Goulburn) [2.02 p.m.]: In this place we hear a great deal about the shortcomings of our public transport system. This applies particularly to the Goulburn electorate, to which I have referred many times. We hear of trains being cancelled suddenly and mysteriously, or replacement buses that detour and do not meet up with connecting trains. We hear endlessly about insufficient and unreliable services. This poor service is particularly outrageous for Goulburn, the Southern Highlands and other areas that are conveniently placed for people to commute to Sydney. It is extremely disappointing that instead of alleviating pressure from the metropolitan area while at the same time allowing families to enjoy the benefits of country life and city jobs, commuting from the Southern Highlands and Goulburn public transport remains a great challenge. Today I place a human face on this problem regarding the effects the public transport system has had on the life of a resident in the Wollondilly electorate—right next door to my electorate. This problem is not just about trains, or the lack of them.

Dr Andrew McDonald: Point of order. Private members' statements should relate to members' electorates. The resident being referred to lives in the Wollondilly electorate.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! Was the member about to talk about how it relates to her community?

Ms PRU GOWARD: Yes.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! No point of order is involved.

Ms PRU GOWARD: I refer to a resident in the Wollondilly electorate, whose particular experience reflects that of people in the Southern Highlands, who are further removed from Sydney. This is not only about trains or the lack of them; it is about how people try to balance their work and other life commitments, and how important an effective public transport system is in meeting those commitments. Their lives fall into disarray when people are constantly thwarted by a rail system that simply does not work.

Nathan Keefe wrote to me because he had been following regular articles in the local paper by a local girl, Courtney Dunn, who is an active advocate for improved rail services. Up until mid-2005 Nathan was employed by one of Australia's top financial services companies and was located in the Sydney central business district along with thousands of other people from the Southern Highlands. He said he enjoyed his job a lot and still considers it to be a highlight of his working life. What he did not enjoy, along with many Southern Highlands commuters, was leaving home at 4.00 o'clock in the morning to guarantee that he would eventually arrive at central station by 7.00 o'clock—three hours later. The Human Rights and Equal Opportunity Commission published its paper "It's About Time: Women, men, work and family" in March 2007. It was the result of two years' research with employers, community organisations and Australian families about paid work and family life. Section 9.2 of that paper refers to commuting transport and access to paid work and services. It states:

A recent Australian study has illustrated the negative effects of long hours of commuting on family and community life.

It goes on to state:

Each week over ten per cent of parents in paid employment spend more time commuting than they do with their children, travelling for between ten and 15 hours weekly to and from work but spending less time than this supervising, caring for and transporting their children.

Nathan Keefe would work the expected eight-hour day but, like the people of the Southern Highlands, would find that getting to and from work sometimes could add a further eight hours to the day—he might as well have had another full-time job! He said the journeys were interrupted constantly by trains that were running late, including, in particular, the Southern Highlands diesel train that frequently was up to 40 minutes late leaving Campbelltown. Nathan also said that services were cancelled and replacement buses went the long way around. He adds that the increase in train fares was adding insult to injury.

So, what could he do and, as I am increasingly being asked, what can others in my electorate do? They give in. They are forced by the appallingly operated public transport system to leave their jobs and find one that can be accessed more easily—by road! They have to add their cars to all the other cars on the road because they no longer can manage the lack of train services. The commission's findings revealed something that Nathan learnt first hand—that is, that long commuting times are associated with less time with children, long working hours, increased time pressure and limited time available to contribute to family and community life. Nathan's situation is shocking, but it is not unique. It is the human face of a failed public transport system. The implications of poor public transport clearly are profound and they affect the men, women and families of my electorate in a way that this Government must start to take into account.

MAITLAND FAMILY RELATIONSHIP CENTRE

Mr FRANK TERENCEZINI (Maitland) [2.07 p.m.]: On 11 March 2008 I was invited to attend and open a new facility in my electorate of Maitland that will provide a most essential service to our community for families going through tough times resulting from relationship breakdown or divorce. I attended the official opening of the Family Relationship Centre in High Street, Maitland. At the outset I acknowledge that this organisation is federally funded, and I have no hesitation in commending the previous and the current Federal Government for such a great initiative. It is important to formally recognise in this place the organisations and those who work in them to assist families in times of need.

One sad reality we all face as a community is that many families suffer the hardship, heartache and trauma of parents divorcing. Besides financial considerations, it is an emotional cost to the parents and is especially costly to children. Also, the community pays its cost. When I practised law, I dealt with many clients going through these difficult periods. I was able to give legal advice, but I was not equipped to give advice on how to deal with family relationships and how to address the many issues that confront a family in this day and age. I was not able to head off potential family disasters such as separations and divorce and all the associated issues. Many times, straight legal advice is not enough.

