

# LEGISLATIVE ASSEMBLY

Thursday 4 December 2008

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

**Mr Speaker** offered the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2008

### Agreement in Principle

**Debated resumed from 28 November 2008.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [10.04 a.m.]: There are no prouder pieces of legislation that sit on the statute books of New South Wales for Liberals and Nationals than the Independent Commission Against Corruption Act and the Protected Disclosures Act. Both those pieces of legislation were introduced by the prior Liberal-National Government in this State in recognition of what we believe should be the central goal of government—openness, honesty, accountability and responsibility, which the Opposition believes have been trashed, traduced and discounted over the past 13½ years. That is why I am pleased to speak on the Independent Commission Against Corruption Amendment Bill 2008, which seeks to amend both of those Acts.

The Independent Commission Against Corruption Bill, introduced in this Chamber by former Premier Nick Greiner in 1988, was designed to overcome what was clear evidence of corruption within government during the period of the former Labor administration. That corruption in government became so out of hand that a Labor Minister of the Crown was sent to jail for selling early releases from the prison system when he was the State's Corrective Services Minister. It is a form of corruption that we hope never to witness again in New South Wales, a form of corruption that the Independent Commission Against Corruption was established to guarantee to our young people and those who follow that they will not see another Minister of the Crown jailed for that sort of activity.

The Protected Disclosures Act introduced by the Fahey Government was about ensuring those people employed in our public sector, whether in a department, commission or agency like the railways, who saw what they believe was a wrongdoing, which could be simple mismanagement, maladministration or corruption, had the freedom and right and knew they would be protected if they spoke up against it. We tell our own children to speak out when there is wrongdoing. We do so because we understand that ultimately that is the only thing that improves the society in which we live and guarantees better behaviour by us all. The Protected Disclosures Act, introduced by the Fahey Government in its second term, was pioneering legislation. It is clear that during the 20 years since the Independent Commission Against Corruption Act has been in place and during the period in which the Protected Disclosures Act has been in place the world, society and regrettably evil and corruption have moved on. It is important that from time to time legislation is updated to reflect that.

In relation to schedule 1 to the bill, the Opposition is broadly supportive of the four amendments to the Independent Commission Against Corruption Act that the Leader of the House outlined in his agreement in principle speech. Private members' legislation will not be debated in this House today because the Government has done away with the right of private members of Parliament to introduce their legislation. The glaring omission in this legislation is that it fails to impose a requirement upon Ministers and the Premier that mirrors the requirement that is imposed upon the people who head up the various agencies, departments, commissions and other bodies that make up the New South Wales public sector.

If Nathan Rees were not Premier of New South Wales but instead, God forbid, head of the Department of Premier and Cabinet, and a matter of alleged corruption was brought to his attention he would be duty bound

by the Independent Commission Against Corruption Act to refer it to the Independent Commission Against Corruption which is how it ought to be. That requirement is not imposed upon Ministers or the Premier. A matter that involves corruption can be brought to the attention of Nathan Rees Premier but he is not required to undertake the same responsible course of action as is required of the head of his department. The Opposition says that that is unacceptable. I have a private members' bill sitting on the books of this Parliament to that effect that could and should have been debated today had it not been for the actions of the Leader of the House in doing away with private members' business.

Over 13½ years we have seen scandal after scandal involving this Government. Over 13½ years we have seen allegation after allegation involving members opposite. Over 13½ years we have seen Independent Commission Against Corruption inquiry after inquiry into Labor Ministers, Parliamentary Secretaries and backbenchers. We have witnessed a novel approach under successive Premiers—Premier Iemma, who was elected, and Premier Rees, who was crowned. When corruption is raised with them, instead of doing their duty as a public office bearer—not their duty according to the law—and what the heads of their agencies are required to do under the law, they stand in this place and challenge anyone who alleges corruption to take the details to the Independent Commission Against Corruption. That is not appropriate for the heads of the Department of Premier and Cabinet, the Department of Education and Training or RailCorp, but apparently it is appropriate for the head of a government that has demonstrated itself to be rotten, incompetent and corrupt after 13½ years in office. I will be moving amendments to the legislation to require the Ministry, including the Premier, to be bound by the same requirements as the heads of agencies when dealing with allegations of corruption brought to their attention.

Schedule 2 to the legislation seeks to amend the definition of "public official" in the Protected Disclosures Act 1994. As I said, that is an important piece of legislation. It is one of those pieces of legislation that ensures that light shines across the 300,000-strong public sector of New South Wales. It gives every taxpayer in a state of almost seven million people a guarantee that systems exist to ensure that, whether in the darkest reaches of the furthest department in this State, a well-meaning, honest and upright public servant who sees something going wrong can put up their hand, can shine a light and blow the whistle in the hope that the taxpayers and citizens of New South Wales get a fairer, cleaner and more honest deal.

What concerns me about schedule 2 and the single recommendation that has been picked up is that two years ago the parliamentary oversight committee, which is now chaired by the member for Maitland—who is in the Chamber—conducted a legally required review of the Protected Disclosures Act and produced a unanimous report. In those days the committee comprised members of the Labor Party, the Liberal Party, The Nationals and, I think, a member of the Call to Australia Party. An all-party committee produced a unanimous report containing 17 recommendations. What was the Government's response? It was to pick up one recommendation and then ask the very same committee to review the same matter again. The irony is that many of the unanimous recommendations were the result of an earlier report into the Protected Disclosures Act that was similarly ignored by a government that has no commitment to openness, honesty and accountability in government.

When the Leader of the House said that this bill was being introduced as part of the Premier's commitment to open and accountable government, I thought it was the best comic line I had heard in this place this year. He said it with a straight face—as he often does—and I do not think he meant it as a joke, but it is a joke. This Government's approach to the Protected Disclosures Act demonstrates that it has no commitment to openness and transparency or to those honest public servants across the State who would want to blow the whistle. We heard evidence of that during the parliamentary committee hearings into the Protected Disclosures Act. A government committed to openness, transparency and accountability would implement all 17 recommendations as proposed by a private member's bill I introduced, not simply call for another review. I am sure that the member for Maitland and his committee colleagues will conduct that review effectively. However, it is unlikely to produce any results before the 26 March 2011 election.

This State cannot afford to continue to go down the path we have gone for 13½ years. Freedom of information legislation has been subverted to freedom from information legislation. The Independent Commission Against Corruption's inner spring has been wound down and the Protected Disclosures Act has not been updated to match national and international standards in our changing world. I will not oppose this legislation, but I will propose improvements to ensure that Premiers and Ministers can no longer engage in political games and turn a blind eye to allegations and the reality of corruption because it suits their political ambitions. I will not propose amendments to this bill; rather, I will introduce a private member's bill to implement the unanimous recommendations of the 2006 parliamentary committee inquiry into the Independent Commission Against Corruption's review of the Protected Disclosures Act 1994. I will do that because my

Liberal-Nationals colleagues are genuinely committed to openness, transparency and accountability and responsibility in government, as were our forebears in the Greiner and Fahey governments. The Fahey Government introduced the legislation that is being amended by this bill. Both pieces of legislation are required because of the rottenness, incompetence and corruption of a former Labor administration, and that is redolent of members opposite today.

**Mr JONATHAN O'DEA** (Davidson) [10.11 a.m.]: Like the Leader of the Opposition, who is a man of integrity and honour, I broadly support the Independent Commission Against Corruption Amendment Bill 2008. It makes a start on the reforms needed in corruption and whistleblower protection. However, it is clear that this Government is determined to take a glacial, piecemeal approach to the reform of the Independent Commission Against Corruption and Protected Disclosures Acts. At a time when confidence in the New South Wales Government is so low, that is completely unacceptable. The Independent Commission Against Corruption and the Independent Commission Against Corruption committee have made a number of recommendations to improve Independent Commission Against Corruption and whistleblower legislation in New South Wales. This bill implements some of those recommendations. However, it does not go anywhere near as far as the Coalition's Protected Disclosures Amendment (Supporting Whistleblowers) Bill 2008, which represents wholesale reform but which is not being adopted due to pointless partisanship to date and a lack of willingness to debate it in a timely fashion.

The Coalition created the Independent Commission Against Corruption because it believes that corrupt conduct has no place in government and those who engage in such conduct must be held accountable. Strong Independent Commission Against Corruption and whistleblower legislation is more important than ever. Serious and systemic corruption has been recently uncovered at Wollongong City Council and in RailCorp. Whistleblowers do not have adequate protection. A number of high-profile cases have demonstrated the appalling treatment whistleblowers can suffer and emphasise the need for strong protection. These include the treatment of Milton Orkopoulos' former electorate secretary, Ms Gillian Sneddon, a former RailCorp employee, nurses from the Campbelltown and Camden hospitals and former employee of the Premier's office, Mark Aarons.

In response to these problems, the Government has produced this bill. Schedule 1 amends the Independent Commission Against Corruption Act 1988 to clarify the reference to serious and systemic and corrupt conduct, to increase the maximum penalty for an offence under section 82 of failing to provide information (or providing false information) to the commission, to ensure that the commission may make a non-publication order in respect of any written submissions received by the commission, and to extend the time period within which proceedings for offences against sections 82 (relating to providing information) and 95 (impersonation of commission officer) may be extended to 3 years (instead of 6 months) from the commission of the alleged offence. These amendments came from the Independent Commission Against Corruption committee's report of 2006-07.

Schedule 2 to the bill amends the definition of "public official" in the Protected Disclosures Act 1994 to remove any doubt that the Act extends to any individual in the service of the Crown or of a public authority. The amendment originates from the ICAC committee's November 2006 review of the Protected Disclosures Act 1994. The review contained 17 recommendations, as the Leader of the Opposition pointed out, yet the New South Wales Government can manage only one, relating to the definition of a "public official".

I am a member of the Committee on the Independent Commission Against Corruption, which is currently conducting an inquiry into the protection of public sector whistleblowers. While I will refrain from commenting on the current inquiry, I say that the Parliament should adopt the Coalition's Protected Disclosures Amendment (Supporting Whistleblowers) Bill 2008, which implements the reforms of the 2006 review. Parliament should also adopt the amendment we have proposed to section 11 of the Independent Commission Against Corruption Amendment Bill 2008, which we are debating, to make it clear the Ministers have a duty to report possible corrupt conduct to the ICAC. That would be appropriate in the interests of more substantial reform and in the interests of a more open government and corruption-free New South Wales, where integrity and proper accountability was truly valued.

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

#### **RETIREMENT VILLAGES AMENDMENT BILL 2008**

**Message received from the Legislative Council returning the bill with amendments.**

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

**COURTS AND CRIMES LEGISLATION FURTHER AMENDMENT BILL 2008**

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

**Agreement in Principle**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.21 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Courts and Crimes Legislation Further Amendment Bill 2008 was introduced in the other place on 27 November 2008 and is in the same form. The Minister's second reading speech appears at pages 65 to 71 in the *Hansard* galley for that day. 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.**

**CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2008**

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

**Agreement in Principle**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.22 a.m.]: I move:

That this bill be now agreed to in principle.

The Courts (Administration of Sentences) Amendment Bill 2008 was introduced in the other place on 27 November 2008 and is in the same form. The Minister's second reading speech appears at pages 52 to 59 in the *Hansard* galley for that day. 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.**

**FINES FURTHER AMENDMENT BILL 2008**

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

**Agreement in Principle**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.23 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Fines Further Amendment Bill 2008 was introduced in the other place on 27 November 2008 and is in the same form. The Minister's second reading speech appears at pages 59 to 65 in the *Hansard* galley for that day. 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.**

**EDUCATION AMENDMENT (EDUCATIONAL SUPPORT FOR CHILDREN WITH SIGNIFICANT LEARNING DIFFICULTIES) BILL 2008**

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

**The SPEAKER:** I have been advised that the Minister for Education and Training, and Minister for Women will have carriage of the bill in this House as Government business.

### Agreement in Principle

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [10.24 a.m.], on behalf of Ms Verity Firth: I move:

That this bill be now agreed to in principle.

The Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 was introduced in the other place on 3 December 2008 and is in the same form. The second reading speech appears at page 46 in the *Hansard* galley for that day. 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.**

### EDUCATION AMENDMENT (EDUCATIONAL SUPPORT FOR CHILDREN WITH SIGNIFICANT LEARNING DIFFICULTIES) BILL 2008

#### Agreement in Principle

**Debate resumed from an earlier hour.**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [10.26 a.m.]: I will outline the history associated with the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. The bill began its life as the Educational Support for Dyslexic Children Bill 2007, and was introduced by Reverend the Hon. Fred Nile, MLC, in the other place. It then lay on the table for some time, during which Reverend the Hon. Fred Nile consulted with a number of stakeholders concerning the bill. The original bill sought to have dyslexia included within the Government's disability criteria when providing special or additional assistance to schoolchildren with disabilities.

