

# LEGISLATIVE ASSEMBLY

Wednesday 4 June 2008

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

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008

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

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

### AUSTRALIAN JOCKEY CLUB BILL 2008

#### Agreement in Principle

**Debate resumed from 14 May 2008.**

**Mr GEORGE SOURIS** (Upper Hunter) [10.04 a.m.]: I have pleasure in leading for the Opposition in the debate on the Australian Jockey Club Bill 2008. I say at the outset that the Opposition will not oppose the bill—in fact, we will take some pleasure in seeing it ultimately change the face of the Australian Jockey Club. The purpose of the bill is to recognise the incorporation of the Australian Jockey Club and to transfer its assets, rights and liabilities to the newly incorporated Australian Jockey Club Limited. The bill will also enable the trustees of Randwick racecourse to grant a lease of the racecourse lands for up to 99 years. The Australian Jockey Club is currently an unincorporated association. In light of recent financial concerns, the chairman and board members, focusing on their potential personal liability and in line with modern business practice, initiated the process to update the current Australian Jockey Club Act, which dates back to 1873. The trustees of Randwick racecourse are limited to granting a 50-year lease under the current Act.

The bill will create the Australian Jockey Club Limited, and all assets, rights and liabilities will be transferred to this new entity. The Australian Jockey Club will have the incorporated and unincorporated entities running concurrently for a limited time to help ease the transition for members, who will also need to change their membership. It is expected that this will be done at the same time as membership renewal in order to minimise confusion and expense. The Royal Randwick Racecourse lease will be renewed from the current 50 years to 99 years. The Government has also updated the provisions of the 1873 Act to modern-day English in order to afford the Australian Jockey Club and all interested parties a clearer understanding of the Act.

I do not envisage that any arguments could be mounted against the bill. Indeed, there are many arguments in support of it. The bill updates the Australian Jockey Club Act for the modern corporate world, and will protect the board from liability. No changes to the current running of the Australian Jockey Club are expected. The Office of Liquor, Gaming and Racing has ensured that no assets, rights or liabilities will be excluded from this amendment, and the Government is not affording the Australian Jockey Club any new, or deleting any existing, rights. The 99-year lease will afford the Australian Jockey Club more stability and value for future planning.

I am thankful to a number of parties who have briefed me on the bill, particularly Mr Frank Marzic from the office of racing and Mr Paul Nunnari from the office of the Minister for Gaming and Racing. I also conferred with interested parties, including Racing New South Wales and the Australian Jockey Club and its chairman, Mr Ross Smyth-Kirk. The Australian Jockey Club is a wonderful and enduring institution. Like many others, I have had numerous enjoyable experiences at Royal Randwick Racecourse. I also had the privilege of

serving as the Minister for Sport, Recreation and Racing for a time—it is quite a few years ago, now that I think about it; I will try to do the sums as I go. It was 1992—a great year—and the Queen visited Randwick racecourse and conferred the title "Royal Randwick" upon it. Sunday racing was also instituted during my time as Minister. The Government's revenue from Sunday race days was used to finance the bid for the Sydney Olympics, which was ultimately successful and led to the staging of the Sydney 2000 Olympic Games.

That was a troubled period, and I can recount my experience as Minister. I think I am the only Minister who has sat in the witness box before a full bench of the exalted Australian Jockey Club Committee to present the arguments on behalf of the Government for Sunday racing. I recall vividly not having to utter a word. I was merely ushered into the witness box to have the chairman at the time, Mr Jim Bell, pronounce upon me that the AJC had decided to conduct four Sunday race meetings. So, I packed up my kit and departed without uttering a word. My other happy experience—although fairly traumatic at the time—was to support the reinstatement of a training licence for Mrs Gai Waterhouse, who has become such a star in the racing industry, who brings such great credit to the industry and who has established a great support base for the industry.

I express my personal gratitude to past and present members and chairmen of the AJC Committee and the membership of the AJC for the way in which they have conducted racing for such a long time. Most of the history of the AJC was as the principal club of the industry. The principal club Act itself is an institution in its own right. The Australian Jockey Club has dealt with the recent troubles with equine influenza, and I add my best wishes to the many best wishes that have been offered to the AJC as it emerges from that crisis. I was at Royal Randwick Racecourse on Doncaster Day for the Autumn Carnival. My pleasure, apart from being able to box a couple of quinelli—

**Mr Michael Daley:** Quinelli?

**Mr GEORGE SOURIS:** Oh, yes. I am still waiting for the mathematicians to tell me how many years it has been since I have been Minister, but in the meantime I can offer you a little bit of Latin!

**Mr Michael Daley:** I thought it would be ancient Greek.

**Mr GEORGE SOURIS:** No, I cannot understand that. I express my pleasure at the success of the Autumn Carnival and the resumption of racing as we have known it in the past. We look forward to even greater successes. It is my pleasure to commend the bill to the House.

**Mr GEOFF CORRIGAN** (Camden) [10.12 a.m.]: The member for Upper Hunter was Minister for Sport, Recreation and Racing 17 years ago. I did not realise that Randwick racecourse became Royal Randwick Racecourse at that time. My first venture to Randwick was to see the Rolling Stones in 1972 or 1973. I cannot remember when, but way back.

**Mr George Souris:** Mine was to attend a papal mass.

**Mr GEOFF CORRIGAN:** I was going to cover the incorporation but my colleague the member for East Hills is going to cover that. I want to talk about Randwick being a place for significant events. The bill is another step in the Government's approach to reinvigorating the State's calendar of events in New South Wales. In March this year the State Government announced funding of \$750,000 to support a rejuvenated Autumn Racing Carnival, and I was pleased that the Minister and the shadow Minister were able to attend. Randwick racecourse is one of the key racetracks for the carnival. An agreement between Events New South Wales and the State's leading racing industry stakeholders will see the staging of the Autumn Racing Carnival at the same time every year.

The Autumn Racing Carnival involves the prestigious Golden Slipper, the AJC Derby, the Doncaster Handicap and the world-renowned Inglis Easter yearling sales, which I have spoken about before. My constituents the Inglis family run a wonderful Easter yearling sales, although there have been some changes in the ownership of that business. Nevertheless, over the years the Inglis family has done a great job promoting racing. A major event on the racing industry's calendar has been turned into a sporting, cultural and social event of global significance. This year we also saw metropolitan and regional racing under one umbrella campaign for the first time. Regional New South Wales was in the spotlight during the Autumn Racing Carnival with a series of high-profile race meetings and events such as the Orange Cup, Newcastle Newmarket and the Wagga Gold Cup. Future carnivals will take place during a fixed window in April. That is a great innovation. The Australian Jockey Club Amendment Bill 2008, by allowing the AJC to take a 99-year lease on Randwick racecourse, will give

the AJC business certainty into the future. It will allow the AJC to plan for the long term, and help it to take its part in a successful Autumn Racing Carnival and other events on the racing calendar. I commend the bill to the House.

**Mr RAY WILLIAMS** (Hawkesbury) [10.14 a.m.]: The purpose of the Australian Jockey Club Bill 2008 is to modernise the corporate structure of the Australian Jockey Club [AJC]. It is amazing that a club that was formed in 1842 is an unincorporated association. I find that extraordinary for a couple of reasons, one being the type of institution it is and other being the imposition that was placed on trainers back in the 1980s by the costs associated with workers compensation and public liability. As I have said in the House before, I was a former AJC licensed thoroughbred trainer for 20 years, as were my father and uncle. It is ironic that the AJC has not been incorporated in all that time. It probably accepted personal liability and it has not been found wanting, but it is timely that it is incorporated.

It is important, given my understanding of the racing industry and the implications to people in country areas, that we speak on behalf of the industry and raise the concerns of people in the industry. The industry has struggled over the past 10 or 12 years. It has seen a reduction of some 52 per cent of trainers. Some 1,100-odd trainers have been lost over the past 10 years under the governance of this State Government as it has overseen racing. Racing itself has seemed to thrive because record prices have been achieved at yearling sales and there is record prize money in the industry. Unfortunately, I do not believe the prize money goes exactly where it needs to go. By saying that I do not mean to diminish the fact that great horses deserve to win great races and great races should attract good prize money. However, that should never be to the detriment of the entire industry. Over the past 10 years a great disparity has come in to the prize money. The base of racing, the prize money in the bush, has been completely outrun by the massive increases in prize money in the city areas, across the black-tie and group races.

In the 1980s base-rate prize money in areas such as Bathurst, Orange, Nowra or Goulburn was as little as \$1,500. In some cases there would be two divisions of a maiden, and the second division of the maiden would be worth \$1,000. It was really very poor prize money. However, in the era from 1985 to about 1996 the racing industry absolutely thrived. It thrived to a point that it recognised the greatest number of participants ever in the racing industry in this country. When I say "participants", I mean not only the trainers but also owners. That great involvement of owners meant more horses, so we had a record number of horses right up to 1995 or 1996. Since that time it has diminished substantially, to the point where some 1,100 trainers have been lost to the industry.

If every trainer lost to the racing industry in New South Wales—traditionally these 1,100 trainers have been lost in provincial and country areas—had just one horse in work he employed a strapper, a track work rider and a jockey on race days. Trainers added significantly to the coffers of feed produce merchants, local vets, local farriers and transport providers who float the horses around. So, the amount of direct and indirect employment attributed to every trainer, albeit when only one horse was in work, is quite significant.

If one looks at the reduction in the number of racehorses especially over the past 10 years, one sees that those 1,100 trainers who have been lost to the industry had significantly more than just one horse in work. In some cases trainers such as Pat Cass, a good friend of mine at Orange, trained some great horses including Chivas Regal. My uncle Trevor Dolan was also a trainer. The member for Camden mentioned the great Orange Cup, a race once won by my uncle's horse Mortal Combat in the late 1960s or early 1970s—I do not have a memory like the former Minister for Sport, Recreation and Racing; I will have to check the record books. It was a long time ago.

It was great that the Orange Cup, a significant race on the country calendar, was mentioned. It is important to raise issues on behalf of country people. Country racing provided a great social day out and interaction with country people who would attend a race on a Saturday and see their friends, including those who train or own horses. It was wonderful for country people who live on large properties to get together at the races. However, it is a great shame that the racing industry has diminished to such an extent that a lot of country races are no longer conducted on a Saturday because of the TAB and the fact that the almighty dollar now rules how racing operates in this State. A race meeting formerly held on a Saturday is now held on a Tuesday or Friday. If a race is held at Mudgee on a Friday or at Orange on a Tuesday one could fire a shotgun in the bookmakers' ring and no-one would be hit. One would be lucky if four bookmakers were betting on the meetings.

The TAB is the almighty guru in relation to the racing industry and dominates everything. When the races are held people bet at the TAB—which is not a bad thing, it is fine. However, the industry has lost the

local participation of country and rural areas. Every racing industry is the same—it does not matter whether it is Orange or Wagga Wagga—apart from the large cup carnivals. Recently I was lucky to be invited by the member for Wagga Wagga to the Wagga Wagga Town Plate and Gold Cup meeting. They were held on a Thursday and Friday, and great crowds attended. We still get great crowds at those large cup meetings because other people come to the country, including well-known trainers who recognise the larger prize money that is available.

The smaller meetings held midweek, on behalf of the TAB and outside betting areas right across the country, which raise money to keep our so-called industry sustainable, do not sustain the social aspects of racing in country areas. That is why that matter needs to be raised on behalf of the industry. On the contrary, other States have continued to thrive with the Victorian and Queensland racing industries growing over the past decade. The extent of that growth can be attributed to one thing: They have a much fairer and equitable breakdown of prize money between city and country areas. In the 1980s, when the base rate for a lowly maiden race was \$1,500, not only did we have good fields but in some cases the maiden race would also have two divisions. Throughout the 1980s I remember being at Kembla Grange when there were three divisions of a maiden. There may have been a 1,000, 1,200, 1,400 metre, a mile or a 2,000 metre maiden race. In three of those maiden races there could have been two or even three divisions making up in some cases 10 races on the program.

We will never see, except after the recent bout of equine influenza, a 10 or 11 race program where races kick off at Kembla Grange at 11.30 a.m. as they did then. That was extraordinary and exemplifies exactly what I am saying about the enormous participation in that decade between 1985 and 1995. It was not only enormous but it was sustainable and people were making a quid. People were training horses and selling them. The breeding industry was having a ball, including those who bred the bread and butter horses—that is, horses sold in country areas that participate and win a few races. There was a plentiful supply of those horses and employment in that industry at that time. We fast track to the current time where we have record prize money in this State for the upper echelon, in the group and listed races, which looks terrific on paper—

**Mr Michael Daley:** Point of order: With the greatest respect to the member for Hawkesbury, who obviously knows a lot about the industry and who has provided an entertaining discourse, the debate on this bill is narrow. It is about the incorporation of the Australian Jockey Club Limited. I ask you to draw the member for Hawkesbury back to the leave of the bill.

**The DEPUTY-SPEAKER:** Order! The remarks of the member for Hawkesbury are very broad. I ask him to keep his contribution relevant to the bill. The bill deals with the incorporation of the Australian Jockey Club Limited, which he has not mentioned.

**Mr RAY WILLIAMS:** I refer you to the last paragraph of the agreement in principle speech of the Minister for Gaming and Racing:

... the Government recently commissioned two independent reviews. A review into wagering is being undertaken by Mr Alan Cameron. The review will consider all facets of wagering including the significance of racing as an industry and employer.

I would have thought that broad statement of the Minister leaves it open to debate issues right across the racing industry. I am happy for Mr Deputy-Speaker to rule on that point of order.

**The DEPUTY-SPEAKER:** Order! The member may continue, but I ask him to keep his remarks relevant to the bill.

**Mr RAY WILLIAMS:** I am happy to do that. I will refer briefly to the opening comments of the Minister for Gaming and Racing, who sometimes lacks the insight that I have in relation to country areas. One needs to remember that racing is not just about Royal Randwick Racecourse. People like to think that Malcolm Johnston, Kingston Town and Tommy Smith were born under the winning post at Royal Randwick, but nothing could be further from the truth. They all came from the bush. Country areas of New South Wales are the nursery of everybody in the industry. There is no nursery ground at Royal Randwick Racecourse raising champion trainers, jockeys or least of all racehorses of the future—they all come from the country.

Therefore, today it is significant to place on the record the important part that country people play in the industry and the fact that they are not getting a fair go. They do not get the best bang for their buck in relation to wagering dollars being put back into prize money for the industry. Prize money has increased over the past couple of years because they have clearly been eating the paint off the wall and are struggling. If we

took a small percentage of the group and listed races in New South Wales, and spread perhaps 10 per cent evenly, especially across country areas, there would be a dramatic increase in participation in country areas.

Those 1,000 farmers who have bred a couple of horses in the past decade and have been lost to the industry will return because the industry is based on passion. It is a passionately infectious industry—once it is embedded in a person it never leaves them. They love it. I firmly believe that if we turn our mind to look at getting a fairer distribution of prize money in country areas patronage and the number of horses and trainers would be increased across country New South Wales. I acknowledge people in country areas of New South Wales who have made the industry so great. I am always prepared to support them and raise these issues on their behalf, even if other members who represent country areas do not find the time.

**Mr ALAN ASHTON** (East Hills) [10.29 a.m.]: For once I enjoyed most of the contribution of the member for Hawkesbury—for 15 minutes we were given a very good history lesson, which is something I am famous for doing. Randwick is synonymous with horseracing. The member for Upper Hunter said that his first trip to Randwick was to see the Pope. I am of the generation that saw the Stones at Randwick, and occasionally horseracing, which is its primary purpose. Indeed, last year when the Papal visit was announced there was some debate as to how the Australian Jockey Club and Randwick racecourse would fare during and after that use of the facility.

In the spirit of generalised speeches, I inform the House that when we play golf at Sefton we call it "Royal Sefton" and some of us call the Bankstown Trotting Club "Royal Bankstown", in line with Royal Randwick. I declare an interest in the bill, as did the previous speaker when he rattled off his relatives and friends. Two great-uncles of mine won five Melbourne Cups between them, but did not win any Melbourne Cups at Randwick. They were the Munro brothers—Darby and Jimmy Munro.

**Mr George Souris:** Which horses are we talking about?

**Mr ALAN ASHTON:** They were Statesman, Windbag, Peter Pan, Russia and—I cannot think of the other, but it might have been Sirius. Their wins were in the 1920s, 1930s and 1940s: three decades of winning Melbourne Cups. Sydneysiders have always been a bit annoyed that we have a Golden Slipper, the Doncaster, the Epsom Handicap and other great races but that we do not have a Melbourne Cup. I have always felt that Melbourne people will watch anything because there is nothing much else to do. However, I watch the Swans every second week and they were imported from Victoria.

The bill recognises the importance of the Australian Jockey Club by making it a corporate body. It is amazing that over 150 or 160 years it has not been incorporated. Modern corporate practice and law have overtaken the current provisions of the Act. They are now obsolete and inappropriate. The Australian Jockey Club and the Opposition recognise this, which is why the Government is moving in this direction. This situation is not unique to New South Wales. The Victoria Racing Club faces similar legislation with personal liability, which was tidied up in 2006. The Australian Jockey Club has been through the incorporation process, including an appropriate awareness program to advise its members of the benefits of the transition to membership of a company limited by guarantee. New South Wales is not alone in granting a 99-year lease. A long lease is necessary. The House will debate leases later and in a different capacity, but this is a lease we can all agree with.

**Mr George Souris:** Time for voting has come.

**Mr ALAN ASHTON:** It is getting closer. On this one we are all in agreement, and 99 years gives security to the Australian Jockey Club, the trainers and the jockeys. We all support doing all we can to give security to the Australian Jockey Club. I would love to see more money for the club, but not money lost through wagering. I have spoken with the Chairman of the Legislation Review Committee, who assures me that the bill is not an invasion of people's civil liberties: it is their choice to risk their money betting on a horse. I appreciate the comments of the member for Londonderry in that regard.

I digress by stating that equine influenza has had a great impact on the entire New South Wales racing industry. I remember as a kid going to Randwick and meeting my great-uncles. My backyard at Picnic Point was bush, with spiders and snakes. I have never seen anything like my great-uncles' backyard. It was all cobblestones, with horse manure and great gallopers in stables at the back of what was, at that time, an ordinary property in Randwick. I am glad that we are doing everything that we can, as a Government and Opposition, to help the Australian Jockey Club and Royal Randwick.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [10.35 a.m.], in reply: I thank all honourable members who contributed to the debate. In particular, I congratulate the Australian Jockey Club, which was formed in 1842, on having run its affairs with such excellence for all that time. I commend its Chairman, Ross Smythe-Kirk, his committee members, and those who preceded him. I also congratulate and thank the trustees, Ken Murray, Les Bridge, his wonderful wife, Lena, who is a character around the racecourse, and the Hon. Paul Whelan.

The maintenance of Randwick racecourse as a premier racing complex and a quality venue for public recreation and entertainment ensures that we have a valuable asset for the community as a whole, particularly for those who live in around my electorate. I have been known to spend a Saturday afternoon there. It is a wonderful venue. The member for Hawkesbury alluded to the graduation of horses and the support that the industry receives throughout New South Wales. The AJC has substantial training and stabling facilities that support trainers and ancillary professionals such as veterinarians, farriers and horse dentists. It is extremely important that these resources are developed and looked after for participants and the racing industry in general, including the many horses that graduate to Royal Randwick.

In order for the AJC to continue to grow and develop its activities at Randwick racecourse for the benefit of the public and the racing industry, it is appropriate that the Government assist by providing the AJC with business certainty and a measure of security of tenure at the racecourse. The realities, both economical and social, of existing occupation and usage of Randwick racecourse must be accepted, as they were by the Victoria Racing Club and Flemington Racecourse in Victoria. The bill would put the AJC and Randwick racecourse on a similar footing. The bill provides a substantial net public benefit and will underpin the future planning and business certainty of the AJC's development and use of Randwick racecourse. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

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

### **HUMAN TISSUE AMENDMENT (CHILDREN IN CARE OF STATE) BILL 2008**

#### **Agreement in Principle**

**Debate resumed from 16 May 2008.**

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [10.38 a.m.]: I speak on behalf of the Coalition on the Human Tissue Amendment (Children in Care of State) Bill 2008, which provides that the organs of a child in the care of the State can be donated on his or her death if the child during his or her lifetime has not expressed an objection to donation and the principal care officer for the child gives his or her consent. The Coalition supports the bill, which will ensure that children who are wards of the State are treated the same as any other child in the State, but it will not increase the number of organs available for transplantation to any great degree. I will discuss that later on.

The background to the bill is that in February 2007 a young girl in the care of the Minister for Community Services died following a motor vehicle accident. During her life the girl had expressed a wish to be an organ donor. Her birth parents, stepfather and foster parents agreed with her wish that her organs should be donated to assist others. The problem is that the Human Tissue Act 1983 explicitly prohibits the removal of organs for donation from children who are wards of the State. The bill now brings New South Wales into line with all other State and Territories, which do not prohibit the donation of organs and tissues by children in care of the State.

I will first allay some concerns raised with me by individuals and organisations that I have consulted. I ask the Parliamentary Secretary, the member for Wollongong, to address some of these concerns in her reply.

Concerns were raised about consultation with carers and people who have a role in the child's life; they might be foster carers or organisations that have had an involvement with the child. Tanya Lane, the Executive Officer of The Foster Care Association [FCA], wrote:

... there is a number of questions and processes that need to be implemented and clarified ...

The FCA feels that carers are not specifically mentioned in the bill. Carers may have a child in their care for a number of years and will need to rely on the Department to take the requests into consideration ... The FCA believes that the children's guardian needs to be fully briefed on the bill and advise their thoughts to parliament.

The FCA is encouraging of amendments to policy that reduces the differences in the law between kids in care & those that are not in care at every possible opportunity ...

Jane Woodruff of UnitingCare Children, Young People and Families Services expressed concerns. She wrote:

... we have some reservations about the drafting of the legislation and they are in regard to the proposed consultation process for gaining permission from parents, parental guardians and/or other relevant authority figures in the child or young person's life.

The proposed consultation process may be too broad and too reliant on the proposed Guidelines to guarantee meaningful consultation for every child ... Decisions about "relevant persons" in a vulnerable child or young person's life are difficult, even for the child or young person themselves, and may need to be revised on a regular basis.

The Australian Medical Association pointed out that changes to the Act have come about following a specific case when a child had passed away while in the care of the State. The association has forwarded to me a copy of its policy on transplantation, which states:

#### **1.45 Transplantation**

- a. *Recognise that a potential donor is entitled to the same standard of care as any other patient—*

I am sure we would all agree with that—

- b. *Inform the donor and family fully of the proposal to transplant organs, the purpose and the risks of the procedure.*
- c. *Exercise sensitivity and compassion when discussing the option to donate organs with the potential donor and family.*
- d. *Refrain from using coercion when obtaining consent to all organ donations.*
- e. *Explain brain death to potential donor families. Similarly explain that continued artificial organ support is necessary to enable subsequent organ transplantation.*
- f. *Ensure that the determination of the death of any donor is made by doctors who are neither involved with the transplant procedure nor caring for the proposed recipient.*
- g. *Recognise the important contribution donor families make in difficult circumstances. Ensure that they are given the opportunity to receive counselling and support.*

Last week I had the pleasure of meeting with Professor Alan Glanville at St Vincent's Hospital Heart and Lung Transplant Unit to discuss comments that appeared in daily newspapers last Easter following publicity about organ registers. In an interview at that time he said that he believed there was a case for appointing coordinators to assist in translating the deceased patient's wishes and the actual transplantation—there is a tremendous gap between the two. Professor Glanville and many other learned and well-respected people from Australia as well as from overseas have carried out work in this field. I will refer in particular to the Australian work, and to the website of ShareLife Australia, that gives a breakdown of organ donation statistics in Australia.

Despite Australia's advanced medical capabilities and the fact that we were leaders in the field of organ transplantation, our per capita transplant rate is less than half that of Austria, Belgium, Spain, the United States of America and France. If Australia joined the league of world leaders, more than double the current number of patients would be saved. Interestingly, ShareLife pointed out that if Australia adopted world's best practice we could save at least another 100 lives a month. I am sure that all members of Parliament would be interested in that. It is an achievement worth emulating. Donor rates in Spain and the United States of America have improved while Australia's rate has declined by almost 30 per cent since 1989. Another interesting point raised by Professor Glanville on the website is that registration alone does not increase the number of donations. The professor stated:

People have mistakenly believed increasing the registration numbers will solve the problem. However, adding people to register has had no impact on organ donation or transplant activity.

In 2006 New South Wales had over 3 times the number of registrations as Victoria yet NSW had only 3 more donors.

That is a very sobering fact. Professor Glanville pointed out to me in discussion about world's best practice that coordinators—highly educated and skilled people, probably doctors who had been involved with or had a history in transplantation—should work with the families. However, before that happens we need a coordinated approach across the State and a campaign that advises families about what it means if a loved one has indicated that he or she wishes to donate organs, has put his or her name on a register, or advised of that wish through the drivers licence system. This is of real relevance to the bill.

Professor Glanville told me that the real breakdown in the process of organ donor registration and the actual donation is through the family. The Minister for Health made that point in her speech. No doctor will take an organ for transplantation even if the individual has agreed to it if the family objects. That is where the breakdown occurs. We need a general campaign to educate people about what it means if they or a family member put their name on a register. Families need to understand the importance of that registration and how many lives they could save. One person donating his or her organs can save six lives, with the potential to harvest many different organs and even bone, skin and other tissue.

I think that partly answers the fears of the organisations that have raised concerns about consent being given by guardians and others. Doctors have told me—and I have every reason to believe them—that they do not harvest organs unless there is family support. I note that the Legislation Review Committee report points out that the legislation does not seek to define who is a relevant interested party, and that the Children's Guardian would consult widely to develop guidelines to assist principal care officers for that purpose. That will be a very important job. The family members, and obviously the relevant organisations, are among those who should be aware of exactly what organ donation means and the importance of this contribution on the part of a deceased person—whether it be a child who is a ward of the State, a member of their family, their principal care officer, or anybody else—to the recipients of organ donations.

We have seen media coverage on the issue. I know people who are on a waiting list for organ transplantation. As shadow Minister for Health I am very much aware of the growing number of people on renal dialysis and the growing number of people who will undertake the medical procedure as our population ages and as we have more lifestyle factors leading to renal failure. For the benefit of members who are not aware, the cost of transplantation to prevent renal dialysis is between \$30,000 and \$50,000, and the cost of renal dialysis is around \$60,000 a year. So an investment in a better-coordinated approach and the appointment of senior, well-qualified coordinators to assist in the process would be money well spent. I support the legislation. I wish we could go further by increasing the number of donors.

**The DEPUTY-SPEAKER:** I welcome to the public gallery members of the Foster Parents Support Network, guests of Minister Kevin Greene. They are Jill De'ath, Sue O'Conner and Kim Hawkin.

**Mr KEVIN GREENE** (Oatley—Minister for Community Services) [10.52 a.m.]: I also take this opportunity to welcome to the House representatives of the Foster Parents Support Network. I know they are very interested in the bill and that they have been closely involved in the consultation process leading to the drafting of it, and we thank them for their efforts. It is great to see them in the House today.

I very am pleased to support the Minister for Health in the introduction of the Human Tissue Amendment (Children in Care of State) Bill 2008. The bill provides for amendment of the Human Tissue Act 1983 with respect to children and young people in the care of the Minister. My colleague the Minister for Health and I have jointly supported an amendment to the Human Tissue Act 1983 to give children and young people in State care the ability to help others through organ donation.

While the impact of these changes is likely to affect relatively few people, this has been a serious issue in respect of which the Government reviewed current policies after the passionate request of a parent. Many members will remember the fatal car accident at Warialda in February last year in which a number of children were critically injured and required intensive care. Tragically, three children subsequently died following the incident. One of these children was in the care of the State at the time of her death. Her name was Amanda Butler.

Although the most significant people in Amanda's life wanted to consent to organ donation on her behalf, it soon became clear that this was not possible. Under the current law, organ donation is prohibited with respect to any child or young person who, immediately prior to his or her death, was in the care of the State. Amanda's mother, Ms Dianne Johanson, has been a passionate advocate working to see this law change. I have met with Dianne and she is very committed to having changes made so that children such as her daughter Amanda, who died so tragically, could give life opportunities to others.



In response to this issue, a New South Wales Government task force was established to review and recommend changes to the laws governing organ donation so that children and young people in State care are eligible to donate their organs. The task force was chaired by the Department of Community Services and included representatives from NSW Health, the Children's Hospital at Westmead, the Office of the Children's Guardian, the New South Wales Coroner's Court, Australian Red Cross NSW, the Foster Parents Support Network, the Aboriginal Child, Family and Community Care State Secretariat, the St James Ethics Centre, and the CREATE Foundation. Amanda's mother, Dianne, was also a very strong contributory member to the task force. At the end of 2007 the task force made a number of recommendations. The bill reflects those recommendations.

As members would be aware, this is a complex issue. For this reason the Department of Community Services and NSW Health will work hand in hand with the New South Wales Children's Guardian to develop guidelines to ensure that the new policy's implementation is consistent with the task force recommendations, by promoting the principles of participation and universal consensus. Respecting and protecting the rights of children in care will always be the priority in any circumstance. However, the hospital's designated officer will have an oversight role to ensure that due process has occurred in all potential organ donation cases involving a child or young person, including children and young people in the care of the State prior to their death. This provides a further safeguard for this group of children and young people.

Through this amendment, children and young people in the care of the State will be afforded the same rights as all other children and young people in New South Wales with respect to tissue donation. It is hoped that through the bill, should those involved in a child's or young person's life find themselves in circumstances similar to those who cared for and loved Amanda, they will have the opportunity to act to save the lives of others. Through the gift of organ donation, many lives may benefit from this small but important change to the law.

**Ms KATRINA HODGKINSON** (Burrinjuck) [10.57 a.m.]: I also welcome to the Chamber representatives of the Foster Parents Support Network. The object of the Human Tissue Amendment (Children in Care of State) Bill 2008 is to allow the organs of a child in the care of the State to be donated if the child during his or her lifetime has not expressed an objection to donation and the principal care officer for the child gives his or her consent. The legislation will bring New South Wales into line with all the other States and Territories, which do not prohibit the donation of organs and tissues by children in the care of the State. This will reduce the legal differences between children in the care of the State and those who are not. As the shadow Minister for Health indicated, the Opposition will not oppose the legislation.

As the Minister for Community Services pointed out, in February 2007 young Amanda Butler, who was in the care of the Minister for Community Services, tragically died following a motor vehicle accident in Warialda. I understand that during her life this young girl had expressed a wish to be an organ donor and her birth parents, stepfather and foster parents agreed with that wish and that her organs should be donated to assist others.

As I do regularly when preparing to speak to legislation before the House, I consulted various organisations about the bill. I thank several organisations for responding to my request for consultation. The Foster Care Association of New South Wales wrote to me indicating its support for the bill. However, the association expressed concern that the bill will only obligate the health department to take the request of carers into consideration in circumstances in which a child has been in the long-term care of the carers. The association also believes that a number of processes should be implemented and clarified. For example, with regard to the approval process and the Coroner's involvement the association says, "... it is hard to see how it could, in practice, deliver a viable organ, and therefore the time frames of this process need further clarification to achieve this goal". The association also feels that carers are not specifically mentioned in the bill. It further says:

Carers may have a child in their care for a number of years and will need to rely on the Department to take the requests into consideration; it does not say that carers definitely have any rights at all. Some carers and children in care have been brought up in a religion that prohibits organ donation and they only have a say if the department sees fit.

The FCA believes that the Children's Guardian should be fully briefed on the bill and advise the Parliament of its thoughts. Overall the FCA is very encouraging of amendments to policy that reduce the differences in the law between children in care and those that are not in care at every possible opportunity when it is determined to be in their best interest. The FCA says that, while it could be argued that once a child has passed on little could be gained for the child after donating their organs, this is not true. The gain would already have been made when the child was advised that they could donate if they so wished and the process of discussion about the donation and any future act of donation would strengthen our community as a whole. I thank the FCA.

UnitingCare Children, Young People and Families Services also wrote me a letter authored by Jane Woodruff, the director, who I also recognise has done a good job before the Special Commission of Inquiry. UnitingCare Children, Young People and Families Services supports the bill but has some concerns. It believes there are some matters that should be addressed by the proposed guidelines, including whether organ donation should be part of every child or young person's care and development plan; at what age discussion of the issue would commence with the child; and what would happen for children or young people with intellectual disabilities or illnesses that affected their capacity to understand the nature of their decision. They are relevant questions that will have to be covered. UnitingCare also has some reservations about the drafting of the legislation, particularly in regard to the proposed consultation process for gaining permission from parents, parental guardians and/or other relevant authority figures in the child or young person's life. While supporting the underlying purpose of the draft legislation, as we all do, UnitingCare has some concerns.

I also thank the Association of Children's Welfare Agencies [ACWA] for writing to me about this legislation and saying that, generally speaking, the association is of the opinion that organ donation should be made compulsory for all citizens unless individuals specify otherwise. The association goes on to say that until that becomes general practice other arrangements need to be put in place. It agrees in principle with the changes in the Act that would allow the transplantation of organs from the bodies of deceased children in the care of the State to the bodies of living persons, but has asked me to raise two issues about the situation following passage of the legislation. The first concerns the responsibility of making the decision as to whether a particular child should become a donor or not; the second concerns who could authorise the transplant to occur once a child is dead.

The association believes that the decision about whether a particular child in the care of the State should become a donor needs to take into account the wishes of the child and the wishes of those close to him or her, including carers and case workers. In some cases, seeking the input of the biological parents, even if they are not legally responsible for the child, or the next of kin, would be required. Such a decision needs to be made. The association says that while the child is alive and well it should not be done in haste. It should especially not be done in a period of grief when a child is dead. That is what I believe this legislation would allow.

ACWA says that once a decision is made and is clearly communicated to all parties concerned, and documented in the child's case plan in the same way organ donations options are documented in a driver's licence, whoever gives consent to the transplant once the child is dead becomes a secondary and less significant issue, almost administrative in nature. That person could be the principal care officer, as suggested in the amendments to the Act. ACWA does not support the idea of the principal care officer being the sole person responsible for making the decision on whether the child should become a donor in the first place. The association concludes by saying that the Act as it stands excludes children in care of the State from becoming donors and amending the Act should not be perceived as a blank consent for all children in care to become donors, irrespective of their wishes and the wishes of those close to them. The letter was drafted by Sylvia Ghaly, ACWA's policy and membership manager.

We do not oppose the bill. We understand the reason it has been brought before the Parliament today. My sympathies go out to everybody who knew Amanda Butler. We certainly understand the sentiments behind the legislation.

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

## **ELECTRICITY INDUSTRY RESTRUCTURING BILL 2008**

### **COMMUNITY INFRASTRUCTURE (INTERGENERATIONAL) FUND BILL 2008**

**Bills introduced on motion by Mr Morris Iemma.**

#### **Agreement in Principle**

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [11.05 a.m.]: I move:

That these bills be now agreed to in principle.

The Electricity Industry Restructuring Bill will authorise the restructuring of the New South Wales electricity industry to secure our State's future electricity supplies. This will involve the sale of the State's retail electricity

businesses and the long-term lease of the State's generation assets. The Community Infrastructure (Intergenerational) Fund Bill will establish a permanent fund into which the proceeds from these transactions will be paid. The fund will be invested to generate ongoing income to replace the dividends now being received from the State's electricity retail and generation businesses. The fund will also provide for investment in capital works.

The bills that I am introducing today will enable the Government to implement its long-term plan for securing the State's future energy supply. The proposals follow the investigation and report by Professor Anthony Owen into electricity supply in New South Wales. That report recognised the critical need to be prepared for additional investment in baseload capacity from 2013-14. It identified the importance of ensuring that the appropriate policy signals are in place to encourage the private sector to invest in this generation capacity when we need it. Creating the right conditions for this investment is the most efficient way of ensuring that the State's future energy needs are met.

The transactions authorised by the bills will avoid the need for New South Wales taxpayers to provide capital of up to \$15 billion for necessary investment in this part of the industry so that the Government can concentrate on investing in roads, trains, hospitals, schools and other essential infrastructure, including the network and transmission businesses, which it will continue to own and operate.

The Government has accepted the key finding of Professor Owen's report. In response, we have developed a plan that will provide for private sector operation of the retail and generation businesses and promote future private sector investment in generation capacity while at the same time ensuring that electricity infrastructure remains in public hands. The Electricity Industry Restructuring Bill will authorise and facilitate this plan. The bill will provide for the State's electricity distributors—EnergyAustralia, Country Energy and Integral Energy—to retain their network distribution businesses while transferring their retail businesses to the private sector. The Government has consistently made clear that the network distribution and transmission assets—the poles and wires—will remain in public ownership. The bill expressly provides that these assets must remain owned by the public sector.

In relation to the State's electricity generators—Macquarie Generation, Delta Electricity and Eraring Energy—the bill authorises the lease of their power stations. I point out that clause 4 of the bill, and other provisions, will allow authorised transfers of the generation and retail assets to be combined in a single transaction, including by way of a public share offer or an initial public offering [IPO].

It should be made clear that the bill does not authorise the transfer of any assets held by TransGrid. Indeed, the bill includes an express provision that requires that TransGrid's transmission assets must remain in public ownership.

The bill provides that power stations may only be leased and cannot be transferred, directly or indirectly. The only exception is if there is a public float or an initial public offer of an electricity generator's business. While the bill authorises a share offering, it does not require it. The decision on whether to proceed with an IPO will depend on prevailing market conditions and advice from our expert financial advisers.

If an IPO is undertaken the bill will impose a shareholding restriction for between three and five years. This restriction limits any individual stake in the float company to no more than between 10 per cent and 15 per cent. The Auditor-General, in the normal course of the Audit Office's functions, will be able to perform an audit of the process. He will no doubt be in regular contact throughout the process with Government officers and the businesses involved, and shall have full access to the financial advisers and other experts who are assisting the Government with this reform.

I am advised that the Auditor-General will be able to audit the restructuring transactions and will report at the conclusion of the last transaction to Parliament. I expect that the Auditor-General will also form a view at that time as to whether the entire portfolio of transactions has met the Government's stated objectives. In conducting any such audit the Auditor-General will be able to determine whether the transactions were carried out effectively, economically and efficiently and in compliance with all relevant laws. Under the Public Finance and Audit Act the report of any such audit is required to be tabled in Parliament. However, the Auditor-General also has the discretion to report to Parliament on any matter, at any time, if he finds it necessary.

In addition, to satisfy the request of the Leader of the Opposition and the Deputy Leader of the Opposition, the Auditor-General has indicated that he is prepared to: review the project probity plan prepared by

RSM Bird Cameron, a leading probity expert whose services are widely used by both the private and public sectors, and report on its adequacy, prior to the commencement of the first transaction; and review reports from the probity auditor prior to the release of expressions of interest and once the probity auditor has signed off each transaction. As well, the Leader of the Opposition and the Deputy Leader of the Opposition have requested that the Auditor-General actively monitor the proceeds from the transactions.

The Auditor-General has confirmed that he will be the auditor of the Community Infrastructure (Intergenerational) Fund. In addition, suitable governance and reporting arrangements will be established and an experienced board appointed to oversee the activities of the fund and to monitor its performance. To make it absolutely clear that the purpose of the fund is well understood in this place and in the community more generally, a charter is to be specifically prescribed for the fund.

The charter will give clear and well-defined guidance as to the operation and purpose of the fund, its administrative framework and governance arrangements. This measure is also designed to provide scope for the Auditor-General to form a view through his audit processes that the fund is being operated in accordance with its charter. I fully support this additional scrutiny of the transaction process to be undertaken by the Auditor-General.