The Family Relationship Centre, now operating in Maitland, will provide my constituents with such advice and assistance in all situations: dispute resolution, mediation and negotiation, counselling, parenting seminars, and post separation services. By July this year there will be 65 related offices across New South Wales. As a result of the latest changes to the Family Law Act, this service has become invaluable in attempting to resolve disputes in order to avoid court action. Moreover, if court action has been instigated, the centre then provides a referral point, again to attempt a resolution and avoid the trauma and cost of ongoing litigation. It

also provides advice and counselling to families or individuals having problems with relationships. The source of these problems can be financial, social or as a result of other events in the life of the family, such as a member of the family being in trouble with the law, et cetera. Children, adolescents, and any other individuals are able to access this service. If there has been a separation and arrangements have been ordered by the Family Court, the centre can administer and monitor some of those orders and act as a changeover point for children on access visits.

We are not just talking about families at the lower end of the socioeconomic scale. All families make up the statistics when it comes to relationship breakdowns and divorce. Family life is the basis and fabric of our society. A sign of a good community is the extent to which it is able to put in place measures, arrangements and facilities that not only assist but also protect this essential institution. I congratulate the manager, Jan Squires, together with the staff and workers of the centre on providing such an essential service to our community. I thank also Pat Healton, a legal practitioner and lecturer at the University of Newcastle, who attends and works at the centre on a part-time basis, providing skills and experience in the field of dispute resolution. With so many families moving to the Maitland area, all people will heavily rely on this service. Again I congratulate the staff on the great work they are doing at the centre.

MEN'S SHEDS

Mr JONATHAN O'DEA (Davidson) [2.12 p.m.]: We have a growing phenomenon of men's sheds in our community. One already in the electorate of Davidson is the Forest Community Men's Shed and another is planned for the Ku-ring-gai council area. I outline some of the reasons for men's sheds and information about our new Forest Community Men's Shed. Our society is always on the move with sociological and technical advancement. This has resulted in our average life expectancy on this planet getting longer and our working lives getting shorter. Life in the workplace can be as brutal as ever these days. Where people were once tolerated in jobs until 65 regardless of their output, these days they can be out the door once their manager decides their use-by date has been reached. Consequently, we have many men with skills to offer and time on their hands. I understand that today only 50 per cent of men over 50 have a full-time job let alone one of their own choosing and that the average age of persons who commute to the Sydney CBD each day is just 33.

Middle age can be a difficult time for males. One or more issues such as job loss, family breakdown, social isolation, living alone and poor health, including depression, can strike many of us. The present drought has caused further distress amongst rural men. Quite a few of these men have found a new outlet in their local shed. Other important parts of the shed are a noticeboard where health information can be displayed and the kitchen/meeting room where men can discuss matters such as financial stresses. Over the last six months we have seen a downturn in financial markets, with a corresponding drop in many retirees' income and financial security. Women are in a somewhat different situation because traditionally they are boss of the kitchen, if not the house. For some, men's sheds are the equivalent, for women, of the kitchen or Country Women's Association rooms.

It is interesting how the two societies of England and Australia have a different approach to men's activities in middle age. England is the land of communal gardens and there are 7,800 sites in cities and towns where men can plant vegetables and then sit on seats outdoors and watch them grow. In Australia we now try to keep people out of the sun, hence the indoor activity of men's sheds. The first task for the Forest men was to outfit the shed with partitions, workbenches and shelves. Projects in the men's sheds include repairs to personal items and community items for charities and small repairs to assist the aged to live longer in their own homes. There is a possibility of limited training for younger persons who are having trouble fitting into the workforce to obtain a simple saleable skill.

On 3 April the Forest Community Men's Shed opened after three years of hard work from a small team. As Parliament was sitting, I visited the shed and met the guys a couple of weeks later. The principal sponsors of this shed project are the Lions Club of Frenchs Forest, the Rotary Club of Belrose, and Uniting Care Ageing Northern Sydney Region, which has helped to establish four men's sheds in northern Sydney. The project was managed by the Lions Club as a community service project under the leadership of club member Tim O'Sullivan. Other organisations contributing to the project are Warringah Council Aged Services and the Forestville RSL sub-branch, which has about 600 veterans. The sub-branch helped to secure a grant of \$36,000 from the Department of Veterans Affairs to support veteran involvement in the project. Many individuals in the local community also assisted with donations of timber, tools and equipment.