Discussions were held within the broader community on the use of the term "disability" with regard to children suffering from dyslexia. Some members of the community regarded the term "disability" in relation to dyslexia as a negative label. Others raised concern over the potential cost, efficiency and effectiveness of a diagnostic approach to have dyslexia classified as a disability. Hence the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008, which makes a subtle but important change by avoiding the issue of categorising dyslexia as a disability by introducing a new category under section 20 of the Education Act 1990.

The inclusion of the term "significant learning difficulties" amongst "assistance to government school children with special needs" under that Act will enable provision of special or additional assistance for government school children with dyslexia and, indeed, all schoolchildren suffering from significant learning difficulties. This bill will insert the following new paragraph (a1) in section 20 (1) of the Education Act 1990:

children with significant learning difficulties, or

It will also insert a new subsection (4) to section 20 of that Act, which states:

For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning.

Another minor amendment will ensure that children with significant learning difficulties are included in the New South Wales Government's special education initiative for students with special needs. These are commonsense amendments. They are intended to ensure that children suffering from dyslexia get some additional support in the school environment. I commend Reverend the Hon. Fred Nile for his persistence in pursuing this issue to make sure that those children get the support they deserve and need. Those children deserve the same educational opportunities as all children.

I understand the bill passed through the other place last night, or perhaps in the wee hours of this morning. It was supported by all sides of politics—the Government, Opposition and crossbenches. The Opposition in this House also supports the bill. However, while the bill reflects the very good intention of getting those children the support they need, it will take more than this legislation—it will take political will and significant resources—to make sure that that special assistance is provided, not just to children with dyslexia but

to other children with significant learning difficulties and to children who are technically qualified as having a disability. I hear on the ground constantly that the issue of resources for special needs children in New South Wales schools is significant. I believe an investment in those resources in the school system will, in the long run, save the Government expenditure particularly in other portfolio areas such as health and police because these kids will not fall through cracks and they will have a shot at meaningful employment later in life.

Sadly, the Government is not providing significant resources to children with special needs. Over the past two weeks I have met with the executive of the Teachers Federation, which has raised this as one of the major issues for the Government. I have met also with various groups, such as the Federation of Parents and Citizens Associations—which, just yesterday, raised this as one of its priority issues—as well as the Parents Council. All of those organisations say that the resources on the ground for special needs education are inadequate to deal with the task. So, while the Opposition supports the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008 as being a step in the right direction, it will need additional resources on the ground. This is where the Government's lack of financial management comes to the fore. When the budget and the economy is managed well by a State government the resources needed to provide assistance to those most in need in our society are available. Right now, due to more than a decade of mismanagement of the State budget, that is not happening. The challenge now is for the Government to follow up this legislation with significant resources for children with special needs, including dyslexia, in our school system. I commend the bill to the House.

**Mr DAVID HARRIS** (Wyang) [10.34 a.m.]: It gives me a great deal of pleasure to support the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. This bill, as has been outlined previously, is for an Act to ensure that children with significant learning difficulties are included in the New South Wales Government's special education initiative for students with special needs. I will commence my contribution by responding to something the Leader of The Nationals just raised. This Government has done more than any other government in history for students with disabilities. That is coming from someone who worked for 20 years in the system, whose wife continues to work in the system, and who has daily contact with people who work in the system. More can always be done. Any government would recognise that.

This Government has taken seriously its responsibilities to look after kids with disabilities. I point to a number of initiatives. One recent one is the expansion of support teacher learning positions—80 new positions. Part of their role is to work with children with dyslexia. Through the Carr Government and the Iemma Government we have seen the strongest commitment ever to the Reading Recovery Program, one of the most effective and important programs to help children with reading difficulties in schools. I say that with great confidence because I have always advocated that all teachers should go through the Reading Recovery Program to improve their skills. Those who do the program are more effective in teaching reading and are more able to diagnose problems. So, this Government has been doing a lot for students with disabilities. Even the Opposition should recognise that.

**Mr Brad Hazzard:** No.

**Mr DAVID HARRIS:** Since the Coalition was last in office there has been a significant improvement. I worked particularly in disadvantaged schools as a teacher and a principal and I know first hand how difficult it is to work in those schools. We have some very skilled teachers, but despite their efforts and their good teaching some kids fall through the cracks. There is no doubt about that. Some students are diagnosed with specific learning problems through quite an extensive and onerous process. Basically, teachers and parents bring forward children they think have learning difficulties. Testing is performed at the school level by the school counsellor or the children are referred to a professional for diagnosis. A school learning support team meets regularly and designs programs for the children and generates the applications for support. Children who meet the requirements of the program receive support, whether it be speech therapy, support teacher learning support or teachers aids in the classrooms to help them.

The other day I heard—and I have no reason to dispute this although I have not had time to check it—that New South Wales educates 80 per cent of the children in Australia with disabilities. That means New South Wales has an onerous task to make sure that all the needs of the children are met. We thank the Federal Government for recently increasing funding, but it has to understand—certainly the Howard Government did not, but the Rudd Government is starting to—that New South Wales is in the front line of helping these children and we should have proportionate funding to make sure we can supply the resources those kids need. I found as a principal, even with teachers working their hardest and with good quality programs in place, some children

were not diagnosed. Some kids fell through the gaps, particularly kids with dyslexia. Therefore, though students missed out on specific support. Although schools creatively expand their resources to assist those children they did not receive specific support.

That is why this bill is so important. Now they will be encompassed under that disability support program. Schools also run a number of very important programs, as I have mentioned, such as the Reading Recovery Program and the Support Teachers Learning Assistance Program. There are district and regional support teams that work with teachers to make sure they are skilled to work with kids with disabilities. In recent years personalised learning programs [PLPs] have been introduced so that each of those children experiencing difficulty has a dedicated personal learning program. It is particularly important for Aboriginal students. That is another good initiative of this Government. All those programs certainly help. I have worked with some of the most committed teachers in the area of disability, particularly on the Central Coast. I would like to mention some of those people.

**Mr Brad Hazzard:** Are you a teacher?

**Mr DAVID HARRIS:** Yes, I am.

**Mr Brad Hazzard:** What did you teach?

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

**Mr DAVID HARRIS:** Glenys Summers is one of the best professional people I have ever met. She has just recently retired. Glenys is a New Zealander who was responsible for setting up one of the best reading support programs across the State. It has been copied in other places. She created some of the best diagnostic tools and was absolutely committed. She probably could have retired at 60 but I think when she finally retired—I hope she does not mind my saying this—she was nearing 70. She worked her heart out for kids with disabilities. Teddy Wise is another person from the Central Coast who is absolutely committed to supporting teachers to help kids with disabilities, as is Helen Evans. I mention them specifically because on the Central Coast there are a number of students with particular problems and those teachers have been absolutely committed, along with their team leader Trish Donohue, to creating effective programs to assist those children.

I also acknowledge Jim Bond, who is in the gallery today. I met Jim a number of years ago when I was a principal at a school at Gwandalan and also at Kariong. Jim is the person behind this bill. Jim Bond has fought for a number of years to bring forward the cause of dyslexia. He suffers from it himself but has overcome it and I think he now has a university degree—I may be wrong about that but I know that he has received various qualifications. Jim has been committed to this cause. When people said to him, "No, it can't be done: it's too expensive", he continued to press on. This bill is now moving forward with bipartisan support across both Houses and it is a real tribute to you, Jim. I thank you on behalf of the children who will benefit from this. I know that this was never about yourself; it was about making sure kids got a fair go. I certainly acknowledge you for all the work you have done in this area.

I also acknowledge Reverend Fred Nile as well because he was the person who finally brought this bill forward. He got agreement and worked with all the groups to make sure that we have this legislation today. I think it is a tribute to him as well. We know that kids with dyslexia need extra support. I found this at Kariong, where despite our best efforts using all the different professionals we could not diagnose one student with a specific disability. Everyone knew that this boy needed help. His mum used to come to my office and cry in frustration because she wanted to do whatever she could to help but his disability did not come under any area of specific diagnosis. He was a really good kid. He was well behaved and did what he was asked, but he really found it tough. Ironically, if he had had a behaviour problem he would have got support. This is the most important thing about this bill: we can help kids like him and make sure that people such as his parents, who were absolutely committed, can get the support they need.

Teachers become very frustrated because they want to do their best to help kids. As members have noted, there are not enough resources, but governments and people are trying their hardest to put those resources in place. Despite that it is pretty tough. I started my teaching career in high school. My classes were 7-7, 8-6, 9-7 and 10-6. They were some of the toughest kids you could ever meet. They were basically not bad kids but by the time they got to years 9 and 10 their spirits were defeated. They were young people who had given up on society because they found it so hard. I did not know a lot about dyslexia then but I was struck by something

that happened when we were at a swimming pool with these kids. All the kids were laughing at a sign on the wall. One boy, who was quite a challenge behaviourally and would not participate much in what we were doing was also laughing, but he was looking in the wrong direction. I and my colleague, Steve Harris, who is no relation, said, "Have a look at Carl. What is he doing?" We went over to him and asked, "Carl, what are you looking at?" He was pointing in the wrong direction, at a different sign, and laughing. He said, "I'm laughing at the sign."

It was the first time it struck me that he could not read, and he was in year 9. He had no idea what was on the sign because he could not read a word. Because his behaviour had become so bad as a result of his frustration we could never work out what the problem was. We just thought he did not want to participate or be involved. The reason was he could not read, but rather than let his peers know he misbehaved. That was what everyone was trying to treat without realising that the reading was the problem. When we tried to get him to do some pretty basic reading in the classroom he would say, "Oh, this stuff is rubbish"—he used more colourful language than that—and he would throw down the book and walk out. He would rather be suspended than admit that he had a reading problem. When we found that out we got a fellow in who was 32, a bikie, who broke down in front of the class because he had never learnt to read either and he had had to change jobs. His kids could read better than he could. This bill is about ensuring those sorts of individuals get the help they need to make their lives better.

**Mr JONATHAN O'DEA** (Davidson) [10.46 a.m.]: I speak on the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. There is a need for increased educational support for children with dyslexia and there has been for the last 13 years that Labor has been in power. Sheer frustration from dyslexia can lead to children becoming disadvantaged and sometimes disruptive in school and at home. Like other speakers, I acknowledge the role that members of the Christian Democratic Party, particularly Reverend Fred Nile but also Reverend Gordon Moyes, have played over a number of years in endeavouring to bring this matter to the fore in Parliament and get real action. Fortunately, this subtle but important change, as the member for Oxley described it, will enable extra funding to be provided for children with dyslexia. The amendment to section 20 of the Education Act regarding significant learning difficulties is appropriate and is supported by this side of the House.

After speaking with the Reverend Gordon Moyes this morning I understand that he was promised both by the Treasurer and the Director General of Education and Training that the 80 special needs teachers who have been committed to by this Government would be appointed by 14 December this year. I ask the Government: What is the status of those 80 special teachers at the moment, given that 14 December is only 10 days away? All too often we see this Government making promises and not delivering on time. It is an important question and I respectfully ask that it be answered in the reply speech on this bill. My electorate of Davidson is obviously in Sydney's north. Dyslexia and many other conditions and disabilities do not discriminate on socioeconomic backgrounds. Many parents in my electorate and in the region I represent are frustrated because they do not feel they are supported by the education system.

Unfortunately, I observe that the Government does discriminate when it comes to education matters against areas in the metropolitan part of Sydney that are seen as better off. That was all too evident when I recently read a memorandum from the Director General of Education and Training in relation to small capital projects for toilets, fences and other minor capital works where there was a real lack of consideration for schools in Sydney's north and, indeed, Coalition seats generally. I ask the Government, in appointing these 80 special needs teachers, to make sure that there is a fair allocation across all parts of Sydney. I would be interested to know how many of those teachers will go to Sydney's north and whether it is planned for any to go to my electorate of Davidson. Having made those comments, I indicate that the Opposition is supportive of this bill and looks forward to increased support for deserving people who are disadvantaged within our education system currently.

**Mrs DAWN FARDELL** (Dubbo) [10.51 a.m.]: I support the Education Amendment (Education Support for Children with Learning Difficulties) Bill 2008. Any support we can give to children, their support teams, and their parents, is worthy of approval. When defining children with special needs many think of children in wheelchairs, autism, blindness, deafness and similar disabilities. Two weeks ago two special needs teachers from Parkes and Forbes who do tremendous work in the community came to see me. They teach children with severe mental health issues, whose behaviour affects their learning.

The teachers brought to my attention a facility called Redbank House near Westmead Hospital, which is the only such facility in New South Wales. It offers respite for young people to have medical treatment,

education and time away from their daily routine. These children have been born with mental health issues or they may have become addicted to drugs at an early age. I understand that teenagers go to Redbank House. Childhood and younger years should be a wonderful time but, unfortunately, for many children that is not the case. We need more facilities such as Redbank House, particularly in rural and regional areas. Even one would be a start. I implore the Government to provide the infrastructure and the support team for such a facility. I understand that at Redbank House they have one-on-one treatment with nurse aides. Children attend for block periods, depending on the treatment.