An imperative of the reform package is to increase competition in the New South Wales electricity market. Our plans are designed to deliver competitive outcomes and encourage new investment in the industry. To encourage new investment in baseload generation the Government will include, within a generator lease transaction, an option for the State to retain ownership of a power station development site. This option will give the private sector every opportunity to develop baseload generation in New South Wales. However, if no such investment occurs when there is a clear market need for it the Government will be able to pursue a baseload power station development in New South Wales to ensure our security of supply.

The Australian Competition and Consumer Commission [ACCC] will play an important role in ensuring competitive outcomes in the Australian market. In recognition of this, the Treasurer has written to the chairman of the ACCC detailing the basis of the New South Wales Government's sale and lease strategy. The Electricity Industry Restructuring Bill contains important provisions to ensure that existing employees affected by these reforms will retain their accrued sick leave, annual leave and long service leave entitlements. The Government has previously announced that it will provide certain guarantees in respect of the jobs and conditions of public sector retail and generation electricity workers. It has also announced generous incentive payments for workers.

The bill enables the Government to meet these commitments, including by expressly allowing for the making of transfer payments to employees. The bill also contains provisions to protect consumers. The bill will ensure that the State's independent pricing regulator, the Independent Pricing and Regulatory Tribunal [IPART], continues to set regulated electricity retail prices for households and small businesses until at least June 2013. The bill allows for that date to be further extended by regulation. The Government will maintain electricity retail price regulation beyond 2013, if necessary. The Government is committed to ensuring that electricity retail price regulations remain in place until it is satisfied that there is sufficient competition in the retail energy market to keep prices as low as possible. This will ensure that customers will benefit from competition without the need for this level of regulation.

One of the effects of a competitive industry, of course, is that prices are kept as low as possible as electricity retailers compete with each other for households' business. New South Wales already has some of the lowest energy prices in the world. However, the continuing effects of the drought have already been felt in prices over the last year, and carbon prices will also have some effect over time, in particular with the establishment of a national trading scheme. Nevertheless, the Government remains determined to ensure that consumers pay the lowest possible prices for electricity. As part of our plans, the Government will also be introducing a \$272 million electricity safety net package to help consumers, including increased electricity rebates for pensioners, funding support for a new "no disconnections" policy and other assistance for families facing severe financial hardship.

The Government will shortly commence a consultation process to deliver these expanded social programs on energy. Key consumer stakeholders will be asked to contribute to ensure workable and responsive outcomes continue to be delivered to those in need. Stakeholders that will be consulted include: the Energy and Water Ombudsman of New South Wales, the Energy and Water Consumer Advocacy Program, the Australian Council of Social Services, the New South Wales Council of Social Services, electricity retailers, and other community welfare organisations. The Electricity Industry Restructuring Bill facilitates these programs by

strengthening the Government's regulation-making powers under the Electricity Supply Act. These amendments are designed to ensure that the Government has the power to implement the full package of consumer protection measures it has promised.

The bill also expands the existing information-gathering powers of IPART and the Minister for Energy. This will give them the tools that they need to carry out their regulatory functions in a privately owned retail environment. All proceeds from the restructuring will be paid into a new Community Infrastructure (Intergenerational) Fund, which is to be established under the second bill, the Community Infrastructure (Intergenerational) Fund Bill. The income from the investment of this fund will replace the dividends currently being received from the State-owned electricity retail and generation businesses. The fund will also be used to provide significant additional infrastructure spending for future generations in metropolitan, regional and rural New South Wales. It will be used to provide significant additional funding in the areas of transport, health, education and water. It will also provide support funding for the Government's priorities, including the development of clean energy such as cleaner coal technology and renewable technologies such as solar and wind.

Importantly, the Auditor-General will have an ongoing audit role in relation to the performance and operation of the fund. The fund will be subject to audit by the Auditor-General under the Public Finance and Audit Act. The bills that I am introducing today provide for the implementation of the New South Wales Government's plans, which are necessary to ensure that our future energy needs are met. As I have said before, we must act now to secure a continuing supply of electricity and to ensure continuing prosperity for the State. The plan that the Government has developed will enable private sector investment in electricity retailing and generation while at the same time ensuring that critical energy infrastructure remains in public hands.

This solution will deliver extra electricity supply, retain public infrastructure in public hands, and deliver necessary investment in research and development to obtain cleaner, greener energy outcomes. This solution will promote competition and keep maximum pressure on prices to keep them as low as possible. It will also ensure an investment of up to \$15 billion to clean up and transfer current electricity generation risks from the taxpayer to the private sector, in particular, in preparation for a national emissions trading scheme, enabling the Government to focus on the key areas that I outlined earlier. These bills will ensure that those objectives are met. The bills also underpin the Government's long-term plan to secure the future energy needs of New South Wales. I commend the bills to the House.

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

## **HUMAN TISSUE AMENDMENT (CHILDREN IN CARE OF STATE) BILL 2008**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.20 a.m.]: The Human Tissue Amendment (Children in Care of State) Bill 2008 allows for the removal of tissue from the body of a deceased child in the care of the State for the purpose of its transplantation if the principal care officer in relation to the child has consented. I am a member of the Staysafe committee, and I note that many members have served on that committee throughout its existence. In 2006 the committee dealt with the issue of organ and tissue donations by holding a briefing and producing report No. 13/53 of June 2006. Hundreds of Australians suffer and die needlessly each year due to a shortage of organ and tissue donors. At the beginning of 2006 1,716 people were awaiting organ transplants, according to official statistics from Australians Donate, the peak national body for organ and tissue donation for transplantation funded by the Commonwealth, State and Territory governments.

By the end of March 2006 39 people had donated their organs, allowing for 152 people to receive transplants. This figure reflects that an average of 3.6 organs per donor are available for transplantation. On 1 January 2006 1,407 people were waiting for kidneys, 123 for livers, 41 for hearts, 8 for heart and lungs, 97 for lungs and 31 for pancreases. The organ donation rate is about 10 people a year per million of population—much lower than the roughly 20 million in Britain and the United States. At present, nationally, about 2,000 people are on waiting lists and up to 200 people die each year waiting for organ or tissue transplants.

The New South Wales Department of Health reported to the Staysafe committee that since 1965 30,000 Australian recipients had received an organ or tissue transplant. In 2005 there were 204 organ donors,

from which 727 people received a transplant. The committee heard from a variety of witnesses and received a deal of information about organ donation. I will not refer to the entire transcript of the hearing but simply remind members that it is available for their information. It provides interesting reading in regard to what is happening in the community and the reason the transplantation rate is so low. The committee made a number of recommendations, which I shall place on the record. If the Government is serious about improving the transplant rate, work needs to be undertaken by the Parliamentary Secretary Assisting the Minister for Health, the Minister for Health and other Ministers responsible through the Council of Australian Governments [COAG] to increase organ donor rates.

I acknowledge that this bill will increase the organ donor rate only marginally. More effort is required. I expect that the Parliamentary Secretary Assisting the Minister for Health will take on board the committee's recommendations and at some future point deliver to this Parliament, from the Council of Australian Governments, an agenda designed to improve organ donor rates. Unfortunately, Government members did not support a recent debate in this place proposing an initiative to improve renal dialysis in Tumut. Members will appreciate that renal dialysis is necessary following kidney failure from problems such as chronic diabetes that cause people to move to stage five—renal dialysis.

The Parliamentary Secretary, sadly, voted against the expansion of that service in Tumut. The low organ transplant rate results in an increased demand for renal dialysis. Although many donors are registered, the actual donation rate is extremely low. I was disappointed that the Parliamentary Secretary chose not to support the people of Tumut, Tumbarumba, Batlow, Adelong, Brungle and Gundagai who are desperate for their communities to receive renal dialysis services. Patients would save travel time if services were available locally. The member for Burrinjuck, who is present in the Chamber, supported the provision of renal dialysis services to those communities, which would save people having to travel hundreds of kilometres per week—in some cases thousands of kilometres—to access that vital treatment. The Tumut community is absolutely devastated, disappointed and outraged that Government members chose to vote against the expansion of a very basic service for them. It costs about \$72,000 per patient for renal dialysis; a transplant costs much less.

I trust that State and Federal legislation will be introduced to overcome the present shortfall. Staysafe made the following recommendations. Recommendation 1: that Medicare Australia, in conjunction with State and Territory health departments and motor vehicle authorities, launch ongoing national media campaigns to inform the Australian population about the current low level of involvement on the National Organ Donor Register. Recommendation 2: that all State and Territory government instrumentalities with responsibility for keeping donor registers, including traffic authorities and health departments, adopt uniform guidelines for updating registry information and submitting relevant data for inclusion on the national register.

Recommendation 3: that all States and Territories ensure that people enrolling on donor registries be made aware of the requirement for legal informed consent to donate organs and tissue, and that current and future participants in all existing registers be contacted to ensure that appropriate consent provisions are complied with. Recommendation 4: that Medicare Australia immediately implement the intention for the national register to be a consent register, with a mechanism for opting out if an individual does not wish to participate. Recommendation 5: that a national policy be developed concerning the legal age at which informed consent to enrol on the register is allowed. Recommendation 6: that protocols be developed in relation to the role of family members in the decision-making process for individual enrolment on the register.

Recommendation 7: that hospital procedures be implemented to increase the availability of intensive care beds to other patients, when clinical brain death has been established for consenting donors. Recommendation 8: that the findings and recommendations in this report be forwarded to roads and transport Ministers in other Australian States and Territories for their information, and that issues of indication of consent to organ and tissue donation be brought to the consideration of the Australian Transport Council. Recommendation 9: that the Roads and Traffic Authority revise the form of the drivers licence to show in plain English that the licence holder is or is not a consenting organ and tissue donor.

I again urge members to support the recommendations of the Staysafe committee. The Parliamentary Secretary Assisting the Minister for Health failed to support country communities on the vote to provide renal dialysis. I hope the position changes and there is bipartisan support for the next bill introduced to increase organ donations for people affected by chronic disease.

I commend the report to members. It is available on the intranet and through the Staysafe committee. The report will enable members to fully understand why the donation rate is so low. When a person dies in a

traumatic accident, quite often organs are not able to be harvested, and that issue must be addressed. As a member of the Staysafe committee, along with everybody else, I regret that people are being killed on our roads. One road death is one death too many. Sadly, however, organs are not able to be utilised because of complicating factors such as a lack of legislative uniformity. I note that my colleague the member for Macquarie Fields, who is a member of the Staysafe committee, is nodding in agreement.

Road accidents and fatalities affect all communities. The wishes of loved ones we have lost should be acknowledged and, if possible, honoured. This legislation will assist both the recipient and the families of donors. The review provisions of the legislation are important. We should endeavour to facilitate improvements through the Council of Australian Governments and other organisations to achieve national legislative uniformity.

**Mr PETER DRAPER** (Tamworth) [11.30 a.m.]: I am pleased to make a brief contribution to the Human Tissue Amendment (Children in Care of State) Bill 2008. I listened with great interest to the speech made by the member for Wagga Wagga, who referred to the Staysafe committee's recommendations. The recommendations are eminently sensible and I fully support them. Their implementation could make a big difference to quality of life in New South Wales. Involving the Federal Government through Medicare represents suitable encouragement. Expanding the invitation to donate through information provided on drivers licences is also a good idea. It is a great tragedy that lives are lost on our roads, but if people who lose their lives are able to make a difference to the lives of others in our society, that must be good.

I listened carefully when the Parliamentary Secretary introduced the bill. I was very aware of the tragic circumstances in early 2007 when a young girl who was under the care of the Minister for Community Services passed away following a motor vehicle accident. Admirably, that young girl constantly had expressed a desire to help others by donating her organs, should anything unforeseen happen to her, and this desire was common knowledge to all of the adults involved in her tragically brief life. They all agreed with her wishes, and when her life was cut short, tried to have her organs donated to help others. Sadly, the existing Act precludes any child under the care of the State from being an organ donor. The bill is a timely rectification of that anomaly.

The bill will remove current restrictions and will facilitate the donation of organs from children under care who express a similar desire to help others, in the unlikely event they lose their lives or, in the case of those who have not expressed opposition to organ donation, whose next of kin or principal care officer are able to give consent. The principal care officer will be required to consult with all interested parties before giving his or her consent. They will be excluded from giving consent should any of the people closely associated with the child refuse to agree to the donation. This will mean that each and every person who is a relevant interested party will have the ability to prevent a donation of organs, should they hold strong contrary views on the issue.

Many different people play a role in the lives of children under the State's care. The Parliamentary Secretary identified birth parents, grandparents, foster parents, brothers and sisters, and in the case of Aboriginal children, community elders. I was pleased to hear that the Children's Guardian will develop guidelines to assist the principal care officers to determine who is a relevant interested party and to consult with those parties. To my mind, this is very good legislation. Unfortunately, it has resulted from the tragic loss of a young girl under State care. In the light of the alarmingly high statistics of people awaiting transplants, referred to by the member for Wagga Wagga, and the equally alarmingly low number of people who donate their organs, turning tragedy around to benefit other New South Wales residents who may be helped in the future transcends tragedy and creates a positive effect. I commend the bill to the House.

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [11.33 a.m.], in reply: I thank the Deputy Leader of the Opposition, the Minister for Community Services, the member for Burrinjuck, the member for Wagga Wagga and the member for Tamworth for their contributions to the debate. As the House has been advised by the Minister, the Government views the changes provided in the bill as a substantial improvement upon the current law. The reforms provide a process whereby the views or wishes of young people on organ donation can be heard. The changes also include provisions to ensure the interests of children are protected properly. I take this opportunity to thank members of the task force that assisted the Department of Community Services in reviewing the issues and in developing the proposals being considered today. The Government and all members wish that organ donations would increase. We are all working together to take actions that are necessary to achieve that outcome.

During the debate the Deputy Leader of the Opposition referred to the issue of consultation. Of course the Government has a commitment to consultation with carers, if carers are significant people whom the young

person wishes to have included. I also thank groups and agencies that were consulted. They have provided a valuable contribution and have helped ensure the changes will be both balanced and effective. Finally, the Government wishes to assure stakeholders that further consultation will occur with relevant groups and individuals as the Children's Guardian develops requisite guidelines under the proposals.

In response to an issue relating to relevant interested parties that was discussed during the debate, I point out that the family situations of children who are in the care of the State can be extremely complex. The complexity of the situation could mean that in any particular instance, relevant interested parties may include birth parents, grandparents, foster parents, siblings and, in the case of indigenous children, community elders. There may also be instances in which a particular child has had more than one set of foster parents and retains a close relationship with each. There also may be other adults with whom a child has a strong relationship and attachment. The bill has not gone too far in identifying specific people and leaves open the opportunity for any interested or involved person to be included rather than excluded. That is an important point.

The overarching purpose of the guidelines will be to ensure that any views about organ and tissue donation that are expressed by the child are respected and to ensure that any person that the child would have wanted to be consulted is in fact consulted. It is important that the child's determination and indication of their wishes are left open so that the child is able to include the people the child nominates. I understand that the Children's Guardian will consult widely with agencies that are involved in caring for children who are in the care of the State, organisations representing the birth parents of those children, foster parents, the Coroner, and any other stakeholders whom the Children's Guardian identifies. I express my appreciation of the attendance in the gallery today of the Foster Parents Support Network. The Minister for Community Services recognised the network's contribution to the development of the legislation. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

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

### **CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (BODY PIERCING AND TATTOOING) BILL 2008**

#### **Agreement in Principle**

**Debate resumed from 16 May 2008.**

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.39 a.m.]: The Opposition will not oppose the Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Bill 2008. When the Minister for Community Services foreshadowed the introduction of the bill during question time on 8 May it seemed like sensible legislation that would protect the rights of parents to be involved in their children's development. The Opposition does not oppose the intent of the bill. However, closer examination of the bill reveals several areas of concern, and I commend them to the Minister for his attention when he replies to the debate.

The bill makes it an offence for any body piercing practitioner to carry out intimate body piercing of children under the age of 16. The legislation also extends the definition of "tattooing" to include practices such as scarification, branding and beading. Finally, the bill requires that any body piercing for children under the age of 16 needs parental consent. This consent may be given in person or in writing. I will not give detailed definitions of intimate body piercing, scarification, branding or beading because that is on the record in the Minister's agreement in principle speech. The bill is not aimed at the majority of body piercing businesses, many of which are very responsible and have been seeking parental permission for body piercing of children as a normal practice. It is aimed at those business operators who recklessly disregard the effects of their actions on young children. I received a letter from Mr Jonathan Lett of the Orgazmic Body Piercing Clinic at The Entrance. He thanked me for the opportunity to comment on the bill—he was not aware of its existence until I contacted him—and wrote:

I have been trading at The Entrance for the past eight years as a professional piercing clinic, we have been working with our local council at Wyong to improve the skin penetration guidelines which is now available and has been revised.



I have been trying to address the age consent for years with no success, many professional operators have always taken it upon themselves to gain respect in the community by not piercing under the age of 18 without parental consent. The parent would be required to attend the clinic and would need to sign a consent form. We have always made sure that the legal guardian is present, not a friend over 18, brother/sister/uncle or cousin etc.

Mr Lett is clearly a responsible operator. He does not perform intimate piercing under any circumstances on any person aged under 18 years. He recommended to me that parental consent should be required for legal piercing up to the age of 18. He also expressed significant concerns about some less than ethical operators and the training and safety standards required. He wrote:

Today coincidentally I had a phone call from a parent who picked up her year 2 daughter, making the child 7 years of age, from school and noticed her friend had her nose pierced who is in the same year as her daughter. A local hairdresser performed the piercing. This is not only I believe a lack of duty of care and responsibility from the parent. This is bad practice from the piercer to have performed that piercing at such a young age even though the parent quite possibly gave their consent.

I think non intimate piercing should be banned for people under the age of 13 or must be fully into adolescent growth and body weight before considering piercing. I would like to see the age raised to 18 to get piercing without consent. There are many hairdresser/beautician/tattooist that have no respect, undermining the piercing industry, performing piercings with little or no experience.

Also the operators need addressing, stop this 3 day crash training course. Paying thousands of dollars for non accredited training. This is a medical procedure and requires a lot more training than 3 day course. All these issues that I have mentioned in my letter are only a slight insight to my passion and dedication to the industry and I would like the opportunity to express more to you in person.

I thank Jonathan Lett from the Orgazmic Body Piercing Clinic at The Entrance for that valuable contribution. Members should note that Mr Lett requires at his business the personal attendance of the legal guardian of the child. The parent is then required to sign a consent form in his presence before the piercing is performed. He also has certain other requirements, including that the child must be fully into adolescent growth and body weight before he will consider piercing them. He also reserves the right to refuse a piecing if he believes it is inappropriate or not in the best interests of the client.

I have concerns about the time it has taken for the bill to come before the House. I am sure the Minister is aware of my views. Similar provisions were enacted in Queensland as part of the Summary Offences Act 2005, and assented to on 3 March 2008. Although Queensland may be behind New South Wales during daylight saving time, the bill reveals that the New South Wales Labor Government is at least three years behind Queensland when it comes to protecting children. The Premier foreshadowed this legislation on November 2006. I expressed concern publicly about the delay in introducing the legislation. The Minister claimed that this was due to public consultation but, once again, he was not correct. This specific bill was not put out for public consultation but in 2006—more than a year and a half ago—a discussion paper from the Department of Community Services entitled "Statutory Child Protection in NSW: Issues and options for reform" was released. But that was more than a year and a half ago, and many things change during that length of time. We may still be members of this place but many things change quickly in the real world.

The discussion paper raised the option of controlling body piercing in children. It referred to the ministerial advisory committee recommendation that it should be an offence to undertake any body piercing of children under the age of 16 without parental consent. The recommendation specified that ear, eyebrow, nose and/or lip piercing of children under the age of 16 could be done without parental consent. The discussion paper made no mention of intimate body piercing, scarification, branding or beading. Members will note that these recommendations are significantly at variance with the legislation we are debating today. The closing date for submissions on that discussion paper was 30 March 2007. Now, some 14 months later, we are finally debating this bill. I cannot help but wonder how many children in the interim have contracted hepatitis or some other horrible infection as a result of poor body piercing decisions.

The risks associated with piercing are many. They include allergic reactions, bacterial infections, bleeding, hepatitis, keloids, migration or rejection of the jewellery—in other words, the jewellery moves around the body instead of remaining in a stable position—nerve damage, scarring and viral infections. So many things can go wrong with piercing. Obviously the younger the person is the less likely he or she is to understand the ramifications associated with bad hygiene when maintaining a wound caused by piercing, scarring or whatever. Does this legislation address those risks? I wonder what the Minister has done to introduce complementary legislation in other portfolio areas to address those concerns.

The discussion paper of 18 months ago received several responses, including from Catholic Social Services New South Wales/Australian Capital Territory, Youth Justice Coalition, New South Wales Young

Lawyers, NSW Health, New South Wales Police Force, Network of Community Activities, New South Wales Ombudsman, Association of Children's Welfare Agencies, and the Regional Youth Development Officers Network Inc. I am in contact with many of those organisations on a regular basis, and I thank them for their continuing input into legislation that comes before this place. Not every organisation supported the proposal. Some were concerned that the arguments advanced were not persuasive and some said they infringed on children's right of self-expression. The New South Wales Ombudsman declined to address the issue of body piercing and the Association of Children's Welfare Agencies stated that it did not have strong views that this area required regulation unless evidence of negative health consequences justified such action.

As I said before, while the Opposition does not oppose the bill and supports its intent, it appears to have some flaws that the Minister should address if he wants its provisions to be workable. The requirement to obtain written consent from a parent is flawed. Many members would be aware of the ingenuity of younger teenagers when it comes to getting what they want. I suggest to the Minister that the forgery of written parental consent is a very real possibility. Will a business proprietor be prosecuted because a forged consent was accepted? Is it an acceptable defence that the proprietor honestly believed the forged consent was real?

Requiring the personal attendance of the child's guardian to sign a written consent form in the presence of the business operator is a sensible alternative. It has been shown to work effectively in one business for more than eight years. Will the Minister adopt that proposal? If the Minister had put out this legislation for real public consultation this time around he might have been able to address that matter. However, many piercing businesses found out about the legislation only when I contacted them to seek their comments. How can the Minister say that this legislation has been undergoing public consultation when no-one knows about it?

If the Minister is so concerned about the safety of children, he should state whether he has retaken a proposal to Cabinet to tighten up accreditation of body piercing practitioners and to address the real concerns of many in the body piercing industry. In relation to Mr Lett's letter, does the Minister really believe that a three-day course is sufficient to carry out the procedures in question? The Sydney Medical Body Piercing Clinic in Kensington states that body piercing is a form of surgery. A registered medical practitioner using sterile equipment only conducts the piercing at that clinic. Dr Richard Janus from the Sydney Medical Body Piercing Clinic believes that this legislation is flawed in that the age of consent for genital piercing should be 18. Dr Janus has also referred to a flaw in this legislation. The definition of "piercing" in the legislation is "piercing a part of the body of a person to insert a ring, bar or other thing through that body part". It would be arguable that the insertion of surface anchors in the skin is not covered by this legislation. In a letter Dr Janus said that he has conducted more than 15,000 piercings over the past 10 years, including some 800 male and female genitals, not the nipples, piercing. He also states that the average age for genital piercing is 35 years. He said:

The proposed Bill has completely omitted "*surface anchors*" which are *in* the skin but do not pierce *through* the skin ...

The proposed *Bill should outlaw surface piercings in young persons* and include them with scarification, because 95% fail and give permanent scars. This is a very big and emerging practice and one of my 15 year olds had one of these a month ago and it failed almost immediately

Will the Minister advise me whether the bill covers surface piercing? Again, we have further evidence from Dr Janus that this legislation appears to have been hastily cobbled together with not enough thought. It seems as though sometimes this Government is just looking for a quick headline rather than undergoing real public consultation. This legislation should have been put out to all operators for their very real feedback. I reiterate that the Opposition does not oppose this bill. I urge the Minister to take note of the matters I have raised. I thank the following organisations for their contributions in relation to my consultation on this bill: the Catholic Social Services New South Wales, Australian Capital Territory; the Youth Justices Coalition; New South Wales Young Lawyers; the New South Wales Department of Health; the New South Wales Police Force; the Network of Community Activities, which is the out of school hours care peak group; the New South Wales Ombudsman; the Association of Child Welfare Agencies; the Regional Youth Development Officer's Network Inc; Aztech Haircienda, Tuggerah; Bess Accessories Body Piercing Studio, Sydney central business district; the Sydney Medical Body Piercing Clinic, Kensington; Orgazmic Body Piercing, The Entrance; Patties Piercing Parlour, Campbelltown; Polymorph, Newtown; Totally Pierced, Darlinghurst; and Wicked Inc, Goulburn. I would appreciate it if the Minister would address my concerns in his reply. Once again, the Opposition does not oppose this legislation.

**Ms JODI McKAY** (Newcastle) [11.55 a.m.]: I am pleased to support the Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Bill 2008. As outlined by the Minister for Community Services, this bill is about strengthening the rights of parents and ensuring a role for parents in the

choices made by their children. Despite the fact that the Department of Health recommends that body piercing practitioners seek parental consent before piercing a child, correspondence from concerned parents to the Minister for Community Services show that this is not necessarily being heeded; a lack of legislation has meant that some practitioners take an entirely loose and discretionary view of the benefits of parental consent.

Some of the issues raised by parents in correspondence to the Minister include the possible health risks associated with body piercing, especially infection, the sometimes seemingly excessive cost of some procedures, and the possible exploitation of children and young people by unscrupulous operators. I approached the Minister on behalf of one my constituents who talked with me about her concern about her 17-year-old daughter. This mother from Merewether approached me about a procedure that her daughter had undergone, known as scarification, which occurred without the mother's consent. Her daughter had had previous piercings at which time the mother had given her consent. Scarification involves the slicing of the skin so finely that it heals to a scar. It is a permanent reminder on this 17-year-old girl's abdomen of the process she has undergone.

Quite rightly this mother was upset and frustrated because the law did not recognise this relative new practise. In response to the issues I raised with the Minister, he has heeded those concerns and made changes to the legislation. When the mother quizzed her daughter about the cost of the procedure that she had undergone, her daughter told her that she had negotiated a price of \$420 with the owner of the business, to be paid off by her working for him at \$10 an hour for 42 hours. It was the exploitation at that level as well that horrified the mother of the 17-year-old girl in question. When the mother asked her daughter who had carried it out the procedure on her body she was told that it was a practitioner from Queensland who had come to Newcastle to work in this business. He had told her that there was a grey area in the law. When I brought this matter to the attention of the Minister he certainly acted very promptly, and I thank him for that on behalf of this mother and others in my electorate.

The bill will ensure that where children and young people undergo non-intimate body piercing, they do so with the full consent and support of their parents. I am convinced that the great majority of body piercing and body art business operators only wish to do the best thing by their clients. As the member for Burrinjuck said, there are certainly some very good operators out there who have been doing the right thing. This bill will provide clarification to practitioners in relation to the law and will help to ensure good practice when it comes to body piercing and body art of children and young people. The bill indicates that care has been taken to ensure that the implementation of this new law reform proposal will be as simple as possible for all of those on whom it impacts.

When a child's body is pierced, scarred, beaded or tattooed it should not be a decision made without thought, nor under peer pressure, and certainly not without the knowledge and permission of a child's parents. This bill will clarify for parents, for children and young people and for the industry that in the case of non-intimate body piercing of children and young people no consent means no piercing, no consent means no scarification and no consent means no beading. This bill gives back powers to parents. This bill reinforces the fundamental role that parents have in the raising of their children. In this way the bill will set a standard in relation to the body piercing and body art of children in New South Wales. It will provide parents with reassurance that no-one is permitted to pierce the body of their child without their sanction.

I urge all members to support this important bill, which provides greater protection for the health and wellbeing of children and young people in New South Wales. I thank the Merewether mother who brought to my attention a loophole in the law relating to scarification, and to the attention of the Minister for Community Services, who responded by changing the legislation to give greater protection to all children. I commend the bill to the House.

**Mr NINOS KHOSHABA** (Smithfield) [11.50 a.m.]: I am very pleased to speak in support of the Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Bill 2008. The bill comes before the House after broad consultation with the community, other relevant Government agencies including Health NSW and after listening to parents, whose overwhelming desire is, of course, to protect their children, especially when there is a possibility of health risks. The bill provides greater assurances to parents and restores much needed balance when it comes to the rights of parents in relation to the body piercing of their children.

The bill also provides clearer guidance to the body piercing industry about good practice and what is expected of the industry in relation to piercing of children and young people. I am pleased to note that the response from the community to the announcement of this bill was overwhelmingly one of support, not only

from parents but also from the industry and young people. Importantly, the bill will provide a total ban on the intimate body piercing of children. I am aware that Queensland has already passed legislation banning intimate body piercing. I understand that the Victorian and Western Australian governments are currently seeking amendments to their legislation. In Western Australia there is a private member's bill to a similar effect.

I am pleased that New South Wales is taking the lead on this issue and seeking to prohibit the intimate body piercing of children. It is fair to say that the Government has acted decisively to prevent the practice of intimate body piercing of children and young people in New South Wales. This practice not only places children at risk of serious infection and possible lifelong dysfunction but also places children in a very vulnerable situation. The seriousness with which the Government views this offence is reflected in the higher penalty set insofar as the penalty is consistent with penalties for offences of abuse against children by adults.

The provisions of this bill have come about through broad consultation and through the expressed desire of New South Wales parents to have the opportunity to be involved in decision making that affects their children. In this case, the Government is able to support parents to do just that. As a father of two young children, I am very proud to be able to support the Minister and this very good bill. All members of the House should support it. I commend the bill to the House.

**Mr KEVIN GREENE** (Oatley—Minister for Community Services) [12.02 p.m.], in reply: I thank the member for Burrinjuck, the member for Newcastle and the member for Smithfield for their contributions to the debate and for their support for the Children and Young Persons (Care and Protection) Amendment (Body Piercing and Tattooing) Bill 2008. I appreciate the support of the Liberal Party, The Nationals and my Labor Party colleagues for the bill. In response to issues raised by the member for Burrinjuck, I strongly agree that the great majority of businesses involved in the body piercing and tattooing industry are very responsible. I congratulate the industry representative, Mr Lett, on bringing some of his concerns to the fore and for showing his commitment and responsibility.

It is worth highlighting that the bill is about setting minimum standards. The Government encourages operators, particularly those who have longstanding reputations in the business, who have standards that are higher than those set. I encourage them to continue following those high standards in their operations. It is important that standards are set, and that is what the bill is about. As the member for Burrinjuck clearly outlined, a number of issues are involved in putting together a bill such as this; not the least of which is matching standards in other States, which I will address shortly. It is most important to obtain consistency, and that is what setting minimum standards is about. Also, part of that complexity is the consultation process. The member for Burrinjuck indicated her concern about the lack of consultation and detailed extensively many of the groups she consulted. Following the re-election of the Iemma Government in March 2007, extensive consultation with groups was undertaken in drafting the bill that we are debating today. I am pleased that generally the member for Burrinjuck supports the Government's bill.

I thank the member for Newcastle for highlighting a number of key issues, particularly regarding scarification. I agree with her that the bill supports the involvement of parents in that important decision. It is absolutely vital that through this bill we have the opportunity to protect young children—that is the focus of the bill. The member for Smithfield and the member for Burrinjuck mentioned the legislation in other States. The member for Burrinjuck is correct in saying that Queensland has led the way in regulating intimate body piercing. However, Queensland does not have legislation for non-intimate body piercing. Currently, other States are considering various options for intimate and non-intimate body piercing. I am sure they will take on board many of the provisions contained in the New South Wales bill, which I am confident will be totally supported by all members.

I am pleased that New South Wales is at the forefront of this debate. We certainly need to ensure consistency. I again thank the member for Smithfield for bringing that point to the fore. The Government is ensuring that New South Wales provides protection for children seeking body piercing, scarifying, beading and tattooing. This is an important bill and I again join with the member for Burrinjuck in highlighting the need for good, quality, responsible operators to ensure that in undertaking those procedures they make sure that the best possible standards are applied. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

### **BUSINESS OF THE HOUSE**

#### **Suspension of Standing and Sessional Orders: Appropriation Bill and Cognate Bills**

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [12.07 p.m.]: I move:

That on Thursday 5 June 2008 standing and sessional orders be suspended to permit:

- (1) Following the speeches of the Leader of the Opposition and the Leader of The Nationals on the Appropriation Bill and cognate bills, the passage through all remaining stages, with the question "That these bills be agreed to in principle" being put forthwith, without consideration in detail of the bills.
- (2) A member, immediately following the passage of the Appropriation Bill and cognate bills, to move the motion. "That this House take note of the budget estimates and related papers for 2008-2009".
- (3) After the member has moved "That this House take note of the budget estimates and related papers for 2008-2009", the debate is to be adjourned without motion moved, and the resumption of the debate set down as an order of the day for a later time.

This is a procedural motion, similar to motions moved in recent years, to enable the budget and the appropriation papers to be passed through this Chamber. At the same time, it will give all members the opportunity to contribute to the debate, taking note of particular aspects of the budget affecting their electorate and in which they have a specific interest. The motion will enable a long-term examination of the budget but, at the same time, will not impede the appropriation of the funds required through the budgetary process. For that reason, I commend the motion to the House.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.09 p.m.]: The Opposition understands that there is a necessity to move procedural motions in this place, particularly when it comes to the budget and its progress to another place. We have traditionally not opposed that, but I can tell members that although we do not oppose the motion we will forensically dissect the budget and we will participate enthusiastically in our responses to bring this Government to account and deal with the smoke and mirrors that are always included in the budget. I know that all members on this side of the House support my comments because the Government must be brought to account. There has to be transparency and accountability. That is what this motion will enable. I can assure the House we will participate enthusiastically.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [12.10 p.m.], in reply: I welcome the comments by the member for Wagga Wagga, which reflect precisely the reason I moved the motion. It will enable all members to deal at length with specific items and issues in the budget and the appropriation papers. The Government is so confident about its budget that it welcomes any kind of transparency, particularly transparency through the Parliament, and forensic and detailed examination by the Opposition and anybody else. It is a good budget. As far as the Government is concerned any thorough examination of the budget will stand the Government and the people of New South Wales in good stead.

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

**Motion agreed to.**

### **FIRST STATE SUPERANNUATION AMENDMENT BILL 2008**

#### **Agreement in Principle**

**Debate resumed from 16 May 2008.**

**Mr MIKE BAIRD** (Manly) [12.13 p.m.]: I lead the debate for the Opposition on the First State Superannuation Amendment Bill 2008. I say at the outset that there are times in this House when one must take significant time to go through a bill or the State budget in forensic detail. We will do that in regard to the budget. There are other matters, such as electricity privatisation, that will take many more hours in this House to consider. In relation to this bill I am pleased to report to the House that the Opposition strongly believes it is a commonsense measure in all its parts.

The bill will enable New South Wales employees in the following groups to receive their 9 per cent superannuation payment as part of their salary rather than as a contribution to superannuation: firstly, public sector employees who earn less than \$450 a month, and, secondly, public sector employees over the age of 70. The First State Superannuation Act 1992 governs superannuation arrangements for New South Wales public sector employees recruited since 1992. First State Super is the default superannuation fund for these employees. Following the last State election, polling staff suggested that their 9 per cent superannuation contribution should be paid as part of their salary instead of a small payment going to a super fund and being eroded by fees. The interesting aspect is that the Iemma Government has decided to consult on this matter. For me that is the highlight of the bill. I think it is a very positive measure. Speaking from experience, having been through university and having had a number of jobs during that time, there is nothing more disturbing than to have small amounts of money disappear into superannuation funds never to be seen again. It creates a significant burden and I think we all understand the polling staff seeking full payment for their work on polling day rather than having part of those funds disappear into a super fund.

Under Commonwealth legislation superannuation funds make contributions only for employees earning more than \$450 a month. Commonwealth legislation also prevents superannuation funds from accepting employer contributions on behalf of employees over the age of 70. As a result the New South Wales Government has had a policy of paying these employees their superannuation payment as part of their salary. This bill formalises that policy under the Act. Again, we think that is sensible. The legislation aligns with Commonwealth legislation, which makes sense. It will prevent the erosion of small superannuation payments. I think the amount involved is about \$30 for polling staff, but it also applies to the broader public service.

Anyone who receives less than \$450 a month will be in the same position as the polling staff, but the polling staff are the main drivers of the bill. It does not make sense to lose \$30 from the money earned on polling day to superannuation. The bill will reduce the administrative costs for the First State Superannuation Fund, which again makes sense. It will also ensure that public sector employees over 70 have immediate access to their full salary. We have concerns about superannuation but we will not use debate on this bill to discuss those matters. We do not want to waste the time of the House debating any issues outside the leave of this bill because we support it. We think it is common sense.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [12.16 p.m.], in reply: I thank the member for Manly and members opposite for their support for this bill. I have been enjoying a bit of verbal jousting with the member for Manly of late over bills such as this. Alas it will not be the case today. The member for Manly is correct in pointing out that the Government has consulted widely on the bill and that the measures introduced by the bill, slight and small though they may be, will make a difference to certain employees.

The bill introduces changes to the First State Superannuation Act 1992 to address concerns of some employees. The amendments in the bill are sensible and will provide better value for our public sector employees. The bill allows payment of the 9 per cent contribution amount as an additional part of salary instead of as a contribution to superannuation for two groups of employees under the Act. The first group is one-off short-term employees. The bill places a \$450 ceiling on alternate payments for this group. The employer's complete before-tax salary payment, inclusive of the 9 per cent contribution amount, must be less than \$450 in that month for an employee in this group.

The second group is employees aged over 70. The bill enables the Government to formalise a longstanding policy that requires public service employers to pay the 9 per cent contribution amount as an additional salary to their employees over the age of 70. The arrangement is necessary because the Commonwealth prevents superannuation funds from accepting employer superannuation contributions for these employees, except in specific circumstances. There is no salary ceiling for payments under the bill to prescribed employees in this group. Most employees under the Act will receive superannuation contributions as before. The alternate payment arrangements under the bill will apply to employees only where their employment is prescribed in the regulations. This bill is yet another example of the Iemma Government's commitment to reducing red tape. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

### **MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008**

#### **Agreement in Principle**

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [12.20 p.m.]: I move:

That this bill be now agreed to in principle.

The claim that the term "father" will be removed from birth certificates as part of the Government's same-sex reforms is wrong. The Government has no intention of taking away the right of a father to be on a birth certificate. The terms "father" and "mother" have always been used on birth certificates. Parents will continue to have that right. Last night, on 3 June 2008, the Government voted to ensure that it is now protected in legislation. While the Government was united in its support of the reforms, the Liberal Party descended into turmoil as the extreme Right attacked Opposition members who voted for the bill.

Following the passage of the bill, parents will also have the choice to use "parent" on the birth certificate if they wish. At present, when a child is conceived using artificial fertilisation, the law does not consider the donor to be the father. The birth mother's husband, or partner, is considered at law to be the parent. The change that the Government is making will enable that to be extended to the birth mother's female partner, which will mean that when a child is conceived through artificial fertilisation and is being raised by female same-sex mothers, they will have the option to use "mother" or "parent". Who the law recognises as the child's father is not being changed. There will continue to be only two parents listed on birth certificates.

The aim of the bill is to ensure that equal rights are afforded to children. That is the key issue. The changes in this bill simply recognise female same-sex partners as parents. In a situation where a lesbian woman conceives a child via artificial fertilisation an application will now be able to be made to allow her partner to be recognised as a parent. Currently, under the law only the birth mother is recognised. Because sperm donors are exempted from parentage rights and responsibilities, such as child support, no father is recorded on the birth certificate. This exemption is necessary in order to encourage donation, as without it there would be the major disincentive that any donation could result in the donor incurring parental responsibility for a large number of children, and is similar to provisions in other States.