Commonwealth and State governments need to better address how to keep middle-aged workers in the workforce longer, particularly with the growing local skills shortages. Workplaces have possibly swung too

much to being the preserve of younger workers. We need an improved culture of younger and older workers both taking their rightful place at work. The Australian Men's Sheds Association, underwritten by the Northern Sydney Region of Uniting Care Ageing, is doing great work in assisting sheds across Australia, particularly new sheds and sheds in rural areas. Men's sheds are proving to be an important part of the fabric of our community, with over 200 now running across Australia. Mindful of their social and therapeutic value, I urge all members to assist in the establishment of further men's sheds in their local communities. Finally, I am pleased to note also the work of Kevin Callinan and his committee, who are working towards establishing a men's shed in the Ku-ring-gai area.

GLENWOOD PUBLIC SCHOOL

Dr ANDREW McDONALD (Macquarie Fields) [2.17 p.m.]: Last year I spoke of the excellent audiovisual work being done at Glenwood Public School in my electorate. For that reason I am pleased to report Glenwood Public School's movie *Free, Free At Last* was selected as a finalist in the inaugural Trop Junior competition this year. I have recently visited the school and seen this excellent movie. An offshoot of the world-renowned Tropfest, Trop Junior is a showcase for young filmmakers 15 years and under. Written, directed and starring Japonica Maua of year 4 in 2007, *Free, Free At Last* is a horror story about a girl who wakes up in a dungeon. She runs a gamut of emotions until a surprising encounter reveals all. The script is based on a short story she wrote last year after she was sent to her room for not eating her dinner. It is an excellent movie—I do not know if I ever will be able to look at onions again!

Japonica wants to be something to do with movie making when she finishes school. Her crew—fellow students Ryan Southwell, Jacqueline and Neil Cuizon, Brian Bokalawela, Hayley Banks and Simon Fitsum, all deserve a special mention. Eight finalists were chosen from 80 entries from all over Australia. At nine years old, Japonica is the youngest of them. The film was a collaborative effort, with production work, such as editing, special effects, music and animation being undertaken by the other students I have mentioned. Instrumental in the success of the film has been the creative input of Neil Cuizon of year 6, who conceived many of the special effects as well as completing the lion's share of the editing.

Filming locations included an actual dungeon, to be found under the Liverpool TAFE, formerly the Liverpool asylum. Japonica had to break off completing the editing to attend official duties as the "Matai" or Princess, in her ancestral village in Samoa! Her father and grandfather are chiefs in their village. Even better was the news that last year's Glenwood shortlisted film, *The Sorrow of War*, was said by Tropfest managing director Michael Laverty to be a pivotal step for the creation of Trop Junior this year. They said that he had been considering the idea for some years, but seeing *The Sorrow of War* convinced him that this was a worthwhile project.

I have previously mentioned this DVD and recommend it to members of the House whose primary schools have any interest in filmmaking. The driving force for this has been Tom Gough at Glenwood Public School. Tom is typical of many of our teachers. They have an amazing influence over the life of our society and the future of our children, yet all too often they are unheralded and unthanked. Any teacher who can have a seven year old—such as Zak Hackett—walking around the house quoting Henry V with passion and believing he is Henry V is a gifted teacher and community leader. I am sure we can empathise with Zak as many in this House also seem to think they are Henry V when they speak!

The skills Japonica and her friends have learned will be with them for life and will enrich our local community for many years. Japonica did not win—she was beaten by an excellent film from a year 11 student—but even better was this wonderful young lady's reaction to not winning. Her next film script was produced the following day. It is about a girl who was nominated for TropJunior and gets a big head after being showered with attention from the press, but who does not win and subsequently achieves new insight into herself as a person and into the feelings of those around her. The title, *All That and a Bag of Chips*, would be an excellent title for a political memoir. Japonica has provided me with an inspiring insight that I wanted to share with all members of the House. She and her friends are wonderful young people. Their parents should be extremely proud of them. I publicly thank Tom and all the staff at the Glenwood Public School for their work. Japonica and her classmates will grow nearly to adulthood on the watch of this Parliament—reminding all members why we are here.

THE DAY THE ALIENS CAME BOOK LAUNCH

MR BILL HORNADGE

Mrs DAWN FARDELL (Dubbo) [2.22 p.m.]: On Monday 5 May 2008 I was honoured to be invited to launch the recent publication of Mr Bill Hornadge, a well-known and respected author who resides in Dubbo.