Transport is also a problem for children with special needs. Young Wade, who comes from Peak Hill, is completing his last year at high school. It is a nightmare for his parents, who are well-respected citizens, to arrange his transport for his education on a daily basis from the farm in Peak Hill to Parkes in a taxi with another girl. Despite the drought, the family are good farmers. Many rural and regional members of Parliament would know that the contact for the Department of Transport in relation to these issues is based in Wollongong. These families have to ring Wollongong to seek approval. Often it is the local member of Parliament who makes the representations.

We all acknowledge the wonderful work undertaken by special teachers. Last Friday evening I had the pleasure of attending the Schools Spectacular at the Sydney Entertainment Centre. The member for Blacktown mentioned that yesterday in his private member's statement. We were able to see firsthand the wonderful work that teachers are doing with special needs children in a segment during that Schools Spectacular. We need more support for carers and staff. We need more identification of children with needs, as outlined by the member for Wyong.

A lad from Parkes was picked in year 11 as having some form of autism that affected his learning. His parents always knew that he was quite bright but could not understand why his grades were falling behind. He does not want to be on welfare and has been offered a position with the Lachlan office of the House With No Steps. However, he must have a disability pension before being given employment. The doctor has stated that he does have a form of autism but Centrelink will not grant him a disability pension until the doctor provides the requisite form. Unfortunately, the doctor does not feel his condition is severe enough to be on a disability pension so it is a catch-22 situation. Centrelink is now reconsidering that matter. I accept that this is a Commonwealth matter but as the local member of Parliament I represent all people. This young man desperately wants to be gainfully employed, not on welfare.

I support the bill. We must remember, though, when referring to children with special needs to look beyond autism and other afflictions and consider mental health issues. We must commend the wonderful work of Redbank House in trying to prevent young people from committing self-harm and putting them on the road to recovery. Unfortunately, Redbank House is the only such place in New South Wales and it only takes about 20 people at a time. It is a gross error of judgement for the Government not to acknowledge that fact. We need another facility urgently.

**Mr BRAD HAZZARD** (Wakehurst) [10.57 a.m.]: The Opposition is supportive of this bill and I congratulate Mr Jim Bond on his endeavours, which were mentioned by the member for Wyong. The Jim Bonds of the world drive governments, of either political persuasion, to recognise what needs to be done. I am concerned as a former teacher and shadow Minister for Education and Training that this bill, which it is claimed will make a difference, will not make the slightest difference. I say that based on the history of this atrocious Labor Government that is currently devastating New South Wales.

**Mr Malcolm Kerr:** Why do you say that?

**Mr BRAD HAZZARD:** The member for Cronulla wants to know? I think he probably knows. The problem really is that this Government has a history of cutting back resources to children with special learning needs and with disabilities. As somebody who has a close involvement with my local schools and also with many schools across the State as shadow Minister, I was well aware of the Government's cutting back of resources during the last few years. I well recollect that when Labor first came to government reading recovery programs were cut in a number of areas across the State. It seemed that the Government just did not understand the significance of reading recovery and the availability of resources to children with learning needs. The Reading Recovery Program was cut from the northern beaches area and other programs that were designed for local students were euphemistically "reallocated". Effectively, that meant that students who were brought into the program—

**ACTING-SPEAKER (Mr Thomas George):** Order! The Leader of the House will have an opportunity to contribute to the debate.

**Mr BRAD HAZZARD:** A program was offered at a local school on the northern beaches and over a term, and sometimes two terms, children were brought in to participate in the intensive Reading Recovery Program. Children were selected from a number of schools to participate in that program. Principals reported to me that they were quite frustrated when the Government removed that program. The Government first reduced the numbers and then removed the program in the local area. This Government has failed to understand that when it makes promises it must keep them. If it does not it creates a perception and a belief in the community that there is no point in putting in the effort because there will be no return.

Principals told me that one of their staff would spend a lot of time identifying those students who needed resources. If a child was dyslexic or suffered from a disability such as autism, and that disability impacted on the student's reading capacity, a great deal of time and effort was put into identifying the student, identifying issues for that student, and submitting that student's name to the program. Because the program was so constrained in the initial stages, when it devolved it meant that there was little point in principals and teachers putting in the time to identify students because the resources were not there to address their needs. In other words, in a professional sense, teachers were identifying the need but they had no resources to back it up.

The Leader of the House, who is in the Chamber, might say, "That is not true." It is true. There is a level of frustration amongst teachers in this State who even today find that resources are not available. They can identify children with a disability. In a sense, that is a challenge for teachers because often they are not trained to identify particular disabilities. It requires specialist and expert assistance to identify a particular disability or the multiple disabilities from which a child may be suffering. We have identified that all staff do not have the capacity to do that, but if that problem is overcome and the expertise is brought in to identify the problem, more often than not there are no adequate resources to address the issue—which can be quite devastating.

A classroom teacher might identify an issue and approach the principal—more often than not he or she would approach the principal or the deputy principal—and indicate that there was an issue. Principals, who are under enormous stress as a result of this Government's approach over the past 13 years, are then faced with the dilemma of whether to approach the area office for additional resources. Because of the lack of resources in this area of education, principals often feel constrained when approaching area offices and often they are considered to be not up to the job if they have to seek additional resources. I know of cases where that has occurred. I have rung the principal and the area office and said, "These children are suffering from dyslexia and they need additional resources." Some children have had to leave the government system and enter the private system in the hope of getting those resources. Quite often both systems are not up to the task.

The Coalition believes in public education and it believes in giving everyone a fair go. It is critical to give children with a disability the opportunity to access educational resources. This Government has an atrocious history of dealing with children with special needs. In 2005 when I was shadow Minister for Education and Training I visited schools across the State. I remember being told by teachers who were usually, but not always, special needs trained that they looked after children in IM and IO classes, or children classified as having intellectually mild or intellectually moderate issues. The Government, in a rotten exercise, set about removing those classes. On 2 November 2005 an article appeared in the *Sydney Morning Herald* that stated:

The department insists the decision to slash 111 classes for primary and secondary students with "mild" learning difficulties and 71 classes for students with "moderate" learning problems, physical and hearing disabilities ...

When I visited schools and talked to the teachers they would tell me, "Mr Hazzard, the team that has been built up here is doing good things with the children." Because the Government was cutting resources it was quite prepared to demolish that team and mainstream those children. However, the resources will not be available to support children with dyslexia, autism, Asperger's syndrome, or other disabilities. These children will not get the support they need. The Government tried to hoodwink teachers and, in particular, the community by telling them, "We will implement a transition program. If you undertake to close down your IM or IO classes we will allow the teachers to stay there and work with the children on an integrated basis for the next three years."

At the end of that time there were no undertakings from the Government and, from what I have heard around the State, those promises have not come to fruition. At the last State election the Coalition recognised some of these issues. Those who take more than a passing interest in educational issues will well remember the 2002 Vinson report. Tony Vinson, a well-respected academic in the education area, understands these issues.

Back in 2002 Tony Vinson identified a number of needs in our schools. Tony Vinson recognised the need for additional counsellors in our schools. Members might ask: Why is there a need for school counsellors? We need them for the reasons that I just outlined.

Often there is no-one with expertise in these schools to identify, for example, children with dyslexia—particularly if it is mild dyslexia that might be considered to be poor behaviour in the classroom, as that is how the condition manifests itself. If a child cannot read, he or she becomes frustrated and acts out. Schools need counsellors to identify and assess these issues, to act as a catalyst to obtain the necessary resources, and to overcome the hurdles that were identified earlier. For example, principals are often told, "If you cannot look after this yourself you are not doing your job as a principal." The Coalition recognised what Tony Vinson was saying about school counsellors. In fact, he said that there was only one counsellor for every 1,500 primary school students and one counsellor for every 1,000 high school students.

If a school has a reasonable percentage of children with mild forms of disabilities, including dyslexia but also quite severe disabilities, it is not sufficient to have only one counsellor for every 1,500 primary school students and one counsellor for every 1,000 high school students. After 10 years in office this Government is a miserable failure. It does not matter which Premier or which Minister is in office—this Government is a failure. The net result is that a couple of generations of kids who have moved through the primary school and high school systems unfortunately have not had those disabilities or special needs addressed.

At the last election the Coalition announced that, as a priority, it would employ an additional 700 school counsellors. Tony Vinson identified that issue as a priority but this Government has not addressed the issue. Addressing the definition issue in this legislation is certainly a step forward. As I stated at the outset, I congratulate Mr Bond. However, if he has been driving this issue for a while and working with other members of Parliament, he would be aware that this is but one small step. I note that Mr Bond, who is in the gallery, is nodding in agreement. Unless that step is followed up with resources, the problem will continue. The Opposition joins the Government in supporting this bill, but does not want empty rhetoric from those opposite. The Government should not think that just by changing the definition it has done the job, because that is not the case. Changing the definition is one step, but it must be backed by adequate resources.

Even without this definition, dyslexia was not a barrier in some schools across the State because children with the condition were identified. Perhaps this bill is valuable because it puts a little more focus on that disability. It is critical that children have a fair go in life. The Government should stop focusing on self-interest, discontinue some of the silly machinations with changes of Premiers, Ministers and so on, and focus instead on the children of New South Wales, particularly those who need extra help. That would be a mighty step forward. The time has come and the challenge is here. Labor has just over two years remaining in office so it should whack in the resources and provide the education system with the means necessary to ensure that children with disabilities—whether it is dyslexia or any other disability—are identified and receive the resources that the public education system should provide.

**Mr MALCOLM KERR** (Cronulla) [11.11 a.m.]: I shall continue where the member for Wakehurst left off. First, I acknowledge the role of Reverend the Hon. Fred Nile in the passage of the Education Amendment (Educational Support for Children with Significant Learning Difficulties) Bill 2008. I also pay tribute to Reverend the Hon. Dr Gordon Moyes and Jim Bond, who is in the public gallery. I had lunch with them only a couple of weeks ago and we spoke about the bill. As the member for Oxley and the member for Wakehurst said, it is essential that the bill is not simply an empty gesture and is backed by resources.

I refer the Minister for Education and Training and the Leader of the House, who is at the table, to the estimates committee hearing when the Director General of Education and Training was questioned by Reverend the Hon. Dr Gordon Moyes. The director general gave an undertaking that by 14 December this year 80 full-time teachers would be appointed to commence work in term one of 2009 at 265 schools. It is essential that that undertaking is honoured and the funding is sustained. Reverend the Hon. Dr Gordon Moyes and Jim Bond have been working for more than four years to interest various education Ministers in doing the sorts of things that will now be undertaken through this bill. The bill's proposals must be implemented not simply for the immediate future but for all time.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.13 a.m.], in reply: I thank all the members who participated in this debate: the Leader of The Nationals, who responded on behalf of the Opposition, and the members representing the electorates of Wyong, Davidson, Dubbo, Wakehurst and Cronulla. The Education Amendment (Educational Support for Children with Significant Learning Difficulties)

Bill 2008 is an important piece of legislation. In order to provide a little background, I commence by paying tribute to James Justice Bond, who is present in the gallery and whom I have known for probably close to 20 years. He has been campaigning to achieve this outcome for a long time.

I assure members that Mr Bond was most persistent about the dyslexia issue during the seven years that I was shadow Minister for Education and Training and the almost seven years that I was Minister. I have never known an individual committed to a particular cause devote so much time and energy over a prolonged period to pursuing that endeavour. This legislation in many ways mirrors the specific concerns of Jim Bond because, for the first time in our Legislature, we now have a specific definition of dyslexia. Of course, defining dyslexia as a disability enables it to qualify for various funding that was denied in the past. New section 20 (4) of the bill states:

For the purposes of subsection (1) (a1), a child has a significant learning difficulty if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning.

That outlines an important step in processing our recognition of educational needs in this State. In many ways the bill is probably a major breakthrough—for this State, for Australia, or indeed for the rest of the world. I believe young people in New South Wales who suffer dyslexia owe Jim Bond a tremendous debt, but so too do others elsewhere because this hallmark bill may act as a model for other legislation. Jim Bond has not had an easy battle in getting this legislation introduced. Indeed, the dyslexia battle is not easy for the young people he particularly represents. Over the years James has taken on a number of education Ministers of all political persuasions—myself included. I have spent many hours with him at meetings in company with departmental officers. Indeed, my ministerial staff at the time negotiated and dealt with him in respect of the various issues he raised.