To allow a female partner to be recognised as the second parent, some terminological changes are required to the registration process. While these changes recognise the role of both women in these families, they do not take away the recognition of fathers where the child was conceived naturally and not through artificial fertilisation. In effect, this is a simple bill. I understand that some members of Parliament and some members of the community take exception to what is being enacted, but they must recognise that the changes have already occurred and have been enacted in other Australian States. Controversy aside, whether it is real or contrived, they should keep in mind that the changes that will be enacted by this bill are necessary for the rights of certain children and they provide clarification. This bill is all about clarification. I understand that there will be further debate on this issue. Nevertheless, I commend the bill to the House.

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

### **MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.26 p.m.]: I lead in debate on the Miscellaneous Acts Amendment (Same Sex Relationship) Bill 2008 and indicate that The Nationals have chosen to adopt a conscience vote in relation to this legislation, as I believe will members of the Liberal Party. I state upfront that The Nationals believe the best family environment for children is with a mother and father

who are married. As the father of six children I acknowledge that my wife, who is in the gallery today, is far more important in that environment than I am. Nevertheless, our children do well and they prosper in the home environment as we have a stable marriage and they have a father and mother as role models and parents. That principle guides The Nationals in matters of parenting, social cohesion and family wellbeing.

This bill was introduced as a result of representations from the gay and lesbian lobby and also because of legislation that has been introduced in other States. In commenting on this bill I have a sense of *deja vu*. The Government introduced social policy and the legislation to go with it early in its term of office, despite having failed to consult effectively with the community prior to the previous election. We are being forced to deal, at short notice, with a pretty complex social issue and many members of the community believe that they have not had an adequate opportunity to respond to this proposal. Yesterday, on my way back from opening the Shires Association conference, I met protesters on Macquarie Street in front of Parliament House handing out leaflets that state:

This week the Lemma Labor Government joins the anti-father cult. Fathers are to be removed from birth certificates.

Publication of that leaflet was authorised by the Non-Custodial Parents Party (Equal Parenting). Recently I received a letter from the Marriage and Family Office, Catholic Archdiocese of Sydney, which takes the view that fathers make a unique and important contribution to a child's wellbeing. The Marriage and Family Office expresses a number of concerns about the proposed legislation and some of the assumptions therein, and it makes some very good points.

Nevertheless, I accept that families come in all shapes and sizes. In fact, around 1,500 children in New South Wales live with same-sex parents. My view is that those children are innocent of the circumstances of their conception or of the domestic relationship of their parents. In saying that, I believe also that those children should have the same rights and opportunities as other children, which is one aim of this bill. I believe strongly that all children in this great egalitarian nation where young people have a multitude of opportunities ought to have equity of opportunity. Regardless of whether they have same-sex parents, a mother and father, or just one parent, they should have the same opportunities. I support that aim of the bill.

Concerns expressed to me about the removal of legislative recognition of the importance of fathers or the diminution of that recognition were addressed to some extent in the other place. Certainly, the concern was that the term "father" would be removed from birth certificates in the original bill introduced in that House. However, I understand that Reverend the Hon. Fred Nile, supported by the Hon. Charlie Lynn, who also sought to move an amendment, argued successfully on that issue. The Government has accepted the amendment of Reverend the Hon. Fred Nile that recognition of fathers on birth certificates should remain, and the bill has been amended accordingly.

Thus, a major concern expressed to me has been addressed. Therefore, a major reason to oppose the bill on a personal note no longer remains, given that members will be able to cast a conscience vote at the conclusion of this debate. However, the Government seems to be embarking on a process of incrementalism with these difficult social issues: we are on a slippery slope of social engineering. One piece of legislation after another has been introduced to change the notion of "family". I will fight always for the traditional family unit as the backbone of our society. This bill goes much further than earlier changes to property rights—which were contained in contentious legislation that the Government introduced early in its term—because it involves the upbringing of children with no say as to whether they are raised in a household with same-sex parents.

Former Attorney General Shaw was at pains to explain during the debate on the Property Relationships Amendment Bill 1999 that there was no intention to use the definition of "de facto relationship" introduced by that bill, which deals with same-sex relationships, to change marriage or adoption laws relating to property. The definition of "heterosexual" in the Adoption Act, which was enacted after the insertion of the broader definition in the Property Relationships Amendment Act 1999, is likely to be next on the Government's agenda. If this Government were to embark on that process it would undermine the laws forbidding same-sex marriages, gay adoption and IVF for gay people. Therefore, any such change will transform in many ways one of the most fundamental features of marriage—parenting.

Many believe children raised by same-sex couples have greater potential to suffer developmental problems or are more likely to struggle with their own sexuality. The Government may see the bill as the thin edge of the wedge to legalise same-sex marriages or gay adoption but I for one will stridently oppose such steps.

**Mr FRANK TERENCE** (Maitland) [12.34 p.m.]: I support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. The bill substantially is the same as that introduced in the Legislative



Council on 7 May this year. The Government amended the bill in the Legislative Council regarding two matters. The first amendment refers to leave entitlement for lesbian parents. In further recognition and equal treatment of lesbian parents, the bill makes amendments to the Industrial Relations Act 1996 so that parental leave entitlements already available to male employees in connection with the birth of a child of a spouse or de facto partner are extended to female employees in the same circumstances.

To accommodate the expansion of this type of parental leave the term "paternity leave" is renamed "partner leave". Concerns raised in the Legislative Council involved claims that this change of language was not sufficiently inclusive and so the Government agreed to amend the bill to describe this form of leave as "paternity or partner leave." This leave entitlement recognises that the partner of a woman who gives birth or adopts a child can be a man or a woman, and that both male and female parents have a need to bond with and care for their child.

The second amendment relates to the issue of the registration of parents on a child's birth certificate. The bill amends the Births, Deaths and Marriages Registration Act 1995 to ensure that both parents can be noted on a child's birth certificate. This is important and will allow both parents in a lesbian couple to provide evidence of their relationship to their child when it is required by institutions, such as hospitals and schools. Of course, it will assist parents also when they deal with sports clubs, doctors' surgeries and childcare centres, which parents so often have to deal with in the course of bringing up their kids.

The amendment to the Births, Deaths and Marriages Registration Act provides also that an application can be made to add information to a birth certificate about another parent, even if the child was born before the commencement of the new provisions. Again, this will be an important change for the many lesbian couples that already have children together. In order to reflect the Government's policy that a child should have only two legal parents the amendments include transitional provisions dealing with the addition of information about a second parent in circumstances where the child's birth certificate already details the existence of two parents. This might occur when a man was the sperm donor for a lesbian couple or was merely a friend of the birth mother but was named on the birth certificate for symbolic purposes. In these circumstances the provisions allowing his name to be removed can apply.

The registrar will be able to remove the person named on the birth certificate as a father only with his consent, if a court authorises the removal, or in certain other circumstances provided for by regulation. The Government emphasises that these provisions regarding the removal of a male's name from the birth certificate apply only when the child was conceived through artificial fertilisation and the man is or was not entitled to be recognised as the parent. The provisions cannot apply when the child was conceived through sexual intercourse with the man named on the birth certificate or when the sperm donor was also the de facto partner or husband of the woman in the period around the birth, because a presumption exists under section 14 (1) (a) of the Status of Children Act 1996 that he would be the father.

Amendments in the Legislative Council have responded to some level of community concern that the registrar will be able to name all fathers as parents on birth certificates regardless of their wishes. This was not the intention of the bill, and to reduce any confusion the Government has agreed that the bill will be amended to provide a guarantee that parents can choose the term "mother", "father" or "parent" as they wish. It is important to note that the overall object of the bill is to amend a series of other Acts to ensure, for the benefits of the child, that the child is raised without discrimination. It recognises the sheer reality that same-sex couples are raising children.

The bill has been designed to prevent discrimination against children whose parents are in same-sex relationships. I have read numerous media reports about community concerns. The concern in my electorate has been based on misinformation. The guarantees provided by the amending provisions should put paid to the misinformation. The bill amends a series of Acts to ensure that children from same-sex relationships benefits do not suffer discrimination.

I am pleased to support the bill. It completes reforms that began many years ago. Members will be aware that the Property Relationships Act includes in its definitions section "same-sex" couples. This bill extends that definition to other Acts of Parliament to eliminate discrimination that would otherwise be suffered by children of same-sex relationships. The bill completes the reform of administrative procedures to ensure that all relevant Acts of Parliament take the reality of same-sex relationships into account. For the reasons I have outlined I support the bill.

**Mrs SHELLEY HANCOCK** (South Coast) [12.40 p.m.]: I will make brief comments regarding the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. I appreciate that, once again, the Liberal-National Coalition has granted its members a conscience vote, unlike the Labor Party, which has instructed all its members to support the legislation. Under a conscience vote all Coalition members can consider the legislation closely and vote according to their own views, and I appreciate that deeply.

However, I have noticed that in the past weeks a number of concerns have been expressed to all members of the House in relation to the apparent intention of the Government to remove reference to the biological father, or the father, from the birth certificate of a child being raised by a lesbian couple. At the outset I must say that that is not an accurate summation of the bill. I implore critics of the bill to closely examine it before judging its contents. The Government has failed to communicate the provisions of the bill clearly to the community, interested groups, individuals and key stakeholders—hence the confusion, misunderstanding and hysteria that has resulted regarding the bill. The Government is entirely responsible for all of that misunderstanding and confusion.

The proposed reforms will ensure that the law will treat children in same-sex relationships as having the same rights and entitlements as children of other relationships, in particular when same-sex parents die intestate or without having made a will. Those factors are not discussed or even mentioned often, but they are addressed by sound provisions of the bill that we should all be discussing. The bill more clearly defines the rights of children of same-sex relationships—removing discrimination against the children. The bill is not about removing the name of the father from a birth certificate but it presumes that a woman who is in a de facto relationship with another woman and who has undergone a fertilisation procedure, as a result of which she becomes pregnant, is the mother and the other woman is a parent of the child. And both parents can be noted on the child's birth certificate. It is relatively simple.

As stated in the second reading speech of the Attorney General on 7 May, the bill will ensure that both parents of a child conceived as a result of a fertilisation procedure which had been provided to couples in a lesbian same-sex de facto relationship may be regarded as the parents of a child when evidence of a parent-child relationship is demanded by our State's public institutions such as hospitals and schools. It will also enable same-sex parents to engage with other authorities such as sporting registration bodies and the like—just as other parents are able to. I emphasise further the comments made by the Attorney General in relation to birth certificates. That has been the most contentious aspect of the bill. The member for Maitland referred to the second reading speech, but because of the contention and misunderstanding on the issue I will quote the relevant part of the second reading speech:

In order to reflect the Government's policy that a child should only have two legal parents, the amendments to the Births, Deaths and Marriages Registration Act include transitional provisions addressing the addition of information about a second parent in circumstances where the child's birth certificate already details the existence of two parents, the birth mother, and a person who was represented to the registrar as being the father of the child. In such circumstances the registrar will only be able to add the registrable information arising out of the new parenting presumptions in the Status of Children Act if the already registered father consents to the removal of his details from the birth certificate, if the court authorises the removal, or in certain other circumstances provided for by regulation.

That point needs to be emphasised: The Attorney General went on to state:

The Government emphasises here that these provisions, regarding the removal of a male's name from the birth certificate, only apply where the child was conceived through artificial fertilisation and the man is not entitled to be recognised as the parent. In some circumstances a man's name may have been put on the birth certificate as the father without him having parentage entitlements to justify this—for instance, if the man was the sperm donor and had no relationship with the birth mother, or the man was merely a friend of the birth mother who did not father the child but was named on the birth certificate for symbolic purposes. In these circumstances the provisions allowing his name to be removed can apply. They cannot apply where the child was conceived through sexual intercourse with the man named on the birth certificate. They cannot apply where the sperm donor was also the de facto partner or husband of the woman in the period around the birth, because there is a presumption under section 14 (1) (a) of the Status of Children Act 1996 that he would be the father. I encourage those who oppose the bill based on their understanding that the bill necessarily removes the father from a child's birth certificate to research carefully this aspect of the bill.

All members who speak in support of the legislation should refer to those two paragraphs to counter the hysteria about the bill over the past few weeks. The amendments passed in the other place last evening should allay some of the fears and concerns expressed from both sides of the House. I encourage those whose opposition to the bill is based only on their misunderstanding that the bill removes the name of the father from a child's birth certificate to research carefully that aspect of the bill and read the provisions of the bill carefully. People who oppose the bill simply because they regard same-sex relationships as abhorrent should carefully examine the bill—and indeed their own consciences—since the bill will remove only the current discrimination under laws of this State, and that should be removed.

The bill will ensure that same-sex partners who are parents will be entitled to the same parental leave entitlements as those currently enjoyed by a male employee in connection with the birth of his child. The bill will ensure that people living in same-sex relationships are treated equally and do not suffer from continual discrimination. Many people in same-sex relationships are raising children in a loving, caring home environment. In every sense of the term they are members of a family—perhaps not the so-called traditional mother, father and two kids family, or six kids family as we heard about earlier. Nevertheless they are involved in raising and educating their children, with all the challenges that involves. They should not be treated differently from anyone else.

Those who oppose the bill should not be in denial about that self-evident fact. Those who oppose the bill are generally misrepresenting what it is about. They should carefully review some of the comments made in regard to this proposed legislation. I request some latitude to discuss another issue regarding a young couple in my electorate. The matter does not necessarily relate to same-sex couples but to surrogacy laws. The discrimination that Paul and Rebecca McGroder of Huskisson have experienced should be addressed as a matter of urgency by the Attorney General. Liam, the son of Paul and Rebecca, was born to his aunt in a surrogacy arrangement. The McGroders, who cannot have a child through conventional conception, provided egg and sperm and the embryo was implanted in Mrs McGroder's sister-in-law. The McGroders therefore are the biological parents of Liam and are currently raising their child, but they are not mentioned on his birth certificate. They even had to fight to be able to attend Liam's caesarean birth. They have to wait for five years to be able to adopt their own son since surrogacy laws in New South Wales do not recognise the genetic parents of a child born as a result of a surrogacy arrangement.

I recognise the complexity of surrogacy laws but as we are discussing discrimination as part of the debate on this bill I ask that the Government act in regard to the problems experienced by the McGroders since the birth of their son. The McGroders' story has been aired on television and has appeared in newspapers, and they have made various representations to State and Federal governments. I call on the Attorney General to address this issue. While the McGroders have the right to make decisions as though they are Liam's parents, unfortunately absent is the legal status of the parent-child relationship. This of course leads to a number of complications and legal barriers for them.

I support the provisions in the bill, which will remove discrimination as it exists in New South Wales towards same-sex lesbian parents who are raising children in this State. My very strong view is that, as a society, we should be tolerant of difference at every level—including the sexuality of its members. Effective parenting is achieved through the commitment and dedication of parents, irrespective of their sexuality. Good people make good parents, whether they are heterosexual or homosexual. I support the bill as it supports parents involved in raising children who are currently treated unfairly and who suffer discrimination. I also reject some of the opposition to this bill as being, at best, reflective of confusion and a genuine lack of understanding of the proposed legislation and, at worst, reflective of deep-seated intolerance and ignorance.

**Ms CLOVER MOORE** (Sydney) [12.51 p.m.]: I welcome and strongly support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008, which promotes better recognition of lesbian couples who have a child through donor insemination and finally allows both women to be recognised legally as parents of their child. Under the bill each woman will have access to leave to look after her newborn child, with maternity leave available to the birth mother and "partner leave", which will replace paternity leave, available to the other parent. Both women can be identified on the child's birth certificate. The bill also strengthens protection for same-sex couples under the Anti-Discrimination Act 1977 by changing "marital status" as a ground for discrimination to "marital and domestic status", and amends 57 additional Acts, regulations and by-laws to recognise and treat consistently de facto relationships for straight and same-sex couples.

I welcome these changes, which have been a long time coming. For years the Government has been out of touch with community values by failing to remove discriminatory laws. In June 2007 the *Australian* reported a Galaxy poll showing that 71 per cent of Australians believe same-sex couples should be entitled to the same legal rights as heterosexual couples. I have worked with the gay and lesbian community for more than 20 years. While much has been achieved in this time—including the enacting of my anti-vilification bill and the outlawing of transgender discrimination as well as making the age of consent equal for males and females—the battle for justice and equality has had to settle for taking small steps because of the lack of political will to abolish discrimination completely. I hope that this bill signals a change in the culture of this Parliament in support of equality for all members of the community.

This bill is a positive step for children as it will prevent many problems that families with lesbian parents face. Unlike heterosexual parents who conceive through donor insemination, currently only the birth

mother can sign school permission slips or give consent to medical treatment. This can cause all kinds of problems for children when only one parent can be contacted, particularly in an emergency. The bill will give both parents the legal right to make important decisions for their children. The Gay and Lesbian Rights Lobby says that children of lesbian couples will get greater protection in the event of a break-up or the death of a parent. Both parents will be recognised, giving both rights to custody and contact access. Children will have automatic rights to inheritance upon the death of a parent and rights to benefits such as workers compensation, giving children assurance during difficult times. These are just, fair and practical rights.

The new laws are in the best interests of the children of lesbian couples, who currently have less financial and emotional security than the children of heterosexual couples. The bill will provide consistency for all children in these families. The lobby points out that many lesbian couples alternate the role of biological parentage, which, under current arrangements, means that siblings have different legal parents. Under the bill the State will recognise the whole family unit and treat siblings consistently. Again, that is fair and just. Although we have little evidence because of the failure to count these relationships in the census until recently, I understand that more same-sex couples are parenting, with 20 per cent of lesbians and up to 10 per cent of gay men parenting children. At the last census more than 4,000 children were recorded as living in same-sex families in Australia. These are happy family units. The lobby points out that the best scientific evidence shows that there are no negative impacts on children raised by same-sex parents, and I support its call for full legal recognition of same-sex relationships and parenting to prevent continuing legal disadvantage.

I have repeatedly asked successive Attorneys General to reform the Anti-Discrimination Act to remove lawful discrimination of lesbians and gay men. The bill will make sure that same-sex couples cannot be discriminated against in employment, accommodation and education on the basis of their relationship. The Gay and Lesbian Rights Lobby believes this will protect lesbians and gay men from discrimination that could arise from the increased disclosure requirements in the bill. These changes could, and should, have been implemented long ago. Changes to make de facto relationships gender inclusive and consistent throughout New South Wales legislation will provide certainty for same-sex couples. The Gay and Lesbian Rights Lobby tells me that many gay men and lesbians are confused about partnership rights and may not be aware of existing rights such as hospital visits, medical consent and property rights, which have been in place since 1999. Similarly, health and welfare service providers face a complex system of inequality and confusion when they work with gay or lesbian clients. How unnecessary is all this pain.

I continue to strongly support the calls of the Gay and Lesbian Rights Lobby and the lesbian and gay community for reform of adoption—an area where gay and lesbian parents still have limited rights. During debate on the Adoption Bill 2000 I moved an amendment to give same-sex couples rights similar to those of their heterosexual counterparts. But it received no support from members. The Adoption Act should allow same-sex parents to use step-parent adoption provisions and allow co-parent adoption by same-sex partners. Surely members will agree that it is illogical that gay men and lesbians are able to adopt as individuals but not as couples, as they can in Western Australia, the Australian Capital Territory and Tasmania. At present both members of New South Wales same-sex couples cannot be legally recognised as parents. The non-biological parent cannot adopt the child without the birth parent—their partner—giving up their parental rights, even when there is only one legal parent. Parents in these situations must seek orders in the Family Court.

GayDadsNSW points out that there are countless family situations that the bill will not recognise, including situations where gay couples make arrangements with lesbian couples to co-parent children. I share the group's position that the law should reflect the reality of loving and supportive families and make provisions to recognise different family structures. I am very aware of many such very loving and supportive family structures and of many very unhappy traditional domestic situations. We should judge the family group on the basis of loving and supportive relationships rather than traditional values. The traditional family unit has caused much unhappiness for so many people for so long. The law should not reduce the rights of the children of lesbians and gay men; it should seek to protect them and ensure that their families are secure. The New South Wales Government should commit to urgent adoption reform. I hope that members will recognise the justice in equal treatment and not succumb to prejudice and bigotry. The gay and lesbian community strongly supports the bill, and continues to call for equal treatment rather than being singled out for "special" and lesser treatment under the law. There can be no rational reason to allow discrimination against gay and lesbian couples and their children. I strongly support the bill and commend it to the House.

**Pursuant to sessional orders debate interrupted and set down as an order of the day for a later hour.**

*[The Acting-Speaker (Ms Diane Beamer) left the chair at 12.58 p.m. The House resumed at 2.15 p.m.]*

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

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

**QUESTION TIME**

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**NURSES SALARIES**

**Mr BARRY O'FARRELL:** I direct my question to the Premier. Why does the Premier expect nurses to remain working in the State's public hospitals given a survey reveals 60 per cent considered leaving last year and the stark choice he is offering between a cut in real wages or even fewer resources in wards and emergency departments of hospitals?

**Mr Steve Whan:** You tell us we spend too much on salaries!

**The SPEAKER:** Order! The member for Monaro will cease interjecting.

**Mr MORRIS IEMMA:** As the member for Monaro just interjected, in the past criticism from the Leader of the Opposition, who at one point was a shadow Minister for Health—

**Mr Andrew Fraser:** A shadow?

**Mr MORRIS IEMMA:** Yes, he was the shadow Minister for Health.

**Mr Andrew Fraser:** You were the Minister.

**Mr MORRIS IEMMA:** Yes.

**The SPEAKER:** Order! Members will cease calling out.

**Mr MORRIS IEMMA:** As the current Minister for Health also reminds me, in the past when the agreements expired the criticism was that the Government paid more than it should have paid in public sector wages. Yes, the constant refrain of the Opposition has been that we pay too much. The second point that the Minister for Health just reminded me is that the current Health agreement has expired and this Government is renegotiating with the Commonwealth. When the Leader of the Opposition was the shadow Minister for Health he said it was a good deal that took \$300 million out of Health funding, funding that could have gone to nurses and doctors and would have opened beds. That is the track record of the Leader of the Opposition when he had an opportunity to speak up.

The third point is that the Leader of the Opposition fundamentally does not understand the Government's wages policy. That is no surprise because he is an adherent of voodoo economics signed up to by the member for Vacluse when he was Leader of the Opposition. The magic pudding: that is, go to an election—it also happens between elections—and say yes to every proposal for spending, whether it is capital or recurrent. Say yes to everybody who knocks on the door. Say, "Here's a blank cheque. What is it that you want?" At a cost of \$29 billion the only way the then Leader of the Opposition was going to fund a portion of that—which was around three to four, we could not determine the exact figure because in his own words "the photocopier broke down" and he could not produce the costings in the lead-up to the election—under his policy was to sack 20,000 public sector workers. Either he was dishonest in being the Leader of the Opposition who signed up to that or he was expecting that he would carry it out and deliver a cut of 20,000. I add, that when Health comprises one-third of the State budget and he signs up to a policy that says, "If we win an election, our first budget—

**Mr Andrew Stoner:** Point of order: My point of order is under Standing Order 129. The question was clearly about the Premier's budget, about the shortfall in wages commitments, not about history in relation to the Opposition at the last election.

**The SPEAKER:** Order! There is no point of order. The Leader of The Nationals will resume his seat.

**Mr MORRIS IEMMA:** Given that Health makes up one-third of the budget and given that the current Leader of the Opposition was the shadow Treasurer leading up to the last election, he obviously thought that he could get away with a budget that started cutting 7,000 health workers if he had won the election.

**Mr Barry O'Farrell:** What?

**Mr MORRIS IEMMA:** That is one-third of the budget; 2.5 per cent—

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

**Mr MORRIS IEMMA:** So the Leader of The Nationals has disowned it—that is good to hear. I repeat: 2.5 per cent and provision of wage rises above 2.5 per cent, in offsets and productivity. There have been 11 wage settlements, not wage disputes, not wage campaigns. Eleven claims have been settled and they have ranged in salary increases of between 4 per cent and 5 per cent, including for bus drivers. The Government's policy has the flexibility to pay for more than 2.5 per cent, but all the policy says is that 2.5 per cent is funded centrally; wage rises above that are paid for by offsets from the agencies. My second point is—

**The SPEAKER:** Order! The Leader of The Nationals and the member for Coffs Harbour will cease interjecting.

**Mr MORRIS IEMMA:** In the past five years there has been an increase in the nursing workforce of 8,000. This year's budget funds an additional 300 nurses, in addition to the doctors. At the beginning of the year we welcomed 654 doctors into our health system and 1,600 nurse graduates from universities into our public hospitals. The budget funds an additional 300 nurses. It is nonsense to assume that building a new hospital is not improving the working conditions of the health professionals who work there. Ask the member for Lismore, who is deep in discussion with his colleague, if the working conditions of the health professionals at the new Lismore Psychiatric Hospital have improved by working in that brand new unit. Yes, they have.

On the issue of wage rises above 2.5 per cent, 11 claims have been settled, ranging between 4 per cent and 5 per cent. One side of politics has a funded wages policy, and another side of politics has a budget that is credible when it comes to expenditure and revenue. Those opposite have the spendometer. Do not worry—we have the Barry spendometer, which has replaced the Peter meter. As with the Peter meter, the Barry spendometer keeps replenishing, as if it were a magic pudding. Everyone who knocks on the door gets a yes.

**The SPEAKER:** Order! The member for Epping will cease interjecting.

### INFRASTRUCTURE BUDGET

**Ms MARIE ANDREWS:** My question is addressed to the Premier. Will the Premier update the House on how the budget delivers better services and new infrastructure to New South Wales families?

**Mr MORRIS IEMMA:** I am happy to inform the member of the trifecta, as the New South Wales Business Chamber described the budget. Paul Ritchie correctly described the Government's trifecta of infrastructure, services spending and payroll tax cuts, which was backed by Patricia Forsythe.

*[Interruption]*

No, Paul Ritchie said it was the trifecta. Patricia Forsythe said the budget was the holy grail of tax relief for business with payroll tax cuts. We welcome that strong endorsement from the New South Wales Business Chamber and David Elliot.

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

**Mr MORRIS IEMMA:** As the member for Wakehurst interjected, they are well known on this side of the House, and even better known on his side of the House. Mr David Elliot is the head of the Constructors Association, another ringing endorsement of the Government's decision to cut payroll tax from 6 per cent to 5.5 per cent. That will support working families across New South Wales.

**Mr Andrew Stoner:** When, next year?

**Mr MORRIS IEMMA:** No, this year, 5.5 per cent. I seem to recall that payroll tax was 7 per cent under the Coalition Government. But I will not go over that. Yesterday's record budget of \$47.6 billion has been widely praised and received a ringing endorsement from businesses in New South Wales. The new tax cuts are worth \$2.2 billion. When this payroll tax cut is fully implemented a medium sized business with a \$1 million payroll, or about 20 staff, will save almost 25 per cent on its payroll tax bill.

**The SPEAKER:** Order! The member for Lismore and the member for Monaro will cease interjecting.

**Mr MORRIS IEMMA:** The member for Lismore says that the payroll tax rate in Queensland is zero.

**The SPEAKER:** Order! The House will come to order. Comments will be directed through the Chair.

*[Interruption]*

**The SPEAKER:** Order! The member for Coffs Harbour will cease interjecting.

**Mr MORRIS IEMMA:** I know they have been taking our GST via the former Commonwealth Government's distribution formula, but I did not know Queensland had become a tax haven for the "Republic of Lismore". A business with a payroll of \$1 million and 20 staff will save almost 25 per cent on its payroll tax bill, the equivalent of around \$6,000 a year. A company with around 150 employees and an approximate payroll of \$7.5 million will save \$38,000 a year. This morning the member for Strathfield and I visited one such company that has a \$1 million payroll, Bunnings Warehouse in Ashfield, to talk with the owner and staff about our payroll tax concessions, something we did not have to hammer with either the owner or the staff. They could see straightaway how it would improve their business.

For a company like Bunnings that has special discounts on a lot of the items in its establishment, this sort of payroll tax incentive enables it to deliver lower and more affordable prices on the equipment it sells—guess what—stimulating investment and jobs in the home renovation area. That will be a big bonus to those small businesses—the trades—operating in the home renovation and home building area. That is something we did not need to impress on a company such as Bunnings because it knew straightaway what kind of incentive the payroll tax cut would provide for Bunnings and for its customers, recognising that a lot of tradespeople buy their supplies from such a company. There are about 28,000 businesses paying payroll tax in New South Wales and the payroll tax cut is designed to ensure that we improve New South Wales' competitive position and that jobs and investment continue to happen over the course of the next 12 months and beyond. It is no wonder the chief executive of Woolworths, Michael Luscombe, had this to say about the budget and payroll tax.

*[Interruption]*

This is another major employer. The member who interjected may not like people who employ workers and give them jobs and make families secure. Mr Luscombe said:

Woolworths welcomes the Government's continuing efforts to reduce the payroll tax burden for businesses large and small.

A reduction in payroll tax will encourage the investment in jobs in NSW.

**The SPEAKER:** Order! Members will cease calling out. I include the member for Terrigal.

**Mr MORRIS IEMMA:** The Illawarra Business Chamber says the payroll tax cut will "help insulate New South Wales from external economic pressures".

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

**Mr MORRIS IEMMA:** We will come to the professor of economics, the Leader of The Nationals, in a second. Standard and Poor's had this to say:

NSW continues to implement measures that are designed to improve its efficiency.

Tweed Economic Development Corporation boss Tom Senti said:

Payroll tax deductions could act to help attract big business from south-east Queensland, as it will add to the cost advantages of running a business in the Tweed.

The member for Tweed just interjected to congratulate the Government on reducing payroll tax. We thank him for that compliment. It is not just business groups who have welcomed this budget. The National Parks Association and the Total Environment Centre said this about the environment budget:

The big boost of funds for the purchase of environmental water in the Murray Darling will make a tangible difference ...

**The SPEAKER:** Order! Members will cease interjecting. I include the member for Murray-Darling.

**Mr MORRIS IEMMA:** The member has never believed in buying water for the environment.

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

**Mr MORRIS IEMMA:** The Local Government Association said:

The Aboriginal Water and Sewerage Program is also a fantastic initiative, and we look forward to working with the Government to implement it.

Professor Hickie from the Brain and Mind Research Institute said of our mental health resources—

**The SPEAKER:** Order! The House will come to order. The Leader of The Nationals and the member for Murrumbidgee will stop interjecting.

[*Interruption*]

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

**Mr MORRIS IEMMA:** Yes, Andrew, I know that you do not support the subacute mental health unit being built at Coffs Harbour hospital, but despite your total lack of support and that of your colleague the Leader of The Nationals, we will build and finish that subacute unit because we are committed to ensuring more infrastructure and better services, more compassion and support. The member might think it is funny but the families who are left to pick up the pieces after those who suffer mental illness do not find it funny.

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

**Mr MORRIS IEMMA:** As I was saying, Professor Ian Hickie of the Brain and Mind Research Institute had a few things to say about the mental health budget, including this:

The commitment to, and rollout of, infrastructure is terribly important.

It is good to see a leading clinician, researcher and teacher in this area understands what it is about. He is a passionate advocate, not a fool like the member, who sees it as something to laugh at. He can take his stupid comments in this area—

**Mr Adrian Piccoli:** Point of order: That is quite unparliamentary language. I know the Premier is getting quite excited but I ask him to withdraw that.

**The SPEAKER:** Order! I will listen further to the Premier. I remind all members that constant interjections lower the standard of debate.

**Mr MORRIS IEMMA:** I withdraw that term. Unlike the member for Coffs Harbour, who cannot see his way clear to support investment in mental health, the member for Lismore, who is sitting behind him, was there front and centre last week, particularly when the cameras were rolling, when we opened a new psychiatric hospital in Lismore. These are just some of the endorsements—

[*Interruption*]

Yes, I was there. You were begging me to come!

**The SPEAKER:** Order! The member for Lismore will cease interjecting.

**Mr MORRIS IEMMA:** I refer also to the Newcastle *Herald* endorsement and, indeed, the *Coffs Coast Advocate*, one of the papers in the electorate of the member for Coffs Harbour, which described the budget as a flaming success. The reason for that description was the emergency services budget—



**The SPEAKER:** Order! I remind the member for Coffs Harbour that he has been called to order three times.

**Mr Andrew Fraser:** I was answering his question.

**The SPEAKER:** Order! I ask the member not to answer the Premier's questions.

**Mr MORRIS IEMMA:** That was a description of the emergency services budget, not what other members thought it was about.

### SCHOOL MAINTENANCE FUNDING

**Mr ANDREW STONER:** My question is directed to the Premier. Given that his budget cut school maintenance funding by 5.5 per cent in real terms since 2002-03, why is he now offering teachers a cruel choice between a cut in real wages or a further run down in the maintenance of classrooms, halls, toilets and playgrounds?

**Mr MORRIS IEMMA:** John Maynard Stoner—professor of economics. This morning he told 2SM radio that Australia was in recession. When asked—

**Mr Andrew Stoner:** I did not say that.

**Mr MORRIS IEMMA:** This is from the Commonwealth budget. The Commonwealth budget, which was delivered not so long ago, predicted that real gross domestic product for the nation would be 2.75 per cent in 2008-09 and domestic final demand for the nation would be 3.75 per cent. Not a person in the nation, with the exception of the Leader of The Nationals, would think that that added up to a national recession.

**Mr Andrew Stoner:** Point of order: I hope that I can be heard above the fire brigade outside protesting about maintenance.

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

**Mr Andrew Stoner:** My point of order relates to relevance. The Premier is misleading the House. I told Grant Goldman that there was no recession.

**The SPEAKER:** Order! There is no point of order. The Leader of The Nationals will resume his seat.

**Mr MORRIS IEMMA:** The school capital budget totals \$733 million—an increase of almost 19 per cent in one year. That is on top of—

**The SPEAKER:** Order! I call the Leader of The Nationals to order. He has asked his question. He will allow the Premier to answer it.

**Mr MORRIS IEMMA:** Those same budget papers that were produced in Canberra not so long ago predicted inflation of around 3¼ per cent, with a 19 per cent increase in one year. The Leader of the Nationals concluded that that was a real cut. As I said, he is a professor of economics par excellence. Members might recall the \$120 million that was put into school maintenance about 18 months ago. In addition to what the Government is investing in school maintenance—a 19 per cent increase in one year—that will do about 1,300 projects this year. Only the Leader of The Nationals would conclude that a 19 per cent increase in one year equalled a real cut.

### CLIMATE CHANGE

**Ms CARMEL TEBBUTT:** My question without notice is to the Minister for Climate Change and the Environment. Can the Minister update the House on what the Iemma Government is doing to tackle climate change and protect the environment?

**Ms VERITY FIRTH:** The member for Marrickville, who takes an ongoing interest in the environment, asked an important question. This year's budget delivered a record investment of almost \$1 billion to protect the environment and tackle climate change. This Government is a government that delivers on its

environmental commitments. This budget will make New South Wales more sustainable, protect our precious natural environment, and help to prepare our community for the impacts of climate change. Among this budget's highlights is the 40 per cent increase in funds for crucial water flows to our rivers and wetlands. The Iemma Government will increase flows to our stressed rivers, with \$137.4 million for environmental water purchases.

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

**Ms VERITY FIRTH:** As all members know, the Murray-Darling Basin has been suffering extreme stress from the terrible and ongoing drought.

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

**Ms VERITY FIRTH:** These water purchases will help to support the long-term health of these vital wetlands and rivers. Boosting river health means long-term sustainability for our farming and regional communities and good news for the environment. National parks obviously are another area of important and major new investment. Labor is committed to protecting and expanding our national parks system. Managing the bushfire risks posed by climate change is one of the biggest challenges for every land manager in Australia. The Government is preparing for a hotter, drier future with more frequent and intense bushfires. We will invest \$30 million over the next four years to upgrade firefighting services in our 6.6 million-hectare national park network. We will include an extra \$4.7 million a year for fire trail maintenance, new firefighting equipment and training, and \$16.4 million to upgrade vital radio networks covering some of the most remote national park areas of the State.

**The SPEAKER:** Order! The member for Wakehurst will resume his seat, and so will the Leader of the Opposition.

**Ms VERITY FIRTH:** A further \$8.2 million will also be spent upgrading facilities within our national parks. The Government has also devoted \$14.3 million over four years to continue to connect Aboriginal communities to their country through joint management of national parks. These programs provide economic opportunities for Aboriginal communities as well as advancing the conservation of protected areas. Other major budget initiatives include \$13.25 million to assist local councils to improve recycling services and help communities cut waste going to landfill; \$3.5 million for high-resolution satellite imagery to help stamp out illegal clearing and assist in coastal and wetland management; and \$4 million to crack down on illegal dumping. Unlike those opposite, the Iemma Government recognises that the biggest environmental challenge it faces is climate change.

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

**Ms VERITY FIRTH:** In the coming financial year, spending from our landmark Climate Change Fund will reach \$90 million.

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

**Ms VERITY FIRTH:** The Climate Change Fund helps families, schools, community organisations and businesses save water and improve their energy efficiency. Already we have seen strong uptake from the community, with more than 20,000 rebates issued to households in New South Wales for the installation of energy- and water-efficient services. The community clearly wants to play its part in tackling climate change, and the Iemma Government's Climate Change Fund is giving it the assistance it needs to do just that. We are working hard on delivering energy-efficiency strategies, renewable energy development and the Government's Climate Action Plan, which will help communities prepare for the changes that we already know will come. We are delivering. In contrast, Opposition members have their heads firmly in the sand when it comes to climate change—an important point to make. I want to set the context for that comment.

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

**Ms VERITY FIRTH:** Research shows that community concern about climate change has doubled in the past year.

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

**Ms VERITY FIRTH:** It also shows that the community is incredibly supportive of strong action on climate change, the sort of action that we are taking in New South Wales, and the sort of action that is being taken federally. I thought I would draw to the attention of the House what the shadow Minister, the member for Goulburn, thinks about climate change. Let me elucidate her views on climate change. She called in to the Alan Jones radio program and said that we should not be talking "about global issues in which Australia can play very little part." She has already given up the fight; she does not even want to talk about this issue. In relation to reducing greenhouse gas emissions, the member for Goulburn said:

Even if we did all of these things at an incredible cost to the Australian economy ... it would make no difference to the world.

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

**Ms VERITY FIRTH:** What an extraordinary position for a spokesperson on climate change to have.

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

**Ms VERITY FIRTH:** Among the developed nations, Australia is the second highest emitter per capita of greenhouse gas emissions in the world. If we do not do something, what country will? The shadow Minister warned about the danger of us being reduced back to a mediaeval standard of living. The member for Goulburn appears to be channelling John Howard in this debate. She is adopting a head-in-the-sand attitude to climate change and condemning Australia to a reputation as environmentally isolationist in background.

Over many years that has been the Opposition's consistent position in relation to climate change. It is about time that it joined the party. It is about time that it realised that, thankfully, Kevin Rudd, like the New South Wales Labor Government before him, is serious about tackling climate change and has put Australia firmly on the map as a leader on this issue. This is real, it is happening now and it is about time that Opposition members took their heads out of the sand and supported the Government on these vital initiatives.

#### NEW SOUTH WALES MARITIME FUNDING

**Ms GLADYS BEREJIKLIAN:** My question is directed to the Minister for Ports and Waterways. Given the Minister's announcement of increased New South Wales Maritime patrols to enforce long-overdue changes to maritime safety, can he now explain why this year New South Wales Maritime funding has been cut by 4 per cent?

**The SPEAKER:** Order! I remind a number of members that they are on calls to order.

**Mr JOSEPH TRIPODI:** The job of improving safety is never complete; it is an ongoing task. That is why the Iemma Government has continually improved safety requirements on the harbour and across the State. In 2005 we toughened the test to get a boating licence. In 2006 we made it compulsory to complete a boating safety course prior to obtaining a licence. In 2007 the Government introduced a speed limit of 15 knots in the vicinity of the Harbour Bridge and prohibited drifting in the vicinity of the bridge. Today I announced major reforms to marine safety laws. New and increased penalties, including jail terms and fines, will apply for navigating dangerously, overloading a vessel, endangering public safety and driving—

**Ms Gladys Berejiklian:** Point of order: My point of order is relevance.

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

**Ms Gladys Berejiklian:** I specifically asked the Minister why he cut funding for maritime services by 4 per cent. He is failing to address that issue.