Mr Hornadge's latest work is a science fiction story titled *The Day the Aliens Came*. The event was held at the Dubbo Macquarie Regional Library and speakers were the master of ceremonies, David Pankhurst, who is the owner of the Book Connection, Mr Hornadge, John Bayliss, who is the director of Dubbo City Council library services, and me. Friends of literature and Mr Hornadge also were in attendance. *The Day the Aliens Came* is an unusual science fiction story told in two parts. The first part of the story is set in the year 2015, when a smallish bunch of aliens, in dire distress and nearly dying, land at the Dubbo Airport with the sole aim of imparting their unique knowledge of the universe to the scientists of Australia before they expire on their final trip to the sun.

[Interruption]

I apologise for digressing: This story strikes a chord. I would appreciate the member for Tamworth temporarily leaving the Chamber. While I admit that I am not a science fiction fan, I found the first part very entertaining and amusing. The second part of the story is set 20 years later in 2035, when the earth is embroiled in all sorts of difficulties as a result of global warming and when a huge army of the same aliens invades the earth. Chapter 7, "The Final Killer Blow", would appeal to members of this Parliament and also to our constituents. Mr Hornadge again clearly defined his views on politics in this chapter, as he did with a previous publication *Questions We Should Ask*. I cite the book, *How to Improve Your Parliamentary Systems*, in which he champions step one: vive la difference. Mr Hornadge and his aliens believe the real problem with all the earth's parliamentary systems is that they are completely male orientated and governed—a hangover from the good old days of the nineteenth century.

More than half the population of most countries is female, yet even in an open country such as Australia only approximately 20 per cent of politicians in State and Federal Parliament are females. Even though a majority of the laws enacted in Parliaments are of vital concern to women, they are planned and implemented by males. Women think and act differently from men and could bring a strong sense of fair play if they had power. But, because all the power is presently in the hands of males, breeding females will not try out for Parliament because they know the entrenched males will block their progress. Mr Hornadge and his aliens believe the solution is that all Parliaments should at all times have fifty-fifty representation of men and women. At this point I pause to say that I will strangle the member for Tamworth when I leave the Chamber!

Mr Hornadge and his aliens believe fifty-fifty Parliaments could be achieved easily if at each election voters were given two ballot papers: one for female candidates and one for male candidates. To prevent overcrowded Parliaments, electorates would need to be amalgamated. I have to say that if my electorate were to be amalgamated with an electorate nearby and I was the female candidate, I would prefer my co-representative of the electorate to be the member for Murray-Darling rather than the member for Barwon. Parties could select their leaders as they do presently, but it would be compulsory to have fifty-fifty Cabinets, and Speakers would be elected for one year only—I do not think our present Speaker would like that—with a female then a male holding the position each alternate year. The result of those changes would be that Parliaments would be civilised, due to the feminine presence.

There are many other reforms that Mr Hornadge has written about, such as members' terms in Parliament being limited to 16 years, the scrapping of huge amounts of money to provide for their retirement, and no public money being paid for political purposes. He says that by applying such restrictions more people of merit would come forward to give their services for shorter periods, rather than having lengthy careers while continually holding well-paid political office. He would strip the political parties of much of the power they have presently, which has a damaging effect on the whole parliamentary system. He also feels that there is no useful purpose in having upper Houses, such as the Senate, which still operate in State Parliaments. These seem to be relics of former ages that could be discarded without doing any damage to our democracy.

Mr Daryl Maguire: So the Speaker should have a change of sex every year?

Mrs DAWN FARDELL: No, the aliens say that. Mr Hornadge is an exceptional man, who was previously employed by the *Sydney Morning Herald*, is a former editor of the *Daily Liberal*, the owner of Seven Seas Stamps, and a noted author. As I mentioned at the book launch, this sprightly 80-year-old has many more stories to tell. He has written many publications, including *The Australian Slangue*, *The Ugly Australian*, *Lennie Lower: He Made a Nation Laugh*, *The Hidden History of Australia*, *The Search for an Australian Paradise*, *The Journal of John O'Brien*, *The Poppy Crop*, which is fiction, *Cricket in Australia* and *Questions We Should Ask*. I look forward to many more publications from this wonderful man—and I apologise to him for the behaviour of the member for Tamworth.

GUNNEDAH ETHANOL PLANT

Mr PETER DRAPER (Tamworth) [2.27 p.m.]: Many Gunnedah residents recently raised concerns with me that an ethanol plant proposed for Gunnedah by Primary Energy, which attracted \$1.1 million in Federal funding as part of the Namoi Valley Structural Adjustment Package, will not go ahead. They believe that, unless the company provides a firm commitment, the funds should be returned and used to help the Gunnedah community deal with the social and economic trauma from drastic cuts to groundwater entitlements. I have strongly supported the concept of an ethanol plant in Gunnedah, and I will continue to support the proposal. But following years of false starts and anticipation I can well understand the concerns of many people. As long ago as 4 December 2003, Neil Lyon stated in the *Land* that the proposed plant would directly employ people and indirectly employ another 200 in the region. On 2 September 2004, also in the *Land*, Matthew Cawood wrote an article headed, "\$100 million ethanol plant set to open in 2006." In the article he stated:

... the proponent is optimistic construction will start at Gunnedah next year—2005—with the plant beginning operation by the summer harvest of 2006/07.