He has taken on departments such as the New South Wales Department of Ageing, Disability and Home Care, the New South Wales Disability Council and Australian Protective Services, and he has had rulings in his favour from the Anti-Discrimination Board. This indicates that he has not been backward in coming forward. Indeed, he has been forthright in pursuing this particular cause. It is fair and appropriate to acknowledge that in the past the Department of Education and Training did not recognise dyslexia as a disability and therefore did not provide the appropriate support. With this legislation we now have a specific definition that will enable this disability to fall within the ambit of support, funding and resources in the community—which is great. I acknowledge Reverend the Hon. Fred Nile in the other place, who has championed Mr Bond's cause. He has done a wonderful job supporting the bill, as has Reverend the Hon. Dr Gordon Moyes and Government, Opposition and Greens members in the other place. The bill clearly enjoys all-round support.

A number of specific programs were referred to in the debate on this bill. I thank in particular the member for Wyong, himself a distinguished educator and former school principal. He knows very well the range of existing programs that help children with disabilities in our schools, particularly our primary schools. He made specific mention of the Reading Recovery Program—as did, in somewhat derogatory terms, the member for Wakehurst. The Reading Recovery Program was very much an initiative of the Carr Government. I happen to know the program very well because it was a program that I introduced. It had not existed in this State before. The program was initiated by Marie Clay, of New Zealand. When Labor came to government in 1995 there was not a statewide Reading Recovery Program in place.

I undertook two years of investigation around the world to find out what specific programs were available to teach children who were having difficulties with literacy skills. After a comprehensive and exhaustive analysis of a number of different programs, we took a punt on introducing the Reading Recovery Program. I say we took a punt because it was in the face of a great deal of controversy and much opposition. At the time academics from all over the world were condemning me and the Government because they felt their own pet program was better than the one that we were going to introduce.

I brought Marie Clay out from New Zealand so that I could have a long discussion with her, and have her illustrate and demonstrate precisely how the program worked. We had a close look at the extensive program that existed in New Zealand at that time. Having introduced the program, we followed it up with a funding allocation of \$800 million. It was an expensive program, but it had proven benefits—so much so that literacy rates in our high schools are comparable to the best in the world. They are comparable to those of Finland, whose national day we honour today. Finland has the best literacy rates in the world. The Reading Recovery Program has been a great success, but it is only one of many programs.

The member for Wyong raised an issue concerning resources available under programs for children with disabilities, acknowledging the fact that until this bill is passed by the House dyslexia will not be recognised as a disability. Dyslexia has been outside the scope of the various programs now in place. Again it was the Carr Government—also during my term as Minister—that introduced into our schools the concept of making the money follow the child with a disability. That had not been done before. Under that concept, funds that are available to help children with disabilities are allocated after the needs of children with disabilities have been assessed at each individual school. The resources are sent to follow the children with those particular needs and help them overcome specific issues. That meant the allocation of teachers aides and special support personnel for the schools, and that led to a major program of deinstitutionalising children with specific disabilities and putting them into mainstream schooling—a major initiative. Again it was controversial at the time, because many people had academic opinions and ideas as to why certain things should or should not be done. But it was a much-needed program, and it was a great move forward, as history has shown.

Again I point out that children with dyslexia did not have the benefit of that program because their disability was not defined. It is now to be defined under this legislation, thanks to the hard work of Jim Bond and thanks to the support of all members of this Parliament—Government, Coalition, Independent and the minority parties. There are times when, as a member of Parliament and a member of the Government, one feels uplifted by something that one knows will make a big difference for a wide range of people, particularly people who are very much in need of governmental support, community support and special program support. This is one of those occasions. Therefore, I highlight again the significance of this issue and of this legislation, and mention the wide range of programs that have been introduced over the years, particularly in recent years, not only to identify children with special needs but also to allocate the resources to help those children.

The member for Davidson and the member for Cronulla mentioned the 80 special teachers that the Government has announced. I understand that at the Education estimates committee hearing the Director General of Education and Training, Mr Coutts-Trotter, gave an undertaking that those teachers will be put in place by 14 December this year, and that they will be ready to go out and provide their services by term one next year. The member for Davidson specifically asked me to give a response on that undertaking. As I have been at the table since the member made his request, I cannot at this stage give him a definitive reply, saying that I have checked it out as of today and can confirm the undertaking. I can only advise the member that I undertake to pursue the matter further. The undertaking has been given by the director general in a public forum, and I think the Minister has reinforced it. Therefore I can only assume that that will be the case. It is another matter in which the Government takes great pride—after all, we allocated the 80 special teachers to benefit specific schools, and the schools and the students in need of those special teachers will benefit.

There is much to commend and support, and a number of people are to be congratulated. I finish, as I started, by congratulating Jim Bond. I thank Reverend the Hon. Fred Nile and Reverend the Hon. Dr Gordon Moyes for their championing of this particular legislation. I thank all members—Government, Coalition, Independent and those representing minority parties—for the support they have given to what I believe is groundbreaking legislation that recognises, in a very specific way, yet another disability and that enables the allocation of funds to address those disabilities. The thousands of children who suffer from dyslexia will benefit as a result.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

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

### **INSTITUTE OF TEACHERS AMENDMENT BILL 2008**

#### **Consideration in Detail**

**Consideration of the Legislative Council amendments.**

*Schedule of amendments referred to in message of 3 December 2008*

- No. 1 Page 4, schedule 1 [8], proposed section 24 (2) (c), line 33. Insert "in the 5-year period immediately before the revocation" after "once".
- No. 2 Page 5, schedule 1 [8], proposed section 24 (2) (c), line 2. Insert "that involves an act or conduct that would reflect adversely on a teacher's professional standing or integrity or suitability or competence to teach" after "paragraph".

**Motion by Mr John Aquilina, on behalf of Ms Verity Firth, agreed to:**

That the House agree to the Legislative Council amendments.

**Legislative Council amendments agreed to.**

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

**CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2008**

**Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [11.29 a.m.]: The Opposition does not oppose the Crimes (Administration of Sentences) Amendment Bill 2008, which relates to the management of our State's correctional facilities and to offenders held in those facilities. The bill will establish and provide for the management and administration of a new facility for offenders to be called a residential facility that will accommodate certain inmates prior to their release from custody as well as other offenders, subject to non-custodial orders or parole orders. The Commissioner of Corrective Services will be given the care of, direction, control and management of such facilities and will have the power to appoint persons to supervise, on a day-to-day basis, the residents of these facilities. It sounds like a very good idea and I hope it works.

The bill will extend powers for the seizure, forfeiture and destruction of property unlawfully brought into a correctional centre. Specifically, it will allow for the Commissioner of Corrective Services to confiscate any property unlawfully in the possession of an inmate and provide for such property to become the property of the State and subject to disposal as the commission directs. Amendments are made to clarify and confirm that immigration detainees under the Commonwealth's Migration Act 1958 and persons sentenced to imprisonment under the Commonwealth's Defence Force Discipline Act 1982 may be held in correctional centres. The bill also makes a number of changes to the rules relating to parole. Specifically, it provides that members appointed to the Parole Authority, both judicial and community members, may be appointed for a period of up to three years instead of the present three-year fixed term. Additionally, the maximum number of community members who may attend a Parole Authority meeting, other than a general meeting, will be reduced from four to two, with no change to the number of community members constituting the pool of people who can be called on to attend meetings.

The current provision whereby a victim of a serious offender is entitled to be given access to all documents held by the Parole Authority in respect of the offender, relating to the measures the offender has taken, or is taking, to address his or her offending behaviour, is amended to provide that an agent who is authorised in writing by the victim and the commissioner may access the documents on the victim's behalf. However, such authorisation may be revoked in writing to the commission at any time by the victim. The bill also proposes that an inmate who is not released on parole, upon reaching his or her parole eligibility date, becomes eligible for release on parole on each anniversary of that parole eligibility date, and no sooner.

The bill makes amendments pertaining to the operation of community service orders. The present situation where a community service order remains in force until the offender has performed the required number of hours of work, unless sooner revoked, will be altered so that a community service order expires if the relevant maximum period expires, even if that occurs before the inmate has completed the required number of hours of work. There is a change to the current provisions relating to circumstances in which money must be held for an inmate. The bill removes the requirement that money received by a correctional officer or other staff member on the inmate's behalf must be deposited in an authorised deposit-taking institution and held for the inmate, if it is lawful for the inmate to receive that money while in custody.

A significant amendment provides that the regulations may require any of the functions of the Serious Offenders Review Council [SORC] that relate to segregated and protective custody of inmates to be exercised

by the chairperson alone. This will ensure that issues of a highly sensitive nature relating to serious offenders, such as issues involving intelligence provided by international justice and security agencies, will be dealt with by a judicial member. Apparently that will be achieved largely by regulation. There will be a new classification designated extreme high risk restricted, or EHRR, and that applies to inmates who are envisaged to be the worst of the worst. Although they represent a minuscule percentage of the overall prisoner population, they have proven to be far more problematic than warranted.

Accordingly, the proposed amendments will seek to ensure by regulation that such extreme high-risk restricted prisoners will no longer be able to provide money to other inmates in an attempt to coerce or influence those other prisoners. Further restrictions will be in place to ensure that any letters that are written by such inmates will be in a language that is readily understood by the correctional authorities. Towards the end of the Minister's second reading speech in the other place, he went into considerable detail to deal with these matters. I will not repeat what he said, but simply note that I have received submissions from Justice Action that comment against the change because it will brutalise and stigmatise not only the offenders, but also their families by interfering with time-honoured practices in jails of access to normal mail, phone calls and visits. I was visited by Commissioner Woodham and some of his senior officers and discussed this matter. The Opposition is willing not to oppose the provision, as it seems to be justifiable.

Other noteworthy amendments of the Crimes (Administration of Sentences) Act 1999 proposed by the bill provide for correctional staff to be tested for steroids, as well as for alcohol and prohibited drugs, and allow a person in custody under 18 years of age who is being transferred to a juvenile correctional centre to be held temporarily in a children's detention centre, if it is necessary or convenient to do so. The bill will amend the Children (Detention Centres) Act 1997 to provide further circumstances in which a detainee aged between 18 and 21 years may not be detained in a children's detention centre. Previously the Opposition criticised some of those provisions.

This is a constructive bill generally. The creation of residential facilities should serve to provide greater flexibility and assistance in the rehabilitation process of offenders. The bill also will assist in greater supervision of a new designation of serious offenders to be known as extreme high risk restricted. That will allow greater control and will restrict such inmates from influencing other inmates regarding illegal activity. A number of the provisions in the bill clearly serve that purpose. The bill will provide greater clarity and effectiveness to the administration of the justice system. It will restrict the opportunities of serious offenders to pervert the justice system. It also will assist in the process of rehabilitation of offenders. For those reasons, the Opposition does not oppose the legislation.

**Mr BRAD HAZZARD** (Wakehurst) [11.37 a.m.]: The Opposition will not oppose the Crimes (Administration of Sentences) Amendment Bill 2008, although there are a number of issues, as the shadow Minister already has pointed out. I have a concern about the provision relating to detainees under the Migration Act being held in corrective services facilities. That has been happening for quite some time. I express my concern that this legislation continues the practice of people who have not committed criminal offences being detained in State correctional facilities. In other words, the Federal Government, regardless of political persuasion, has followed a pattern of ensuring that some people are brought into correctional facilities in New South Wales.

Inmates who are detained simply because they have not complied with the Migration Act should not be detained in correctional service facilities, unless there are extenuating circumstances. It is time the State and Federal governments examined this issue seriously. It is often the case that people arrive in Australia because they are escaping harsh regimes overseas. They should not end up in corrective services facilities; there are good arguments in favour of their not being in detention centres generally. They are often detained in maximum-security correctional facilities that detain inmates who have committed serious crimes, and that is completely inappropriate.

The Parliamentary Secretary may not be able to answer my concerns, but I note that the bill purports to vary the arrangements for appointments to the Parole Authority. Currently appointments to the Parole Authority are for a fixed three-year term. The Parole Authority exercises what could be considered a quasi-judicial function and certainly has an enormous impact on the lives of individuals within our correctional facilities. It makes decisions that impact on whether inmates will be returned to the community. Those decisions need to be made in a completely impartial capacity without any possibility of influence by a government. Unfortunately, governments have shown a capacity to exercise political influence when it suits them.

The judicial system and authorities such as the Parole Authority should be enabled and empowered to know that they cannot in any way be subject to influence by government. One of the pillars of our democracy is that judicial and quasi-judicial bodies should be utterly independent of government. I therefore note that this amendment seeks to facilitate appointments to the Parole Authority for periods not exceeding three years. It is noted that the bill states it is "instead of a three-year fixed term". My concern is that if it is for a period not exceeding three years, it suggests it is obviously for a definite period, which means that the person can be terminated for a period prior to that, presumably, in the absolute determination of this Minister. It is therefore open to political influence. I ask the Parliamentary Secretary to address those concerns because the capacity for the Parole Authority to make independent and completely objective decisions without influence by politicians and government is absolutely critical.