**The SPEAKER:** Order! That is not a point of order. The Minister may continue.

**Mr JOSEPH TRIPODI:** New South Wales Maritime and Water Police officers will be given new powers to direct skippers and enforce boating safety laws. They will have a mandate to suspend registration immediately when vessels are operated outside the law, including operating at night with insufficient lighting. Boat licence requirements will be strengthened by requiring practical boating experience before a licence is issued. New South Wales Maritime night-time patrols will increase, with blitzes on vessel lights. Night patrols

on Sydney Harbour will increase by 100 per cent from 15 per cent to 30 per cent of nights covering the pre-dawn and post-dark periods, and the three hours either side of midnight. This will be in addition to regular patrols and incident responses conducted by the New South Wales Water Police.

This is the biggest overhaul of marine safety practices in more than a decade. These new measures will introduce and strengthen the safety culture of New South Wales waterways. This reform package is not just about punishment; it is also about prevention. Our education program will continue to build awareness of the safety precautions everyone should take while enjoying our waterways. New South Wales Maritime will renew its focus on boating education, targeting lifejackets, skipper responsibility, offshore sailing training, boating near electrical crossings, and behaviour in dangerous conditions such as crossing bars. Together with these reforms, today I released New South Wales Maritime's formal response to the Office of Transport Safety Investigations' reports on collisions between the *Pam Burridge* and the *Merinda* and the collision involving the *Dawn Fraser* and a dinghy in Walsh Bay.

**The SPEAKER:** Order! The member for Upper Hunter will cease interjecting.

**Mr JOSEPH TRIPODI:** These incidents were not the catalyst for today's announcements, but they influenced the changes that have been announced.

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

**Mr JOSEPH TRIPODI:** The response to the Office of Transport Safety Investigations' reports outline measures taken as a direct response to these incidents and ongoing work to prevent similar incidents. The vast majority of boaters act safely and within the law. In 2006-07 more than 41,000 vessels totalling 19 per cent—almost one in five—of all registered vessels were pulled over by a New South Wales Maritime boating service officer for random safety checks. Compliance rates from these spot checks over the past year were at 91 per cent, which indicates boaters generally are more responsible.

**Ms Gladys Berejiklian:** I tried to be extremely patient and I listened intently for the Minister to get to the answer. The question is: Why has the Minister cut funding for maritime services, given what he is saying, by 4 per cent in yesterday's budget? Answer that question.

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

**Ms Gladys Berejiklian:** I note when I took a point of order previously that no ruling was given. I now ask you to direct the Minister to answer.

**The SPEAKER:** Order! I did give a ruling: I indicated that it was not a point of order because the Minister's answer was relevant to the question asked. However, I draw the Minister's attention to the time he has taken in his answer.

**Mr JOSEPH TRIPODI:** It is very relevant because this indicates that New South Wales Maritime has more than enough resources to address the safety issues on New South Wales waterways. Our overall safety record is strong. In the past 15 years boat registrations in New South Wales have nearly doubled and licence numbers have increased by 50 per cent, while fatal incidents have fallen proportionately. We will never rest when it comes to safety. We will always work on improving safety initiatives and the safety message.

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

**Mr JOSEPH TRIPODI:** Today's reforms show that the Iemma Government continues to deliver on its promises to ensure safety on our waterways.

#### WATER INFRASTRUCTURE AND SERVICES

**Mr FRANK TERENCE:** My question is addressed to the Minister for Emergency Services, and Minister for Water. Can the Minister inform the House about how the Iemma Government's budget will strengthen the delivery of water infrastructure and services to the community?

**Mr NATHAN REES:** I commend the member for Maitland for his longstanding interest in this most important matter. This year's water budget is a record \$2.1 billion. I am pleased to inform the House that it delivers on our election commitments in buckets.

**Mr Chris Hartcher:** In buckets?

**Mr NATHAN REES:** I thought that might have been too subtle! We are securing Sydney's water supplies for future generations through massive investments in recycling projects for industry, the environment and new residential housing projects, stormwater harvesting and water-saving projects under the Metropolitan Water Plan. We are building Sydney's desalination plant, which will provide 250 million litres of drinking water each day: 100 per cent renewable energy. That project is slightly ahead of schedule and under budget. We are investing \$25 million in the first year on the construction and planning for Tillegra Dam—a project that will drought proof the Hunter and Central Coast for 60 years. Before the last State election in his press release dated 22 January 2007 about the Tillegra Dam the member for Terrigal said:

It would help them to drought proof the Central Coast within three years.

That is a ringing endorsement from just over 12 months ago. More recently, in April this year the member for Terrigal said:

We do not need Tillegra Dam.

The project is supported strongly by Dungog council because it will be an economic bonanza for the area: it will revitalise the town, bring in tourists and businesses, and guarantee the water supply for the Hunter and the Central Coast. More than \$100 million will be invested in country water infrastructure, providing better services in our regional centres, country towns and rural villages. The country town's water supply scheme has had more than \$1 billion invested in more than 340 projects benefiting to date more than one million people in rural and regional New South Wales. With this budget we are furthering this commitment with \$52 million in funds for 2008-09. The President of the Shires Association of New South Wales, councillor and Mayor of Cowra, Bruce Miller, has welcomed this decision. He said:

Many rural and regional communities depend on this funding to maintain their local infrastructure, so we welcome the Government's ongoing commitment.

This scheme will fund major water projects in the Manning District, in which the members for Myall Lakes and Port Macquarie might be interested, and also in the Clarence and Coffs Harbour regions. Further to the Premier's remarks, I advise that we are augmenting emergency services in Coffs Harbour with 16 additional firefighters and \$600,000 worth of works to the fire station in recognition of the Premier's efforts. The Eurobodalla shire will benefit from the scheme. Bonalbo, which is in the member for Lismore's area, Bega Valley, Scone, Aberdeen, Urbenville and Woodenbong also are locations to benefit from the Treasurer's budget.

We are funding major sewerage schemes for Currarong on the South Coast, Clarence Town in the Upper Hunter, Tullamore and Trundle at Dubbo, Taralga in the member for Goulburn's electorate and Manildra in the Orange electorate. I could go on and provide other examples. For State water we are spending more than \$11 million to upgrade seven major dams to better protect communities downstream in major floods. They are the Blowering Dam near Tumut, the Burrendong Dam near Wellington, the Copeton Dam near Inverell, the Chaffey Dam near Tamworth, the Keepit Dam near Gunnedah, the Split Rock Dam near Manilla and the Wyangala Dam near Cowra.

In Sydney's water catchment area, major upgrade projects are underway to improve our dams and environmental performance. The Government has invested nearly a quarter of a billion dollars over the past decade in the Warragamba Dam, including an upgrade of the entire electrical lighting and communications system and the provision of a new visitor facility, new accommodation for 50 operational staff, an incident room, and an operational control room. The Government is also spending \$6.5 million this year on the Cataract, Cordeaux, and Nepean dams as well as local weirs to allow the release of environmental flows. That work is due for completion in 2009.

Through Sydney Water the Government will invest a massive \$1.9 billion in this year's budget—its biggest-ever capital expenditure program—by investing in recycling, stormwater harvesting, water saving projects and desalination to drought proof Sydney for the next half a century. We already have Australia's largest recycling projects and we will continue to invest in recycling with a target of 70 billion litres of recycled water a year by 2015.

The Government's huge investments in water infrastructure deliver on commitments to secure the State's water supplies for the future. Investment in vital regional and rural water infrastructure will safeguard key water services to local communities and industry while better protecting communities in times of flood. Our investment in vital urban water infrastructure will secure our future at a time of growing population, climate change and increasingly variable rainfall.

## **RURAL AND REGIONAL TASK FORCE**

### **ELECTRICITY INDUSTRY PRIVATISATION**

**Mr ADRIAN PICCOLI:** My question is directed to the Premier. Is his decision not to fund any of the recommendations of the Rural and Regional Task Force, unless the House supports his plan to privatise electricity, an unethical attempt to blackmail the people of country New South Wales?

**Mr MORRIS IEMMA:** The answer to the two-part question is: No. No. I have made it very clear that the Government will provide a response to the Rural and Regional Task Force. There are matters in the budget that relate to rural infrastructure that has been funded. The Treasurer and I made it clear yesterday, in response to a question asked in this House by the Opposition, that the Government would provide a response to the Rural and Regional Task Force, and the Government has never made any bones about the fact that an infrastructure statement would be made. The Treasurer confirmed that at the media conference about the budget. The indication was that the Government would make a statement about further infrastructure investment related to electricity. The Government will make a statement in response to the Rural and Regional Task Force: No, and, no.

### **DISABILITY SERVICES**

**Ms LYLEA McMAHON:** My question is addressed to the Minister for Ageing, and Minister for Disability Services. Will she update the House on the Iemma Government's efforts to improve services for people with a disability and their families?

**Ms KRISTINA KENEALLY:** I thank the member for Shellharbour for her question and for being an advocate for people with a disability in her electorate since being elected. On the day that Morris Iemma became the Premier, he committed himself and his Government to improving services for people who have a disability and to providing the long-term health and practical support that people with a disability, their families, and carers want and need. The budget delivers on that commitment.

The Government is fully funding the third year of a program, Stronger Together, and will provide a 6.9 per cent increase in disability services. I am pleased to advise the House that there will be a 7.5 per cent increase in disability funding for rural and regional New South Wales. In 2008-09 rural and regional New South Wales will command 46 per cent of disability services funding. For the first time in this State, disability services funding will top \$2 billion.

The budget has been well received. Just today the President of National Disability Services NSW, Mr Patrick Maher—a name that might be familiar to some members opposite—welcomed the announcement of the budget and said it would ensure the continuation of the rollout of Stronger Together. Mr Maher went on to say:

In its budget submission NDS called for the NSW Government to enhance its multi-year funding through Stronger Together to respond to current and future demand for services, and ... [NDS] believes its call was heard.

That is a good endorsement for our program, Stronger Together, and a good endorsement for our budget. With increased funding for disability services, we are providing capital works for services—today, and for the long term. Under this year's budget, capital works funding increased to \$115 million, which is an 80 per cent increase in capital works funding for disability services from last year. With that increase we are building more supported accommodation in the community with \$35 million provided for new group homes. That will provide a home in the community for 280 people in 2008-09. We are building the Grosvenor centre in Summer Hill. I thank the member for Drummoyne and the member for Strathfield for their support for the Grosvenor centre, which will provide 10 respite beds and supported accommodation for 20 people who have complex medical needs.

**Ms Virginia Judge:** Thank you, Minister.

**Ms KRISTINA KENEALLY:** I thank the member for Strathfield. As a first for New South Wales, we are also building a residential aged care facility for people who have an intellectual disability. The facility will accommodate 100 people who will have a place in that residential aged care facility. The member for Wyong has been a strong supporter of the facility. Just last week he assisted in announcing 20 beds for 20 younger people with an intellectual disability who will have a home in the community in nearby Waldalba. These improvements represent a significant expansion in the Government's provision of support accommodation. We also invest in services that support families through our Intensive Family Support Service.

**Mr Brad Hazzard:** Oh!

**Ms KRISTINA KENEALLY:** Members opposite may not be interested in these types of services, but members on the Government side of the House are interested in how the Government supports families. Our Intensive Family Support Service is an innovative service that supports people who have families at risk of breakdown. We do that because we can best support a child with a disability if we support the family around the child. Last year when I visited the Northcott Drive services in Nepean with the member for Penrith, we met people who deliver that service. They spoke about practical support and counselling—the real help that our Intensive Family Support Service is delivering to 400 families this year.

I am also pleased to announce to the House that the Commonwealth Government is endorsing our plan for improved disability services. At a Ministers meeting last week, the Commonwealth Government came good on its commitment to inject \$900 million into disability services across Australia. For New South Wales, that means \$303.5 million for disability services over four years. That is new money, or additional money, that will be directed to disability services. The Commonwealth Government is also coming good on a commitment made by the Prime Minister for supported accommodation capital works to the tune of \$100 million across Australia. For New South Wales, that means \$33.7 million for capital works on top of the \$150 million capital works budget, bringing to a historical level capital works funding for disability services in this State.

Carers NSW probably put it best in welcoming the agreement between the Commonwealth and the State when it announced that the agreement between the Australian and State governments is "excellent news for the hardest working families of all." That is a sentiment with which all of us could agree. We will continue to expand therapy services, with 840 new therapy places being introduced in 2008-09. That will provide children and adults with more speech pathology, more occupational therapy and more physiotherapy. We are providing 100 case managers who will come on line in mid-2008 to ensure that families get the help they need when they need it.

Our post-school programs incorporate the highly successful Transition to Work program which has resulted in 70 per cent of school leavers with an intellectual disability going on to paid employment or higher education. The programs will expand this year. Some 1,000 new school leavers join Transition to Work and our community participation program. That will help us to meet our State Plan target by increasing the number of people with a disability who are in paid employment and the number of people with disability being able to obtain access to the community.

I am also pleased to advise the House that for the third consecutive year the Iemma Government will pay an indexation rate of 3.3 per cent to non-government organisations that fund employment under the Social and Community Services Award [SACS]. For the third consecutive year we are providing an indexation rate of 3.3 per cent and we are funding the wage rise of the SACS award while supporting non-government workers who are delivering services to people with a disability. We have 120 disability services workers—

**The SPEAKER:** Order! Members will cease injecting. Members who have been placed on calls to order are now deemed to be on three calls. I will not hesitate to have members escorted from the Chamber.

**Ms KRISTINA KENEALLY:** Those opposite may not understand that it is important to make a plan, make commitments to people with a disability and their families and carers and then deliver on them. Those opposite have not one plan, not one policy and not one idea for disability services. They have made not one commitment. They do not value people with a disability. They must understand the importance of making a commitment and delivering on it. This is the third year the Government has fully funded our Stronger Together plan, which has been welcomed by the disability sector and by people with a disability and their families and carers.

**Mr Andrew Constance:** So the *Sydney Morning Herald* got it wrong?

**Ms KRISTINA KENEALLY:** I know that the member for Bega—

**The SPEAKER:** Order! I ask the member for Bega to put the clipping away. He is on a call to order.

**Ms KRISTINA KENEALLY:** The *Sydney Morning Herald* noted our historic commitment to disability services under Stronger Together and our \$1.3 billion plan. Patrick Maher, the head of National Disability Services New South Wales, has welcomed our budget. Carers New South Wales has welcomed our agreement with the Federal Government. We are delivering real help—long-term practical support—to people with a disability and their families and carers, and we will continue to meet our commitments.

## GRAIN HAULAGE

**Mr PETER DRAPER:** My question is directed to the Deputy Premier. Will the Minister update the House on progress with negotiations to ensure that grain grown by farmers in the north-west will be able to travel by rail to the Newcastle port, and related matters?

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

**Mr JOHN WATKINS:** I thank the member for Tamworth for his question and commend him for his ongoing interest in this most important matter. For the benefit of the House, the Leader of The Nationals weighed into the grain haulage debate on 7 May when he issued a press release, which thundered:

The issue of grain transport is a major concern for the people of the North West.

The State Government needs to come up with a rescue package for grain haulage on branch lines throughout the North West.

NSW Transport Minister John Watkins needs to get together with Pacific National, NSW Farmers Association and local government representatives in the region.

This is a major economic concern for people in Tamworth and surrounding towns. The Iemma Government must act now to resolve this crisis.

For a change, I agree with the Leader of The Nationals, as does the member for Tamworth. In fact, on 5 May—two days before the Leader of The Nationals weighed into the debate—the Government made a significant announcement about the haulage of grain. We announced an extra \$45 million in funding for country rail infrastructure, including an extra \$30 million in 2008-09 for the branch line network, as well as the grain lines. The other significant announcement was that Pacific National and GrainCorp had reached an agreement to continue grain haulage by rail, securing investment in grain transport by rail in rural New South Wales. This agreement ensures the haulage of export grain by rail to ports such as Port Kembla and Newcastle. That announcement was not missed by all members of The Nationals. In fact, one day before his leader issued his press release calling for action, the member for Barwon—our old friend—issued a media release on the subject, acknowledging that the problem had been resolved. In fact, some people might read his press release as praising the Government. For the benefit of the House, on 6 May the member for Barwon said:

The future of export grain haulage in NSW has been injected with some stability, with the Government—

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129. The question did not refer to press releases or media statements. When the member for Tamworth asks a question given to him by the Government he should at least have the decency to edit it and leave out the words "and related matters." If that is not a set-up question I have never heard one.

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

**Mr JOHN WATKINS:** The member for Barwon knew that the Government had solved the problem but that goose opposite did not. The Leader of The Nationals did not have the faintest idea what was happening west of the Blue Mountains.

**Mr Andrew Fraser:** Point of order: It is customary for members in this place to address other members by their proper titles. I ask you to direct the Minister to withdraw his comment and to address other members appropriately.

**The SPEAKER:** I uphold the point of order and ask the Deputy Premier to refer to members appropriately.

**Mr JOHN WATKINS:** I withdraw, Mr Speaker. I got carried away. The member for Barwon also suggested that there needed to be consolidation and consideration of the future of branch lines. Both the Iemma and the Rudd governments have heard that call. The Iemma Government is already discussing the long-term future of branch lines with the Federal Government through the Grain Rail Task Force.

**Mr Andrew Stoner:** Point of order: Standing Order 130 refers to a member not debating the matter to which the question relates. The Deputy Premier is doing that. My press release to which he referred is dated 2 May not 5 May. He is misleading the House.



**The SPEAKER:** Order! The Leader of The Nationals will resume his seat.

*[Interruption]*

**The SPEAKER:** Order! I place the Leader of The Nationals on three calls to order.

**Mr JOHN WATKINS:** I was very pleased when the Federal Government set aside \$3 million in this year's budget to support the Grain Rail Task Force.

**The SPEAKER:** Order! I remind the Leader of The Nationals that he is on three calls to order.

**Mr JOHN WATKINS:** We look forward to the work of that task force and to the resolution of the long-term problem of grain haulage—which is something that concerns most Nationals west of the Blue Mountains if not those on the coast.

### **ABORIGINAL COMMUNITIES MENTAL HEALTH SERVICES**

**Mr TONY STEWART:** My question is addressed to the Minister Assisting the Minister for Health (Mental Health). Will the Minister update the House on the Iemma Government's delivery of better mental health services and programs for Aboriginal communities?

**Mr PAUL LYNCH:** The Iemma Government is investing \$1.1 billion in 2008-09 to deliver better mental health services and infrastructure. This budget delivers an additional \$41 million on last year's budget. The 2008-09 mental health budget will expand the range of services, and includes \$6.85 million over two years to expand 24-hour community mental health emergency care; \$3.1 million to recruit an additional 16 clinicians to expand the Mental Health Community Rehabilitation Program; \$2.1 million to enhance specialist mental health services for older people; \$2.6 million for the expansion of child and adolescent mental health services; \$9.4 million in additional funding to open new mental health facilities, including the Concord Child and Adolescent Mental Health Unit; and \$300,000 for eating disorders to support inpatient treatment in both psychiatric and medical services and to expand community-based care, including support for families of people with eating disorders.

In addition, mental health facilities have also received a major boost through the budget. We are investing \$39 million in capital projects in 2008-09, delivering on our State Plan priority to improve access to quality health care. Major mental health capital works funding in 2008-09 include \$12.8 million for non-acute mental health units at St George, James Fletcher and Coffs Harbour hospitals, as well as \$5.9 million to complete such units at Sutherland and Shellharbour hospitals; \$8.3 million to start construction on the Mandala Mental Health Unit at Gosford Hospital; \$3.8 million to advance new psychiatric emergency care centres at Prince of Wales Hospital and Wollongong Hospital; \$577,000 for the completion of the Illawarra Older Persons Mental Health Unit at Wollongong Hospital; and \$7.3 million towards child and adolescent mental health services at Sydney Children's Hospital and Shellharbour Hospital.

It is pleasing to note the support that this funding has received from experts in the field, particularly from Professor Ian Hickie, Director of the Brain and Mind Research Institute at the University of Sydney. He has made some comments that are very supportive of the allocations. The Government is also investing a significant amount—\$15.2 million over four years—in the very successful Housing and Accommodation Support Initiative [HASI] in addition to previous expenditure. It commences with \$1 million in 2008-09. One of its primary aims is to develop culturally appropriate mental health services for Aboriginal people. The Housing and Accommodation Support Initiative has been an extraordinarily successful program but it has not targeted as accurately as it should members of the Aboriginal community, and that is being resolved in this budget.

There are a significant number of other additional features in the Aboriginal Affairs budget, including: \$6.3 million over three years to build water and sewerage infrastructure in 22 communities, and \$29.9 million over four years to provide ongoing support for the operation, maintenance and monitoring of water and sewerage systems; \$22.9 million over four years to combat child sexual abuse through the expansion of the Safe Families Program in the Orana Far West region; \$19.6 million for housing and environmental health work under the Aboriginal Communities Development Program; \$1.9 million to provide project officers for 40 communities; and \$687,000 to deliver job compacts and Aboriginal languages and to support significant cultural events. The Government is committed to closing the gap on Aboriginal disadvantage and it is working towards that partly as a result of this budget. The mental health allocations to which I have referred will provide the facilities and services that those suffering from mental illness and their families are entitled to expect.

**Question time concluded.**

## PETITIONS

### **Pymont to Town Hall Bus Service**

Petition requesting a 10-minute bus service between Pymont foreshore via Broadway to Town Hall, received from **Ms Clover Moore**.

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

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

### **CountryLink Pensioner Booking Fee**

Petitions requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mrs Shelley Hancock** and **Mr John Williams**.

### **Pensioner Excursion Bus Tickets**

Petition requesting that South Coast pensioners be able to access the \$2.50 pensioner excursion ticket for bus travel, received from **Mrs Shelley Hancock**.

### **South Coast Rail Services**

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

### **South Coast Rail Line Facilities**

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.

### **Public Library Funding**

Petitions requesting increased funding for public libraries, received from **Mr Daryl Maguire** and **Mr John Turner**.

### **Alcohol and Drug Services**

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

### **Tumut Renal Dialysis Service**

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

### **Hornsby Area Haemodialysis**

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

### **Shoalhaven Mental Health Services**

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

### **Breast Screening Funding**

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mr Steve Cansdell**.

**Lismore Base Hospital**

Petition requesting satisfactory commencement and completion date for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Steve Cansdell**.

**Culburra Policing**

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

**Rural and Regional Police Resources**

Petition calling for allocation of more police resources to rural and regional communities throughout New South Wales, received from **Mr Steve Cansdell**.

**Grafton Bridge**

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

**Falls Creek Traffic Arrangements**

Petition requesting consultation with residents concerning the intersection of the Princes Highway and Parma Road, Falls Creek, received from **Mrs Shelley Hancock**.

**Pet Shops**

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

**Sow Stalls**

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

**Drought Relief Worker Job Protection**

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

**Queensland Fruit Fly Eradication**

Petition requesting funding for local councils to conduct fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

**Shoalhaven River Water Extraction**

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

**Electricity Infrastructure**

Petition requesting the retention of the infrastructure and systems for generating and retailing electricity as public assets, received from **Mr Steve Cansdell**.

**Navigation Lights**

Petition asking for the enforcement of rules governing navigation lights on vessels using Sydney Harbour, received from **Mr Donald Page**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Notices of Motions (General Notices) Nos 1 and 11 withdrawn by Ms Marie Andrews.**

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Central Coast and Hunter Budget Expenditure

**Mr DAVID HARRIS** (Wyang) [3.22 p.m.]: It is important to keep a promise, to deliver important services to families and to meet the needs of a growing community. That is why this motion deserves priority. For the people of the Central Coast and the Hunter—two very important regional areas experiencing high levels of growth—this budget delivers. For our region, confidence breeds success. It is absolutely vital that our communities understand the Government's recognition of the importance of our regions that grow and provide economic and social benefits to New South Wales. This budget delivers on health, education, roads, law and order and community services for the people of the Hunter and the Central Coast. This motion deserves priority because the Hunter-Central Coast is the biggest populated area outside the Greater Sydney Region. This budget delivers significant benefits to our regions whether it be record spending in health, education or transport or whether it be the provision of important services such as social housing, community services, police or emergency services. Our communities deserve recognition of their importance to New South Wales, as has been highlighted through the contents of the budget. Members opposite, particularly the member for Terrigal, should support this motion.

Government members do not use photocopier-based economics. We produce sound economic policy to support regional areas. This motion recognises this Government's commitment to its important regions. Australian Labor Party members who represent those regions work tirelessly to ensure that the needs and wants of their communities are represented. They do it with commitment and passion. They diligently push forward the concerns of their community. This year's budget recognises their hard work and demonstrates how they have delivered significantly for their communities. I also include the hard-working member of Terrigal, who would be pleased about the upgrade to Pretty Beach Public School, which I am sure he will talk about.

**Mr Chris Hartcher:** I was just on the radio talking about it. It is not in the budget papers.

**Mr DAVID HARRIS:** I look forward to the member for Terrigal supporting the motion. This motion is important and deserves priority. I commend the motion to the House.

### Public Sector Wages

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.23 p.m.]: No matter what the member for Wyong said, the member for Terrigal knows that front-line workers in the public service—nurses, teachers, police, firefighters, ambulance officers or others who live on the Central Coast and serve the Central Coast and the city—are being made to pay for this State Government's waste and mismanagement. That is why the member for Terrigal and other members of the Opposition will argue that my motion should have priority. During Question Time we were almost drowned out by the sounds of sirens in Macquarie Street. There were about 10 fire engines and any number of firemen protesting about their anger and frustration at Government threats to cut their wages. People that we rely upon in emergencies feel undervalued because the Government will not ensure that their salaries keep pace with the cost of living. Those issues are relevant on the Central Coast, in Sydney and across the State.

It is not as if the State has not had record revenues. When I was first elected the State's budget was \$20 billion. Last year it was \$45 billion. Over the past 13 years the State Government has raised more than \$17.5 billion in revenues over and above what was anticipated. It is the equivalent of winning \$1 billion in Lotto each year, but what does it have to show for it? Do we have improved services and infrastructure? Do we have the world's best schools? Do we have the world's best public transport system? Do we have the world's best roads? Do we have a properly functioning community services department? Are our hospitals in crisis? What is the response of the Government? The Government's response in its fourteenth budget is to provide its front-line workers with the unpalatable choice: take a pay cut, reduce wages in real terms—in other words do not have wages keep pace with inflation or, if wages do keep pace with inflation, lose resources in the workplace.

A nurse in a hospital in the electorate of Mr Speaker, one in the Royal North Shore Hospital or in any other hospital cross the State, works under incredible pressures. There is no shortage of nurses and midwives in New South Wales: it has more than 100,000 registered nurses and midwives. Yet only 38,000 of them are prepared to work in the public health system. Why? Because they are underresourced and work under enormous pressure. The Government has stated with this budget that if the hospital workers want wages to keep pace with the cost of living they will have to put up with cuts—in wards or emergency departments or in hospitals generally.

**The SPEAKER:** Order! The member for Bathurst will cease interjecting.

**Mr BARRY O'FARRELL:** That is simply unacceptable for nurses, police, the firemen who were in Macquarie Street today, and for any front-line worker. For 13 years Labor has mismanaged the State's finances. It has wasted money in the good times and we are now about to max the State's credit card, a credit card that will cause interest rates soar for future generations. It is either feast or famine. But there are crumbs for families and emergency workers, and other front-line staff cannot even get a seat at the table.

**The SPEAKER:** Order! The member for Bathurst will cease interjecting.

**Mr BARRY O'FARRELL:** This Government rode to victory at the last election with the false claim that we on this side of the House were in the business of cutting front-line jobs. No matter how many times the member for Vacluse said that that was not true, the Government promoted the great lie that we were going to cut nurses, teachers, police.

**Mr Gerard Martin:** They believed us. Why would they believe you?

**Mr BARRY O'FARRELL:** They believed that in part because the union movement in each of those areas was prepared to get behind the Labor Party.

**The SPEAKER:** Order! Members on the Government benches will remain silent.

**Mr BARRY O'FARRELL:** That is not what they are saying today, and it is not what nurses and other front-line workers in our hospitals, in our police stations and in our fire departments and elsewhere across New South Wales believe. They understand that the real enemy of front-line workers and families in this State, those who are responsible for the financial mismanagement of this State that produces unenviable choice, are those opposite—the Iemma Government.

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

**The House divided.**

**Ayes, 49**

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

**Noes, 38**

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

**Pairs**

Ms Burton  
Ms Gadiel

Mrs Hopwood  
Mr Stokes

**Question resolved in the affirmative.**

**Motion agreed to.**

**CENTRAL COAST AND HUNTER BUDGET EXPENDITURE****Motion Accorded Priority**

**Mr DAVID HARRIS** (Wyang) [3.38 p.m.]: I move:

That this House:

- (1) Congratulate the Iemma Government for delivering improved services and investing in infrastructure on the Central Coast and in the Hunter;
- (2) Applaud the Government for delivering record investment in services on the Central Coast and in the Hunter; and
- (3) Congratulate the Premier on introducing a cut to payroll tax, which will help create investment and more jobs on the Central Coast and in the Hunter.

The budget delivers on the Iemma Government's commitments to the people of New South Wales given at the March 2007 election. The budget delivers \$58 billion in capital works programs, \$13.3 billion in health, \$11.8 billion in education, and cuts to payroll tax equal to \$1.9 billion—all record amounts. The budget has done that while providing an operating surplus of \$267 million. It is the second budget since the election in which the Government has demonstrated strong fiscal responsibility while delivering new infrastructure and improving services for the people of New South Wales. I am very pleased to say that the Central Coast and Hunter regions have been big beneficiaries in this budget. My hard-working colleagues the member for Gosford and the member for Newcastle—

**Mr Chris Hartcher:** And the member for Terrigal!

**Mr DAVID HARRIS:** I have already given the member for Terrigal a mention. My colleagues will further enlighten the House on the impressive achievement of delivering better services and infrastructure for the people of our regions. I wish to talk broadly about the Central Coast but focus on the exciting budget news for my electorate of Wyong. The Hunter, which the member for Newcastle will talk about, has received a record \$1.622 billion for infrastructure and investment spending. That is a very impressive amount and, again, a record figure. On the Central Coast we have received a record \$265.7 million in this budget, which will help deliver better services and greater investment in health, education, roads and transport infrastructure programs. This is nearly 3 per cent, or \$7.5 million, more than last year and builds on the Iemma Government's strong commitment to the Central Coast region.

Over the four years since 2005-06 the budget for the Central Coast has more than doubled. It is a staggering increase of \$134 million. This statistic strongly demonstrates the commitment to our region. It also shows the Government is listening to the community, particularly when one understands where the record funds will be spent. Roads on the Central Coast are again the big winners in this year's budget, with a record \$114 million allocated as part of the Iemma Government's commitment to upgrade the region's busiest arterial roads. This is a massive 43 per cent increase in funding, up from \$79.5 million last year. That is on top of a 60 per cent increase on the previous budget and represents a 100 per cent increase in funding for roads on the Central Coast over the past two years.

Across the Central Coast \$65 million is provided for major road infrastructure programs, \$21 million for maintaining existing roads, and \$26 million to improve road safety and traffic management. I am pleased to announce that my electorate of Wyong will receive approximately \$75 million in this budget to cover capital works as well as items such as road and rail maintenance expenditure, grants and subsidies provided by the Roads and Traffic Authority and the transport Ministry. This is strong recognition of a growing community and follows on the heels of the \$95 million upgrade of Wyong Hospital, an \$8 million new school at Hamlyn Terrace, and a new fire station also in Hamlyn Terrace. In my electorate the road budget includes \$20.9 million

in projects. In addition to the millions that will be spent locally on road safety improvements, the State Government will be launching initiatives that target speeding, drink-driving, fatigue and cyclist safety right across the Central Coast.

The Iemma Government is continuing to improve health services in Wyong shire by providing an additional 20 beds at Wyong Hospital and a further \$1.37 million to complete the hospital's redevelopment. An amount of \$13.57 million has been allocated for the development of a 100-bed aged care facility and 20-bed cluster accommodation to allow people with disabilities to integrate into the community.

The Premier and the Treasurer should be congratulated for introducing cuts to payroll tax. This will stimulate the local economy and encourage more jobs. The Central Coast suffers from higher than average unemployment and has the lowest median household income in New South Wales. Relief for local business will provide better opportunities for employment and will be essential as we move towards developing the Wyong Employment Zone, which has a potential 7,000 jobs, and the Warnervale township. This is on top of already implemented payroll tax incentives received in the region. The budget supports a number of other projects in Wyong, including \$9.8 million to build 40 new public housing homes; \$1 million to provide final funding for the construction of a new interchange at Tuggerah Railway Station; a new gymnasium at Gorokan High School; toilet upgrades at Tacoma and Wyong Grove public schools; \$7 million to begin work on the new Wyong police centre; and to continue planning for the new North Warnervale Railway Station. As soon as the township gets the go-ahead we hope to see that program started.

The Iemma Government is also spending a record \$47.6 billion on vital services such as funding for nurses and teachers, more police and new technology in schools. This funding will benefit my constituents as well as communities across the Central Coast and Hunter regions. This budget has increased the Government's investment in key capital works over the next four years to almost \$57.6 billion. This increase is 58 per cent higher than the previous four years. Whether it is better services or investment in infrastructure, the Iemma Government is meeting its commitment to the Wyong shire and delivering for the people of the wider Central Coast, the Hunter and across the State.

**Mr CHRIS HARTCHER** (Terrigal) [3.45 p.m.]: I move:

That the motion be amended by deleting all words after "That" and substituting the following words:

That this House:

1. Calls upon the Iemma Government to honour its promises and fund necessary infrastructure on the Central Coast and in the Hunter Valley, including roads, police stations, hospitals and schools.
2. Urges the Iemma Government to increase funding for job creation on the Central Coast and in the Hunter.

The member for Wyong in his very statistics laden address failed to look at the crucial promises that the Iemma Government made to the Central Coast and which this budget should have honoured, but fails to do so. Firstly, there is the one that the member for Wyong more than any other member in this House is well aware of. I refer to Kariong High School, about which the Minister for Education and Training, the Hon. John Della Bosca, gave a commitment prior to the last State election. It was repeated by the now Federal member for Robertson, Belinda Neal. In this budget, next to the allocation for Kariong High School there is a big zero. No money is allocated in the budget for Kariong High. I produce the paper. It refers to school education services, major works, Kariong High, to be constructed by 2010, and against it there is zero money for the school. Yes, that is a Iemma Government commitment!

Pretty Beach Public School, which the member promoted somewhat prematurely and mentioned in his opening remarks, was also the subject of a promise by this Government. The member for Wyong thought it was in the budget and whoever wrote his speech notes said it was. However, when one looks at the list for both new works and works in progress, there is no allocation for Pretty Beach school. I spoke to Central Coast radio on this very issue about half an hour ago and the children and staff of that school will be very disappointed that the Government has so far dishonoured this promise.

The next point relates to the member for Gosford, who is about to participate in this debate. The crucial promise given in the desperate attempt to shore up the member for Gosford against the outstanding campaign waged by the excellent councillor Chris Holstein was that the West Gosford road interchange where Manns Road, Brisbane Water Drive and the Pacific Highway meet would be upgraded at a cost of \$20 million to \$30 million. The Premier came up four days before polling day in an attempt to salvage the seat. How much

money is allocated for works for West Gosford interchange? Zero. All that we are going to get under this budgetary allocation for the West Gosford interchange are some pretty pictures in engineers' drawings. There is not a penny for works. Terrigal Drive, which is a major traffic gridlock in my electorate and similarly was going to be upgraded by the Government, also receives zero for remedial works and road widening.

Under this budgetary allocation, all that we got for Terrigal Drive was an announcement that some money would be allocated for planning, more engineers' drawings, more pretty pictures and more press conferences at which the Minister held up beautifully coloured photographs of what the road will look like in 10, 15 or 20 years time. But, best of all is Kincumber fire station. Money has been allocated in the budget for Kincumber fire station, but there is no station.

**Mr David Harris:** We are going to build you one.

**Mr CHRIS HARTCHER:** The member for Wyong said that the Government would build a fire station. No money has been allocated to build a fire station at Kincumber, but money has been allocated for staff at that station. This Government really knows how to organise a budget and this Government really looks after the Central Coast. The member for Wyong reeled off lots of figures to reveal the total amount of money that will be going to his electorate, but the crucial promise for Wyong was always going to be when the bypass would be constructed to alleviate a massive traffic gridlock along Tuggerah straight, along the Pacific Highway and through Wyong central business district. No money has been allocated for planning for that bypass road. Every day that the member for Wyong sits in this Chamber, that traffic gridlock through Wyong will continue. The member for Wyong has not achieved the one thing that the people of Wyong want most—the resolution of that traffic gridlock. The member for Wyong referred earlier to north Warnervale railway station.

**Mr David Harris:** Design planning has started.

**Mr CHRIS HARTCHER:** The member for Wyong interjected and said that planning had started. Show me in the budget papers where that money is for planning. Show me the money!

**Mr David Harris:** Read Budget Paper No. 4.

**The DEPUTY-SPEAKER:** Order! The member for Wyong will cease interjecting. The member for Terrigal will continue his speech.

**Mr CHRIS HARTCHER:** The member for Wyong cannot show me the money. He spoke earlier about Wyong police station. According to the budget papers, Wyong police station was to be started in 2005 and built in 2010—five years within which to build a simple police station at a cost of \$14 million. So far only \$600,000 has been allocated and allegedly another \$7 million will be allocated in the budget. That means that police officers on the Central Coast will have to wait at least two or three years for a police station that was supposed to commence in 2005. The member for Wyong, who was principal at Kariong Public School, used to go to meetings about Kariong High School. In those days he was a brilliant orator. He used to tell everybody, "I demanded a high school for my kids." However, not one penny has been allocated for Kariong High School.

The member for The Entrance rightly is disgusted that no money has been allocated for Kariong High School. If the member for The Entrance were still a Cabinet Minister that money would have been allocated. The Central Coast no longer has a clear and articulate voice in Cabinet; it has a Minister in another House who does not care about the Central Coast, Pretty Beach, Kariong High School or Gosford hospital. There are no obstetricians at Wyong hospital. It is a birthing unit without births. So much for the pledges of the member for Wyong! [*Time expired.*]

**Ms JODI MCKAY** (Newcastle) [3.53 p.m.]: I pleased to participate in this priority motion and to bring to the attention of the House the significant investment in the Hunter region in local services and infrastructure. Earlier the member for Wyong referred to a record \$1.622 billion budget allocation. Last year we had a record budget and this year we have seen an increase of \$260 million, nearly 20 per cent up on last year's budget figures. The Government has yet again acknowledged people in the Hunter, which is evidenced by the projects that have been funded in this budget. There has been a \$1.18 billion investment in local health services for the Hunter region. The Hunter has set the standard for the delivery of health services.

The projects that have been funded will continue the delivery of health services in our region. A budgetary allocation of \$16.89 million will result in the ongoing redevelopment of Calvary Mater Hospital. The provision of mental health services is a priority of this Government. James Fletcher Hospital, a 20-bed mental health unit in my electorate, received \$7.6 million on top of the \$2 million that it received in last year's budget, and \$3.5 million of a \$10 million allocation has been committed for the emergency department at



Maitland hospital. I note that the member for Maitland is in the Chamber. He worked hard for this project, which will be completed in 2010. This Government allocated \$48 million for public housing; \$279 million for Hunter roads; \$175 million for water utility works; and \$263 million for electricity upgrades.