Fast forward to May this year: not one sod has been turned on the proposed 11-hectare site—which incidentally has been offered free of charge by the Gunnedah Shire Council. Gunnedah residents' concerns were further heightened on Monday 21 April when the proponent, Matthew Kelley, stated on ABC radio, "I don't think we can really afford to be putting up with the political rubbish that is associated with this grant." He went on to say that he would give the \$1.1 million back. The interviewer then asked, "So how soon may you look at repaying this loan and would that be a big financial impost for Primary Energy?" Mr Kelley replied:

Well I think it would be an absolute blessing and it would be like a new lease of life for us involved around Gunnedah in not having to deal with the political side of it. We'll pay that grant back as soon as we're given a clear pathway by the Government on how to do that.

Concern was further raised by an article in Gunnedah's *Namoi Valley Independent* newspaper on 22 April 2008 headed, "Politics Could Sink Ethanol Project", in which the proponent said, "The odour of politicking was going to kill the project", adding that "it may already be too late." The proponent has suggested, "There was a taint on our programme" due to political interference. I would suggest there has been a political taint on this project for a number of years. An article in the *Canberra Times* by Ross Peake on 1 December 2004 headed "Anderson rails at slush fund accusation" states:

The project company, Primary Energy, wanted to use the money—the \$1.1 million grant—for CSIRO research, which is explicitly excluded under the regional partnerships guidelines.

The funding was obviously used for this purpose because Primary Energy released a statement on 31 May 2005 entitled, "CSIRO Study Shows Ethanol A Clear Winner For Australia". It states:

The CSIRO has recently completed a comprehensive cradle to grave greenhouse gas emission analysis on one of the proposed projects for Australia—Primary Energy's Gunnedah Ethanol Project.

On 13 February 2005 the article, "Primary Energy Pty Ltd had failed to get Government assistance at least three times", written by Glenn Milne, appeared in the Sunday newspaper, the *Sun-Herald*. He stated:

Labor says the money was finally handed over by Local Government Minister Jim Lloyd—two months before the last election—using the Strategic Opportunity Notional Allocation guidelines, which basically suspend all previous guidelines to allow funding to proceed—

Mr Milne commented that John Anderson would be "in for a torrid week". But there's more. An article in the *Sun-Herald* on 20 April this year asked some more questions about the funding. The article alleged that a New South Wales member of Parliament chaired a local committee that assessed applications to the previous Federal Government for business grants. The committee backed an application by Primary Energy to be provided with \$1.1 million towards the ethanol plant in Gunnedah. The member of Parliament subsequently formed a business partnership to build an ethanol plant at Moree with the proponent of Primary Energy, plus a Moree farmer. However, if that commitment is not forthcoming the \$1.1 million should be returned—perhaps not to the Federal Government but to a trust fund administered by Gunnedah Shire Council, so the funds can be invested as intended. That would be for the long-term benefit of the Gunnedah community, as was originally intended under the Namoi Valley Structural Adjustment Program.

Last night on Prime Television in Tamworth the member for Barwon stated that Matthew Kelley was only a consultant and that none of the regional partnership money went into his business, MAK Fuels. However,

a company search reveals that Mr Kelley was indeed a director of MAK Fuels, along with the member for Barwon and Andrew Ball. The member for Barwon chaired both the Namoi Valley Structural Adjustment Committee and the New England/North-West Area Consultative Committee before entering into business with Mr Kelley, whom he had recommended for Federal funding. I believe a large number of answers should be sought, and I call on the member for Barwon to reveal all.

Mr Daryl Maguire: Point of order: Under the forms of this House, if a member wishes to cast aspersions on, or attack, a member, he or she should do so by way of substantive motion. Clearly, the member for Tamworth has cast aspersions on another member of this House, and it is inappropriate to use a private member's statements to do so. If the member for Tamworth wishes to take the matter further, he should move a motion in the House and use the rules of this place.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. Has the member for Tamworth concluded his speech?

Mr PETER DRAPER: Yes.

Question—That private members' statements be noted—put and resolved in the affirmative.

Private members' statements noted.

The House adjourned at 2.32 p.m. until Tuesday 13 May 2008 at 1.00 p.m.