Whilst this bill addresses the issues of accommodation in certain circumstances, I will not reiterate what the Minister said about the necessity for accommodated arrangements, particularly for Aboriginal inmates but also others. I note this bill highlights a new capacity to provide residential accommodation for inmates who are on parole, on a good behaviour bond or indeed even prior to being granted parole. Obviously that has some attractions, but apparently the Government has again failed to address the need for accommodation for inmates who are leaving prison at the end of their sentence. One of the big issues that I identified many years ago when I was the shadow Minister for Corrective Services was that often people would leave the prison system and return to the exact same environment that was part of the catalyst for their criminal behaviour because they had nowhere else to go. Is it envisaged by the Government that it will put in additional resources for accommodation for inmates who are leaving the prison system but may not be on parole or on a good behaviour bond? I do not refer to those who have not finished their sentence, on which this legislation only focuses, but those who have finished their sentence. Can the Parliamentary Secretary please answer those concerns?

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.46 a.m.], in reply: I thank the members representing the electorates of Epping and Wakehurst for their contributions to this debate. The Crimes (Administration of Sentences) Amendment Bill 2008 makes a number of important reforms to the Crimes (Administration of Sentences) Act 1999, including establishing residential facilities to accommodate certain inmates and community-based offenders. Second, it enables the Government to create a new extreme high risk restricted [EHRR] designation. Third, it allows registered victims of crime to appoint agents to access documents on their behalf held by the Parole Authority. In doing so the bill will improve the administration of the State's prison system, including extending a focus on reducing rates of reoffending, helping management to deal with services and subversive offenders, and increasing the rights of victims of serious crime.

The members representing the electorates of Epping and Wakehurst have raised a number of issues that I now address. The member for Epping relayed concerns raised by an organisation known as Justice Action in relation to the extreme high risk restricted designation. The creation of a new EHRR designation will allow the Commissioner of Corrective Services more scope to crack down on inmates who attempt to influence other inmates to take part in illegal activities and subversive activities whilst in custody. It is expected that inmates who warrant the EHRR designation will come to the notice of the commissioner as a result of adverse intelligence, significant disciplinary issues and subversive behaviour which seeks to undermine the management and security of the State's correctional system. The measures for the EHRR designated inmates go above and beyond those of the existing extreme high security classification.

In summary, most restrictions proposed for EHRR inmates already apply to category AA inmates, though some are new; only the Department of Corrective Services will be able to provide funds for payment into a correctional centre account of an EHRR inmate. This restriction is intended to prevent an EHRR inmate seeking to influence other inmates by arranging for monetary assistance to those inmates. Any money sent to or delivered to the department for payment into an EHRR inmate's account will be returned to the provider or, if that is not possible or practicable, forfeited to the Crown. In view of the management restrictions proposed for EHRR inmates, the department intends to pay them a weekly payment of \$13.45, which may be spent only on telephone calls and buy-ups. This amount is currently payable to inmates who are prepared to work but where no work is available.

EHRR inmates will be allowed only non-contact visits, except in extenuating circumstances. The visits must be conducted in English, or another approved language, within the hearing of a staff member, from only pre-approved people and only by people who have agreed to a criminal records check being undertaken. This is because there have been instances where offenders have communicated in code during contact visits to organise illegal activity or in obscure linguistic dialects for which it is not possible to find an accredited interpreter. The content of a criminal records check on visitors will enable general managers and assistant commissioners to

make informed decisions about the security threat posed by potential visitors to EHRR inmates. All outgoing mail from an EHRR inmate is to be written in English, or another approved language, unless correspondence is to an exempt body, or the commissioner otherwise directs. An exempt body or exempt person must make a declaration as to contents, and an exempt person must make a declaration of legal privilege. I note in this context "approved languages" will be those listed by the Community Relations Commission for which comprehensive interpreting and translation services are available—that is about 85 languages.

Hearings of segregated and protective custody directions of extreme high risk registered inmates will be conducted by the judicial member of the Serious Offenders Review Council sitting alone. The member for Epping commented on the proposal in the bill relating to the Children (Detention Centres) Act 1987. Amendments to the Children's (Detention Centres) Act 1987 brought by the Minister for Juvenile Justice earlier this year streamlined the transfer of adult detainees out of the juvenile justice system and extended and codified the existing powers of the Director General of Juvenile Justice to maintain good order and the secure management of detainees. The amendments in the bill seek, in part, to clarify some legislative ambiguities that arose as a result of drafting those changes so that the Government can ensure that all offenders, both adult and juvenile, are held in age-appropriate facilities to minimise risks to offenders, staff and the community.

Section 9A of the Children (Detention Centres) Act 1987 provides that persons are not to be detained in a juvenile detention centre if he or she is aged 21 years or over and subject to an arrest warrant of any kind, or if he or she is aged between 18 and 21 years and subject to an arrest warrant of a certain kind including, for example, a warrant for an alleged breach of a probation order, good behaviour bond or community service order or an alleged escape from lawful custody. Under part 13 of the Crimes (Administration of Sentences) Act 1999, those persons may be held in correctional centres. The bill seeks amendment to the Children (Detention Centres) Act 1987 to extend the operation of section 9A and clarify that a person between 18 and 21 years who is arrested pursuant to one of those warrants or orders is not to be detained in a children's detention centre. The amendment is intended to streamline the administrative application of existing provisions around the transfer of detainees to the adult correctional system.

The proposed amendment clarifies that a returning parolee, or other adult, that is aged 18 to 21, does not have to be physically returned to a detention centre but may be transferred to serve his or her sentence in a correctional centre without having to be physically admitted to a detention centre beforehand. A recent example is that of a 23-year-old returning parolee who had spent four months in an adult correction centre and was admitted to a detention centre for three days pending transfer to a correctional centre. The Government has long recognised that the rehabilitative needs of juveniles differ from those of adults. To admit a young person to a detention centre is an unsettling process and also involves unnecessary administrative, supervisory and transport resources. The presence of adult detainees in the juvenile system also has the potential to undermine the capacity of the Department of Juvenile Justice to focus on its core business; that is, the detention, care and rehabilitation of young offenders between the ages of 10 and 17. The member for Wakehurst suggested that immigration detainees should be held only in correctional facilities.

**Mr Brad Hazzard:** No, in detention facilities, not correctional centres.

**Mr BARRY COLLIER:** I am sorry, I have misread my notes. The member for Wakehurst suggested that immigration detainees should be held only in detention centres rather than correctional facilities. The Migration Act 1958 provides in section 13 that lawful non-citizens, and in section 14, that unlawful non-citizens, may be detained in immigration detention in certain circumstances, generally pending removal or deportation from Australia. Section 5 of the Act defines the range of places of immigration detention as including "in a prison or remand centre of the Commonwealth, a State or a Territory; or in a police station or watch house". On 4 June 2002 the then Minister for Corrective Services, the Hon. Richard Amery, provided an answer to a question on notice in the Legislative Council through the then Special Minister of State, the Hon. John Della Bosca. In part, the Minister said:

The Government's view is that since immigration detainees are not subject to a term of imprisonment, it is inappropriate that they be detained in a correctional centre unless exceptional circumstances exist and are recognised as exceptional by the Commissioner of Corrective Services.

The member for Wakehurst raised concerns about Community Offender Support Program [COSP] Centres. Those centres will target offenders who are assessed as having the most to gain from interventions that address the risk of reoffending, protect the community and assist offenders in their resettlement process. Programs and services within the COSP Centre framework should be of a high standard and delivered according to evidence-based practice and what works literature. The COSP Centre model will include community residential

facilities; rigorous pre-entry assessment; access to targeted programs and services that address criminogenic behaviours; case management including the development of life skills, education and employment assistance; relevant surveillance and supervision and the monitoring of compliance; links to relevant community-based support services; and clear exit strategies.

The key to the success of COSP Centres will be their incorporation within the Department of Correct Services' offender management strategies, which includes the use of pro-social regimes, the development and maintenance of strong community partnerships that operate with legal authority and incorporate measurable outcomes and evaluation, and have clear occupational health and safety policy and procedures. For the benefit of the member for Wakehurst, who raised concerns about changes in the bill relating to the Parole Authority, let me be clear: these changes in no way impact upon the independence of the Parole Authority.

The Government is absolutely committed to the independence of the authority. The changes are merely designed to bring the authority more into line with other tribunals. For example, under current arrangements up to seven Parole Authority members may sit on a hearing. This is unlike any other tribunal of this nature, and our reforms will address this. It is important for members to realise that the Department of Corrective Services is an integral part of the criminal justice system, working with other government and non-government agencies towards the goals of keeping New South Wales safe and building harmonious communities. The department is concerned not only with the incarceration of the recalcitrant and worst categories of offenders in full-time imprisonment, but also with administering sentences to be served within the community, and with providing offenders with opportunities and resources to assist in breaking their crime cycle and their resultant return to either another community sentence or to full-time imprisonment.

Many people think of Corrective Services as being about prisons only, yet the department has twice as many clients in the community as in correctional and periodic detention centres. To that end, of course, the Department of Corrective Services has been developing a number of alternative accommodation facilities. Recently in my role as Parliamentary Secretary I had the privilege of attending the 2008 Awards for Employees of the Department of Corrective Services ceremony. I attended with Commissioner Ron Woodham, employees of the Department of Corrective Services, staff and their families. I was impressed with the quality of the nominees, with the program they were administering and the work they were doing in the rehabilitation of offenders across the State.

Last year I went to Italy, France and the United Kingdom as part of a Commonwealth Parliamentary Association trip. I spoke to prison authorities in the United Kingdom, I visited two prisons in Italy and I spoke to prison authorities in France. Having spoken to those people, visited those facilities and looked at their programs, I say now, as I said to the nominees at the awards evening, that the employees and workers in the Department of Corrective Services truly have much to be proud of. We certainly can be proud of them. I commend them for the vital work they are doing in rehabilitating offenders, in reducing recidivism, for inmates, for parolees and for their families. They are playing a very important and significant role in creating a better and secure future for all the people of New South Wales. I thank the employees from the Department of Corrective Services for their work in their service to the people of New South Wales. I take pleasure in commending the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

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

#### **FINES FURTHER AMENDMENT BILL 2008**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [11.59 a.m.]: The Fines Further Amendment Bill 2008 seeks to make certain improvements to the system for the issue, enforcement and general administration of court fines and

penalties practices. It is not opposed by the Opposition. The objects of the bill include amending the Fines Act 1996 to permit persons in receipt of certain government benefits to elect to pay fines in regular instalments from those benefits. I gather that at the moment there is a provision to pay by instalments but it is not well publicised. The bill also allows for the giving of official cautions in certain circumstances as an alternative to issuing a penalty notice. It also provides for an internal review of a decision to issue a penalty notice in certain circumstances and for a review of the decision to issue a penalty notice before a penalty notice enforcement order is annulled in certain circumstances if no internal review of the decision has taken place.

The bill provides for the trial of a scheme to allow persons belonging to certain vulnerable groups to mitigate a fine by undertaking activities under a work and development order, and it extends the power to write off fines to enable fines to be partially written off. A number of inquiries have highlighted a lack of flexibility in the present system, particularly for vulnerable people—the homeless, people with a mental illness, and people with intellectual disabilities. The most disturbing problem exposed by the Sentencing Council's 2006 report was secondary offending, which occurs when people continue to drive after having their licence or vehicle registration suspended or cancelled because of a fine default. This is particularly problematic in rural areas where there is a lack of viable public transport.

Under the bill an organisation called Centrepay comes into operation. The amendments permit the court to refer a court fine or a penalty notice matter to the State Debt Recovery Office for the purpose of entering into a time to pay arrangement using Centrepay. Amended section 14 (1) provides the circumstances for when an order may be made. Proposed section 19 (1) (b1) provides that a reviewing agency may conduct a review of the decision to issue the penalty notice and may withdraw or confirm the notice. In relation to cautions, officers who issue penalty notices may instead issue cautions in appropriate circumstances. I assume that this will create some paper trail so that at least the person given the caution can come back with that caution notice if some other proceedings are being contemplated or brought.

Proposed section 19A provides that an appropriate officer may give an official caution rather than issue a penalty notice. An official caution does not affect the power of an agency to issue a penalty notice. That caused some concern when this bill was being considered by the Opposition. One assumes that would relate to situations where a person has a poor record and has had a number of penalty notices previously issued against them so that they are not really being dealt with as a first offender, as it were. We would like the Parliamentary Secretary to give us some advice on that.

The bill allows for internal review. Proposed sections 24A to 24J introduce a scheme for the internal review of penalty notices. The bill introduces a standard process for the review of penalty notices and the amendments in proposed section 24E provide that a person may apply for a penalty notice to be withdrawn on the following grounds: that it was issued contrary to law; the issue of the penalty notice involved a mistake of identity; or the conduct for which the penalty notice was issued should be excused having regard to exceptional circumstances relating to the offence. I suppose that would be relevant to things such as necessity where somebody goes through a red light while driving to hospital in an emergency medical situation. Another ground is that the recipient of the penalty notice has a mental illness, intellectual disability or cognitive impairment or is homeless and that condition results in the person being unable either to understand that the conduct constitutes an offence or to control the conduct.