I bring to the attention of the House the significant investment of this Government in education and training. Last year we formed the Newcastle Inner City Education Futures Project Group to deliver better quality education in the Hunter region. Eleven recommendations went to the Minister and some of those priorities related to capital works projects. It is pleasing to see that those projects included the replacement of two demountable classrooms with new modular design range [MDR] buildings for The Junction Public School and the installation of a new staff room and toilet upgrade at Newcastle East School in my electorate. This Government funded projects that were identified by the community.

I bring to the attention of the House the response to the budget this morning by the Hunter Business Chamber. Like the New South Wales Business Chamber, it called it a trifecta—infrastructure, payroll tax cuts and increased funding of key government services. It is a trifecta for our region and for our State. This budget is about supporting jobs, growth and investment while helping those most in need—a real win for the Hunter region.

**Mr CRAIG BAUMANN** (Port Stephens) [3.56 p.m.] This Government has done nothing to improve services and infrastructure in the Hunter. If we are expected to applaud this year's pitiful investment in this growing region, the Government should reflect shamefully on its commitment in previous years, which has been neglectful. The Government makes many assumptions about the Hunter. It assumes that this region is Labor heartland and that, as a result, the Hunter will deliver it the same seats in Parliament that it has held in this region for years. As the Government would be aware, the people of Port Stephens rejected the Premier in the 2007 State election and sought an alternative to the Labor Party, which has failed them for so long. Of this supposedly record-breaking infrastructure investment, only one new project in Port Stephens will be started this year, that being an upgrade to the laboratories at Port Stephens fisheries.

I am pleased that the Government wants a science-based analysis of marine park sanctuary zones to the tune of \$718,000, but grey nurse sharks are not waiting for ambulances to take them to John Hunter Hospital because the Tomaree Community Hospital lacks staff and resources. Grey nurse sharks are not waiting for police to show up to an emergency because the Government's commitment to Port Stephens-based policing is years too late. Grey nurse sharks are not showing up to school in demountable classrooms. The Government's commitment to the people of Port Stephens is non-existent. According to the 2008-09 budget papers, the Nelson Bay ambulance station will be completed this year using funds its shares with another ambulance station at Deniliquin. Eighteen months after the project was announced we are still no closer to knowing where that station will be built.

The Government made much of its record-breaking investment in health care but, once again, Port Stephens has been neglected, with no funds being made available to the beleaguered Tomaree Community Hospital. The lower Hunter and Newcastle are the engine rooms of the State's economy. Members would be aware that 10 per cent of the State's population live in the region, but that is not reflected in the budget. There are serious deficiencies in funding across core service portfolios. The only record that the Iemma Government has broken is for the lowest ever per capita investment in lower Hunter hospitals. Of the \$88 million committed to new capital works projects, only 1.2 per cent of those funds will be coming to the Hunter Valley. No new capital works for lower Hunter schools were announced.

The lower Hunter will get just 7.5 per cent of the \$61 million being spent on upgrading police stations. Of the \$2 billion roads budget the Iemma Government has committed only 2 per cent to the lower Hunter on projects that are already years overdue, such as the Third Hunter River Crossing in Maitland. If the Government thinks that the lower Hunter and Newcastle are worth just a few per cent of the infrastructure pie it is sorely mistaken. This is a growing region in both population and the economy. The Hunter has missed out of on its fair share of the infrastructure invested in this budget. The Hunter not only powers the New South Wales economy; it is the gateway to the resources market that is funding the New South Wales economy. I repeat: 10 per cent of residents in New South Wales live and work in the Hunter Valley. The Government should recognise that and fund the lower Hunter and Newcastle accordingly.

**Ms MARIE ANDREWS** (Gosford) [3.59 p.m.]: I join my colleagues the members representing the electorates of Wyong and Newcastle in congratulating the Iemma Labor Government on yet another successive New South Wales budget surplus. This speaks volumes for the fiscal management of the Iemma Government. Expenditure within the Gosford electorate is expected to total \$125 million this coming financial year, with increased expenditure on roads being a big winner yet again. [*Quorum called for.*]

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

I am pleased that Gosford has won a healthy share of the biggest roads budget in New South Wales history. The Iemma Government has delivered a roads budget focused on road safety, massive investment in road infrastructure construction and maintenance across the State. In the Gosford electorate \$575,000 will be spent on road safety, \$11.2 million for road network maintenance, \$5 million for road network development, and \$19.9 million for traffic and transport. Motorists and commuters within the Gosford electorate will benefit from a \$14 million project to implement an incident response scheme on the F3, which will allow motorists to divert safely around incidents, avoiding long and costly delays. [*Time expired.*]

**Mr DAVID HARRIS** (Wyang) [4.02 p.m.], in reply: I thank the members representing the electorates of Gosford, Newcastle, Port Stephens and Terrigal for their contributions—although I feel the member for Terrigal left his manners at home this morning, the member for Gosford had some important things to say. As all members of the Hunter and Central Coast Labor teams know, the Opposition amendment to this motion does not reflect reality. We know what is being delivered for our areas. I point out for the member for Terrigal that expenditure actually has been put aside for the Kariong high school. Budget Paper No. 4, at page 5-21, lists 14 major capital works programs, including Kariong Mountains High School as a new school. It is included in total funding for that area. None of these projects ever reveals the total individual cost. This applies also to his comments about Pretty Beach primary school: it is included in the total budget allocation for that area.

For the benefit of the member for Terrigal, at the bottom of the page it clearly states, "The estimated total costs and 2008-09 expenditure for new works in progress (which are yet to be tendered) have not been included due to their commercially sensitive nature." Although the member tries to make hay out of that issue, clearly he did not understand or fully read the budget papers. After 20 years in this Chamber he should know that everything on the page must be read. I am sure he is not, knowing his great character, but he may be deliberately trying to mislead the House. The member for Terrigal issued a press release today claiming there was no money in the budget for Central Coast schools when three allocations have been made for his electorate.

The member for Gosford and the member for Newcastle told us that the Government is delivering on transport, law and order, health, education and community services for the Central Coast and the Hunter. Opposition members should acknowledge this budget; they should be pleased that their communities are winners too. They should thank the Treasurer for being such a fine financial manager in ensuring we can continue to deliver better services and infrastructure for our communities. Deep down Opposition members appreciate the efforts of this Government in providing a strong balance sheet for New South Wales. The Government is cutting taxes and delivering an operational budget surplus. The Iemma Government is meeting its commitment to the people of the Central Coast and the Hunter by delivering better services and providing greater investment in infrastructure for this important region.

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

**The House divided.**

**Ayes, 47**

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

**Noes, 36**

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

**Pairs**

Ms Burton	Mrs Hopwood
Ms Gadiel	Mr Stokes

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**Motion agreed to.**

**The DEPUTY-SPEAKER:** Order! The time being close to 4.30 p.m., the House will consider Government Business.

**MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008****Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [4.15 p.m.]: I am pleased that Opposition members will have a conscience vote on the bill, which raises fundamental issues relating to the parenting of children and the role of fathers and mothers in the moral, spiritual and social formation of our nation's greatest asset, our children. My conscience directs me to oppose the bill, and I will explain why.

I realise that some of my colleagues have different views, and I respect their right to hold those views. The craving for children is one of the most powerful human responses. It is clear that many lesbians have that craving, despite preferring to share their intimacy with another woman rather than with a man. One of the greatest attractions of marriage is the opportunity to procreate and raise children. I am sure that all members of the Parliament and the vast majority of people in our community endorse those latter sentiments. I have had, and still have, very close homosexual friends, both men and women: in fact, some of them helped me during my campaign.

I regret that, unlike Gordon Brown's Labour Government in the United Kingdom during recent amendments to the Human Fertilisation and Embryology Act 1990 that were debated in the House of Commons on 20 May 2008 concerning similar issues dealing with lesbians having access to in-vitro fertilisation [IVF] treatment, the Iemma Government has not been willing to allow Labor members to have a conscience vote. I am sure that some Government members would have opposed the legislation had they been allowed to cast a conscience vote. I will say more about that later.

On 22 April the Attorney General, the Hon. John Hatzistergos, stated in a media release concerning the proposed bill, "The protection of children is one of the cornerstones of our society." I agree with his statement,

but totally disagree that if the bill is enacted it will increase the protection of children or contribute in any way to making their lives happier. In my view the amendments to the Status of Children Act and the Births, Deaths and Marriages Act and Regulations will cause a singling out of a small group of children, who may never know a father, for branding by unkind children and even by parents of children with whom they attend school, or with whom they play sport, or whom they meet in their neighbourhoods because their birth certificates carry the names of persons that the bill will define as their parents—their lesbian birth mother and her lesbian partner.

If enacted, the bill will make radical changes to the law concerning parenting, but the Iemma Government, under cover of a specious claim of concern for children, has waited until three years out from the next election to avoid an electoral backlash, were the Government to seek a mandate, accompanying public awareness of the actual changes that passing the bill will make. The Law Reform Commission presented its Report 113 to the former Attorney General, Bob Debus, in June 2006. The report was released publicly by the Iemma Government on 22 April 2008 and simultaneously with a media release by the Attorney General, the Hon. John Hatzistergos, headed, "Rights for children of same sex female parents". Undoubtedly in 2007 the Government did not want to raise the issue during either the State election or Federal election campaigns due to sensitivities, so the Government cannot claim to have a mandate. The Iemma Government then sought to wedge the Opposition to take the heat out of Labor's numerous scandals and fiascos.

The bill seeks to achieve this purpose by replacing current restrictions and limitations requiring couples to be married or in a de facto relationship with a member of the opposite sex with the definition of "de facto relationship" in the Property (Relationships) Act 1984—principally, the 1999 amendment to the Act that includes same-sex couples in the definition. It should be noted that recommendation No. 8 of the Law Reform Commission called for the same-sex definition of "de facto relationship" to be inserted also into the Adoption Act. At present under the Adoption Act 2000, "de facto relationship" means:

... the relationship between a man and a woman who live together as husband and wife on a bona fide domestic basis although not married to one another.

Clearly, the Law Reform Commission was recommending the legalisation of adoption by same-sex partners. This is a wish firmly held by the Gay and Lesbian Rights Lobby, which views the changes in the current bill as incremental. In part 4, "Adoption", of a document circulated recently to members of Parliament entitled "The Final Missing Pieces", the lobby states:

The Gay and Lesbian Rights Lobby notes that the Adoption Act 2000 remains one of the final statutes in NSW which discriminate against same sex couples. Despite calls from the NSW Law Reform Commission and the Human Rights and Equal Opportunity Commission, the proposed reforms will not redress this discrimination.

The Government's credibility is again on the line over adoption. There is no doubt that it is laying the groundwork for future amendments to allow gay adoption. Although the Government rejected the Greens' attempt to amend the bill to permit gay adoptions, I am sure that it will allow them in the future. In 1999, when the same-sex definition of "de facto relationship" had its genesis in the Property (Relationships) Act, the then Attorney General, the Hon. Jeff Shaw, was at pains to assure the Legislative Council that this definition would have no effect on the adoption laws. Indeed, the Government agreed to an amendment moved by Reverend the Hon. Fred Nile that was expanded by the Hon. Jim Samios with Reverend the Hon. Fred Nile's agreement. It read:

Nothing in the Property (Relationships) Legislation Amendment Act 1999 is to be taken to approve, endorse or initiate any change in the marriage relationship, which by law must be between members of the opposite sex, nor entitle any person to seek to adopt a child unless otherwise entitled to by law.

In his media release the current Attorney General claimed:

The laws do not address complex reforms on same sex adoption and surrogacy—which are being dealt with by ministerial councils on health, community services and attorneys general.

However, it is likely that a future increment of the Government's agenda will be same-sex adoption. The shifting sands in this place get shiftier. The bill has been introduced at a time when the Victorian Attorney General, Rob Hulls, and the Commonwealth Attorney-General, Robert McClelland have announced similar proposals. In response to recommendations of the Victorian Law Reform Commission made in June 2007, Mr Hulls announced in December 2007 that he would introduce legislation that would, *inter alia*:

Allow the female partner of the child's mother to be recognised as a parent of a child conceived using treatment ...

Other members have already set out the main changes in the law, so I will not detail them. Unlike that of some States, New South Wales laws concerning assisted reproductive technology do not emphasise the child's interests as being paramount or limit such technology to treating infertility. Other States such as Victoria and Western Australia specifically put children first and limit the use of assisted reproductive technology to those who are infertile. Those laws currently limit access to that type of procedure to heterosexual couples. However, New South Wales laws do not, although donors of gametes can limit consent to heterosexual couples. New South Wales does not restrict access to heterosexual couples because of the recent passage of the Assisted Reproductive Technology Act 2007. I will return to that point later.

Section 5 of the Victorian Act sets out the guiding principles that were intended by Parliament. They are: first, the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount; second, human life should be preserved and protected; third, the interests of the family should be considered; and, fourth, infertile couples should be assisted in fulfilling their desire to have children. The Act states that these principles are listed in descending order of importance and must be applied in that order. By contrast, the objects of the New South Wales Assisted Reproductive Technology Act are: first, to prevent the commercialisation of human reproduction; and, second, to protect the interests of specified persons. It notes that these persons are: a person born as a result of assisted reproductive technology treatment, a person providing a gamete for use in assisted reproductive technology treatment or for research in connection with that treatment, and a woman undergoing assisted reproductive technology treatment.

The New South Wales Law Reform Commission report No. 58 on in-vitro fertilisation [IVF] recommended that legislation should require medical practitioners to give due consideration to whether a woman is a partner in a couple who are infertile or whose children are likely to be affected by a genetic abnormality or disease; the welfare and interests of any child born as a result of the IVF procedure; the home environment and stability of the household in which the child would live; whether counselling is desirable; and the prospective parents' physical and mental health, age and emotional reaction to IVF and embryo transfer. The Law Reform Commission also recommended that medical practitioners who breach the duties imposed, which I have just recited, should be capable of being found to have committed misconduct in a professional respect.

The Law Reform Commission also stated that eligibility to be considered for treatment for infertility should not be restricted but should be regarded in the same way as eligibility for any other medical treatment. Thus a person who is not affected by infertility of a type that can reasonably be treated by IVF should not be able to compel the provision of IVF any more than a healthy person could compel a doctor to perform a pointless operation. The Law Reform Commission had emphasised previously that the welfare of children should be paramount and that the formation of stable families is socially desirable and necessary. Ultimately, no legislation was enacted until 2007 and the recommendations in Law Reform Commission report No. 58, which I have just outlined, were disregarded.

It is interesting to note that respected Labor Premiers, including Mr Steve Bracks, have stated that IVF treatment should not be available for social reasons. In the wake of the Federal Court decision in Melbourne in 2000 in *McBain v Infertility Treatment Authority*, which declared that provisions of the Victorian Infertility Treatment Act that limited infertility treatment to married and male-female de facto partners were ultra vires the Commonwealth Sex Discrimination Act, Mr Bracks said:

In Victoria, we want the Act upheld, and that has been our position. The court case has changed that.

I'll live with the court case and live with the spirit of it, and that is that IVF will be available under guidelines for infertile women, not for those who choose it as a lifestyle.

By June 2007 Bracks was still being urged to amend the Act to allow for lifestyle choices. He clearly opposed this. It is only since his resignation that anything has happened in that regard in Victoria. I note that prominent Tasmanian Australian Labor Party Senator Helen Polley has denounced this bill. [*Extension of time agreed to.*]

I point out also that in the House of Commons on 20 May 2008 prominent British Labour member of Parliament Geraldine Smith told the House of Commons during debate on legislation on which members had a conscience vote:

First, let me say that this is not a party political issue. There will be a free vote tonight, and many Labour Members share my views. In IVF treatment, the interests of the child must be paramount. IVF must not be about the potential parents; it must be about what is best for that child.

She emphasised that even if lesbians have access to IVF treatment—which they do in Britain—there is a need for a father. Can we simply leave the man out of a child's development and growth? The Assisted Reproductive

Technology Act 2007 incorporated the definition of "de facto relationship" from the Property (Relationships) Act 1999. But nowhere in the second reading speeches in either House, in any speeches during debate or in the explanatory memorandum to the bill was there mention of this definition or the fact that it would legalise IVF treatment for lesbian couples. These things have been achieved by using a Trojan Horse definition that people did not even bother to look at.

In my view the Government failed in its duty to this House to not clearly disclose in debate on a bill that an Act will give a statutory right to lesbian women to have access to reproductive technology by assistance, notwithstanding that they were not infertile. A lot of discussion related to amendments to the Births, Deaths and Marriages Act and Regulations. There was no confusion. In this bill it is clear that the Government wanted to delete any reference to "mother" and "father" in the registration section. The words "woman" and "man" were withdrawn three and four times respectively in the material that has to be included in the registration.

Currently the registration of birth contains a detailed section on what is to be recorded about the father of the child, if the father is known. The change originally intended by the Government provided no legal basis for the Registrar General to include that information any more, distinguishing between father and mother, and all he could record was "parent". The Registrar General could use his discretion and record mother and father because 97 per cent of the approximately 84,000 babies born each year are born to male and female couples. According to figures produced by the Gay and Lesbian Rights Lobby on the number of women who have children and the number of those women who are lesbians, perhaps only 45 or 50 babies, a very small number, are born to lesbians as a result of IVF. The words "mother" and "father" were withdrawn from the birth certificates of 84,000 babies to enable the parents of the 50 or so babies born to lesbians to appear on their birth certificates.

For those reasons I am concerned about this legislation. This Government seems to be heading along the same path as some of the more whacky governments in places like Spain and Canada where they want to take references to "mother" and "father" out of legislation. It is only because of the embarrassment and the public reaction that the Government caved into the amendment moved last night in the Legislative Council. Some members of the Government were uncomfortable because of their conscience.

**Mr Alan Ashton:** Point of order: I understand that members of the Opposition can have a conscience vote on this legislation. The member for Epping is attacking the Government but he can vote how he wants. He has just offended half of the members of the Opposition.

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

**Mr GREG SMITH:** I do not wish to offend anybody. As I say, I have gay and lesbian friends, but I believe the majority of the community, like me, objects to putting gay and lesbian couples on the same level as married or de facto heterosexual couples. The current Status of Children Act has discrimination built into it. In the case of *Ganter v Walland* a man had been a sperm donor in that he had been a de facto husband of a woman. They could not have children normally so they had embryos created and frozen. Subsequently the woman became pregnant, but the couple had separated. He tried to have his name recorded on the birth certificate but the court would not allow it because he came under the provisions of section 14 (2) of the Act, which operates with the presumption that he is not the father. It is absurd that a man who has lived in a de facto relationship with a woman, and whose sperm created an embryo with her egg, which was then used to create a child, is locked out. The Government should amend the Act.

What if a mother is in a bisexual relationship with a man and a woman, and living with both? Does the legislation accommodate that circumstance? Can the man's name be put on the birth certificate because he lives with her? They are interesting questions that have not been answered by the Government in this legislation. The Government fails to act in the best interests of the child, which are primary considerations in adoption law, and international and childcare laws that apply in New South Wales. Nothing says that the primary purpose of this legislation is for the benefit of the child. I am not surprised because, sadly, it is clear that the primary purpose of this legislation is to satisfy the gay and lesbian lobby that keeps pushing for full marriage rights, and gay adoption.

The Liberal Party federally is quite clear. Both the former Prime Minister John Howard and the Leader of the Opposition, Brendan Nelson, recently have said that the Liberal Party does not support gay IVF, gay adoption or gay marriage and will fight against them. The Australian Labor Party in Canberra fights against gay marriage.

**Mr Alan Ashton:** It doesn't fight against it!

**Mr GREG SMITH:** It has said it is against it. The Labor Party supports the institution of marriage between a man and a woman, which is supported by the vast majority of this community. I urge members to vote against this bill; otherwise it will make inevitable the legalisation of those other things that people do not want.

**Mr GERARD MARTIN** (Bathurst) [4.35 p.m.]: Members of the Government have not been offered a conscience vote because no-one in our caucus requested it. Members of the Government believe the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 addresses an important issue in relation to children's rights. I know that the member for Epping has a certain perspective about these matters, and I respect his right to have such a perspective. His view on these matters is to the far Right of the spectrum, and it is a view that he has consistently held. Members of the Government do not want him to lecture them that he has taken the moral high ground. I have no doubt that the member for Epping has been working behind the scenes with some of the organisations that have put out a lot of misinformation into the community this week.

**Mr Greg Smith:** Point of order: The member for Bathurst is casting aspersions on me for working behind the scenes to put forward misleading information. I ask him to withdraw that remark. It is offensive.

**Mr GERARD MARTIN:** I am happy to do so. Recently a Dads for Kids forum was held in Parliament House run by the Fatherhood Foundation, a legitimate organisation that is supported by a lot of groups, such as the Festival of Light. The Government is aware of its position on this matter. Those groups have tried to turn this debate into a sexual argument about gay relationships. It is a fact of nature that for centuries there have been homosexual relationships, some of which have been close to some of the major religions over the years. It is something that many people ponder and wonder why, but it is a fact of life. This legislation is complementary to Federal legislation. It is housekeeping legislation that will protect the rights of children created through IVF who may be growing up with very loving and caring lesbian parents, or children from a heterosexual marriage that has broken down and whose mother now has a female partner. There are many scenarios.

Many children from heterosexual relationships do not know or have had very little to do with their father over the years, and I am a classic example. I remember very little of my father who left when I was very young. My mother raised the family on her own. Children from gay and lesbian relationships are deprived of a father, but a whole host of circumstances can deprive children of their father. This bill is really about parenting, equality and protecting those children who come from gay and lesbian relationships—they are in the minority. The Government is very much about respecting the rights of minorities. I take exception to organisations that run forums and accuse the Government of discriminating against men, fragmenting families and breaking the hearts of our children. That is absolute rubbish. They can have a stated view on this issue, but using highly emotive language detracts from the argument. An argument along those lines was given in debate on other legislation concerning birth certificates.

Let us be quite clear about this. Recently a forum was held in Parliament House at which a contributor spoke in his first paragraph about a headline in the *Sun-Herald* of 18 May 2008 that kicked this issue off. That started a torrent of emails, and my office received heaps of them. The newspaper article suggested that the Government proposed taking the title "father" off birth certificates in order to allow lesbian couples to register themselves as parents of a child. That was incorrect.

The premise on which much of this debate is based is an inaccurate newspaper article. The Register of Births, Deaths and Marriages will keep the titles "mother" and "father", but will also allow either of the parents to use the title "parent" instead, if he or she wishes. The terms "father" and "mother" have always been used on birth certificates. The Attorney General has instructed the registrar to ensure that that practice continues and that the titles "mother" and "father" are used on birth certificates. If a parent wants to be listed under the title "parent" he or she may do so. Previous speakers from the Opposition benches did not give that impression.

The changes in the bill simply recognise female same-sex partners as parents. Many people know very good same-sex parents. If a lesbian woman conceives a child via artificial fertilisation an application may be made to allow her partner to be recognised as a parent. Under the current law only the birth mother is recognised. The bill will guarantee that there will continue to be two parents listed on birth certificates. The question has been raised as to why sperm donors are not listed on birth certificates. That matter has been well and truly tested over the years. The bill impacts on probably 50 or 60 pieces of legislation containing terms such as "de facto", including the Status of Children Act 1996, the Apprenticeship and Traineeship Act 2001, the Bail Regulation 1999 and the Agricultural Industry Services Act 1998.

The changes in the bill impact right across the board. It is true that they will affect only a small percentage of the population. It is also true that that minority needs protection under the law on issues such as health and education. It is important for the legal rights of the children involved as they grow and develop that these changes be made. There is nothing sinister about the bill. The member for Epping implied that the Government is looking at gay adoption and gay marriages. The Premier's views are on record, as are the views of the Federal Government. The bill is a practical solution to a problem that affects the lives of a minority. We have to be broadminded and accept that people may live a lifestyle that we may not necessarily agree with; but that does not mean that children in such relationships should suffer because of bias.

Children are entitled to grow and develop and if they grow up in a loving relationship, whether with two women or two men, or a man and a woman, it is important that they are not discriminated against in the eyes of the law. That is what the bill is about: equality for children. Birth certificates will list two parents, and that is the way it always has been. I commend the bill to the House.

**Mr RUSSELL TURNER** (Orange) [4.43 p.m.]: It is with pleasure that I support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. I thank my party, The Nationals, for allowing me a conscience vote on this very important issue. The bill amends certain Acts and instruments to make further provision in relation to same-sex and other de facto relationships. The bill amends the law concerning parenting presumptions in the Status of Children Act 1996 that arise as a result of fertilisation procedure. The amendments mean that when a woman who is in a de facto relationship with another woman within the meaning of the Property (Relationships) Act 1984 has undergone a fertilisation procedure as a result of which she becomes pregnant, the woman who becomes pregnant is presumed to be the mother of any child born as a result of the pregnancy, even if she did not provide the ovum used in the procedure.

The other woman is presumed to be a parent of any child born as a result of the pregnancy, including when she provided the ovum used in the fertilisation procedure, providing she consented to the procedure. The bill makes consequential amendments to the Births, Deaths and Marriages Registration Act 1995 to ensure that both parents can be noted on the child's birth certificate. That will enable both parents of a child conceived as a result of a fertilisation procedure provided to those in a lesbian de facto relationship to hold themselves out as the child's parents in circumstances where evidence of the parent-child relationship is demanded. The amendments to the Births, Deaths and Marriages Registration Act 1995 provide that an application can be made to the Registrar of Births, Deaths and Marriages for the addition of registrable information about the identity of a woman who is presumed to be a parent under the new parenting presumptions of the Status of Children Act, even if the child was born before the commencement of the new provisions.

I note also that amendments to the Industrial Relations Act 1996 will extend parental leave entitlements presently available to male employees to female employees of a recognised lesbian relationship under certain conditions. I note also that as part of approximately 50 changes to various Acts and instruments it is proposed to rename the "marital status" ground of discrimination to "material and domestic status". I note the long list of Acts and regulations that will be amended and note that certain changes will be made to the Farm Produce Act 1983. I note that in the Attorney General's second reading speech in the other place amending the law concerning parenting presumptions in the Status of Children Act 1996 that arise as a result of a fertilisation procedure, he explained:

This presumption is generally retrospective so that the new presumption extends to a fertilisation procedure undertaken and a consent given before the commencement of the amendments.

There are, however, some sensible limitations to the retrospective application of the new presumptions so that they will not affect the previous operation of any Act or law, any will possession or interest of any property before the commencement.

The Attorney General noted that the proposed amendments ensure that the law treats children in same-sex relationships as having the same rights and entitlements as children of other relationships. He stated:

In order to reflect the Government's policy that a child should only have two legal parents, the amendments to the Births, Deaths and Marriages Registration Act include transitional provisions addressing the addition of information about a second parent in circumstances where the child's birth certificate already details the existence of two parents, the birth mother and a person who was represented to the registrar as being the father of the child. In such circumstances the registrar will only be able to add the registrable information arising out of the new parenting presumptions in the Status of Children Act if the already registered father consents to the removal of his details from the birth certificate, if the court authorises the removal, or in certain circumstances provided for by regulation.

The Government emphasises here that these provisions regarding the removal of a male's name from the birth certificate, only apply where the child was conceived through artificial fertilisation and the man is not entitled to be recognised as the parent. In some circumstances a man's name may have been put on the birth certificate as the father without having parentage entitlements to justify this.



For instance, if the man was the sperm donor and had no relationship with the birth mother, or the man was merely a friend of the birth mother who did not father the child but was named on the birth certificate for symbolic purposes. In these circumstances the provisions allowing his name to be removed can apply. They cannot apply where the child was conceived through sexual intercourse with the man named on the birth certificate. They cannot apply where the sperm donor was also the de facto partner or husband of the woman in the period around the birth, because this is a presumption under section 14 (1) (a) of the Status of Children Act 1996 that he would be the father.

Over previous weeks I have had discussions with Emily Gray, a co-convener of the Gay and Lesbian Rights Lobby and also Ghassan Kassisieh, who is its Policy and Development Coordinator. The Gay and Lesbian Rights Lobby strongly support the proposed reforms. In one of its publications titled "Picking up the Missing Pieces" it states:

The changes will give children in female same-sex families the emotional and financial security that comes with legal equality. This clarifies the situation for children and their mother with respect to:

Parental authority. Children will have two legally-recognised parents empowered to give consent for their medical treatment, take them to hospital, sign school permission notes, and interact with their child care centres and schools. A major concern of parents consulted by the Gay and Lesbian Rights Lobby was the difficulty in having families recognised by schools and for the purposes of health care.

Custody and contact. Children will have more certainty around their care and welfare if a parent dies or their parents separate. The non-recognition of same-sex families causes significant distress for non-biological mothers, who fear they may be denied contact with, or custody of, their children upon the death of the birth mother or the breakdown of a relationship.

Inheritance. Children will have automatic rights to inherit property and superannuation upon the death of their co-mother.

Entitlements and responsibilities conferred to parents and children under State legislation. Any legislation which confers rights or responsibilities to a parent or child will be conferred to the co-mother and her child. For example, children will have rights to worker's compensation if their co-mother dies or is seriously injured at work.

Again quoting from the article "Picking up the Missing Pieces", a mother wrote:

My partner and I have a daughter together, yet she cannot sign off on medical treatment for our daughter or even write her a sick note for school. I am sick of being treated like a second-class citizen in my own country, and do not wish to see my daughter grow up as one.

Same-sex parenting is increasingly a reality, with 20 per cent of lesbians and up to 10 per cent of gay men already parenting. The 2006 Census recorded at least 4,386 children living in same-sex families in Australia, with 1,533 of these children living in New South Wales. In recent consultation with 1,300 people across New South Wales 15.2 per cent of respondents said they were parents and a further 39.5 per cent said they were not parents but would like to be at some stage. A wide body of research documents that the sexuality of a child's parents is no detriment to the welfare and development of children. Recognising the prevalence of same-sex parenting will ensure children are not legally disadvantaged because of their family structure. The amendments are consistent with reforms in other States and Territories. Western Australia, the Northern Territory, the Australian Capital Territory and Tasmania already recognise same-sex families through parentage presumptions and/or adoption. Victoria proposed changes to parenting presumptions in 2008.

In December last year I spoke with Ms Paula Beatty of Orange, who highlighted to me the importance of the amendments in this bill in the way that they would have benefited her following the breakdown of her relationship with her lesbian partner. Ms Beatty was the non-biological parent of two children born in a de facto relationship, which sadly broke down. However, prior to the legislation before the House this week—which I am confident will be passed by the lower House as it was by the upper House last night—Ms Beatty had no legal rights as a second parent. Ms Beatty was forced to go to court to obtain at least limited access to her two children that both she and her partner had planned and who had been conceived through assisted reproductive technology. She had been at the births, equally raised the children, took them to school, et cetera. Yet when the relationship broke down all legal recognition of her as a mother disappeared.

Sadly, Ms Beatty was forced to fight through a court to obtain some legal access to her children, to be legally able to attend school functions with them and have some legal rights when the children were sick or hospitalised. Ms Beatty stated that whilst the legislation before us today may not affect her particularly, she strongly supports the bill so that other same-sex partners in a similar situation do not have to face the agonies and uncertainty that she was forced to go through to gain access to her children.

These new laws will bring New South Wales into line with Western Australia, the Australian Capital Territory and the Northern Territory. I also note that the New South Wales Law Reform Commission was asked to review the Property (Relationships) Act 1984. The commission's report contained 59 recommendations. The

Iemma Government has accepted 21, 9 are being dealt with by the new Rudd Government and the rest are not being accepted or are being treated as irrelevant. I understand that the Iemma Government believes that any move towards a registration system of de facto couples should be a national scheme, and I hope that the Federal Government is working towards this ideal. [*Extension of time agreed to.*]

Despite a recommendation by the New South Wales Law Reform Commission that changes be made to adoption laws to include same-sex couples, I note that these changes are not a part of the 50 amendments in the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. However, the bill will go a long way to removing many areas of discrimination that currently exist in legal equality and social justice for lesbians and gay men.

The legislation, whilst giving the non-biological mother in a lesbian relationship legal rights in respect of her being recognised as a legal parent, does not give equal rights to a gay couple in a situation when one partner may be a sole parent from a previous heterosexual relationship. In the event that the biological father dies the de facto partner has no legal rights of custody or welfare of those children who have been a part of their only "known family".

I acknowledge the enormous amount of work and commitment that the Gay and Lesbian Rights Lobby has given over the years. Established in 1988, it is the peak representative organisation for lesbian and gay rights in New South Wales. Like most of my colleagues in this House, I have been lobbied over the past few days by groups such as the Australian Christian Lobby, the Family Law Reform Association and concerned private citizens from my electorate and elsewhere. Most of their concerns centred on the fact that the term "father" was going to be removed from birth certificates. An amendment moved in the upper House last night has ensured that that will not be the case. It will be up to the parents to decide what they put on the certificate. If they want the names of the mother and father on it, those details can be retained. If they want other options, that will also be allowed.

I note we are dealing principally today with lesbian couples, but there are some anomalies in the legislation in relation to male couples. I know of male couples that have children through surrogacy or other means. I hope that if this legislation does not cover their situation it will be dealt with before very long so that everyone has equal rights. Some speakers have said today that it is not a normal relationship and the ideal is to have a mother, father and children. That may be the case but we do not live in an ideal world.

Members with concerned constituents would agree that many children in a so-called heterosexual or perfect relationship often do not get a great deal in life. At times we shake our heads and say, "Those poor kids do not have much chance." There is always a chance that children living in those situations will end up in jail, come to the attention of the police or whatever it might be because their parents are not doing the right thing by them or giving them the support and the love that they deserve. I said earlier that we do not live in an ideal world, but we are trying to make it better. We are certainly trying to make things a little better for homosexual couples, whether they are female or male.

In 2003 I contributed to debate on the age of consent bill—a controversial piece of legislation. On that occasion I was not allowed a conscience vote. I am pleased that tonight I will be allowed a conscience vote. This bill is about better security for children being raised within a same-sex family. There is no conclusive evidence that their living arrangements affect their sexuality. As a member of Parliament I am proud that we are trying to make things better, legally and morally, for couples living in a same-sex relationship and their children. I support the bill.

**Ms CARMEL TEBBUTT** (Marrickville) [5.01 p.m.]: I support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. This legislation extends parenting right to lesbian couples in a de facto relationship when one of the women has a child, and amends more than 50 pieces of legislation to provide equal rights for people in same-sex relationships. The bill will also amend the Anti-Discrimination Act to give people in same-sex relationships protection from discrimination on the basis of being in a same-sex relationship, just as people in a heterosexual relationship are protected from discrimination on the basis of being married or in a de facto heterosexual relationship.

The bill gives effect to a number of recommendations concerning the recognition of same-sex parents. These reforms will guarantee protections for children of same-sex families. This has been a longstanding issue for lesbian couples who have children. They rightly ask: Why should one woman in a committed relationship with children be denied recognition as a parent? This legislation recognises the reality of the diverse families

that we have in New South Wales. Specifically, the new laws will remove a discriminatory provision for children conceived through artificial fertilisation procedures. Currently, in heterosexual couples the male partner of the birth mother is presumed to be the father, while children born to lesbian couples through these methods do not have the birth mother's partner recognised as a parent.

These new laws will give these children the greater rights and protections that go with having both their parents recognised. As I said, these reforms are long overdue. We know that families come in all shapes and sizes. I have had many representations from constituents in my electorate who support this legislation. I do not intend to quote from all those letters and emails, but I take this opportunity to quote from a couple. One woman wrote to me saying:

I am writing to you as my local member to please do everything you can to support the passage of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008.

In 2007 I gave birth to my son. My partner and I planned for his conception and birth and she was with me every step of the way. She was there when I had morning sickness, there during the first trimester exhaustion. Cooked for me, shopped and supported me through my pregnancy. After the midwife she was the first person to see him enter the world and it was she who told me I had had a little boy. Since he has been born she has done the night feedings, settled him and changed hundreds of nappies. She was there when he started crawling and then walking and she loves him like the parent she is. All we ask is that we have legal recognition and protection of this relationship that already exists.

I ask this, not just for myself, but for my son. He is as wonderful little boy and he deserves to have the protection of two parents.

Please do everything you can.

That email is what this legislation is about. When I last spoke on this issue in the House I referred to Nonie Wales and her partner, Janet Irvine, who had their first daughter 20 months ago. After the legislation is passed by this Parliament Janet will have the same rights as their daughter's birth mother, and their family will have the same rights as other families. Nonie was quoted in the media as saying:

It is amazing how powerfully the news of these law changes has affected me. When I heard about these law changes I just thought that feels right, it feels solid. It seems really small but just one example of how this is going to change our lives is that it will make signing forms easier.

Those comments from Nonie Wales, the email that I read and the letters and emails that have been read by many members in this debate give us a feel for what a difference this legislation will make for parents and children. We know that children need love, security and stability to flourish. These changes are in the best interests of children because they will give children the emotional and financial stability that comes with the legal recognition of their families. The legislation is the Government's response to the recommendations of the New South Wales Law Reform Commission relationships report. This report builds on the work of the Gay and Lesbian Rights Lobby. I join with others who commended the Gay and Lesbian Rights Lobby for the work that it has done over many years to recognise same-sex relationships.

Some of the issues that are identified in the New South Wales Law Reform Commission report relate, for example, to the medical sphere where visits to doctors are hard to organise for the unrecognised co-mother, and Medicare cards are unavailable to them. In an emergency health situation involving a child where a parent might be required to sign consent forms these difficulties can be serious. Having two parents recognised will overcome these current issues and also give children from these relationships added protections to make them equal with children from heterosexual relationships. It will assist them in obtaining workers compensation and victims compensation payments in the event of death or injury to one or both of their parents.

The legislation will also enable the child to be recognised under the laws of inheritance in relation to his or her non-biological mother. It will benefit the recognition of both parents by school authorities and other government agencies, and in the case of elderly parents there will be improved access to guardianship orders for the child. On top of the new parenting laws, the Lemma Government will reform more than 50 other laws that extend equal rights and obligations to de facto couples. The definition of "de facto" in the Property (Relationships) Act already includes same-sex couples. The Government has undertaken an audit and identified 57 other Acts where the de facto definition should apply. This continues the progress that this Government has made in granting equal rights to same-sex couples and it reflects our view that people should not be discriminated against on the basis of their sexuality.

Despite the obvious benefits that I and other speakers have outlined, I know that there is criticism of this bill. I fully respect that people are entitled to their views, and they will take this opportunity to put those

views to the House. However, I think that as a Parliament we have an obligation to act in a non-discriminatory way and in the best interests of children. I find it hard to accept the tactics of some—not all, but some—who are opposed to this legislation and who have sought to denigrate same-sex parents and to say that children who are brought up with same-sex parents in some way are getting a lesser or inferior experience than that of other children. I cannot see how trying to diminish same-sex parents in the eyes of their children is in the best interests of children.

As I said earlier, if children are to flourish they need love, stability, security and safety. As a Government and as a Parliament we must ensure that we provide the best opportunities for all children to have those experiences. These changes are consistent with reforms in other States and Territories. I do not believe that State-sanctioned discrimination against someone because of his or her sexuality has any place in a modern and just society. Everyone is entitled to equality before the law. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove) [5.08 p.m.]: The Law Reform Commission presented report 113 to the former Attorney General, Bob Debus, in June 2006. The Government released that report publicly only on 22 April 2008, simultaneously with the current Attorney General's media release entitled, "Rights for children of same sex female parents." I have a number of concerns about the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. Once again, this Government's cobbled together a ridiculous piece of legislation that fails to address some key issues. It should be looked at in greater depth for greater purpose. The bill seeks to equate the position of a lesbian partner of a woman who has a child after becoming pregnant by a fertilisation procedure, other than sexual intercourse, to the position of a married woman's husband.

This is achieved by several means using the definition of "de facto relationship" in section 4 of the Property (Relationships) Act, which includes same-sex couples, notably lesbian couples, in amendments to the Status of Children Act 1996; using the expression "de facto partner" and the definition of "de facto relationship" in section 4 of the Property (Relationships) Act; in amendments to the Anti-Discrimination Act 1977, replacing paragraph (f) "in cohabitation, otherwise than in marriage, with a person of the opposite sex"; adding to the definitions of "relative" and "near relative" in the Anti-Discrimination Act 1977 "the de facto partner" of the person, which would include a lesbian partner of a woman who bears a child after becoming pregnant by a fertilisation procedure; introducing the expressions "birth mother" to replace "mother", and "both parents" to replace "the father and the mother" in amendments to the Births, Deaths and Marriages Registration Act 1995; and replacing "paternity leave" with "partner leave" in the Industrial Relations Act 1996 to include same-sex lesbian de facto partners.

Section 14 (2) of the Status of Children Act 1996 specifies that the man who provides the sperm, if not the woman's husband—which would be read also as de facto in line with section 14 (6) (b) (i)—is presumed not to be the father. Also, under section 14 (3), a woman who donates ovum for the procedure is not considered to be the mother. The bill seeks to insert new section 14 (1A) to give recognition of both persons involved in a lesbian de facto relationship as parents. Recognition is given to the woman who has become pregnant as the mother, even if she did not provide the ovum; the other woman in the relationship is presumed to be "a parent", so long as she consented to the procedure. New section 14 (5A) creates a presumption that consent to such a procedure of a woman in a de facto relationship would be assumed.

Once again we face the difficulty of changes to many Acts that have a degree of important recourse to other areas of our society. To achieve this legal fiction for a comparatively tiny number of couples, this Government is acting in the spirit of the outrageous tampering by the Spanish Government, which replaced "mother" and "father" in its legislation with insulting expressions "Progenitor A and Progenitor B". This is the beginning of this State Government's slippery slope down to political correctness for no means. Some Spanish groups balked at the term "progenitor" and suggested instead the masculine tense "progenitor A" and the feminine tense "progenitora B". Using that precedent in this State, in a very small number of cases "progenitora A" and "progenitora B" would be named in the child's birth certificate.

This obsession with same-sex legal fictions exploded also in Ontario, Canada, partly thanks to judicial interpretations of the Canadian Charter of Rights and Freedoms. As *LifeSiteNews.com* reported earlier this year, as a result of the enactment of Bill 171 of 2005, entitled "A Bill for an Act to amend various statutes in respect of spousal relationships," Ontario's social fabric is being undermined by definitions that are most disturbing, but perhaps provide a glimpse of where New South Wales is going—a horrible thought! Under this law, which applies across the whole of Ontario enactments, everything referring to spouses must now be gender neutral. No longer can a married couple be referred to as "husband and wife" or "man and woman". The terms "widow" and

"widower" also are struck are from government statutes. Attorney General Michael Bryant, on introducing the bill, stated, "Currently, the statutes offend the Charter of Rights and Freedoms." Bryant continued:

The bill removes references to gender and gender-specific language from Ontario definitions of spousal terms and uses one term, "spouse", to include opposite-sex couples and same-sex couples who are married or who live together in ... relationships outside of marriage.

Considering the massive size and pervasiveness of government, this certainly will lead gradually to a general devaluation of marriage throughout the province—all for the purpose of imposing equality for that tiny number of same-sex couples that choose to "marry", taking advantage of the activist judge-imposed re-definition of marriage. He continued by saying that "spouse" is redefined in the new law to concur with the re-definition of "marriage" imposed by activist judges, but not yet passed in the Federal Parliament, that now includes same-sex couples.

A perusal of the bill shows substitutions for previously used spousal terms in numerous places throughout 73 Ontario statutes as follows: "widows and widowers" replaced by "surviving spouses"; "a person of the opposite sex" replaced by "a person"; "wives and husbands" replaced by "spouses"; "two persons of the opposite sex" replaced by "two persons"; "the wife or husband" replaced by "spouse"; "a husband or wife" replaced by "spouse"; "the husband and wife" replaced by "the spouses"; "a man and a woman" replaced by "two persons"; "husband and wife" replaced by "spouses"; "cohabited as man and wife" replaced by "cohabited as a married couple"; and "same-sex partner" replaced by "spouse". The New South Wales Attorney General in his second reading speech described the amendments to the Status of Children Act as follows:

The bill makes amendments to a number of Acts, which will have far-reaching implications for same-sex lesbian couples who are raising children in our community. Specifically, the bill amends the law concerning parenting presumptions in the Status of Children Act 1996 that arise as the result of a fertilisation procedure. The amendments will mean that where a woman who is in a de facto relationship within the meaning of the Property (Relationships) Act 1984 with another woman and has undergone a fertilisation procedure as a result of which she becomes pregnant, the woman who becomes pregnant is presumed to be the mother of any child born as a result of the pregnancy, even if she did not provide the ovum used in the procedure—

which I stated earlier—

and the other woman is presumed to be a parent of any child born as a result of the pregnancy—

and as I have stated before—

including where she provided the ovum used in the fertilisation procedure, provided she consented to the procedure.

It sounds as if we are heading down the slippery slope into various legal wrangles and certainly nothing that is good for the child. The Government seeks to justify these changes by saying it will improve the lot of children born to lesbian couples. The Attorney General said:

... these reforms to the parenting presumptions in the Status of Children Act reflect the commitment of the Government to ensuring that the law treats children in same-sex relationships as having the same rights and entitlements as children of other relationships. These reforms are especially important because they will ensure that the laws of intestacy will apply equally to the children of same-sex parents, where the parents die without making a will.

So much for this Government's previous commitment to the Standing Committee of Attorneys-General that it would cooperate in achieving harmonisation of the laws of succession throughout Australia. I understand that the changes sought to be made to succession laws were not submitted to the expert committee of the New South Wales Law Society for comment and advice. Why not? Maybe because the Government expected opposition. It is only a matter of time before the Government seeks to add other children raised by same-sex couples. What about other reforms to intestacy? This Government is so keen to please a particular lobby group whilst ignoring many others. Legislation enacted by this Parliament reflects society's concern to nurture and protect children. For example, section 7 of the Adoption Act 2000 provides as its first object:

- (a) to emphasise that the best interests of the child concerned, both in childhood and later life, must be the paramount consideration in adoption law and practice,
- (b) to make it clear that option is to be regarded as a service for the child concerned.

The objects continue to paragraph (f):

- (f) to ensure that the adoption law and practice complies with Australia's obligations under treaties and other international agreements.

It is appropriate that to achieve these objects the best conditions for nurturing such children must be ensured. The Adoption Act sets out also in section 8 principles to be applied by persons making decisions about the adoption of a child, which include:

- (1) in making a decision about the adoption of a child, a decision maker is to have regard (as far as is practicable or appropriate) to the following principles:
  - (a) the best interests of the child, both in childhood and in later life, must be in the paramount consideration,
  - (b) adoption is to be regarded as a service for the child, not for adults wishing to acquire the care of the child,
  - (c) no adult has a right to adopt the child.

The objects of section 8 (1) continue through to paragraph (i):

- (i) the suitability and capacity of each proposed adoptive parent, or any other person, to provide for the needs of the child, including the emotional and intellectual needs of the child,
- (j) the need to protect the child from physical or psychological harm caused, or that may be caused, by being subjected or exposed to abuse, ill-treatment, violence or other behaviour, or being present while a third person is subjected or exposed to abuse, ill-treatment, violence or other behaviour.

Comparatively few children are available for adoption, thus decision makers are in a strong position to find the best carers. Notwithstanding these fine principles to which I have alluded, the Iemma Government by this bill seeks to allow lesbian partners who have children using assisted reproductive technologies parental rights akin to adoption without having to satisfy the checks and balances provided under the Adoption Act. This bill contains no provision to consider the best interests of the child. These changes sought by the New South Wales Labor Government flagrantly breach various international declarations and covenants to which Australia is bound. For example, article 24 of the International Covenant on Civil and Political Rights states:

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

The preamble to the Declaration on the Rights of the Child states:

WHEREAS the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

WHEREAS the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children,

WHEREAS mankind owes to the child the best it has to give,

Principle 2 of the declaration states:

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Since my election to Parliament, besides this bill there have been at least five debates when Opposition members have been allowed conscience votes, including debates on the Human Cloning and Other Prohibited Practices Amendment Bill 2007 and the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007. The Government allowed Labor members a conscience vote on only two bills, and even then members were subjected to a second reading speech in favour of the bill and an extensive series of seminars by proponents of the bills, with no funding or arrangement by the Government to provide discussion of the other point of view. Members who were opposed to those bills had to arrange for and fund their own seminars. I note that recently the Western Australian Parliament rejected the Western Australian Government's human cloning bill, and that five Labor Party members exercised their consciences in voting the bill down.

Perhaps the Iemma Government will not allow a conscience vote on this bill in an effort to avoid embarrassment similar to that suffered by the Western Australian Government. Perhaps the Government's

reason for not allowing a conscience vote is that those who control the Government's policy agenda considered this bill to be another increment in achieving gay adoption, with gay in vitro fertilisation [IVF] already achieved by omission and secrecy. I have serious concerns with respect to this bill because once again we appear to be heading down the slippery slope of political correctness where the rights and natural freedoms of the majority are put at risk by a few. I am opposed to the bill and will vote against it because I regard it as another step in the incremental approach by a small number of agenda setters to move closer to achieving their ultimate goal of gay adoption in New South Wales.

**Mr ROBERT COOMBS** (Swansea) [5.22 p.m.]: I must say I am a little confused because I thought that the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 would be one bill on which the major parties and the crossbench would be united to ensure that we create a society in which justice and equality are recognised and discriminatory practices are eliminated from our community. One of the basic definitions applying to the elimination of discriminatory behaviour includes the principles that all individuals will be treated equally under the law and will have access to the same rights as anybody else, irrespective of their creed, colour, race and sexual preference. Some comments by Opposition members contradict that basic principle. I regard that as a sad indictment on Opposition members.

The intention of the bill is to amend the Status of Children Act so that parental presumptions relative to fertilisation procedures do not discriminate against women who are living in a same-sex relationship and who choose to create families by means of artificial conception. This amending bill reflects the Government's commitment to treat all people undergoing artificial fertilisation procedures equally. The Opposition's record on human rights issues is not good, so it is not surprising that the Opposition has been unable to form a unified position on a bill that delivers important rights to the children of same-sex couples. I reiterate that the issue concerns children and the equal access of children to rights that have implications for a whole host of legal procedures that already are available to children of heterosexual couples.

Given the Coalition's antipathy to the rights of gay and lesbian couples, the Coalition really has little credibility in this debate. Is the Coalition's current attitude inspired by Philip Ruddock, who refused for four years to take up the New South Wales referral of power for same-sex de facto relationships and delayed enacting legislation that would allow the Family Court to settle property disputes for gay and lesbian couples? Or is it based on the response of Brendan Nelson, who declared his opposition to adoption rights and in vitro fertilisation access for same-sex couples? Let me refer to some of the comments made by the member for Coffs Harbour in debate on the Property Legislation (Relationships) Bill 1999:

During debates in this place as long ago as 1987, and perhaps even before then, we as members of Parliament have recognised certain aspects of homosexual relationships. I know that this is a very personal debate, but I feel that to some extent homosexuality has degraded and debased our society, families and the community ...

Over the past 10, 15 or 20 years we have let our guard down and talked about a lot of things that happen in our community, including the moral standards of the community. I am disappointed when I see pieces of legislation slip through that promote gay rights and matters that are foreign to me and the way I have been brought up.

All I can say in response is that his comments are very backward, conceited and divisive. In contrast to that, the Carr and Iemma Labor governments have led the way in establishing equality for gay and lesbian people in New South Wales. In 1999 the New South Wales Government enacted the Property (Relationships) Legislation Amendment Act to incorporate for the first time same-sex couples in the definition of "de facto relationships". That gave same-sex couples the same rights and protections in relation to their property as apply to heterosexual de facto couples. The Government also extended that new definition of "de facto" to other Acts, thereby conferring benefits, such as the removal of legislative discrimination against people caring for their partner and against accessing rights following their partner's death or permanent disability.

Further amendments in 1998 and 2002 gave same-sex couples equal rights to workers compensation and access to State superannuation funds. In 2002 the Government introduced the Miscellaneous Acts Amendments (Relationships Act) 2002 to extend the rights of same-sex couples across more of the New South Wales statute books. That Act gave same-sex spouses employment benefits and entitlements that previously they had been denied, and conferred on them benefits, rights, powers and protections of legal consequences arising from a person's relationship as a spouse. The Government's bill will extend the bill's definition of "de facto" to incorporate same-sex relationships dealt with in 50 other Acts. The Government has a proud record of law reform for same-sex de facto couples. I commend the bill to the House.

**Mr PETER DRAPER** (Tamworth) [5.29 p.m.]: I will make a brief contribution on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. Civil registration was introduced into New South Wales

in 1856, and our records of births and deaths are among the most accurate and comprehensive in the world. Our society faces many significant challenges, and a great number of the problems that communities face have been attributed to the disintegration of the traditional family unit. I have received a multitude of submissions from across the State about this piece of legislation. I do not think children being raised by same-sex parents should be discriminated against in this State, but similarly I do not believe the role of fathers should be diminished in any way either.

The Family Law Reform Association of New South Wales points out that this legislation has been drafted to recognise some 200 children born each year to same-sex parents. Around 40,000 children are born in this State during the same period. It expresses concern that the integrity of our system of birth certificates be retained and suggests that an appropriate certificate be drafted to accommodate the 200 children affected. Birth certificates are supposed to portray accurately wherever possible a child's biological mother and father. It is one of our country's most important legal documents and a critical plank in the legal definition of a person's identity. It defines a person's heritage and describes their legal relationship with their parents.

In many cases same-sex couples make loving and supportive parents but the arguments being advanced today, particularly in relation to lesbian parents, fail to recognise that every child conceived has a biological father. One email I received suggested that this contentious issue could be resolved by amending the wording to state "father or other parent". The Festival of Light submitted an eight-page document for consideration that makes many ideological statements, and concludes that the bill will be seriously harmful to children. I do not accept this part of its argument, but I agree that the bill certainly challenges the status of marriage in our society.

Possibly the most thoughtful contribution I received was from the Anglican Church Diocese of Sydney. It expressed concern that many of the benefits proposed to be extended to same-sex couples are equally applicable to other types of caring, interdependent relationships, such as with elderly siblings or disabled family members. It pointed out that it seems unfair that other interdependent relationships that are not sexually based should be excluded under the legislation. It also expressed concern that granting certain entitlements to same-sex couples denied the reality of a biological mother and father. It declares its support for removing administrative barriers so that same-sex parents can provide their children with the best possible care, but expresses concerns about changes to birth certificates. I share those concerns, and I will not be supporting the bill.

**Mr ALAN ASHTON** (East Hills) [5.32 p.m.]: I did not intend to speak to the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. My views on the subject are probably well known and could be predicted by most members who have been in this place for a while. Members have said during the debate that they have received a great deal of correspondence about the bill. Until yesterday I had received nothing, but today I received a letter from the Fatherhood Foundation. Members probably received the same correspondence, and have read it. I want to outline to the House some of the things that the Fatherhood Foundation believes will happen if the bill corrects some legislative anomalies.

The Fatherhood Foundation, which was formed in Unanderra—I do not know how big or how influential it is; it may be a well-respected organisation—outlined its key reasons for asserting that members should oppose the bill. The first reason is that the bill will be harmful to our children. I do not see how it will be. The intention of the bill is to ensure that children are protected. Children have parents—they do not necessarily need a father and a mother per se—and this bill confers certain rights on gay parents. On Sunday night I watched a crime investigation program about the infamous Waters family from the Central Coast. Cec Waters was a megalomaniacal murderer and sexual deviant who had several wives and three sons. Two of his sons went on to become Australian boxing champions. His son Dean murdered the boyfriend of Cec Waters' wife. I mention that infamous case because it involves a traditional family unit: a married heterosexual couple with children. But who would hold them up as a wonderful example of a loving, caring family that only a married man and woman can produce? That is outrageous; it is rubbish.

Gay and lesbian couples are raising great children. When considering potential harm to children we should not get carried away and assert the only children who are abused or sexually assaulted in our society have gay parents. That is a ridiculous notion. To be frank, I do not think any Opposition member would argue that—although perhaps some organisations in the wider community will. The Fatherhood Foundation says that the bill is "derogatory to men in general and fathers in particular". I am the father of two daughters and I do not feel threatened in any way by this legislation—and nor would most fathers. It is compulsory for mothers to claim parentage because that is pretty obvious: the woman is there when the baby is born. But anyone—or nobody—can be named as the father on a birth certificate. The debate on this bill was derailed when some shock



jocks did their usual thing and started ranting and raving about men being removed from birth certificates. I think the issue was driven by the *Herald Sun* in Victoria. Those who read the *Herald Sun* deserve to be fooled and conned constantly. You could not find a more scurrilous rag.

**Mr Daryl Maguire:** You said that about the *Telegraph* last time.

**Mr ALAN ASHTON:** I will not comment about any New South Wales newspapers. But people like Andrew Bolt will write anything. I listened to a radio discussion about the fact that reference to fathers was to be removed from birth certificates. The Attorney General, the Hon. John Hatzistergos, was interviewed and outlined clearly the position to the shock jock announcer, who was happy to accept his explanation. But the bill had already gone off on another tangent. The Fatherhood Foundation also claims that the bill is "biased and discriminatory". I suppose it is in the sense that we have to discriminate to some extent in order to prevent discrimination. That is fairly obvious.

The Fatherhood Foundation says that the bill will "fragment families". It will not do that because it will apply to existing families. It will not prompt heterosexual couples with children to become gay, change their parenting arrangements and alter their children's birth certificates. Such things happen occasionally, but that is life. As I said before, not every family arrangement involves a man and a woman—and we should recognise that fact in 2008. The Wran Government realised it in the late 1970s and early 1980s. The Fatherhood Foundation claims that the bill will weaken marriage. I guess that argument could be made, but the foundation goes on to claim that the bill will also weaken "the foundation of families and the strength of the nation". Desperate people sometimes make those sorts of claims, but that argument cuts no ice with me.

The Fatherhood Foundation claims that the bill "promotes ill health at the expense of health". How does it do that? Most lesbian couples know lots of men: they have male friends in their workplace and fathers, brothers and other relatives. Most members know gay people in Parliament, from our previous workplaces and in the community generally. I hardly think knowing them or their children is promoting ill health in our community "at the expense of health". That is a silly argument. The foundation also says that the bill will "hurt the very people it is designed to protect". I would rather be the child of a gay or lesbian de facto couple—or a gay or lesbian married couple if gays and lesbians are ever permitted to marry—living in a happy environment than a child whose mum and dad are drunks who beat the you-know-what out of each other every second night. That child simply would not say, "Aren't I lucky? I'm in a traditional Australian family, with a mum and a dad." No thank you! The Attorney General's Department has received various emails about the bill—as I said, I seem to have missed out on the bulk of that correspondence. On Monday the office received an email from a woman who wrote:

I am writing to ask you all to support the Same Sex Relationships Bill. I am concerned for the welfare and security of my grandson, who is the much-loved child of my daughter and her partner. I would like those two wonderful mothers to be recognised as my grandson's parents and to have the same rights under the law as heterosexual de facto partnerships where there are children. He has been born into a very loving and supportive family and extended family and they all should have the same rights under the law as other families.

Another email received by the Attorney General's Department states:

As a previously married gay man who has actively shared the raising of my own three children, I am personally aware of the difficulties that can face children born into non-standard families such as mine. I believe the changes being proposed by the present government are definitely in the best interests of children. Those children need the emotional and financial stability that comes with the legal recognition of their families. They are being unjustly discriminated against for as long as reforms such as these are left unresolved.

Many things flow from children having legally recognised parents. These are simple things such as parents giving consent for their medical treatment, taking them to hospital, signing school permission notes to go on excursions and the like. Same-sex parents will be unable to perform a host of simple tasks if the bill is not passed. Rejection of the current legislative reforms will have an ongoing adverse effect on the lives of children born into gay and lesbian families in this State. A woman in a same-sex family wrote:

My partner and I and our three kids live in Earlwood. The current Miscellaneous Acts Amendment Bill would make a big difference to our lives in terms of giving us and our kids better legal recognition and certainty. I encourage you to stick up for us as your constituents and support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill.

Quite clearly many people who have strongly held beliefs have argued their cases but equally many other people welcome this legislation, which I support.

**Mr RAY WILLIAMS** (Hawkesbury) [5.40 p.m.]: As a parent of two wonderful children, my first and foremost consideration is always the wellbeing of a child, which should be paramount in any relationship. However, I also believe that a mother and father offer the best possible opportunities for the upbringing of a child. Sometime ago the Hon. Philip Ruddock said in Federal Parliament that is what he knows and what he was brought up with. That is how I was brought up so I know no different. I believe a mother and father give children the best possible opportunities because I know no other way.

I do not understand why this House would attempt to push through what can only be described as a symbolic change by excluding the words "mother" and "father" on a birth certificate and including the word "parent", which, in my opinion, diminishes the meaning of "father" and will cause extreme confusion for children in later life who may witness, with the changing of this legislation, that two mothers are listed as having parentage on their birth certificate. This fictitious recording of a parent instead of a father degrades the role of a father and changes our current social and acceptable standards. What message does the bill send to the community? It suggests to people, possibly some very young people, in our society that a child can have two mothers, or even that it is normal and acceptable for a child to have two mothers. It attempts to include two mothers on a birth certificate, which indicates the parentage of a child is two mothers, which of course is impossible and therefore the message is incorrect.

Regardless of how a child was produced, the role of father is fundamental through the provision of sperm in the child's very existence: it cannot be any other way and I believe the word "father" should never ever be diminished. If this amendment is passed it will give equivalent rights to cohabiting lesbians that ordinarily flow from a marriage certificate. If the aim of the amendment is to obtain equal parental responsibility, a simple parenting order from the Family Court gives non-biological parents equal shared parental responsibility, and therefore this bill is unnecessary. I believe we are moving one step closer to same-sex marriages. I will always believe in the sanctity of marriage being between a man and a woman. Unfortunately, I will never ever change that fundamental and important view.

My other great fear in relation to this amendment is that it leaves open a loophole that may create the potential for a type of quasi or pseudo-type adoption and give the green light to, for want of a better word, the trading or supplying of newborn children. At present same-sex couples cannot adopt children because it is believed that it is not in the best interest of the upbringing of the child. The amendment provides that the only prerequisite for a person's name to be included on a child's birth certificate is for a woman to be the partner of another woman for an unprescribed period of time. The question has to be asked: Does the amendment open up the door to allow a woman to have multiple partners and subsequently multiple children with those various partners simply to produce children on behalf of a couple who are unable to have children?

In several cases money has changed hands for producing a child on behalf of people unable to have children, sometimes for undisclosed, but reportedly large, sums of money. This is big business: women are prepared to carry a baby, which is the product of another couple's biology. Several women have agreed to become surrogates and carry an embryo simply to raise money. These types of arrangements are particularly common in America. Ultimately the surrogate mother can become the beneficiary of large sums of money. Ultimately the mother and father provide the genetic make-up of the child, but the process involves another woman consenting to carry the unborn baby until birth, then handing over the baby to the paying couple.

The amendment provides that a woman who is or is supposed to have been the lesbian partner of another woman, whether it is a legitimate partnership, can obtain full parenting rights of a child by having her name included on the original birth certificate. All that is required for a woman with no biological link to a child whatsoever to have her name on the original birth certificate is for that woman to be in a supposed relationship with another woman. The amendment provides that such a person can become the legal parent of a child, with all the parenting and equivalent rights of a biological mother or father simply by having her name included on the birth certificate. Any woman could appear to be the partner of another woman for the purpose of creating a baby on their behalf.

As abhorrent as that sounds it will actually be quite easy for people to have a child with whom they have no biological links whatsoever, and then assume all parenting rights of the child because a woman has agreed that she is the lesbian partner of another woman and can therefore have her name on the birth certificate. As I said it is a form of quasi or pseudo adoption but without the appropriate checks in place to ensure a person has the appropriate credentials to become a parent of a child. The amendment opens up a loophole of massive proportions, and the possibility of a completely neutral person gaining the equivalent rights of a biological father or mother as the result of her name being put on a birth certificate.

Once the baby is born the women can go their separate ways, which could be the case in any partnership—everyone acknowledges that partnerships break up and relationships break down. However, the right of parentage is retained by either partner and in 59 per cent of cases, especially with these changes to the legislation, a woman with no biological links to the child whatsoever could retain the parentage rights and responsibilities for the child. I believe it is a step into the unknown and conjures up the possibility of the indiscriminate creation of children who will be raised by a person with no biological links to them whatsoever but with full parental rights. While that maybe the case with adopted children, the process of adoption is far more robust and rigorous in ensuring the suitability of parents for children than the simple process involved with being the apparent partner of another woman and having a name included on a birth certificate. I oppose this amendment for that reason.

**Mr PAUL McLEAY** (Heathcote) [5.48 p.m.]: The member for East Hills gave a comprehensive review of the Act and respectfully challenged some myths. I will not deliver a long dissertation. Some members are talking to the Miscellaneous Acts Amendment (Same Sex Relationships) Bill from a biological or theological perspective, but I come to it from the perspective that it is a step forward for community inclusion and social justice. When my wife and I had our daughter, Holliday McLeay, seven years ago last week we knew it would be a challenge. We took on the challenge as an expression of our love and the commitment that we made to each other and our child. We knew it would be a partnership and that it would be tough—a challenge and a life-long responsibility.

One of the symbols that go with having a child is the issuing of a certificate from the Registrar of Births, Deaths and Marriages. The certificate has a place for the names of the parents. Our certificate had our names and I went overboard and bought the framed copy decorated with wattle. They are not official; they are ceremonial. It is something that we have kept. We knew that we were Holly's parents and that our names are forever recorded on that certificate. I look forward to lesbian citizens of New South Wales also having that same right and privilege.

**Mr MALCOLM KERR** (Cronulla) [5.50 p.m.]: I do not want to detain the House because much of what I was going to say about birth certificates was said by the member for Tamworth. The effect of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 on inheritance and the duties of parents could have been achieved without controversy and without destroying the integrity of the birth certificate. For that reason, I will not support the bill. Debate in this House and debate in another place has fully canvassed the arguments for and against the bill. This is not an easy matter; there are objectives in the bill that all of us would agree with. However, those objectives could have been achieved without impugning the integrity of birth certificates. In addition, a child who wants to find out his or her biological father could well be prevented from doing so. There are a number of competing interests in the bill. If a birth certificate does not include the name of the biological father, where can the child go to determine that? The Christian Democratic Party succeeded in amending the original bill, on which I congratulate it. I consider it important that I state my views to the House.

**Mrs DAWN FARDELL** (Dubbo) [5.51 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 is not purely about sexual preferences, whether it is two women or two men raising a child or considering themselves to be the legal parents. I make it clear that I am not anti-sexual preferences, but biologically a child will have a mother and a father. Many children in my electorate do not have a birth certificate, for many reasons. Their parents may not have registered the child's birth, the parents may be illiterate, or the process was just too hard. Some parents with substance abuse problems have had many partners and may be unaware who their partner was at a certain time. Often they will record an incorrect name on the birth certificate: maybe their new partner rather than the biological father. That part of our law needs to be tightened up, because only DNA can make that determination.

The registry accepts the word of the parent who registers the birth. However, the bill will eliminate fatherhood by creating a false record as to the child's true parent and replacing the biological father with the name of the mother's de facto lesbian partner on a birth certificate. To me, that is still an issue. Amendments have been passed in the upper House, and I can understand that. But a child must have a father. The bill provides for "two persons"; but is that two women in a lesbian relationship, or two aunts raising a child, or two women raising a foster child from birth to whom they are not biologically related, or is it two men raising a child under the same circumstances?

The bill in its present form does not cover all contingencies. Once it is passed, the floodgates will open. Various different groups, people in different relationships—sexual or companion—may challenge the bill. The bill in its present form does not cover all the loopholes that may appear. I expect we will debate this matter

again, and have a conscience vote again, because the bill has been rushed through. I had intended to support the bill. However, after further research I have determined that people in different relationships, not just sexual, raise children in a loving home, which is not always provided by a mother and father. Sometimes two aunts, or two grandparents raise children. Sometimes two males raise children. They can also provide a good environment. However, there are too many loopholes. I predict that we will be back in here within 12 months, again debating amendments to certain Acts. I cannot accept the bill in its present form.

**Ms KATRINA HODGKINSON** (Burrinjuck) [5.54 p.m.]: I have given the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 a lot of consideration. I have consulted broadly. I have met with a number people about it. I have lost sleep over my position on this bill. I can see the arguments on both sides of the debate. This bill raises genuine concerns and really deserves a conscience vote. Probably many members have agonised over this bill as I have. I liaised quite extensively with people who are involved in the gay and lesbian world, which is not a world that is very familiar to me. I recognise that many people are involved in that community, and I recognise that they have aspirations, ideals and ideas. Obviously they have needs that are different from the traditional conservative model that I am very much a part of—I am married with two children and live in a country town. I have a different life from that of many people in the gay and lesbian community.

I sat down with representatives of the Gay and Lesbian Rights Lobby and talked to them about the bill. I put forward my concern that maybe I was not a good person to judge their needs. I asked them to explain what they were really after. I thank the members of that lobby group for taking the time to come to Parliament House and explain to this poor, simple soul the elements behind the bill, and what it meant for them. I consulted also within my electorate and also wrote to the local Catholic and Anglican diocese and asked for their input. Obviously, this bill would be of significance to those institutions. I have received feedback from individual members of my community and churches, without my approaching them. It is important that I record some of the views of the responses that I have received, as the respondents asked me to do. Lorraine Nixon from Cootamundra wrote:

I am appalled by the suggestion that the word father is being considered to be removed from a birth certificate. What about the rights of a child to know its birthright and the fact that every child needs a mother and a father, not two mothers.

I am not sure that that is the intent of the amended bill, but I respect her right to express her concerns. Len McNally of the Cootamundra Baptist Church wrote:

On behalf of the Cootamundra Baptist Church, we wish to object to the proposed change to Birth Certificates: namely the removal of "Father" from the Birth Certificate.

I understand an amendment went through the other place in relation to that. I thank the Hon. Don Harwin, MLC, for advising me of the amendments this very morning. I thank also the Hon. Charlie Lynn in the other place for explaining what the amendment to the bill would mean. I recognise that the bill has changed since it was introduced in the other place. I will continue to record the concerns of my constituents. Len McNally further wrote:

Our objections are based on the following:

1. The child has the right to obtain his/her own copy of that certificate which will lead them to their heritage. If there is only one parent mentioned i.e. mother, this cuts the child off from that total knowledge.

It is an unnecessary removal as it is permitted already to show only one parent. There are many instances, for whatever reason, of people choosing to only have the mother's name registered.

He goes on to make other comments. Wanda Taylor from Caragabal wrote:

Two women cannot reproduce so why should they be allowed to refuse to have the name of the biological father on a child's birth certificate. All children should have the right to know who their father is.

Dr David Hopkins of Cowra wrote:

... the move to deny children the right to knowing who their father is suggests social engineering that I find unacceptable. What confusion this will create in the minds of the most vulnerable. The notion of denying the place of a male in the process of reproduction is like denying we need air to survive and so all children need to know who their father is.

Michael and Julie Ridley of Caragabal wrote:

I am writing to ask you to vote against taking dads off birth certificates. How can we find your biological parents if this was to happen.

The reprisal of not putting dads on birth certificates would be catastrophe.

There would be children and adults that would never be able to heal from this.

From this sort of correspondence members can understand why the amendment was successful in another place. I received a letter from Nic Taylor, also from Caragabal, who said:

Hi Katrina. I hope you don't let this bill pass on your part. Could you see yourself with two mothers or two fathers on your birth certificate? Don't let other kids have to go through the pain of never being able to know if/who/what/where their real dad is. Thanks. Nic.

I received quite a lengthy letter from Mark J. Wood, of Bywong, who said:

It is important that we are not stripped of our legal recognition as mothers and fathers, including the description on the birth certificate. It is also important that the legislative assembly understand our voice on this issue.

Christine Convery of Grenfell wrote, "Do not dismiss dads from birth certificates!" Reverend Terry Logan, a highly respected minister from Yass Community Baptist Church, wrote:

Dear Katrina,

Yass Baptist Church views with great concern the introduction of legislation by the NSW Parliament that undermines the traditional Christian understanding of marriage and family, or attempts to equate same-sex relationships and same-sex parenting with their heterosexual counterparts. We would appreciate you making our views known to the Premier and his Cabinet.

Yass Baptist Church views marriage is a covenant relationship ordained by God between a man and a woman, and that sexual activity outside of a marriage relationship between a man and a woman is immoral and counter to God's intention for humankind.

We believe the ideal environment in which to raise children, affirmed by the Bible, is a family with one father and one mother who are married to each other. Therefore it is not desirable for children to be raised by same-sex parents.

Where a same-sex parenting arrangement cannot be avoided it is appropriate for the state to extend relevant children's rights to the children of same-sex parents, but this must be regarded as an exception to the norm rather than as a precedent allowing further erosion of community standards.

We oppose the proposal to record on a child's birth certificate the name of a lesbian partner of a child's mother which wrongly indicates that the partner is a parent of a child. Where possible, birth certificates should record the name of the biological mother and biological father of the child. The state should not legitimise or encourage a means of producing children that intentionally denies the right of a child to know his or her father.

We encourage the welcoming of lesbian, gay, bisexual and transgender persons but we do not affirm sexual intercourse outside of marriage.

They are the very strong views of a highly respected reverend from the Yass Community Baptist Church. He makes other comments in his letter. I have also received correspondence, which I will not go through, from the Marriage and Family Office of the Catholic Archdiocese of Sydney and, as I mentioned before, the Gay and Lesbian Rights Lobby, the Anglican Diocese of Sydney, Endeavour Forum Inc. and some others.

I guess we need to consider not only the views of our electorate but also the necessity to pass this legislation. Is there really a significant problem out there such that this legislation needs to go through as it is? It is not an issue that has been raised with me in the way that other issues have been, such as the need for day-to-day funding to improve infrastructure or social outcomes for people in distress. This is not an issue that I am lobbied on. As I mentioned at the beginning of my address, I have agonised over this. Do I follow the hunch I have in relation to this bill or do I follow an academic path whereby I am looking at something from possibly another person's point of view and I have been argued into adopting the point of view by an outside source?

When I was thinking about my position on this bill I was reminded of a friend of mine whom I have known my entire life. She grew up 10 kilometres north of Yass and I grew up 10 kilometres south of Yass. She is a couple of years younger than I am. I will not mention her name because I would never embarrass her in that way. She found herself with a lovely man but subsequently the romance did not work out and she ended up pregnant. She moved back in with mum and dad on the farm. When we found out we were just so excited; it was just going to be the most wonderful and exciting thing. The whole community got right behind her. Unfortunately, she is still single. She is a gorgeous girl. She ended up having beautiful twins. I have always thought it would not matter what sort of relationship she had so long as she was happy.

I think that is the way most people think these days in relation to same-sex couples and children living with same-sex couples. If the children are happy in those households and they are in a loving, kind and genuine

household and everything is going swimmingly, that is wonderful. If they grow up as good, functioning citizens of our community, that is what we want. We want only the best for those children. Is there a problem with the system at the moment? I do not think so. Are we all encouraging children to grow up in loving, comfortable homes no matter how those families or homes are made up? If it is a single mother or single father, or two women or men living together in a gay relationship or a platonic relationship, does it really matter? Does it matter if it is a grandmother, a daughter and a grandchild or grandchildren all living together harmoniously? It does not matter how a family is made up so long as the child is growing up in a happy and stable family environment and will not be injured psychologically, traumatically or physically. That is what we want. That is how we want our communities to be.

I know that the Gay and Lesbian Rights Lobby is strong on this legislation. I also talked to the lobby about the adoption of children who are not known to people living in a gay relationship. I said that I would be uncomfortable for gay people to adopt children that they did not know because heterosexual couples had so much difficulty in going through adoption. I do not believe precedence should be given to gay couples to adopt unknown children. However, if the child is a part of their family or is known to them and already has a relationship with one member of the couple, go for it. That is great. If the child is living in a happy and stable home, it is wonderful. We could not really ask for any more than the happy and safe upbringing of a child.

For that reason I think the current situation is actually okay. I do not think we need this legislation. That was my hunch when I first heard about the legislation and read through it. I was concerned about the father's name not being on the birth certificate and I talked to Charlie Lynn about it. I have agonised over this and I have really thought sincerely about it. I can see the academic argument from the Gay and Lesbian Rights Lobby, but I am going to follow my hunch about this legislation. I am going to follow what I think is the right thing to do and that is to vote against the bill.

**Mr PAUL GIBSON** (Blacktown) [6.09 p.m.]: Like all members in this Chamber, I have received a large number of letters and emails from constituents who have different views about the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. In nearly all the correspondence that was received in my office concern was expressed about the term "father" being removed from birth certificates. I must admit that I was concerned about that. I would have found it hard to vote for the legislation if that issue had not been resolved to enable the term "father" to be used on birth certificates.

It is only fair for parents in lesbian or homosexual relationships to have their names on a birth certificate. Over the years people have been confronted with many problems. Sometimes the name of a father was listed on a birth certificate but years later it was established that the person named was not the child's father. A child has no certainty that the person who is listed on a birth certificate is his or her father. Legislation such as this is long overdue. I support the retention of the term "father" on a birth certificate and the inclusion of parents, guardians or partners. I support the legislation.

**Mr DARYL MAGUIRE** (Wagga Wagga) [6.11 p.m.]: I acknowledge that families come in all sizes, shapes and combinations. I believe that marriage represents a union between a man and a woman. However, I respect the fact that it is the right of people to make other arrangements. I do not seek to enforce my view on people, but I reaffirm my strong belief in the nucleus of the family. In reality, children are born into other unions. Whilst I might not agree with some of the relationships that produce children they will continue to be produced and it is important for them to be treated equally. Children must enjoy the same rights that are enjoyed by others, regardless of their colour, race, creed or religion.

I and other members have considered this legislation carefully. Initially, I was concerned about the way in which the bill had been drafted. However, the amendments in the other place calmed my concerns about certain aspects. Coalition members decided that the only way to go on such an important issue was to allow members a conscience vote, and I thank my party room for that. On legislation that is regarded as contentious, as this bill was in its original form, all members should be allowed a conscience vote. However, Government members have taken a party position and will vote for this bill. When Coalition members were allowed a conscience vote the Minister said in a newspaper article that our so-called party bosses were holding us captive. All members would be aware of the persons about whom the Minister was talking. I say to the Minister, wherever she is, that that was the most juvenile comment I have ever heard from someone on such an important issue.

When debating other important legislation Coalition members were allowed a conscience vote. It was outrageous for the Minister to make such a juvenile comment suggesting that anyone had influenced our party

room, my vote or the vote of other members. I am pleased to be able to make a contribution to debate on this matter tonight. The way in which the Minister handled this issue reveals that she is inexperienced. She took the easy road and attacked members who have been given a conscience vote. Government members have not been given a choice. We will see what happens when we are debating the electricity privatisation legislation. Government members will be forced to vote in a particular way. We will see how the Government handles that challenge and we will hear what the Minister has to say.

My colleagues have given careful consideration to this important bill and I commend them for their contributions. Obviously they have thought long and hard about its implications. I am quite calm about the bill now that it has been amended in the upper House. Children are important. This bill will ensure that all children enjoy the same rights. I have said on other occasions that I will not support gay marriages. I will not vote for legislation that sanctions such a marriage, nor will I support adoption legislation for gay couples. I said earlier that I recognise that children are being born into those unions. I respect other people's choices, which is why I will be voting for this piece of legislation. I reaffirm my policy on issues with which we might have to deal later.