Another ground is that an official caution should have been given instead of the penalty notice. The bill seeks to amend section 49A to provide that in any case where an enforcement order seems eligible for annulment the State Debt Recovery Office or the issuing agency must review the original penalty notice to determine whether it should be withdrawn instead of referring the matter to court. In relation to work and development orders, the bill makes amendments to support a trial work and development order scheme as recommended in a recent report of the Sentencing Council. The trial scheme will operate for two years and strict eligibility criteria will apply. Agencies may make or adopt their own guidelines provided they are consistent with those made by the Attorney General.

An interesting amendment introduced by the bill concerns civil liability. Proposed sections 99F and 99G provide that if a work and development order requires unpaid work to be carried out the person performing the work, any person for whose benefit that work is performed, any person who directs or supervises that work and any person who owns or occupies the premises or land on which that work is performed is protected from civil liability in relation to that work. The person undertaking the work is not to be considered to be employed by or in a contract of services with the Crown or any other person. I wonder if it extinguishes rights as a trespasser to damages that exist under the common law. I doubt that it would cover the situation of a criminal act

by someone such as the owner of the land assaulting or shooting or doing something else to harm the person serving the work and development order. There is a new offence of driving while a licence is suspended due to fine default, and that is probably a wise thing.

Disadvantaged people will be able to work off their fines rather than becoming secondary offenders because of financial inability to pay the original fine. Charitable organisations such as the Salvation Army, the St Vincent de Paul Society and Youth off the Streets will benefit. The scheme is not limited to work for charities but may also involve an order that offenders be required to complete educational, vocational or life skills courses, counselling, drug and alcohol treatment, or a mentoring program if the person is under the age of 25. The scheme is limited to a two-year trial period to assess its viability. The amendments include easier and more flexible payment options for fines such as periodic deductions by extending the availability of Centrepay. Guidelines are provided to officers in regard to minor offences so that they have greater guidance as to when to issue an official caution rather than a penalty notice.

The bill clarifies that agencies can review penalty notices in exceptional circumstances. The civil liability amendments to proposed section 99FG potentially would add further complications to an already complicated tort law system in need of reform. The Greens moved some amendments in the upper House but I understand that they were unsuccessful. As I said earlier, the Opposition does not oppose this legislation.

**Mr BRAD HAZZARD** (Wakehurst) [12.10 p.m.]: As indicated by the shadow Minister and member for Epping, the Opposition does not oppose the Fines Further Amendment Bill 2008. One of the matters that is dealt with by this legislation concerns individuals who do not have the financial capacity, or who have some other impediment, to pay their fines. Over the years this Labor Government has held itself out as being a Government that does not allow fine offenders, or people who do not pay their fines, to go to jail. The truth is—perhaps it is contained in the subtext of this legislation—that for years under this Government fine offenders have gone to jail, and they have ended up in maximum-security institutions, which is unacceptable.

How does the system work? If people fail to pay their fines the matter eventually ends up in the State Debt Recovery Office. If the State Debt Recovery Office does not recover the funds action is then taken to remove an offender's driving licence, notwithstanding the fact that the initiating offence might have had nothing to do with a driving offence. If someone cannot pay a fine and the State Debt Recovery Office cannot recover the money it issues appropriate instructions to the Roads and Traffic Authority to disqualify the fine offender from driving.

Under this State Labor Government the police have stopped people in relation to minor matters—for example, changing lanes without indicating—to issue a ticket but, after carrying out a search, discovered that the person is unlicensed. The vehicle might be uninsured, because someone needs to be licensed in order to benefit from his or her insurance, and it would be breach of the insurance policy if he or she were not licensed. That person could be fined for changing lanes without indicating and for driving while disqualified, driving uninsured and driving unregistered.

The person who is charged with those penalties might then find himself or herself in a correctional facility. After 13 years this dopey Labor Government has woken up to the fact—without actually saying it—that it is time to change the system. However, the situation is much worse than that. A few years ago, under the current Government, a change occurred that half the members in this place probably would not even remember. Let us go back in history. If the local council issued someone with a parking fine he or she would write to the local council and say, "I have extenuating circumstances. You should not have issued me with a fine because my wife was giving birth and I was parked in a no-parking spot outside the hospital. I had to rush to get there and you should not be fining me."

This State Labor Government ignored community issues, feigned an interest in doing the right thing by the community, and shoved all that off to the State Debt Recovery Office. It must be remembered that the State Debt Recovery Office is under the administration of the Treasurer. Someone coming into the electorate office of a Labor or Liberal State member of Parliament would have the issue examined. The member might form a view that the person should not have been fined as there were extenuating circumstances. The member would send a letter to the appropriate government authority and, in a reasonable number of circumstances, the government authority would move to waive the fine.

A few years ago that responsibility was moved to the Treasurer's domain. The issuing of fines has become a cash cow. It is a case of sucking the dollars from people under any circumstances. Very few people

who have made submissions to the State Debt Recovery Office—either individually or through their member of Parliament—have received the positive response that was given under the previous system, that is, that the department or office that issued the fine was considering the matter. The bill is necessary because of this Government's incompetence over a number of years. It is competent at ripping dollars and cents off the community but it does not do what it says it does—that is, represent the people of New South Wales.

The Government created this problem and it is now trying to fix it. As the shadow Minister said, the Opposition does not oppose this legislation because the Government has done over big time some of the most vulnerable people in the community. If we can find constructive and alternative ways to alter the fine system, which over the past few years has been imposed by this Labor Government in an objective, non-personalised and non-caring way, that would be a good move. I know that the Parliamentary Secretary and member for Miranda loves being asked questions and he loves answering them. He also has very competent members of staff who are ready to draft instant responses.

**Mr Barry Collier:** Yours are always from left field though; that is the problem.

**Mr BRAD HAZZARD:** My questions are certainly not from right field; that is true. I ask the Parliamentary Secretary to address this issue. Schedule 1 [22] deals with work and development orders. That schedule states:

Work and development order means an order made under this Subdivision requiring a person to do any one or more of the following in order to satisfy all or part of a fine:

- (a) undertake unpaid work for, or on behalf of, an approved organisation (but only with the agreement of that organisation).
- (b) undergo medical or mental health treatment in accordance with a health practitioner's treatment plan.
- (c) undertake an educational, vocational or life skills course.
- (d) undergo financial or other counselling.
- (e) undergo drug or alcohol treatment ...

How will we establish whether or not a person has completed the work that has been set, or the course that he or she has been asked to do? From the bill it appears to be entirely in the domain of the State Debt Recovery Office to determine whether or not a person has completed the work. What criteria will be applied, as a range of opportunities will be available? How will we determine whether or not a person has complied? If we are to have a system that is objective and definite there must be some clearly laid out criteria for those who have been given the so-called benefit—for example, undertaking a vocational course, a life skills course, or mental health treatment. How will we determine whether or not a person has completed his or her mental health treatment?

Schedule 1 [22] defines a health practitioner's treatment plan. One would assume logically that a health practitioner would have to be a medical practitioner if a mental health treatment plan is involved. Will it be open-ended, defined, or finished? If there are no clear criteria to show that someone has met their obligations those obligations may remain in force for months or years for the sake of an \$80 or \$136 fine. Then apparently some officer somewhere within the State Debt Recovery Office has the absolute discretion to simply say, "You didn't comply with the directions therefore you still have to pay the fine" although the person spent months fulfilling the initial direction. Is this issue to be left open-ended? Is this whole process for a feel-good factor with nothing translating into definitive outcomes?

**Mr Barry Collier:** Put it on the notice paper. You might have to the way you're going.

**Mr BRAD HAZZARD:** I might have to if you are going to answer it. What is the definition of "acute economic hardship"? In the current economic environment many people may be suffering economic hardship, not necessarily acute economic hardship. The bill provides no definition for "acute economic hardship". Again, this determination remains in the complete domain of the State Debt Recovery Office. Why does the classification of simply being a pensioner not fall within this provision? I would have thought anyone who is an age pensioner, for example, should automatically be entitled to pay off a fine. Quite a number of pensioners over the years have come to my office feeling aggrieved in the first instance at the fine being issued but also because no easy facility was available to pay off the debt. The Government should at least make clear why it has not afforded the opportunity for any pensioner to apply for this provision.

Finally, I refer to the concept of issuing cautions, I gather by police officers, although the bill does not make that clear. I have supported that concept for many years. It is a good idea. Many years ago, before there

was so much concern about corruption, police officers regularly issued cautions when they stopped a driver. However, over the years the practice of issuing cautions has ceased. The reason was that police became concerned about being accused of giving a favour to individuals, therefore, it was best to avoid issuing cautions. I totally support issuing cautions. Because the legislation is not clear on this issue, I ask the Parliamentary Secretary to clarify what system will be in place. When any individual is stopped by a police officer and is issued with a caution rather than an infringement will that police officer be required to record that caution formally on the computerised operational policing system [COPS] or whatever current computer system is being used? I think it is COPS.

**Mr Barry Collier:** It is COPS. Are you talking about warnings as well?

**Mr BRAD HAZZARD:** Warnings, cautions or whatever alternative to a fine is given. If such a formal recording system is in place as part of the regime the Government requires it certainly will not encourage corrupt practice. It will ensure police are encouraged to issue cautions or warnings. I am interested in the comments of the Parliamentary Secretary on that issue.

**Mr ROB STOKES** (Pittwater) [12.23 p.m.]: I note that the Fines (Further Amendment) Bill 2008 makes a number of welcome reforms that the Opposition will not oppose. I seek clarification on a couple of matters, including one specific matter. A local solicitor and constituent acting on behalf of one of his clients raised with me the matter of his client not paying a fine. Many members would be familiar with this problem. In this particular case the fine was for non-attendance for jury duty. The person had reasons for not being able to attend for jury duty, but was not willing to attend court to sort them out. Subsequently, he was issued with a fine, which, for one reason or another, he failed to pay. As a result his drivers licence was cancelled. I am sure members from both sides have similar stories. The issue the solicitor raised with me, quite rightly, was: What on earth has a licence to drive to do with an offence relating to failing to turn up for jury duty?

Surely our justice system, wherever possible, should ensure that penalties are appropriately linked to the offence. It seems quite bizarre that non-attendance in response to a jury duty summons somehow renders a person unfit to drive a motor vehicle. In this case the person was not able to get to work as a result of the licence suspension, which further inhibited his ability to pay off the fine incurred, quite rightly in one sense, for not turning up for jury duty. I do not suggest for one moment that no-one should be fined for not meeting their obligations as a citizen, but whenever possible the fine or penalty should be appropriate to the offence. This bill does not address that issue. It is a big issue: it is the elephant in the room for fines. Somehow non-payment of a fine ends up placing someone in the position of losing their driver's licence and, in many cases, having no viable option but to continue to drive their motor vehicle without a licence and thus become a secondary offender. We do not want to encourage that behaviour.

Fine mitigation seems to be a sensible approach when someone is unable to pay off a fine but wants to meet their obligations to address the reason for receiving the penalty. One suggestion from this side of the House to put this mitigation to use is if the offender is available and happy to help in the fight against graffiti in our communities. Local councils could apply to become approved organisations and a work order could be issued to meet the imposition of a fine for the offender to clean graffiti in our local communities. That would be a helpful and productive method for people who cannot pay a fine to contribute to making our society a better place to live. Fine mitigation can apply to any person who, according to proposed section 99B, has an intellectual disability, mental illness or cognitive impairment, is homeless or is experiencing acute economic hardship.

Fine mitigation is quite appropriate if someone is unable to meet their obligations to pay a fine because they are experiencing acute economic hardship. In our communities all sorts of people are facing real financial pressures at the moment. It is appropriate that people unable to pay their fines can seek a fine mitigation work order. I believe there is an incongruity between this provision and proposed section 100 (1A), which relates to an application for time to pay a fine by person in receipt of a government benefit.

My question is: Why does one have to be in receipt of a government benefit to seek an instalment order? From my previous practice as a solicitor, I know that instalment orders could be sought by people who were not able to pay under civil damages orders, so why cannot any person apply for an instalment order in the same way? The fact that you are not in receipt of a government benefit does not mean that you are not experiencing acute financial hardship. There should be equality between those who are in receipt of a government benefit—and obviously, by definition, in some form of hardship—and those who are experiencing acute financial hardship but are not in receipt of such a benefit. With those suggestions and qualifications, I do not oppose the bill.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.30 p.m.], in reply: I thank the members for Epping, Wakehurst and Pittwater for their contributions to the debate. The proposals in this bill are based on the recommendations of the Sentencing Council, the Standing Committee on Law and Justice, the Homeless Persons Legal Service and Public Interest Advocacy Centre. The Government anticipates that, in addition to making the fines system fairer and more transparent, the measures in the bill will: firstly, increase the recovery of moneys owed and reduce enforcement costs; secondly, divert vulnerable groups out of the fine and penalty notice system and into networks of support and treatment programs; and, thirdly, reduce secondary offending due to fine default. The Government will review the reforms in this bill in two years time to evaluate their effectiveness and to consider whether further reforms are required.

The reforms in this bill were developed by a cross-agency working group in close consultation with charitable organisations, the community legal sector and many other government and non-government stakeholders. I thank the working group and all stakeholders who contributed to the project for their efforts. In particular, I thank the Assistant Director General, Policy and Legal, in the Attorney General's Department, and the Assistant Director of Operators at the State Debt Recovery Office. This bill, and the administrative reforms it accompanies, would not have been possible without their remarkable commitment, resourcefulness and leadership.

It is pleasing that at the outset the member for Wakehurst thanked the staff of the Attorney General who assisted me in the answering of his many questions. I take this opportunity to thank the Attorney General's staff with whom I have the pleasure of working in this House in relation to matters in the Attorney General's portfolio for their assistance to me and to the House. A number of them are in the back of the Chamber today, and a number of them are upstairs and working very hard with the Attorney General on the large number of bills that come through this place and the upper House. I take this opportunity to thank them personally for their work and efforts. The shadow Attorney General, the member for Epping, nods in agreement.

I now turn to the business of answering the multiple questions posed by the Opposition. The member for Epping asked whether there will be a paper trail around the issuing of cautions. The Government will be developing guidelines for agencies regarding these new provisions. These will be released in the coming months. This issue will be examined as part of the development of the guidelines. The member for Epping also raised a question about exemptions from civil liability. Approved non-government organisations participating in the work development order scheme would not be civilly liable for any act or omission of the fine or penalty notice defaulter if the act or omission was performed in the course of approved unpaid work.

Also, the person subject to the order would not have any civil action against staff of the non-government organisation in relation to acts or omissions performed by the non-government organisation staff in the course of the unpaid work. Instead, these actions would lie against the Crown, and the Director of the State Debt Recovery Office would have authority to settle any action on such terms as he or she thinks fit. This indemnity would not apply if the work was outside the scope of the work development order approved by the State Debt Recovery Office, or if the act or omission was intended to cause injury, loss or damage. This civil liability scheme for unpaid work undertaken by fine defaulters mirrors the current scheme for community service orders. Non-government organisations participating in the work development order scheme will be doing so out of goodwill for their clients. It is therefore appropriate to provide civil liability arrangements that will not expose those organisations to any additional risk arising from any unpaid work under the scheme.

The member for Epping also raised issues relating to multiple cautions. The bill leaves open the option for agencies to impose caps on the number of cautions issued against an individual. This will be up to individual agencies, as different types of fines call for different kinds of responses. Further, the member for Epping claims that civil liability provisions add complexity to the tort law system that is already in need of reform. The civil liability provisions in the bill mirror those that exist in legislation governing community service orders. It is only fair and appropriate that charities and other organisations participating in the work development order scheme are protected from any additional risk that might arise in this area. It is important to point out that the fundamental purpose of the bill is to prevent fine defaulters from going to prison, by making improvements in every stage of the system from cautions to work development orders and licence sanctions.

The member for Wakehurst related issues that have been raised by several organisations about fine default leading, in some cases, to imprisonment. The bill is designed to address this problem. It shows that we are about responding to problems as they arise. On that note, I would like to thank the member for Wakehurst for his support for this important measure, and I look forward to receiving his support for similar constructive initiatives that are routinely brought before the Parliament by this hardworking Government. I draw to the

attention of the member for Wakehurst the consultation that has taken place on the changes proposed by the bill. These reforms were developed by a working group, consisting of representatives of the New South Wales Police Force, the Ministry of Police, the Roads and Traffic Authority, the State Debt Recovery Office, NSW Health, the Department of Corrective Services, the Ministry of Transport and the Attorney General's Department.

The group consulted widely with other government departments, including the Department of Juvenile Justice, the Department of Ageing, Disability and Home Care, the Office of Fair Trading, and the Treasury's Office of Financial Management. Community consultation was also undertaken with representatives of the St Vincent de Paul Society, the Salvation Army, Youth Off The Streets, the Police and Community Youth Clubs NSW, the Homeless Persons Legal Service, the Intellectual Disability Rights Service, the Youth Justice Coalition, the Public Interest Advocacy Centre, the Law Society, the Bar Association, the Aboriginal Legal Service and the Legal Aid Commission. All of the representatives consulted expressed support for the proposals now before the House. The member for Wakehurst, and I believe the member for Pittwater also, raised the issue of pensioners automatically paying off a fine. I understand, and I know from personal experience as well, that all persons have the opportunity to apply to the State Debt Recovery Office to pay off fines of all varieties.

**Mr Brad Hazzard:** Now? You mean currently?

**Mr BARRY COLLIER:** People can pay off debt, as I understand it, yes.

**Mr Brad Hazzard:** That is news to me.

**Mr BARRY COLLIER:** Even a person with a land tax bill can pay it off through the State Debt Recovery Office.

**Mr Brad Hazzard:** Land tax is not a fine.

**Mr BARRY COLLIER:** No, but people can apply to pay off moneys owed. The member for Wakehurst also asked how compliance with work development orders will be ensured. The charities that have been consulted so far are confident that they will be able to carry out the supervision required for work development orders, as generally they will be supervising existing clients. Moreover, many of those clients already carry out unpaid volunteer work or participate in relevant programs with the charities in question, and in those cases no additional supervision requirements will be necessary. There will be reporting requirements on the part of the supervising agency.

The agency will be required to advise the State Debt Recovery Office if and when the work development orders have been fulfilled. The reporting requirements will be designed to minimise the administrative burden while ensuring accountability. For instance, one option that has been discussed with charities is reporting to the State Debt Recovery Office by email on a quarterly basis, using a template. Another key feature of the work development order scheme is that orders will be made on an application basis, and eligible people will need to apply with the support of a participating organisation or a health professional.

The member for Wakehurst and the member for Pittwater raised the issue of the definition of acute economic hardship. Guidelines will be published to assist the reviewing agencies and the public to interpret what is considered to be a relevant mental illness, intellectual disability or cognitive impairment, as well as acute economic hardship. In developing these guidelines we will consult with relevant government agencies and advocates of people who constitute vulnerable groups. We will also consult our Victorian counterparts. Victoria has a system in place that allows for a review of penalty notices on similar grounds, and we will draw on that experience.

The member for Wakehurst asked whether the police will record cautions. The police already issue warnings and cautions for a range of different offences. They have a detailed and well-developed system, as the member has already mentioned. They access the database known as the computerised operational policing system [COPS], and a range of police interactions and events are recognised and recorded on that database. The member for Pittwater asked what will happen if people cannot pay a fine. I point out that there is always the possibility of addressing that matter under work development orders. He asked why they could not be used to clean up graffiti. It appears to me at this stage that there would be no reason why that could not be a way to clean up graffiti, except that other people might complain that the people who put the graffiti there in the first place should be the ones to clean it up.

The member for Pittwater also mentioned the link between fine default and licence sanctions. Licence sanctions are extremely effective in ensuring the prompt payment of fines. A problem arises when fine defaulters are unable to pay and continue to drive, despite having a suspended licence. The intention of this bill is to introduce a range of measures to prevent default in the first place. The member referred to a solicitor whose client had lost their driver's licence because of failure to respond to a jury summons. I point out that a constituent is free to make representations to their local parliamentary member who is able to make presentations to the Attorney General, if particular circumstances need to be addressed. That is an issue that the member may wish to take up with the solicitor.

The bill also addresses licence sanctions by inserting a new offence of driving while a licence is suspended or cancelled owing to a fine default. The penalties for this new offence will retain minimum disqualification periods. However, such periods are lower in recognition of the fact that licence suspension and fine default is less serious than is suspension due to unsafe driving. It should be said that the mere fact that a person loses their licence for non-payment of a fine does not prove that that person is incapable of driving. The lower minimum disqualification period will also encourage people with licence suspensions to pay their fines and penalty notices sooner. Currently a driver who has been disqualified for 12 months for fine default has no incentive to repay the fine quickly. Even if it is fully repaid, the licence is not reinstated until 12 months has expired. By contrast, people who receive the proposed three months minimum suspension will have an incentive to pay outstanding fines within that time so that their licence can be reinstated as soon as three months have expired.

The member for Pittwater also asked why people receiving Centrelink benefits are able to apply for time to pay. The premise of the question is incorrect. Anyone can apply for time in which to pay a court fine or a penalty notice. This has been the case for years. The bill merely improves access to Centrepay. I trust I have addressed all issues raised by members opposite.

**Mr Brad Hazzard:** Not comprehensively, but you have done it.

**Mr BARRY COLLIER:** I thank them for noting that I have comprehensively addressed all the issues. I take pleasure in commending the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

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

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

### **COURTS AND CRIMES LEGISLATION FURTHER AMENDMENT BILL 2008**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [12.45 p.m.]: The Courts and Crimes Legislation Further Amendment Bill 2008 seeks to amend a large number of Acts that relate to courts and crime-related legislation. The Opposition does not oppose this legislation. Detailed speeches were given in the upper House on behalf of the Government, the Opposition, the Greens and the Christian Democratic Party, so I do not propose to traverse in detail all the Acts that are sought to be amended. However, I will deal with several important aspects. The bill seeks to amend the Bail Act, and members might recall that either last year or earlier this year the Bail Act was amended to allow only one application for bail to a court. Apart from causing detention centres to become overcrowded and thus requiring juvenile detainees to be kept in police cells and some older people to be moved into prisons—despite claims made by the Government—this is a good idea.

It should be possible to review a bail decision in the Supreme Court in any event. But it appears that even review of a decision of the Supreme Court will be removed to the Court of Criminal Appeal, as I understand it. That will allow District Court applications to be made after bail has been refused in a Local

Court when somebody has been committed for trial, for example. Another important change is to the Crown Prosecutors Act. All honourable members know of an incident involving me and others in which a Crown Prosecutor was stood down after child pornography was found on his computer and in his possession when he brought the computer into his office. Last year when legislation dealing with Crown officers removed life tenure, set the maximum retirement age at 65 and set seven-year periods of appointment for new Crown Prosecutors, deputy directors and officers at very senior level, I complained rather noisily that no provision had been made in the bill to cover the problem of suspension of Crown Prosecutors or, for that matter, deputy directors. I was referring particularly to Crown Prosecutors of whom there were 90 last year, but the Government has since reduced their number to 80.

The bill has a provision that allows for the suspension of a Crown Prosecutor, and that change is welcomed. It is a power that I assume will be exercised rarely, just as it has been on rare occasions in the past when disciplinary action needed to be taken. It is important that the director has that power because it would reduce public confidence in the criminal justice system if a Crown Prosecutor had to be suspended in the middle of proceedings. It has to be done quickly. We should not have to rely on the goodwill of the person stepping down voluntarily, as has happened in the past. But it is important also that such powers do not interfere with the independence of Crown Prosecutors and their duties. The bill proposes to include in the grounds for removing a Crown Prosecutor from office the ground of unsatisfactory performance. Until now only the public defenders legislation, which is somewhat more recent than the Crown Prosecutors Act, has contained such a ground.

It is clear that Crown Prosecutors must have some right of appeal. For example, what happens if they upset the Attorney General or a politician by supporting another political party or if they upset a prominent member of the community? Now that Crown Prosecutors do not have tenure as of right they are more vulnerable. They should be fearless and able to run their cases without fear or favour. They should not have to worry about whether they will be reappointed in seven years or removed from office because of unsatisfactory performance. What does "unsatisfactory performance" mean? Does it mean that a Crown Prosecutor has upset someone? I am afraid that sometimes upsetting people is part of a Crown Prosecutor's job—particularly when cross-examining someone in the witness box.

I remember when Joe Meissner was charged with attempting to pervert the course of justice over the Love Boat and Virginia Perger scandal. The Crown Prosecutor sought to cross-examine a former prominent politician and Attorney General and to suggest an unsavoury association with a major criminal—public enemy No. 1. The Crown Prosecutor in that case was subsequently the subject of disciplinary proceedings as a result of a complaint. If the Crown Prosecutor had not had tenure there might have been pressure to remove him from his position. His performance might have been perceived as unsatisfactory despite the fact that, according to my recollection of the case, he had reasonable instructions to justify his actions. These matters should not be trivialised.