Unless something of a seismic nature occurs to change my view of the world, I will not vote for gay marriages or gay adoption. Over the years we all gather friends and acquaintances. I have had the pleasure of gathering many friends and acquaintances, some of whom are close friends who are in gay relationships, which I respect. When issues such as this are being debated our constituents expect us to consider them in depth and they expect constructive debate, which is what occurred today. The only non-constructive contribution was that of the Minister, who made cheap, political points about members who are dealing with this issue in a professional manner.

**Mr MICHAEL RICHARDSON** (Castle Hill) [6.18 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 seeks to give parental rights to lesbian couples over children who are conceived by artificial fertilisation. It also seeks to ensure that children born into same-sex relationships are treated by the law as having the same rights and entitlements as children of other relationships. Many speakers in this debate have emphasised the importance of ensuring that children are cared for and nurtured, and that they enjoy the same rights and privileges, regardless of who is looking after them. It is impossible to argue against that proposition. The fact is that we cannot change nature. A child is still created by the union of a man's sperm and a woman's ovum. This bill seeks to change nature by creating the fiction that two women can, in effect, be mother and father to a child. As John Howard said on ABC news on 8 June last year:

I am of the view that children should have a mother and a father and should have a male parent and a female parent. It gives children the best opportunity in life.

I am also of that view and I make no apologies for it. This bill goes much further than the 1999 Property (Relationships) Act in that it involves both the upbringing of children virtually from conception and the details of their parentage that are recorded on their birth certificates. It uses the definition of "de facto relationship" from section 4 of the Property (Relationships) Act in amending the Anti-Discrimination Act 1977 and the Status of Children Act 1996 to equate the position of a lesbian partner of a woman who has a child through an in-vitro fertilisation [IVF] procedure, that is, not through sexual intercourse, to that of a married woman's husband.

Former Attorney General Jeff Shaw swore this would not happen. During debate on the Property (Relationships) Amendment Bill 1999 he said that there was no intention to use the definition of "de facto relationship" introduced by that bill to change marriage or adoption laws. Yet this definition is being used now to equate the position of a lesbian partner with that of a husband and father. This bill is all about the rights of adults rather than the rights of the child. Section 14 of the Status of Children Act 1996 recognises the presumption of parentage arising from in vitro fertilisation procedures. Section 14 states:

- (1) When a married woman has undergone a fertilisation procedure as a result of which she becomes pregnant:
  - (a) her husband is presumed to be the father of any child born as a result of the pregnancy even if he did not provide any or all of the sperm used in the procedure, but only if he consented to the procedure, and
  - (b) the woman is presumed to be the mother of any child born as a result of the pregnancy even if she did not provide the ovum used in the procedure.

Under legislation a "married woman" is defined as a woman living with a man as his wife even though she may not be married to him, and a "husband" is defined as a man living with a woman, which may be in a de facto relationship. The bill will change these definitions by inserting new section 14 (1A) to identify two women in a

lesbian relationship as the parents of a child conceived through in vitro fertilisation by one of the women, provided the other woman has consented to the procedure. This bill is not really about equality for children as the member for Bathurst stated.

If this bill is the response to the issue that a child born in these circumstances is likely to be discriminated against at school or by other means, surely that issue can be dealt with by having the other woman in the relationship—that is, the non-mother—classified as a guardian. A number of agencies that wrote to me suggested this solution, and it seems to make eminently good sense. Many people were concerned that the proposed amendments to the Births, Deaths and Marriages Registration Act would have allowed the identification of the biological father to be removed from a birth certificate and replaced by the identification of the second mother. An amendment passed last night by the upper House, to which the member for Wagga Wagga referred, provides:

If the particulars supplied to the Registrar under section 14 of the Act specify that:

- (a) a parent who is the father of the child wishes to be identified in the register as the father, or
- (b) a parent who is the birth mother of the child wishes to be identified in the register as the mother,

or both, the particulars entered either the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires. This subclause does not limit the particulars which may be included in the Register.

That amendment certainly improves the bill, but it does not remove the fiction that two women, one of whom is the de facto partner of a woman who gives birth to a child, can be the parents of that child. This bill undermines the status of marriage and of fatherhood. Chris Meney, Director of the Catholic Marriage and Family Office, wrote to members as follows:

... I ask that you consider if the following positions are either explicitly or implicitly advocated through this proposed legislation and whether or not you support them:

1. Having a mother and a father is unnecessary duplication.
2. A child has no right to the complete knowledge of his or her biological heritage.
3. Mothers can "father" just as well as men.
4. The needs of children are secondary to the desires and wants of female adults in a relationship.
5. Children do not have a presumed right to the complementary role modelling, care and protection of their biological father.

As I stated earlier, this bill is all about the rights of the adults and not, as many members have said, about the best interests of the child. The rights and welfare of the child should be paramount. No amount of legal fiction can change that situation. I pose this question: What happens if the de facto partner of the birth mother leaves the relationship in a few years' time but is still recorded as a "parent" on the birth certificate? The child will have that other woman, whom he or she may never really have known and to whom he or she has no biological relationship, listed on the birth certificate for the rest of his or her life. The Diocesan Secretary of the Anglican Church of Sydney, Robert Wicks, makes a valid point in this regard. He says:

The birth certificate is an official document of profound symbolic and personal significance to the individual whose birth it registers. Throughout the course of a person's life that need to know the identity of their biological parent often increases and so it is important that the integrity of the birth certificate is maintained on behalf of each child. While we support the establishment of donor registers, we believe that a birth certificate is a superior source of information about one's genetic origins as it is not dependent on the individual first knowing that they are the result of a fertilisation procedure. It is the responsibility of the State to protect the interests of the child in this circumstance by ensuring that (to the extent that it is possible) the birth certificate identifies the biological parents.

That is not to say that lesbian couples make bad parents or that all heterosexual couples make good parents; obviously that is not the case. I believe the best environment in which a child can be raised is in a traditional loving nuclear family composed of a father, a mother and their children. Indeed, in my electorate that role is followed in the vast majority of households. I am proud to say that my electorate has the highest proportion of traditional nuclear families in the State. For these reasons I shall oppose the Miscellaneous Acts Amendment (Same Sex Relationships) Bill despite the arguments advanced by its proponents. This bill will not advance the welfare of the people of New South Wales, as all members in this place are obliged to do, or of the children born to same-sex couples. As the member for Lane Cove said, this bill is a slippery slope that ultimately will lead to homosexual adoption and marriage, both of which I vehemently oppose.



**Mr BRAD HAZZARD** (Wakehurst) [6.25 p.m.]: I have a few comments to make about the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. Obviously, the amendments proposed by the bill have been examined in a range of ways: some in a narrow legal perspective and some more broadly. I do not have a problem with this bill from the legal perspective. It seems to me that the bill is making appropriate amendments to reflect modern-day reality. To consider the perspective from which we should start, I would start every time with the best interests of the children—a theme so obvious that I find it difficult to contemplate a different perspective.

Obviously, the bill acknowledges the reality of modern society in that families come in all shapes and sizes. At the end of the day, most of us want a happy child in a loving environment with a loving parent, male and female parents or possibly within lesbian or homosexual parents. This bill seeks to amend a host of Acts. The amendments are sensible and display common sense. In some cases they reflect opportunities for protection of the child.

One guiding principle in community services when considering particularly children outside the usual family environment—that is, out of home care—and under the Federal Family Law Act, is the best interests of the child. That is what counts. I see no justification to move from that approach. This bill attempts to address those issues. Certainly, it will bring consistency through a host of Acts, including particularly the Status of Children Act and the Births, Deaths and Marriages Registration Act, both of which members referred to during this debate. The principal aspect of this bill comes back to the definition of "de facto relationships". I shall not repeat the details of schedule 2 to the Status of Children Act as they have been referred to at length.

I do not believe any of us should be presumptive about making value judgements of other people's family circumstances or relationships. If a child is raised in a lesbian relationship where both adult members of that family are loving and caring there is absolutely no evidence to indicate that that child will suffer as a result of that relationship. Equally, the same could be said of a homosexual relationship between two men. I struggle with this concept in that I believe we are all on life's journey of learning.

Some years ago when I first considered this issue my instinctive response was that if a child could be brought up in a relationship between a man and woman who love the child and within a traditional family model that probably would be the best thing. But I must say that I am aware of many situations in which children have been brought up, including those that could be described as alternative families, those that have only one parent, and those in which the parents are two men or two women. I am also aware that provided one theme was common to each arrangement—a loving relationship—the children did extremely well.

While I respect the position taken by others engaged in the journey of considering these issues and that others have particular perspectives based on their strong religious or moral beliefs, I state for the record that I will be supporting the bill because I think it warrants support. Even the issue of retaining a father's name on the birth certificate, which caused so much excitement in the Legislative Council, seems to me to be a good idea because it was ever thus. However, I also contemplated a child examining his or her birth certificate and seeing "Fred Brown" under the designation "Parent". That child would probably work out that "Fred Brown" was his or her father. The concern about fathers having their names retained on the birth certificate caused much grief but the issue was sorted out by amendments moved by Reverend the Hon. Fred Nile.

I cannot see any reason at all why I should not briefly state my perspectives on the bill. As long as legislation is enacted in the best interests of children we should move to provide people in same-sex relationships with appropriate protection and, most importantly, ensure that children in the relationship will be able to benefit in all ways by having two parents. I ask members to think about this scenario: Imagine two females are in a relationship and for obvious reasons one female's name is on the birth certificate, but the other female's name is not, and there is no facility for the other female's name to be added. Would members not want the child to have the opportunity to seek maintenance, welfare or support from the other female who might well be a de facto mother, if one likes, or a de facto parent? Why should a child not benefit from being able to look to ongoing support from that other female? I think consideration of that point will clarify the issue.

If a person who is in a permanent relationship with a biological mother wants to have his or her name added to a child's birth certificate and that could be facilitated by this legislation, that would open and clarify opportunities for the child to seek maintenance and, in the event of a death, a proportion of an estate. I cannot see how members could deny that to a child. If we vote against the bill we will deny children an opportunity that they should have to seek maintenance or, in appropriate circumstances, a share of property from the person who has been their parent, in effect, for many years. I support the bill.

**Pursuant to sessional orders debate interrupted and set down as an order of the day for a later hour.**

*[The Assistant-Speaker (Ms Alison Megarrity) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.]*

### **APPROPRIATION (BUDGET VARIATIONS) BILL 2008**

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

### **MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr CHRIS HARTCHER** (Terrigal) [7.31 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 deals with a number of issues concerning people who are in same-sex relationships, principally lesbian relationships. Our society accepts that many people choose different paths in life, and it is important that each person's right to choose be respected so long as it does not impinge upon the rights of others. Therefore, it is appropriate that legislation is amended to reflect the changing patterns of social relationships. The New South Wales Coalition has in the past supported legislation to ensure that people living in lesbian and gay relationships receive respect in relation to their property and testamentary affairs. The former Federal Coalition Government took the view that marriage is an institution entered into between people of the opposite sex and, with the support of the then Opposition, amended the Federal marriage Act accordingly.

The New South Wales Coalition respects the right of its members to have a conscience vote on moral issues. This is a traditional right that, to my knowledge, has existed for many years. It applies to issues relating to homosexuality, abortion, medically supervised injecting rooms and gambling. A conscience vote was even allowed on legislation to permit Sunday trading when it was an issue in the 1960s and 1970s. The New South Wales Coalition has always allowed its members a conscience vote on such issues on the basis that they are not party political matters but matters that each individual member of Parliament must determine in consultation with his or her electorate and according to his or her conscience. It is a longstanding principle, which in many cases has been upheld by other political parties. For example, the Australian Labor Party granted its members two conscience votes on the recent stem cell research legislation. The Wran Government also granted its members a conscience vote on the legalisation of homosexual relationships.

I make no comment about the fact that the Australian Labor Party has not allowed its members a conscience vote on this bill. That is a matter for them and for the Australian Labor Party. However, I express my concern and disappointment at the attitude and public utterances of the Minister for Climate Change and the Environment, and Minister for Women in introducing the bill in this place, when she sought to make an issue of the fact that the Coalition parties would be granting their members a conscience vote on the legislation. That is most extraordinary. The Minister either is ignorant of political history or was trying to be mischievous. It does her no credit. I can only endorse the remarks of the member for Wagga Wagga in that respect.

The bill insofar as it relates to property and superannuation matters and testamentary dispositions is unexceptional, and is entitled to the support of all people of goodwill. As I said earlier, every person in our society has the right to enter into their own relationships so long as they do no harm to others, and the law must accommodate them. However, I am concerned about the bill's provisions regarding the rights of children. In fact, the original legislation would have denied children the right to have registered on their birth and death certificates the existence of a father and a mother. Every child has a father and a mother. The legal system has recognised that simple biological fact in every society in every age. For the bill as originally presented to Parliament and as debated in the Legislative Council to seek to pretend that birth parents are an alternative to a mother and a father is repugnant and objectionable. It was a justified cause for concern, and there is no way I would ever support such legislation. However, the bill was amended in the Legislative Council, with the support of the Government. The amendment stated:

If the particulars supplied to the Registrar under section 14 of the Act specify that:

- (a) a parent who is the father of the child wishes to be identified in the Register as the father, or

- (b) a parent who is the birth mother of the child wishes to be identified in the Register as the mother,
- or both, the particulars entered in the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires.

But the amendment goes on to say:

This subclause does not limit the particulars which may be included in the Register.

Those particulars are set by regulation. The first concern the amendment raises—important and valuable though it is—is that parents apart from the father and the mother can be placed on the register. That is what the amendment says; it does not limit further particulars from being placed on the register. As usual, we must consider the full import of every amendment. I repeat:

This subclause does not limit the particulars which may be included in the Register.

That may or may not be exceptional. It is exceptional to me because I do not believe the amendment is satisfactory, as it leaves open the right for the Registrar General to enter further particulars on the register apart from the father and mother. The underlying principle, which the Act seeks to endorse, is that some children will not have a father and a mother but there will just be birth parents. The fundamental consideration in all matters relating to children that is applied in family law, criminal law and throughout the whole ambit of the approach to the education, welfare and health of children in our society is that the welfare of the child is the paramount consideration.

The rights of children are paramount, for example, the wishes of parents are allowed to be over-ridden in cases of blood transfusions or medical treatments for children of particular religious faiths that prohibit those treatments. It is fundamental that we do not put the wishes of parents first, but at every level put the issue of the child first. This legislation says that what is in the best interests of the child is not the paramount consideration. In this legislation the paramount consideration is whether two people in a relationship wish to be registered on the certificate in a certain way and how that will affect a child who grows up in our society is not taken into account. People have a right to their own relationships, but the only issue to be taken into account is whether a certain relationship is to be recognised on the certificate. The welfare of the child is nowhere expressed to be a concern in this legislation, although it relates to children.

Unfortunately this is manifest in the attitude of those who promote this particular form of social engineering. I have no hesitation in stating my own position in another controversial example of late-term abortions. Babies who are capable of living outside the womb at seven, eight or even nine months are allowed to be aborted in this State—objectionable, repugnant and immoral as I think it is—simply because the welfare of the child is not a consideration. The only consideration is the wishes of the birth mother. People who pretend and literally cry in front of a television camera about the welfare of children are in many respects, and in respect of late-term abortions and this legislation, hypocritical. They do not put the welfare of the child as the paramount consideration but the wishes in this particular case of those in a certain type of social relationship or in the other case of the birth mother as paramount. Let them never pretend and say they regard the welfare of children as paramount, because they do not.

The legislation is therefore objectionable to me because it denies the right of children as they grow up to have a father and a mother. They do have a biological father and mother but it cannot be recognised on the certificates, which our society issues as the formal legal embodiment of their legal place in society. On 29 May 2008 Chris Meney from the Marriage and Family Office of the Catholic Archdiocese of Sydney wrote to all members of Parliament. He stated:

The subject bill currently before the Parliament appears to place at risk essential considerations regarding the best interests of the child. These considerations include a child's right to be known, loved and raised by their biological father. It supplants the role of the father and replaces him with a second adoptive "mother" who is the current partner of a child's biological mother. As such it seems to overturn the long held legal presumption that a child has one father and one mother. If this bill becomes law in its current form it will appear to make a clear statement regarding a number of new social positions which would then be sanctioned and supported by the state.

I do not wholly adopt that statement because I do not think it goes far enough. I believe Mr Meney is simply talking about social relationships and, with due respect, is not drawing the very important point that this bill ignores the paramount welfare of the child as the primary consideration in legislation dealing with children. Mr Meney has written what I regard as an otherwise excellent letter. On 29 May 2008 in a letter to all members of Parliament the Anglican Church Diocese of Sydney stated:

Our first concern is that many of the benefits proposed to be extended to same-sex couples are equally applicable to other types of caring inter-dependent relationship (for example elderly siblings or disabled family members).

That is important because this legislation only recognises certain types of social relationships concerning children but not other social relationships, which could also be beneficial to children, and which do not have a significant interest group in our society to articulate their case. It is a tragedy that much of the legislation that comes from this Government simply embodies pressure group legislation and not legislation devoted to the paramount welfare of children. It would not have been difficult for this legislation to express the relationships, which the Anglican Church points out, for example, of elderly siblings or disabled family members.

I will not vote for this legislation because it is not in the best interests of children. I acknowledge the right of people to enter into their own relationships and to have their property and testamentary affairs, superannuation, health benefits, travel arrangements, passports and notification of next of kin and such matters recognised because they are adult people who have made a voluntary choice to enter into relationships. But, in relation to the welfare of children, I believe the only consideration legislatively and morally should be the paramount welfare of the child. This legislation does not advance the paramount welfare of children. The underlying principles do not advance that paramount welfare and certainly the original legislation did not advance that. I believe the amendment is inadequate and I will therefore oppose the bill.

**Mr JONATHAN O'DEA** (Davidson) [7.47 p.m.]: I have listened intently to the debate on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 and I have read material sent by various parties. I am unaware of whether a division will be called in this House. One was not called in the other place. However, consistent with previous conscience votes I want to be transparent in my choice of how to exercise the privilege of a free vote. I believe that the traditional institution of marriage between a man and a woman should always be afforded a unique status in our society. However, I do not believe that this bill fundamentally damages that special institution. At the same time, it does promote other worthwhile rights in a situation where no father would otherwise be recorded for a child. Finally, I state that the upper House sensibly agreed to amendments to the original legislation. I will support the bill as amended.

**Ms VERITY FIRTH** (Balmain—Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [7.50 p.m.], in reply: I am delighted to speak on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008, as amended by the Government in the Legislative Council. The bill represents Labor's latest reforms aimed at guaranteeing the rights of children of same-sex families and further removes discrimination against gay and lesbian couples. I thank members for their largely thoughtful and considered contributions to this debate, and for their support for the bill.

This package of reforms responds to the many representations made to the Government by same-sex couples as part of the Law Reform Commission's recently released report entitled "Relationships". Many same-sex parents spoke to the Law Reform Commission about their feelings of social exclusion in their role as parents. These reforms implement a number of the commission's recommendations around the recognition of functional parent-child relationships. As the amendments reflect, the Government does not condone a legal structure that perpetuates this sense of social isolation; particularly when it is directed towards same-sex parents who, like all parents, are muddling their way through the wonderful, difficult but always important task of raising the next generation. Same-sex parents are entitled to our support in the same way as all parents, and these reforms reflect that support.

The bill will specifically ensure protection for the rights of children born into a family with two mothers. As members well know, these days families come in all shapes and sizes. As well as the more traditional family of mum, dad and 2.5 kids, children live in step-parent families, sole-parent families, grandparent-headed families and families with two mothers or two dads. As legislators and policymakers a crucial element of our job is to make sure that all children are treated the same in the eyes of the law. The bill amends a number of Acts that will have far-reaching implications for the lesbian couples who are raising children in our community.

The new laws are a response to the large number of same-sex families that already exist in New South Wales who are not recognised in law. Research estimates that 20 per cent of lesbians and 10 per cent of gay men have children. As a consequence of this lack of recognition, the parents and children in those families have not had access to the rights that other families have which underlie the security of family life, such as the recognition of the parent-child relationship. The key element of the new laws introduced this session will be to expand the parentage presumptions for children conceived by artificial fertilisation procedures.

Currently, in a family with a mother and a father, there is a presumption in law that the husband or de facto male partner of the mother is the child's parent; this includes when a child is conceived as a result of sperm

donation. The changes will extend that same presumption to include the de facto female partner of a woman in a same-sex relationship. Specifically, the bill amends the law concerning parenting presumptions in the Status of Children Act 1996 that arise as the result of a fertilisation procedure. When a child is born as a result of sperm donation or IVF, the amendments will ensure that child will be presumed to be the child of both parents when two women are in a de facto relationship.

All women who become pregnant are presumed to be the mother of a child born as a result of that pregnancy, even if she did not provide the ovum used in the procedure. The bill will now ensure that the de facto partner, within the meaning of the Property (Relationships) Act 1984 and regardless of whether the partner is a man or a woman, is presumed to be a parent of such a child provided, of course, that her partner consented to the fertilisation procedure. That presumption is generally retrospective, so that the new presumption extends to a fertilisation procedure undertaken, and a consent given, before the commencement of the amendments. This is particularly important for the many lesbian couples who already have children.

However, there are some sensible limitations to the retrospective application of the new presumptions so that they will not affect the previous operation of any Act or other law, any will executed before the commencement of the provisions, or the vesting in possession or in interest of any property before the commencement. These limitations will generally provide certainty as to the legal effect of acts that occurred before the commencement of these new parenting presumptions. As the presumptions do not extend to wills made before the commencement of these amendments, it would be sensible for same-sex parents to whom these new arrangements will apply to consider whether their wills adequately reflect their intentions with respect to their children.

These reforms reflect the Government's commitment to ensuring that the law treats children in same-sex relationships as having the same rights and entitlements as children of other relationships. The reforms are especially important because they will ensure that the laws of intestacy will apply equally to the children of same-sex parents, when the parents die without making a will. Although I encourage all members of our community to make a will, and to keep it up to date, the rules of intestacy are an important safeguard for preserving the inheritance rights of the families of those who may die without having done so.

The laws are also important to ensure that lesbian same-sex parents are able to take parental responsibility for their children with respect to their health, education and general wellbeing in the same way as we expect all parents to do. Reforms in the bill also include expanding protections for same-sex couples under the Anti-Discrimination Act and removing discriminatory terminology from a total of 57 Acts to ensure that the same-sex couples have the same rights and responsibilities as heterosexual couples.

The amendments represents some of the most significant changes to the law in this area that have ever been made in this State and will improve recognition of thousands of couples across New South Wales. The bill will ensure the equal treatment of all same-sex couples in our community by amending the Anti-Discrimination Act 1977 to rename the "marital status" ground of discrimination as the "marital and domestic status". That reform gives effect to the intent of the recommendations of the New South Wales Law Reform Commission's review of the Anti-Discrimination Act 1977 and accords with amendments that were made to the Anti-Discrimination Act in 2000. Those amendments incorporated the Property (Relationships) Act definition of "de facto relationship" so that people in such relationships would be able to seek redress against discrimination on the basis of a person's caring responsibilities in the workplace.

The reforms address also the intent of recommendations made by the Legislative Council's Standing Committee on Social Issues in its 1999 report entitled "Domestic Relationships: Issues for Reform". This means that people in same-sex de facto relationships will have redress against discrimination in public life in the areas of work and education, provision of goods and services, accommodation and registered clubs. Finally, the bill brings in the third stage of the Government's progressive implementation of laws to ensure that people living in same-sex de facto relationships are treated equally for the purpose of all New South Wales Acts that accord rights and responsibilities to citizens based on their relationship status.

The member for Sydney said during debate that this Government has been dragging the chain for years on supporting the gay and lesbian community. I do not believe that to be the case. To the contrary, the Carr and Iemma Labor governments have led the way in establishing legal equality for gay and lesbian people in this State. In 1999 the Government enacted the Property (Relationships) Legislation Amendment Act which, for the first time, incorporated same-sex couples into the definition of "de facto relationships". This groundbreaking legislation gave same-sex couples the same rights and protections in relation to their property as heterosexual de facto couples.

It also extended this new definition of "de facto" to a range of other legislation to achieve equality for people in same-sex relationships. These reforms were incredibly important for same-sex couples who were faced literally with life and death issues such as making decisions about their loved ones when they were in hospital or accessing rights following the death or permanent disability of their partner. Further amendments were made by Labor in 1998 and 2000 to give same-sex couples equal rights to workers compensation and access to State superannuation funds. In 2002 the Government introduced the Miscellaneous Acts Amendment (Relationships) Act, which extended the rights of same-sex couples across more of the New South Wales statute book. This Act gave same-sex spouses employment benefits and entitlements which had previously been denied them and conferred on them benefits, rights, powers and protections or other legal consequences arising out of a person's relationship as a spouse.

As members have heard, the Government has amended this bill in the other place in relation to two matters. I believe that these amendments substantially address the concerns raised by some members. Firstly, in relation to extending parental leave entitlements for lesbian parents, concerns have been raised in the Legislative Council that this change of language was not sufficiently inclusive and so the Government has agreed to amend the bill to describe this form of leave as "paternity or partner leave". This leave entitlement recognises that the partner of a woman who gives birth or adopts a child can be a man or a woman and that both male and female parents have a need to bond with and care for their child.

The second amendment relates to the registration of parents on a child's birth certificate. As members will be aware, this bill amends the Births, Deaths and Marriages Registration Act 1995 to ensure that both same-sex and opposite-sex parents can be noted on their child's birth certificate. This is important as it will allow both parents in a lesbian couple to provide evidence of their relationship to their child when it is required by institutions such as hospitals and schools. It will also, of course, assist parents when they deal with other organisations such as sports clubs, doctors' surgeries and childcare centres, which parents often have to deal with in the course of bringing up their children. The amendment to the Births, Deaths and Marriages Registration Act also provides that an application can be made to add information to a birth certificate about another parent, even if the child was born before the commencement of the new provisions. Again, this will be a really important change for the many lesbian couples who already have children together.

In order to reflect the Government's policy that a child should have only two legal parents, the amendments include transitional provisions dealing with the addition of information about a second parent in circumstances where the child's birth certificate already details the existence of two parents. This might occur where a man was the sperm donor for a lesbian couple, or was merely a friend of the birth mother but was named on the birth certificate for symbolic purposes. In these circumstances the provisions allowing his name to be removed can apply. It is important to stress that the registrar will only be able to remove the person named on the birth certificate as a father with his consent, if a court authorises the removal, or in certain other circumstances provided for by regulation.

The Government emphasises here that these provisions regarding the removal of a male's name from the birth certificate apply only where the child was conceived through artificial fertilisation and the man is not, and was not, entitled to be recognised as the parent. They cannot apply where the child was conceived through sexual intercourse with a man named on the birth certificate and they cannot apply where the sperm donor was also the de facto partner or husband of the woman in the period around the birth.

The member for Epping argued that the bill undermined the basis on which the Registrar of Births, Deaths and Marriages uses the titles "mother" and "father" on a birth certificate. This is incorrect. The Government has consulted with the registrar on this issue and it is clear that the bill does not do this. The registrar will continue to use the terms "mother" and "father" on birth certificates, but also offer mums and dads the option of the title "parent" if they choose. In fact, the amendments agreed to by the Government in the Legislative Council mean that mothers and fathers now have stronger protections than before to ensure they can be listed as mother or father. It is now enshrined in legislation that if a parent indicates that he or she wants to be listed as mother or father, the registrar must do so. This will ensure that parents will always have the mother/father option available to them as well as the other option of "parent" that the registrar will offer them.

The member for Lane Cove attempted to argue that the bill would interfere with the definition of "spouse" as husband and wife in New South Wales legislation. The main purpose of the bill is to ensure that where reference is made to a de facto relationship in the New South Wales statute book it is defined by

reference to the definition of "de facto relationship" in the Property (Relationships) Act. I remind members of the definition, which is set out in section 4 of the Property (Relationships) Act and includes heterosexual and homosexual couples, as follows:

- (1) For the purposes of this Act, a de facto relationship is a relationship between two adult persons:
  - (a) who live together as a couple, and
  - (b) who are not married to one another or related by family.

Except where an amendment is necessary to ensure that a distinction is made between the definition of "spouse" and the definition of "de facto partner", which is defined by reference to the definition in the Property (Relationships) Act, this bill does not affect the meaning of the word "spouse" in any of the amended statutes. Examples of this type of amendment can be found in the amendments to the Sydney Cricket and Sports Ground Act 1978, in schedule 3.45 to the bill, and the 1982 Liquor Act, at schedule 3.29. The bill reflects the Government's preference for making a distinction between the generally accepted meaning of "spouse" as being the husband or wife in a married relationship and the definition of a "de facto relationship", which includes a relationship between partners of the same sex.

On the Opposition side I acknowledge in particular the remarks of the member for South Coast, who took a clear and admirable stand against discrimination. I would, however, like to correct one assertion the member made. The member said that confusion around the bill was wholly the fault of the Government. I remind the member that it was not the Government that told the *Sun Herald* newspaper that the role of fatherhood was undermined by this bill, but the shadow Attorney General, the member for Epping. The shadow Attorney General then called the Alan Jones program on 20 May to say in relation to this bill, "I take umbrage at the agreement with same-sex partners as parents, because I think that is a fundamental change which is undermining male-female marriage." The shadow Attorney General also hosted a forum in Parliament yesterday whose flyer indicated that the bill would "radically alter—

**Mr Barry O'Farrell:** Point of order: Besides the point of introducing new material into the debate I make the point that, as has been publicly known, the Liberal and National parties are having a conscience vote on this issue. If the Minister is referring to the member for Epping she should refer to him by that title, but he does not represent the Coalition on this bill, as she well knows, because we are prepared to give our members a conscience vote. That is something the Labor Party is not prepared to do.

**The SPEAKER:** Order! That is not a point of order.

**Ms VERITY FIRTH:** As I was saying, the member for Epping also hosted a forum in Parliament yesterday whose flyer indicated that the bill would "radically alter 57 pieces of important legislation in a calculated attempt ... to discriminate against men, derogate fathers, fragment families and break the hearts of our children."

**Mr Greg Smith:** Point of order: This does not deal with the leave of the bill. It is a personal attack on me and it is new material in this debate and should not be the subject of a reply. I am sure the standing orders have never been so interpreted to allow a Minister to start attacking an opponent on a conscience vote because he happens to go to a meeting to do with voters in the State when it has not been an issue relating to debate on the bill in this House. The Minister has already inaccurately suggested that I said certain things when I was on the radio, and she lied.

**The SPEAKER:** Order! There is no point of order. A Minister speaking in reply may comment on material raised in the debate. I ask the Minister to keep her comments within the leave of the bill.

**Ms VERITY FIRTH:** The point I was making is that there is a great deal of misinformation in the public arena about what this bill will do. I was also making the point that it is not the Government that has been disseminating it. I would like to acknowledge the concern raised by some members in this debate that this bill does not address every situation in which gay and lesbian parents might find themselves.

It does not address the needs of couples, gay or straight, who have a child conceived through surrogacy, and it does not address adoption by same-sex couples, or step-parent adoption, by one member of a same-sex couple of their partner's child. The new laws are designed to address the most common circumstances in which same-sex couples in New South Wales have children, and mirror reforms in Western Australia, the Australian

Capital Territory and the Northern Territory. They also mirror the law in relation to the way the New South Wales law currently treats the heterosexual partner of a woman who conceives a child through artificial insemination.

Surrogacy is a developing area of law, which no doubt will need more attention over time if there are any changes to surrogacy laws in New South Wales. I am advised that issues relating to surrogacy are being considered as part of the development of a national surrogacy framework by the Australia-wide ministerial councils for health, community services and attorneys-general. At this stage it would be premature for any changes to be made in New South Wales. Currently, gays and lesbians, as individuals, can adopt children, subject to the same process of screening for suitability as heterosexual men and women.

The Minister for Community Services is considering adoption by all New South Wales prospective partners in the context of a broader response to a review of the Adoption Act 2000. There have been a number of worthwhile contributions to this debate. Before I conclude I would like to acknowledge the crucial work of many in the gay and lesbian community who have lobbied for these changes, in particular the hardworking activists of the Gay and Lesbian Rights Lobby and the AIDS Council of New South Wales. The Iemma Government has a proud record of law reform for same-sex couples and their families. I commend the bill to the House.

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

**The House divided.**

**Ayes, 64**

Mr Amery	Mr Greene	Mr O'Dea
Ms Andrews	Mrs Hancock	Mr O'Farrell
Mr Aquilina	Mr Harris	Mr Page
Mr Ashton	Ms Hay	Mrs Paluzzano
Mr Baird	Mr Hazzard	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Ms Berejiklian	Ms Hornery	Mr Piccoli
Mr Borger	Mr Humphries	Mr Piper
Mr Brown	Ms Judge	Mr Rees
Ms Burney	Ms Keneally	Mr Shearan
Mr Campbell	Mr Khoshaba	Mrs Skinner
Mr Cansdell	Mr Lynch	Mr Stewart
Mr Collier	Mr McBride	Mr Stoner
Mr Constance	Dr McDonald	Ms Tebbutt
Mr Coombs	Ms McKay	Mr Terenzini
Mr Corrigan	Mr McLeay	Mr Tripodi
Mr Costa	Ms McMahon	Mr R. W. Turner
Mr Daley	Ms Meagher	Mr Whan
Ms D'Amore	Ms Megarrity	
Mr Debnam	Ms Moore	<i>Tellers,</i>
Ms Firth	Mr Morris	Mr Maguire
Ms Goward	Mr Oakeshott	Mr Martin

**Noes, 11**

Mr Aplin	Mr Hartcher	Mr R. C. Williams
Mr Draper	Ms Hodgkinson	<i>Tellers,</i>
Mrs Fardell	Mr Roberts	Mr Merton
Mr George	Mr Smith	Mr Richardson

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**



### **Passing of the Bill**

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

### **PRIVATE MEMBERS' STATEMENTS**

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

#### **LOCAL GOVERNMENT PLANNING CONTROLS**

**Mr RAY WILLIAMS** (Hawkesbury) [8.24 p.m.]: On 12 February 2008 I, together with my 11 Baulkham Hills Shire Council colleagues, in considering the impacts of the proposed planning reforms to our local community, unanimously resolved to conduct a mail plebiscite in our council area to gauge the community's response to these changes. The plebiscite was conducted during April this year and asked questions regarding the proposed planning reforms. The responses received from 8,600 residents representing 16 per cent of the residents in Baulkham Hills shire were recorded as follows: 9 out of every 10 Baulkham Hills shire residents believe council should retain the primary role for planning on behalf of the community; 9 out of every 10 Baulkham Hills shire residents oppose the State Government withholding section 94 contributions from council that will provide local community facilities to meet the demands of a growing population; more than 4 out of every 5 Baulkham Hills shire residents oppose the replacement of council's primary role in planning by independent hearing and assessment panels or private certifiers.

The plebiscite was conducted in a completely unbiased manner, which accurately reflects the views and opinions of the community. Therefore, it sends a very loud message to the State Government that there will be troubled times ahead regarding future planning if these changes are not reversed in the other place. I place on the record my thanks to the Mayor of Baulkham Hills Shire Council, Councillor Sonya Phillips, and all my other councillor colleagues of Baulkham Hills shire in supporting this worthwhile initiative. They provided a strong voice in opposing these changes not only on behalf of the residents of Baulkham Hills Shire Council area but all council areas across New South Wales.

The mayor and my council colleagues have had to deal with rapid development throughout our shire, which has been one of the fastest-growing areas in this country, particularly over the past 10 to 15 years. We recognise and understand the problems that will be created if vital community funding is removed from the control of Baulkham Hills Shire Council and other council areas within the growth centres. Last Thursday, the next stage of the north-west development was announced, which will create another 4,700 homes in the Baulkham Hills Shire Council area. This development is in the north Kellyville precinct and will provide housing for up to 15,000 new residents. All of these residents will expect good quality local roads, footpaths, libraries and, importantly, parks and playing fields. All of these local community facilities currently are paid for by section 94 contributions. All of these facilities will be jeopardised if this funding is removed from the control of Baulkham Hills Shire Council.

Given the track record of the State Government in providing basic infrastructure for which it is responsible, such as rail, buses, main roads and hospitals, we can only shudder to think how our local area will suffer if the State Government is responsible for constructing our parks and playing fields, and our community buildings and libraries. The 4,700 new homes in north Kellyville are the first part of a plan to squeeze an extra 475,000 people into the north-west growth centre over the next 30 years. These residents expect their State Government to deliver State-based infrastructure, such as good main roads, decent public transport, and an appropriate health system. They do not expect the New South Wales State Government to play a role in providing local services. Therefore, the State Government should allow section 94 contributions to remain where they belong: in the safe hands of responsible councils such as Baulkham Hills. Councils are best equipped to implement facilities on behalf of their local communities, and have done so quite well over the past 20 years. Councils recognise how to appropriately deliver local services in an acceptable and affordable manner, unlike the New South Wales State Government.

I thank the good residents of Baulkham Hills shire for taking the time to fill out this survey alerting the New South Wales State Government to the fact that community funding is not something it can simply take and expect the community to sit idly by and say nothing. The fact is that when given the opportunity the community is quite prepared to stand up and be counted—like the people of Baulkham Hills. If the council areas throughout New South Wales had a similar opportunity, they would vote to support local councils undertaking local planning supported by local funding.

Local funding is certainly not something that people wish to leave in the hands of an irresponsible State Government but, rather, with a council such as Baulkham Hills Shire Council—a council that people can trust to distribute their money wisely and deliver the services they expect to receive. I would like to place on the table for the information of members the 8,600 responses from the residents of the Baulkham Hills shire. I thank the people of Baulkham Hills very much for taking the time to complete the survey.

### THE ENTRANCE ELECTORATE BUDGET

**Mr GRANT McBRIDE** (The Entrance) [8.30 p.m.]: The Government's record \$47.6 billion State budget got the balance right between delivering improved services, investing in infrastructure and cutting taxes. The Iemma Government is delivering record spending on services while maintaining its focus on spending in priority areas and improving emergency departments, child protection, mental health and disability services. The Government delivers on infrastructure with an allocation of \$13.9 billion this year and \$57.6 billion over the next four years for public transport, water, electricity and roads.

The budget will deliver \$3.6 billion worth of cuts over the next four years and will provide a significant benefit to business by a reduction in payroll tax. The budget provides responsible financial management as demonstrated by the Government delivering its thirteenth consecutive budget surplus, and it delivers on jobs with a major boost to front-line workers—100 more police officers, 300 more nurses, and 120 extra disability workers—as well as funding for non-government organisations to employ an additional 1,500 disability workers.

The Government's record infrastructure investment is estimated to directly and indirectly support approximately 150,000 jobs. This is a true Labor budget—it supports jobs, growth and investment while helping those who most need help. A personal priority for me is that the budget is delivering for the most vulnerable people in our community. The budget delivers \$263 million for prevention and early intervention to support children, young people and families before their problems turn into a crisis, and that represents a 16 per cent increase in funding; \$109 million to fund 620 supported accommodation places to provide community-based residential support for people with a disability, which is a 55 per cent increase; and \$17.7 million for disability services to prevent young people from entering nursing homes, to improve services to young people who live in nursing homes, and to develop alternative models of support and accommodation for young people with a disability, which represents a 75 per cent increase.

I am sure members of the House have had raised with them the issue of young disabled people being forced into aged retirement villages. I am aware that young people in their early twenties are being accommodated in nursing home accommodation, where the majority of the residents would be in their late sixties, seventies or eighties. The budget delivers \$10.1 million to assist eligible people with a disability and people with HIV-AIDS to access the private rental market and \$22.9 million over four years to combat child sexual abuse. Another priority for me on the Central Coast and for my colleague the member for Gosford is, obviously, roads. Investment in Central Coast roads has been boosted by an allocation of \$34.5 million this year, which represents a 43 per cent increase in funding. The Iemma Government is delivering a major boost to road funding for the Central Coast that allows the Government to invest in new and better roads infrastructure.

The Government has allocated \$13 million to continue upgrading the Pacific Highway to four lanes between Tuggerah and Wyong from Mildren Road to Johnson Road through, as it is known, the Tuggerah Straight; \$500,000 to commence planning for a major upgrade of the intersection of the Pacific Highway with Wyong Road at Tuggerah, which is a major issue for people travelling from The Entrance and Wyong who are seeking access to the F3; \$18 million to continue upgrading the Pacific Highway to dual carriageways between Glen Road and Burns Road at Ourimbah; \$2 million for planning the stage three upgrade of the Pacific Highway between Lisarow and the F3 from Railway Crescent to Glen Road; and \$1 million for planning the Pacific Highway upgrade between Narara and Lisarow from Manns Road to Railway Crescent.

Works planned for the Central Coast also include \$18 million out of \$23 million allocated in 2008-09 for the F3 traffic emergency plan. The response from the Government and the Roads and Traffic Authority [RTA] to dealing with major traffic incidents on the F3 has been very interesting. Up until now major traffic incidents on the F3 have resulted in traffic coming to a complete standstill. That has occurred at different times in each of the northbound and southbound sections of the freeway, and has resulted in traffic completely blocking a carriageway of the F3. The Roads and Traffic Authority is considering the construction of crossover points so that, for example, in the event of a major incident occurring traffic travelling northwards may be diverted to one lane of the southbound carriageway to enable traffic travelling in each direction to keep moving. That will deal with significant traffic congestion resulting from major traffic incidents.

The Government has also allocated \$350,000 for improvements to the Long Jetty and The Entrance Road intersection; \$250,000 for planning of the Pacific Highway and Wyong Road intersection upgrade; and \$143,000 for school crossing supervisors. Pacific Highway improvements include the project for Railway Crescent north to the F3 at Ourimbah. Work is scheduled to occur in three stages. Stage one involves the Dog Trap Road to Ourimbah railway bridge, which has been completed at a cost of approximately \$20 million. Stage two involves the intersection between Glen Road, Lisarow, and Burns Road, Ourimbah, for which \$18 million has been allocated in the budget, with work already underway. Stage three involves the Glen Road to Railway Crescent, Lisarow, upgrade to provide dual carriageways all the way from that intersection in Lisarow to the F3, which will decrease traffic congestion on the F3 that has the potential to cause major incidents.

Improvements to roadways on the Central Coast include \$5 million for planning the Central Coast Highway intersection upgrades at Woy Woy; \$3 million for planning for the Pacific Highway upgrades at Narara; \$3 million for planning for the upgrading of Terrigal Drive; and \$3 million to complete planning. In conclusion, I reiterate that roads are a top priority for the Lemna Government. The Government increased by 60 per cent roads funding in the State budget delivered in 2007-08, and has increased that by 43 per cent in the budget for 2008-09. [*Time expired.*]

### MURRAY IRRIGATORS WATER ALLOCATIONS

**Mr JOHN WILLIAMS** (Murray-Darling) [8.35 p.m.]: I present to the House a report on a tour of the Murray River undertaken by the shadow Minister for Water, shadow Minister for Regional Development, and shadow Minister for State Development, Adrian Piccoli, the shadow Minister for Climate Change and Environment, Pru Goward, and myself. Communities along the Murray are hurting. People within those communities are fearful. The basis for that hurt and fear is a sense of uncertainty about their future, the future of their communities, and Australia's future if something is not done immediately to ensure their survival. At the root of their uncertainty is water or, rather, a lack of adequate water as a direct result of almost 10 years of unrelenting drought and consequential ambiguity surrounding their future, despite promises of assistance from both the Commonwealth and the State Government.

One of the strongest messages we received during the tour was that people on the land who depend on water for their survival are being asked to cash in their chips. Federal and State governments do not understand what a water allocation means to people who live in western communities. The future of people who live in communities surrounding the Murray is determined by allocations, which are their lifeblood. Depriving people of a water allocation is similar to someone who owns a coffee shop selling their coffee-making machine. Irrigators are under continual threat from the Federal and State governments simply because they operate in an area where water has the lowest yield and is sold at the cheapest price.

The tendering system allowed people to offer water to the Federal Government at a price that suited the producer. The Federal Government acknowledged the tenders but suggested that the price was too high. I have been told that after the tendering process had been engaged in the producers were harassed by government officials in an effort to break down the price. The producers to whom I refer have been enduring severe drought conditions without a water allocation for two years. They are suffering badly and the Government is taking advantage of them. They are at the mercy of the Government and have been stripped of their livelihood. They cannot cash in their chips and the Government is being unfair. The water allocation system is their future and the only thing they can hang onto. Parting with a water allocation at a reduced price is not like parting with a piece of furniture. When the irrigators sell their water entitlements, they are finished.

I ask the Government to cease during this drought approaching irrigators in an effort to take away their water allocations. It is not the right thing to do and it is un-Australian. These people are the food producers of the nation. When times are good they produce most of the food consumed in Australia. The food supply of Australia and the rest of the world is under threat. The Government is hell-bent on making a decision that will destroy the future of these people and prevent irrigators from producing the food needed by this nation. The Government does not understand the social and economic impacts of what it is doing. Government officials are prepared to destroy communities that have been built up over 70 years over the use of water for irrigation. The Government seems to be prepared to dismantle a system that has worked for decades in the belief that reduced water allocations will revive the Murray River.

Unfortunately, water entitlements have not yielded one drop of water over the last two years. Nevertheless, the Government thinks that by adopting this mad approach it can justifiably approach irrigators and remove their entitlements based on the crazy notion that an increased flow of water in the Murray will be

restored. At the moment the Murray River cannot supply that water, and we do not need to put these people under further threat. The community of Finley sent a letter to the Federal Minister for Climate Change and Water, Penny Wong, stating:

Our community, the community of Finley, came into existence and has been developed in the main by government Closer Settlement Schemes going back to 1910, before irrigation, and subsequent schemes based on irrigation following the Second World War. Viable farm size is based on the ability to irrigate the land and as a consequence Finley exists wholly and solely on the production of primary products produced with irrigation water from the Murray via the system provided by Murray Irrigation Limited. We do not access the large station holdings, based on dry area farming, as do our neighbouring towns and we do not have any secondary industry to add support to our community.

We are dismantling the communities of the southern Riverina.

### **GOSFORD ELECTORATE COMMUNITY SERVICE AWARDS 2008**

**Ms MARIE ANDREWS** (Gosford) [8.40 p.m.]: One of the great pleasures I derive from my job as a member of the New South Wales Parliament is meeting a vast number of people from varying backgrounds who exemplify what it is to be an active member of our community. These are people who go above and beyond what is expected of a concerned citizen. They voluntarily give their time and energy to assist others in the community, and they do so tirelessly and selflessly. Their care for others and their sense of commitment to the community is to be acknowledged and honoured. I am pleased to be a member of a State government that recognises these people and honours them through the New South Wales Government Community Service Awards. These awards recognise people throughout New South Wales who have contributed substantially to improving the quality of life of members of their community beyond expectations. These extraordinary people contribute to the health and wellbeing of this State, and give us all a reason to feel proud.

This year as part of my annual New South Wales Seniors Week concert, which was held on 11 April, I was delighted to present, with the assistance of the Minister for Ageing, and Minister for Disability Services, the Hon. Kristina Keneally, New South Wales Government Community Service Awards to two very deserving people: Mrs Merle Sharpe and Mr Elmo Caust. Mrs Merle Sharp has been a member of the Salvation Army Corps for 46 years. As a senior soldier with the Salvation Army at Umina her role includes serving on the Red Shield Appeal Committee, as home league secretary, and as a recruitment sergeant. She is also a community care worker who conducts public and home visits. Merle is a tireless worker for the Salvation Army, and is a regular visitor to both the Woy Woy community aged care and peninsula aged care facilities. I know that her visits are a great comfort to the elderly residents, who may have few family members living close by. In the 1960s Merle was integral in establishing the Meals on Wheels service in Woy Woy. This service, which in recent times was renamed Gosford Food Services, is still going strong today, providing meals to frail aged and disabled residents.

The other New South Wales Government Community Service Award that I presented during Seniors Week 2008 went to Mr Elmo Caust. Elmo is a retired school principal who was the headmaster of Woy Woy Public School from 1975 to 1985. As an active member of the Lions Club since 1967 Elmo has held every position available to the level of deputy district governor. Elmo gives an enormous amount of time to the Lions Club and also helps parents through difficulties with their children. As part of his work with the Lions Club, for the past 13 years Elmo has been running successful car boot sales on the Woy Woy Peninsula. In addition, Elmo also volunteers at nursing homes and assists a number of elderly residents in their own homes. Elmo is also involved in the Salvation Army doorknock appeal each year.

As I mentioned earlier, these New South Wales Government Community Service Awards were presented at my thirteenth annual Seniors Week concert held at the Ettalong Beach War Memorial Club on Friday 11 April 2008. As recipients of the New South Wales Government Community Service Award both Elmo and Merle had their families there for the presentation. Merle was joined by her son John Sharpe and his wife, Janelle, and her granddaughter Louise Robinson. Also along to offer support was Merle's good friend Dawn Healy and a number of her friends from the Salvation Army. Elmo's guests were his wife, Shirley, and daughter Jan Burgoyne and son-in-law Garry Burgoyne. Jan and Garry reside at Gordon, on Sydney's north shore, and travelled to Ettalong Beach for the day to show their support for Elmo.

This year for the first of two concerts I was privileged to have as my guest speaker the Minister for Ageing, and Minister for Disability Services, the Hon. Kristina Keneally. The Minister was a very welcome guest at what is regarded as the biggest Seniors Week event on the Central Coast. It was especially so this year, which is the fiftieth anniversary of Seniors Week in New South Wales. The Minister took the opportunity to acknowledge and thank the senior citizens in attendance for their enormous contributions to our society. I thank

the Minister for giving her time to attend the Seniors Week concert. I extend my hearty congratulations to Mrs Merle Sharpe and Mr Elmo Caust, recipients of New South Wales Government Community Service Awards, and thank them sincerely for their tireless voluntary work. Their outstanding contributions go a long way towards making our community a great place in which to live.

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [8.45 p.m.]: It seems that a wonderful group of senior citizens on the Central Coast are most deserving of New South Wales Government Community Service Awards. This year's recipients, Mrs Merle Sharpe and Mr Elmo Caust, certainly deserve their awards, and I congratulate the member for Gosford on having such wonderful senior citizens in her area.

### NAREMBURN COMMUNITY MEETING

**Ms GLADYS BEREJIKLIAN** (Willoughby) [8.45 p.m.]: I report to the House this evening on the results of a major public meeting that took place in the Willoughby electorate on 28 May. The weather on the night, like tonight's, was rainy and stormy, yet 150 residents turned up at the St Leonards Catholic Church parish hall to discuss the community's desire to have an infants and primary school in Naremburn. For some time many parents have expressed concern about the distance their children must travel because Naremburn does not have a primary or an infants school. They are concerned about their children's safety.

Demographic changes have resulted in many young couples with growing families moving to the Naremburn area, particularly in the past decade. I draw the attention of the House to demographic material produced by the Australian Bureau of Statistics that reveals that between 1996 and 2006 there was a 40 per cent increase in the number of children aged under five years in the Naremburn area. These demographic changes are coupled with safety issues regarding children travelling a substantial distance to attend school. Regrettably, the children are not eligible for the State Government's School Student Transport Scheme. These two issues in particular motivated the community to come together for a public meeting.

I thank Willoughby City Council for hosting the evening. The Mayor of Willoughby, Pat Reilly, was the primary coordinator. I also acknowledge Councillor Kate Lamb, Councillor Barry Thompson and Councillor Stuart Coppock, who are strong advocates for this issue. Councillor Coppock could not attend the meeting but he has certainly made a contribution to the cause. I put on record the six motions that were passed unanimously at the meeting that evening. They are as follows:

1. That having regard to the changes in demography of the Naremburn area, the Department of Education, Catholic Diocese of Broken Bay, local Member for Willoughby and Willoughby City Council commit to work together to achieve the opening of a new school within 2 years in Naremburn.
2. That the representatives from Dept of Education and Training and the Catholic Diocese, Broken Bay be thanked and efforts noted and appreciated for their mutual collaboration on this issue.
3. That we immediately establish a Naremburn Precinct School Working Party, such working party to be facilitated through Willoughby City Council.
4. That the State Member, with Council and community support seek delegations to meet with the Minister for Education and Minister for Transport to put forward the community's concerns.
5. That we seek support from North Sydney Council on this issue.
6. That a further Public Meeting be reconvened in 3 months to report on progress.

I take this opportunity to thank the Naremburn Progress Association, which has been extremely vocal on this issue. I thank the Catholic Church Diocese, Broken Bay, for its support of the issue and its pledge to work collaboratively with other stakeholders. I also thank representatives of the Department of Education and Training who, whilst they were unable to give any commitments about the future, certainly listened to the concerns raised by the community. By way of background, the Naremburn school was closed in 1996 and since that time there has been a void in the community for at least infant and primary school education. Whilst the Naremburn precinct school working party comes together to discuss the way forward and the action to be taken, relevant stakeholders, including representatives from the local Catholic church and the Department of Education and Training, in addition to local experts, will also meet to discuss all possible options in relation to a future school.

The people at the meeting made it very clear that they do not want this issue to drag on for years and years without any outcome. The community is at one on this issue, and I look forward to working with the working group and the community to bring the proposal to fruition. The relevant stakeholders will consider

options for the local community, such as a possible location for a school, whether it should be infants or primary level, or both, and what options are available for the community. I thank members for noting this important issue that impacts on residents of Naremburn and the Willoughby electorate.

### PAUL TUCKERMAN

**Mr PAUL McLEAY** (Heathcote) [8. 51 p.m.]: I bring to the attention the House a person whose spirit and determination personify the strength of character inherent in a person who is dedicated to, and works tirelessly for, his community. In the slowly-growing and changing Northern Illawarra Paul Tuckerman has served the townships of Bulli and Thirroul for more than 40 years. Last month I had the pleasure—together with the Hon. David Campbell, Minister for the Illawarra, who is in the Chamber, Mr Les Johnson, former member for Hughes and Minister in the Whitlam Government, Mr Maurice Keane, former State member for Woronora, local Labor branch members, community activists, friends and family, who, might I say, fit into the above two classifications anyway—to celebrate Paul Tuckerman's attestation to life membership of the Thirroul branch of the Australia Labor Party.

This included the presentation of the certification and medals he received when he was awarded life membership of the New South Wales Branch of the Australian Labor Party at the most recent Australian Labor Party State Conference. Paul Tuckerman is active and proud of his four focuses in life—the Labor Party, the Catholic Church, his local community and his family—and the wonderful woven tapestry of those four features intersecting, supporting, and enhancing each other. Paul joined the Thirroul branch in February 1967 and immediately moved into the role of assistant secretary. In June of the same year he took on the dual roles of secretary and treasurer and held those positions until February 1975. Paul continued as secretary until February 1980.

During those early years Paul recognised the changing face of the Labor Party in the area and the need to reach out and become active in local community organisations. Time constraints, family commitments, and the ebb and flow of electors meant it was becoming increasingly difficult to encourage local residents into the party. With the increase in residential movement and tourism came the need to preserve this immaculate area for responsible use and for future generations. Paul was secretary of the Bulli Pass Scenic Reserve Trust from 1974 to 1989. It was during that period that the trust acquired a number of private properties—making possible the preservation of the Northern Illawarra range escarpment, one of the most precious natural assets of New South Wales.

In 1976 Paul's outreaching activities included organising community sentiment to prevent the demolition of the Railway Institute Building, a local heritage icon built in the late 1890s. In 1992 Paul was instrumental in establishing the Thirroul Railway Institute Preservation Society [TRIPS], which maintains the building through voluntary effort, cash donations and grants, members' subscriptions and rent. Although Thirroul branch personnel are the core of TRIPS, they share the common goal of preserving our local history and they are in touch with hundreds of residents to create true community initiative. It was in 1976 that the then Minister for Transport, the Hon. Peter Cox, established the Illawarra Transport Advisory Committee to advise on local major infrastructure projects such as the South Coast electrification and the famous Maldon-Dumbarton line.

Paul was elected to the chair as president of the Thirroul branch of the New South Wales Labor Party in 1980, and held that position until he handed the reins to the eminently competent and qualified Jim Hagan just last year. In 2005 Paul replaced Don Gray as president of the Thirroul Village Committee. This group is instrumental in organising local festivals and activities, and continuing the beautification of the villages. As the area expanded, Paul involved himself with the demands of an ever-growing health service as a member of the Coledale Hospital Board between 1973 and 1983. He was deputy chair from 1978 to 1982, chairman from 1982 to 1983, and deputy chair of the Illawarra Area Health Service between 1983 and 1986.

Paul Tuckerman has often been a delegate to both State and Federal electorate councils over his 40 years of service to the Labor Party, and has been an executive member on numerous occasions. The social structure of the Northern Illawarra has changed fundamentally over the past 40 years and we owe a great deal to members like Paul Tuckerman who have utilised initiative and strength to ensure our growing coastal villages retain their uniqueness and beauty. The community and this House thank him for his commitment to his party and his community to ensure a quality of lifestyle residents have sought in this area. I pay tribute to Paul Tuckerman's family. I thank his wife, Kaye, and his children, John, Patrick, Gerard and Clare, for sharing him with us. I congratulate Mr Paul Tuckerman on his extensive and productive initiatives and I congratulate

members of the Thirroul branch of the New South Wales Labor Party on the kind of support that has provided Paul with a solid platform to encourage advancement of the party, and its principles and culture in the Northern Illawarra.

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [8.55 p.m.]: I acknowledge the contribution of the member for Heathcote. As he indicated, I attended the celebration at which the local Australian Labor Party branch at Thirroul and members of the broader community attested life membership of the Australian Labor Party for Paul Tuckerman. I acknowledge that our Federal colleague, Sharon Bird, the member for Cunningham, attended on that occasion with her partner. Paul Tuckerman typifies community service. The member for Heathcote talked about his role in the natural environment. Paul Tuckerman will be delighted, as the member for Heathcote and I are, that in this week's budget a substantial amount has been allocated to improve walkways on the escarpment.

**Mr Paul McLeay:** Seven hundred thousand dollars.

**Mr DAVID CAMPBELL:** Yes. Paul Tuckerman has made a significant contribution to his local community—whether it is to the natural, urban or historical environment—through the Thirroul Railway Institute, through an expanding and improving health service, through public transport, or the social aspects that come from his very strong Catholic faith. Paul in another time and with a bit of luck, and if he had that aspiration, could have served very well as a member of Parliament. I know that members of the Opposition have people of similar ilk in their electorates and in their political parties. It is the people who work day in and day out for their community, for the political party of their choice, and live day in and day out for their family, as does Paul Tuckerman, who make our community a much richer place. I congratulate Paul Tuckerman on his life membership. I thank Kaye Tuckerman and the Tuckerman family for their support in enabling Paul to make that contribution.

*[Business interrupted.]*

#### MEMBER FOR HAWKESBURY: DOCUMENTS

##### Privilege

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [8.57 p.m.]: I wish to raise a matter of privilege. Earlier today I noted that the member for Hawkesbury, under the guise of providing members with certain information, laid on the table of the Chamber a large volume of papers which, in effect, he will no doubt purport to his community to have tabled in the Parliament. Under no circumstances is the member for Hawkesbury able or entitled to table documents in this Chamber. Having examined the documents, I note that they are not the property of the member for Hawkesbury; they are survey forms for Baulkham Hills Shire Council and would therefore be the property of Baulkham Hills Shire Council. I ask that any reference to his having placed those items of information for members in this Parliament, or indeed having tabled them in Parliament, be struck from the record. I also ask that the member for Hawkesbury be notified that his action is grossly disorderly and that the papers be immediately removed from the table in the Chamber.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I will take up the matter with the Speaker and get a determination on removal of the papers.

**Mr JOHN AQUILINA:** Mr Assistant-Speaker, I take a very strong point on this. These items, which are not the property of the Parliament, are lying on the Chamber table. I ask precisely that these papers be removed from the Chamber forthwith.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Following consideration, I order the attendants to remove the papers that are on the table.

#### PRIVATE MEMBERS' STATEMENTS

*[Business resumed.]*

#### EDUCATION WEEK

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.02 p.m.]: Last week I had the privilege of participating in Education Week by visiting a number of public schools throughout the State, including Model

Farms High School at Baulkham Hills, where I participated in the Principal for a Day Program, courtesy of the Department of Education and Training and the school's principal, John Elton. That very fine school is struggling from underinvestment in learning facilities infrastructure. Nevertheless, the teaching staff are outstanding and do a great job under the guidance of the principal, John Elton, and I wish him all the best in his endeavours.

I visited also Telegraph Point Public School where I participated in the School Parliament official opening ceremony, with the oversight of the principal, Kate Baird, and the teacher in charge, John Baker. That terrific small public school won the Tournament of Minds national competition in 2005 and 2006. I was impressed by the school community, including the volunteer parents who man the canteen. Those parents serve terrific healthy foods to the kids at Telegraph Point Public School.

I visited also Aldavilla Public School, where I presented the school parliamentarians with their official badges. I remarked that the ceremony was run just like the State Parliament of which I am a member—but the children were much better behaved! I was honoured to present the badges to the school prime minister, Ally Wood, the opposition leader, Josh Wilson, and the other members of the school parliament—Alan Youdale, Tom Kennedy, Jacinta Beecham, Luke Creighton, Jackson Phillips, Jarrah Wyatt, Memphis Scott, Madison Griffen, Royden Hixon, Collen Glover, Dana Brown, Tom Minler, Jeremy Gray, Jackson Burrell, Brad Osmond and Jarrad Wilson. Principal David Munday and his staff at Aldavilla Public School hosted a terrific ceremony. That is a very good school with an outstanding teaching staff.

I visited also Wauchope High School, where I was delighted to participate in the launch of its anti-bullying program. That program was an outstanding local initiative of the school headed by the principal, Ken Terry, and deputy principals Narelle Burrows and Nicole Gough. I met the school captains, Ty Clayworth and Lesley Flanagan, and vice captains, Todd Trotter and Evie Baker. I also met the student representative council who drove the process, including Chris Manson, Emily Thomas, Kyle Lindeman and Ashley Whitton. The anti-bullying process was outstanding. It identified the areas in which bullying took place and developed a process for notifying and reporting incidents. The program is all about establishing the concept that bullying within the school is not okay.

Bullying is no worse at Wauchope High School than at any other high school. In fact, it is probably far less prevalent because of the very good country school community, where families and friends make a great deal of difference. However, bullying is an issue at Wauchope as it is at other schools. The school established a forum that included students, staff and parents. Invitations to attend the forum were issued to all parents of children at the junior school. A number of values were identified as important in the moral growth of the students. The top six were: acceptance that there are consequences for actions and the ability to deal with them; respect for all; politeness when dealing with others; honest communication in relationships; ensuring safety of oneself and others; and appreciation of learning as a lifelong process. The school's student representative council came up with a series of strategies to deal with bullying, including banners, beautification and equitable distribution of seating, amongst other measures. I recommend that the Minister for Education and Training visit Wauchope High School and apply that process across the State.

### **WORLDSKILLS AUSTRALIA NATIONAL COMPETITION**

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [9.05 p.m.]: It is well known that there is a skills shortage in this country. Further, we know that there is a perception among some elements of society that vocational training is not as valuable and worthwhile as academic pursuits. We must turn that attitude around and start revering our young trades and vocational skills people as we revere our young athletes. If we did so, our very important trades would be placed on the pedestal they deserve. Like our talented sportspersons, do members know that our young trades persons and those with vocational skills can also go for gold? How, you may ask! Through the wonderful work of the organisation named WorldSkills Australia.

Established in 1981, WorldSkills Australia is a national not-for-profit organisation that provides young Australians aged 23 and under with the opportunity to gain new skills and compete against their peers in their chosen trade. Its goal is to encourage young people into trades and skills, and to showcase their talents through competitions held on a regional, national and international level. The opportunity to compete is open to all Australian apprentices, trainees, and vocational and educational training students and, if eligible, medallists can compete on the international stage in the Skill Olympics.

I am pleased to announce that in my electorate of Wallsend we have an inspiring young man participating in this wonderfully challenging environment. Dean Simmonds competed in the WorldSkills Hunter



Region competitions in both the information technology [IT] software applications and business services categories, earning gold and silver medals in those categories respectively. As a gold medal recipient, Dean is eligible to compete in the WorldSkills National Competition in the IT software applications category, to be held in Sydney from 11 July to 13 July 2008. Dean told me that he first became aware of WorldSkills after the recommendation of his TAFE teacher, Francine Winn.

Dean became interested in information technology during his studies at school and after performing well in IT-related subjects in his Higher School Certificate he applied for and was appointed to a business administration traineeship with the Roads and Traffic Authority. Dean earned a distinction in Certificate III in Business Administration and is currently enrolled in Certificate V. Dean's success in WorldSkills and TAFE is an inspiring example of what can be achieved through the public education system—and what an achievement! Dean has also been nominated for the New South Wales trainee of the year, a direct result of his success in the WorldSkills competition. It is this pursuit of excellence that we need to foster and nurture, and it is an honour to be part of a Government that recognises the importance of education and training of young people.

The New South Wales Government, through the Department of State and Regional Development, has contributed \$1 million in funding and the Department of Education and Training has contributed \$750,000 in kind. I urge all members of this House to encourage teachers, parents and students from their electorates to visit Sydney during the school holidays to attend the WorldSkills Australia National Competition from 11 to 13 July at the Sydney Convention and Exhibition Centre and to get up close and personal and see what it takes to be the best in Australia's trade and skills categories. Incidentally, did members know that the Convention Centre is only the second conference venue in the world to receive internationally benchmarked Green Globe accreditation? What a fantastic environmental credential. When you attend the WorldSkills Australia National Competition, Mr Assistant-Speaker and others, please take the opportunity to "Try'a Trade". "Try'a Trade" gives you a taste of 30 trades and skills, all under the supervision of industry experts. Go on: I dare you! Try something different and "Try'a Trade".

### **PORT MACQUARIE FORESHORE**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [9.10 p.m.]: Tonight I speak about the Port Macquarie foreshore, which has been on the agenda in a planning sense for about two years, with ongoing discussions between the Department of Lands, the Minister, the local council and various community representatives. More than two years ago the previous council identified with the Department of Lands possible sites that might lead to an expression of interest [EOI] for a marine tourist precinct at Westport. Other sites such as the car park off Short Street were identified as a possible site for an expression of interest. The Port Macquarie Chamber of Commerce has also been engaged in the process of developing a promenade concept right along the Port Macquarie foreshore. It has been involved in a range of community consultations and stakeholder meetings, and also in the planning process with the various authorities.

At the same time, a foreshore advisory committee was formed, which tried for about 12 months to get a concept for a master plan of the foreshore underway but, unfortunately, failed to do so. On the basis that almost everyone could see that the council-based committee was failing, the Department of Lands stepped in and recognised the importance of the issue and formed a State-based advisory group involving the Federal member, me as the State member, the local council through its general manager, the Chamber of Commerce, and a couple of local representatives. That advisory group is quite successfully starting to discuss in detail some of the issues confronting a coordinated foreshore plan for a better Port Macquarie.

The reason I raise the matter tonight is that the latest advice for the community is that following ongoing discussions with the Minister, his director general and the new administrator at Port Macquarie-Hastings Council, there is a renewed vigour by the local authority to carry out what was originally sought—a master plan for the Port Macquarie foreshore. This is strongly endorsed and encouraged, and it is something the whole community and I agree with. The master planning process is the important first step. With some correspondence from the Minister confirming that, I fully support that process and hope it can be completed as quickly as possible. It is an important part of the process for community engagement. There have been some ongoing community concerns about various aspects of the Port Macquarie foreshore planning process, most of them justified. I hope the new administrator and the local authority can engage strongly with the community in this master planning process and that we can get ongoing agreement at a local level for a marine tourist community precinct for the entire foreshore.

I recognise there are issues of concern about the successful EOI option, which was won—for want of a better word—by Ariadne Marines. I recognise their concerns and that in their eyes it looks like a bit of

back-peddalling has potentially taken place. I understand that, and I understand the issues with other parts of the foreshore where there are particular interests. However, the sentiment has not changed over the past two years. The overall master planning process is common sense, and now with the new administrator in place it would be very hard for anyone to argue against the local authority having its own master plan in place. It is something we should all strongly endorse and get behind. After two years we are now at the point we were all seeking to reach on day one. It is disappointing it has taken two years, but we are there and I hope everyone falls in behind the master plan process and supports it.

### MANLY ELECTORATE BUDGET ALLOCATION

**Mr MIKE BAIRD** (Manly) [9.15 p.m.]: I speak about the Manly community's response to the budget that was handed down this week. Needless to say, there is significant disappointment. A key principle of any Government should be a sense of governing for all. Unfortunately with this budget there is a very real concern that not only has Manly been forgotten but also that neglect is pointed and has gone on for too long. There is deep emotional distress, quite rightly, at the way Manly has been ignored across all the key issues. Some funding has been provided. There is a little bit for the Manly Wharf upgrade and a little for Northern beaches TAFE. There is a small amount for the psychogeriatric unit at Manly hospital, which looks like a re-announcement, and the funding for the Brookvale bus depot is definitely a re-announcement.

The key priorities have been overlooked. I refer to The Spit corridor. We spend a lot of time in this Chamber on this very issue and, indeed, my predecessor spoke about it. Nothing has been done. In 2002 the Government committed to addressing congestion in some way, shape or form, but still nothing has happened. In the State Plan The Spit is identified as one of the State's seven major routes. According to the Government, peak hour travel speeds have remained similar since 1995-96 despite traffic increasing by 26 per cent. My question to the Minister for Roads and this Government is: Where do they get the figures? Are they misinformed, or are they ignoring the evidence?

The Minister for Transport is simply out of touch. He said that the peak hour bus from Dee Why takes 35 minutes to get to the city. I challenge the Minister for Transport, and indeed every Minister in the Iemma Government, to come to Dee Why with me and catch a bus in peak hour. I will give them a bottle of Grange for every minute under 35 minutes it takes to get to the city. It will be considerably more than 35 minutes. Public transport is starved of resources and commuters have no option but to drive to work. We need more bendy buses to service peak periods—the E70—and the reinstatement of the 141 bus that was cancelled two years ago. In relation to the ferries, we await the Government's response to the Walker inquiry, but even things like improved customer service are not included in the budget. We need SMS alerts but \$250,000 has been spent on stage 2 of an intranet upgrade for Sydney Ferries. I know they need to communicate but surely customers have to come first.

Action on the northern beaches hospital has been slow, slow, slow. An amount of \$2.8 million has been allocated for planning, but that is only 0.7 per cent of the purported \$400 million the Government said it would need to build this hospital. Deadline after deadline has been missed and the Northern Beaches Health Service Plan, which was due to go to Cabinet late last year, still has not materialised. Brookvale Oval is an interesting matter. Constituents have written to me expressing concerns and they have been ignored year after year. However, I have to make an acknowledgement. I had a call from Grant Mayer, the Chief Executive Officer of Manly-Warringah Sea Eagles Rugby League Club, just before coming into the Chamber and I understand the Iemma Government has today committed \$6 million to Brookvale Oval. The Speaker proudly wore their jersey in the days leading up to the grand final. This is a win for the community. I need to acknowledge Kerry Sibraa, who played a significant role in this, as did his wife Julie, and Grant Mayer has been relentless, as have Max Delmege and Scott Penn. The whole team has put in a huge effort and the Government has responded to the community and this group of people. I congratulate all of them on this achievement. It is a good result.

Last year \$70 million was allocated for Manly and Curl Curl lagoons. We must speed up the allocation of that money strategically to resolve huge pollution issues at both those lagoons. The Government said that Seaforth TAFE is no longer viable as an educational facility. I want to know why that facility has lain idle for nine years. It is negligent to ignore the growing demographics of young families and children in that location. In 10 years time, once that site is no longer available, people in that area will be asking where their next high school and technical college will be located.

I do not believe it is too much to ask the Minister for Planning and the Minister for Education and Training to keep the Seaforth TAFE site in public hands and reserved for public education. The last issue I wish

to raise relates to Bear Cottage—one of the most tremendous facilities in this State. Bear Cottage, the State's only children's hospice, costs \$1.5 million each year and does not receive one cent in government funding. I have asked the Minister for Health—and I will continue to do so—to visit this special place and to see the impact it has on the lives of these kids and their families. For too long Manly has been ignored. We have had some wins but we could do with a lot more.

### INVERELL ART GALLERY

**Mr RICHARD TORBAY** (Northern Tablelands—Speaker) [9.21 p.m.]: The evolution of cultural ventures in country regions can usually be traced to volunteers and to community members who find that, if something needs to be done, they have to do it themselves. The Inverell Art Society is a shining example of this community entrepreneurship. In 1960 the Inverell branch of the Country Women's Association decided to organise painting activities in Campbell Park. A tutor from Wollongong suggested that an art society be established in Inverell. By the end of 1961 the society was up and running. Audrey Tewksbury, Beryl Campbell and Anne Neuss took their turn at the helm and steered the society through its early years.

In 1962, under the sponsorship of the Department of University Extensions, Adult Education, pottery classes began with Mrs Thompson, an art teacher, at the high school. The only accommodation available was a draughty old warehouse-type building at the bottom end of Byron Street. It is a miracle that members survived that winter, but pottery attracted additional people and membership of the society soon doubled. June Reardon came to the rescue by providing it with premises in which to gather and work regularly. She offered the use of one of her large sheds, which became the home of the Inverell Art Society for almost 10 years. Since then it has moved to Butler Hall in Evans Street and has continued to expand its floor space as well as increasing its members from all over the region. The gallery now boasts an extensive range of paintings, ceramics, needlework, leatherwork, glass products, handmade paper, hand-painted silk and olive products. It produces a sales outlet for local artists and it is a major tourist attraction.

Each year there are approximately 13 exhibitions, with opening nights drawing around 150 people and approximately 600 visitors per fortnight through the gallery, and yearly attendance averages 8,000. Artists are attracted not just from Australia but also from New Zealand and exhibit in the gallery. Facilities include a venue for artists and craftspeople to display their work and also three classrooms for the community to use for a nominal fee. These rooms are air-conditioned and available either on a full day or half-day basis. The gallery hosts an annual competitive exhibition held in conjunction with the Telstra Countrywide Sapphire City Festival and offers prize money of more than \$5,000. Each year Inverell Shire Council supports the exhibition with an acquisition and prize money, which enables the art society to purchase artwork on behalf of the community, which is displayed in various locations in Inverell for the benefit of the whole community.

Every five years the gallery is involved in the successful Tom Roberts festival. The 10-day festival began in 1996 to mark the artist's centenary and his regular visits to the Inverell district, reflected in well-known paintings such as *The Golden Fleece*, *Bailed Up* and *In the Corner of the Macintyre*. Around 15 of Roberts' original paintings have been exhibited during the festival. Currently, the gallery exhibits approved replica paintings of *Bailed Up* and *The Golden Fleece* as town acquisitions. The festival received the National Trust Heritage Award in 1997 and the EnergyAustralia National Heritage Award. Currently, the gallery is displaying over 20 scarecrows as a result of a competition involving local business, community and schools. The competition has brought in many businesses, schoolchildren and their parents who might otherwise have not visited the gallery.

Regular activities include children's workshops, adult community classes, visual arts, as well as art-based classes. The gallery rewards volunteers with discounts and special previews of current exhibitions. Membership levels are at 400, and growing, from all sectors of the community—from professional artists to pensioners and families. Volunteers keep the gallery doors open 5½ days a week and they do a magnificent job. More recently, with the support of Inverell Shire Council, the gallery was able to appoint Sharon Thomas, a full-time administrator, who has greatly alleviated the pressure placed on volunteers by taking over the day-to-day running of the gallery.

The administrator is working with the management community to further pursue sustainable cultural development, community activities, wider partnerships and cultural networks. I urge the Government to support the initiatives of this proactive community-based gallery that has evolved through the commitment of so many local people who have invested their time and money to create such a significant cultural asset.

### MAIN ROAD 217

**Mr GREG PIPER** (Lake Macquarie) [9.25 p.m.]: I bring to the attention of the House the condition of Main Road 217—the major State road servicing residents in the Lake Macquarie electorate running from Morisset through to Toronto, Speers Point and beyond. It is the only alternative to the limited access F3 freeway, the only direct connection between many suburbs in the electorate, and the major route for many commuters. The western side of Lake Macquarie has a significant population which is set to grow significantly over the next 25 years, in particular to the south around Morisset, Cooranbong and Wyee. Growth in those areas was already strong but it has been significantly boosted under the lower Hunter regional strategy. Infrastructure and services for current demand and future growth should be provided sooner rather than later. Addressing road issues is an obvious place to start.

On 7 November last year I referred in this House to the intersection of Main Road 217 and Dorrington Road, Rathmines—the most notorious part of Main Road 217, and the main entry to Rathmines, Fishing Point, Balmoral and Buttaba. On 17 November last year some 200 residents attended a public meeting called by Mr Greg Combet, the Federal member for Charlton, and me. Following that meeting and a large petition presented by local residents it was pleasing to note the recent announcement by the member for Charlton of \$750,000 in funding from the Commonwealth Government under the black spot program. I understand that that amount is not based on a particular design and that an optimal improvement for the intersection would also require an equal amount of State funding.

I made representations to the Minister for Roads and just this morning I received a response indicating that the Roads and Traffic Authority is considering options for improvements. This letter coincides with an allocation of \$1.3 million made in the 2008-09 budget for works at the intersection. I have received verbal confirmation of the funding and I understand that community consultation will be an integral part of the design process. I acknowledge and thank the Government on behalf of the community in anticipation of the funding to provide a safer intersection. The upgrading will provide a significant benefit for many users of Main Road 217, as did the opening last January of the Five Islands section between Speers Point and Booragul. However, the fact remains that parts of this road further to the south are inadequate and dangerous.

Improvements at Five Islands effectively moved traffic congestion to the immediate south between Teralba and Fennell Bay, where there is a two-lane section of road and a T-intersection servicing Woodrising. Last year, in my second newsletter to the electorate, I surveyed residents' priorities on a number of issues. Improvements to this section of Main Road 217 received strong support from the public, with 28 per cent of respondents ranking it within the top four of the nine identified options of priorities within the electorate. Another serious traffic problem is the bottleneck where the main road passes the Toronto commercial centre. This short stretch has five intersections within 400 metres and it becomes rapidly congested due to the lack of dedicated turning lanes, the merging of two lanes into one at less than optimal points in both directions, and apparently the poor phasing of traffic signals.

In peak periods and at many other times this strip is subject to gridlock, with the intersections holding up enough traffic to block one another. Properties facing this strip of road are already substantially in public ownership. The Roads and Traffic Authority has purchased five blocks for the purpose of road widening and it is purchasing another three. This leaves just one block of private land on the western side of the main road between Thorne Street and Bay Street. This major traffic bottleneck is close to being solved, yet I am told the Newcastle regional office of the Roads and Traffic Authority is currently under no instruction to act on this problem area. The peak traffic periods in this area are not insignificant and are becoming longer year after year. The situation is unnecessarily confused and dangerous for pedestrians and drivers alike, yet there appears to be the capacity to create dedicated turning lanes, extend dual lanes a short way northbound from James Street, and to better coordinate the phasing of the three sets of traffic lights.

I thank Mr Greg Combet, the Federal member for Charlton, for his efforts in securing Federal black spot money. I acknowledge the significant investment in infrastructure in the State budget announced by the Treasurer and the Premier yesterday. In recognising the demands on the State budget, I am still compelled to call on the Minister to prioritise works on this section of road to reduce the impacts of growth in south and western Lake Macquarie in the short term and medium term.

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

**Private members' statements noted.**

**ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned at 9.32 p.m. until Thursday 4 June 2008 at 10.00 a.m.**

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