My colleague in the upper House John Ajaka said that there should be a right of appeal. The Attorney General responded by saying that that right already existed, and cited the case of the former Assistant Commissioner of Police, Jeff Jarratt, who took the matter to the High Court. But that is a very expensive avenue, via the Supreme Court, the Court of Appeal and the High Court. In my view such appeals should go to a tribunal. The Opposition has not moved an amendment in that respect because that is just a consideration. But now that Crown Prosecutors and public defenders are not as secure in their tenure as they were formerly—and, as far as I am concerned, as they should be—more avenues of appeal should be available to them if they are removed unfairly from office. Other than that, the Opposition does not oppose the power of suspension.

The most controversial provisions in the bill are those that move the jurisdiction of the mining warden into the Land and Environment Court. The changes made to transfer the jurisdiction under the Mining Act that is now vested in the mining warden, who has the status of a magistrate—I think the work of the mining warden is not full time and that he works also as a magistrate—to commissioners of the Land and Environment Court would seem to be a win for the lawyers and a loss for the small players.

**Mr Barry Collier:** We don't get many wins these days.

**Mr GREG SMITH:** As the Parliamentary Secretary says appropriately, lawyers do not get many wins.

**Mr Barry Collier:** Just ask the member for Mount Druitt.

**Mr GREG SMITH:** Whether it is the member for Mount Druitt or anyone else, a lot of work has been removed from the lawyers' domain, or it is restricted. While I have great sympathy for that situation and believe

in pushing for further tort law reform to restore the balance, in this case it is not a win for small miners and prospectors. They could miss out under this bill. The change was made with little warning to stakeholders such as the New South Wales Minerals Council. The council was not given advanced warning of the legislation but it has made representations both to the Government and to the Opposition. The council, which opposes these changes, represents not only the super mining companies but also the smaller players, who are commonly known as junior explorers. Many junior explorers work largely out of places such as Lightning Ridge, which is an important centre for mining opals, other precious stones and minerals.

The Minerals Council claims that the legislation detrimentally interferes with a process that has worked effectively since the nineteenth century. The existing Mining Wardens Court has a proven track record as a practical and effective system. Its proceedings are largely informal and user friendly, and legal representation is not required. The council says that all this will be lost, and prefers to retain a mining warden. The Chief Mining Warden is due to retire, which probably explains the timing of this amendment. The council submits that, should the Government pursue implementation of the bill, it should be amended to provide for a single dedicated official who hears and determines matters under the jurisdiction of the mining warden. The council states that the commissioners of the Land and Environment Court can determine only questions of fact and not questions of law. The individual appointed to this responsibility must be a judge under the current Act.

In his reply, the Attorney General countered the arguments put forward by the Minerals Council through both Mr Ajaka and Ms Lee Rhiannon of the Greens. He said the proposal is to appoint the Acting Magistrate, Mr Bailey, to the position of Acting Commissioner of the Land and Environment Court so that there can be a reasonable, streamlined transfer. The Attorney General said that Acting Magistrate Bailey will transfer and act in the commissioner's role for an interim period to ensure that the transfer of jurisdiction occurs without disruption. Obviously issues will need to be addressed. It is not proposed that the change be implemented overnight.

Clearly, the person who takes the position will have to specialise in mining. The bill provides for the appointment of a Commissioner for Mining, a specialist practitioner who will be responsible for carrying out the duties applicable to that jurisdiction. If the changes allow the commissioner to carry out the duties previously carried out by the Mining Warden, some of the concerns will be reduced. However, being under the umbrella of the Land and Environment Court frightens junior prospectors and others who may have to travel to Sydney. Perhaps that will not happen. Maybe the Government will allow circuit hearings, similar to those conducted by the Mining Warden. Nevertheless, these issues should be raised, because miners are important to the industry.

I received a letter from the Lightning Ridge Miners Association, which is very concerned about this bill. I share their concerns. Far more consultation should have been undertaken with the stakeholders and the little people involved. Often it is the little people who are forgotten, and many of them work in the mining industry. Another controversial change applies to amendments to the Supreme Court Act 1970. Earlier I mentioned that the forced retirement age for newly appointed Crown Prosecutors is 65 years, although there is provision to retain acting Crown Prosecutors who are older than 65 years. I hope that practice will continue because some of the better Crown Prosecutors who have tenure are either older than 65 years or approaching that age.

I know of a very good acting Crown Prosecutor who had been acting in the position for several years. When the legislation was changed last year he decided to leave, and the Commonwealth recruited him as a prosecutor. He left the Office of the Director of Public Prosecutions because he felt insecure, and would have had to retire by age 65. At the time he left he was 61, very able and very fit. It was a shame to lose him. The Government has been heavy-handed with this change, partly to get back at the director, and partly because a former deputy director became a Liberal member of Parliament.

**Mr Barry Collier:** Give yourself a tick!

**Mr GREG SMITH:** One could be forgiven for that. It is funny how the legislation was introduced shortly after the director defended me rather than dropping me. Recently I was amused to hear Ray Hadley on the radio cross-examine the Attorney General on his motivation for changes at the Office of the Director of Public Prosecutions. Ray Hadley asked the Attorney whether he wanted to get rid of the director. The Attorney was quiet for a while. Ray Hadley took that silence, as would any good advocate in a trial, as acquiescence. The Attorney's first response was, "Well, he has been there for a long time." Ray then said, "Ha, ha, ha, got you", which is what the listeners would have thought.

**Mr Barry Collier:** It is a pity *Hansard* cannot capture that.

**Mr GREG SMITH:** Yes, it is a pity, but it may be on the Parliament's video and maybe we could put it on YouTube. Under the proposed changes to the Supreme Court Act 1970 a Crown Prosecutor could remain in that position until the age of 72. That is why I said that it is discrimination: every other public servant in the State can remain employed until the age of 100.

**Mr Barry Collier:** Stay till you die.

**Mr GREG SMITH:** Or till they die. Judges can remain in that position until the age of 72, and an acting judge can remain in that position until the age of 75. The Government wants to extend the compulsory retirement age for Supreme Court judges to 77. I know there are good reasons for that, and the provision will be utilised only in exceptional cases. Nevertheless, it mocks what has happened to Crown Prosecutors, particularly permanent Crown Prosecutors and Public Defenders, who have to retire at 65. At that age many of them are at the peak of their fitness and ability.

I am sure that if the member for Maitland, who gave exceptional service in the Office of the Director of Public Prosecutions, had not been elected to Parliament he would be vying for a position as a Crown Prosecutor. In those circumstances he would have preferred life tenure to ensure that his independence was protected. The Opposition does not disagree with the increased retirement age for Supreme Court judges to 77 years on the basis of the assurance given to me by the Attorney that that provision will be used very responsibly. The legislation has many amendments, and the Opposition does not oppose the bill. I wish everyone here a Happy Christmas.

**Mr FRANK TEREZINI** (Maitland) [1.04 p.m.]: I will address two parts of the Courts and Crimes Legislation Further Amendment Bill 2008, which I support. First, I will respond to a comment by the member for Epping, who has just left the Chamber. I have dealt with many Crown Prosecutors during my 10 years in the Office of the Director of Public Prosecutions. They all performed their jobs exceptionally well. I do not know whether they would take too kindly to the comments of the member for Epping, not only the comments he made today but also the comments he made when he debated previous legislation to provide for tenure for Crown Prosecutors. The member for Epping spoke of their independence, their fear of not making proper decisions during a trial, their fear of political consequence. I do not know any Crown Prosecutor who would take kindly to those comments. Basically the member for Epping is implying that because of the new laws and the change to the tenure system, and because the amending bill refers to the ability of the Government or authorities to take action, Crown Prosecutors will not do their jobs properly.

As a former Crown Prosecutor I take exception to his implication that prosecutors will not attend to their jobs properly. That is not correct. Crown Prosecutors hold a very high and responsible office, as do all prosecutors and members of the legal profession. Any suggestion that they do not do the right thing in their highly responsibly jobs, as stated by the member for Epping, is out of order. His comment was not appropriate—it was a slight on that high office—and I take exception to his comments. The provisions in the bill will make no difference at all to the way in which Crown Prosecutors, prosecuting solicitors or solicitors do their jobs when representing the public in important criminal matters.

The bill creates two new offences, intentionally or recklessly damaging property in company, which will carry a maximum penalty of six years imprisonment, and a similar offence involving fire or explosives, which will carry a maximum penalty of 11 years imprisonment. The existing property damage offences contained in section 195 of the Crimes Act are the basis for these two new offences. The new offences provide for higher penalties for engaging in criminal damage in company. There will now be three tiers of intentionally or recklessly damaging property offences. The simple offence, with no aggravating or additional elements, carries a maximum penalty of five years imprisonment or 10 years if caused by fire or explosives. When the damage is committed during a public disorder or riot the offence carries a penalty of seven years imprisonment or 12 years if caused by fire or explosives, thereby creating the three tiers of offences.

The new offences follow the deplorable gang attack on Merrylands High School earlier this year. The new laws will complement the offences that applied to that attack and the policing methods we use to target that kind of crime. Schools should be places of learning, not violence, and we will not tolerate that kind of criminal activity in our schools. All members of our community, including young people, have an obligation to respect our laws and their fellow citizens. High visibility police enforcement is the most effective way to prevent crime. That means more police on the beat, and in the right places at the right times. We have had record numbers of police on the streets. We have also given police broad powers to search people in public places suspected of possessing a knife. These powers were strengthened in 2006, including allowing the searching of schoolbags

and lockers, and being able to confiscate a concealed knife without first requesting the person to produce it. According to the Bureau of Crime Statistics and Research, over the past five years the number of knife possessions and knife crimes has been stable.

I note also that the rules and laws pertaining to being a principal in the first degree and a principal in the second degree, and being an accessory after the fact will also apply, which means that in these cases of offences in company it is not necessary that the person who commits the offences has to have another person right next to them. If someone is waiting around the corner ready to assist or is not far away, that person becomes a principal in the second degree and is as liable as the main offender. That is a very important point because when one commits an act in company he is emboldened and strengthened by the fact that someone is ready to help. When a gang of people is hanging around near a crime scene it puts extra fear into the victims of crimes. It is very important to note that the laws of complicity, and aiding and abetting will also apply. I commend that particular amendment.

Early this year the Director of Public Prosecutions wrote to the Attorney General's department requesting consideration be given to allowing false imprisonment prosecutions to be dealt with in the Local Court in certain circumstances. At present the common law offence of false imprisonment can only be prosecuted on indictment. That means that it always requires a District Court or Supreme Court judge, and in most circumstances a jury, to try the case. It is an expensive process that is usually reserved for more serious offences.

The offence of false imprisonment covers a wide array of criminal behaviour. A person might detain another for just one minute in a room and thus commit the offence. On the other hand, a person could be detained for days. This is a very important amendment because I know from my experience that the old section 90A kidnapping offence, which I think is now section 86 of the Crimes Act, was the section that was mainly used for the charge of false imprisonment. It is inherent in that section that someone would be kidnapped and detained for a number of days. That is a very serious offence. On the other hand, if there were an assault in a house and a person would not let a partner out of the house for a while that would technically be a false imprisonment.

Even though it was a good charge to pursue, it had to be pursued in the District Court, which meant involving a judge and jury. In most cases the prosecution would find alternative charges to compensate for that if the facts of the case were not that serious because the expense of prosecuting every matter in the District Court might not be in the public interest. As a table 1 offence these matters will be prosecuted more quickly and efficiently and at less cost to the public, whilst at the same time recognising that to detain someone in a confined space for any amount of time is a serious offence. That will ensure that these matters will be dealt with either on their own or together with other offences, as is usually the case with assaults. These are two of many amendments in this bill and I am pleased to see that these matters have been addressed, especially the matter of false imprisonment. For those reasons I have pleasure in commending this bill to the House.

**Mr JOHN TURNER** (Myall Lakes) [1.13 p.m.]: I will speak briefly on the Courts and Crimes Legislation Further Amendment Bill 2008 in my capacity as the shadow Minister for Mineral Resources and refer to the part of the bill that deals with the abolition of the Mining Warden's Court. Those in the minerals industry are concerned about this proposal. The Mining Warden's Court has worked effectively since the nineteenth century, but the bill proposes to bring it under the Land and Environment Court. One wonders whether this is some form of power struggle to get more action in the Land and Environment Court. I am not sure. The stated reason is that the Mining Warden is retiring and there is no knowledge to follow him through. I cannot see how that is a legitimate argument. If that is the case, there will be no knowledge in the Land and Environment Court to follow through either.

The mining industry is certainly concerned about it and the New South Wales Minerals Council has lobbied the Government in relation to this matter. I will come back to that. I also note that the Minerals Council was not given a copy of the bill to look at, so consultation has been patchy at best. The Mining Warden's Court should not go for a number of reasons, not the least of which is the informality of the court and the ability of people to go to court. I note in his agreement in principle speech the Minister said that the person who will be appointed a commissioner in the Land and Environment Court will travel around and do the things that the Mining Warden's Court did, but it will be an officer of the Land and Environment Court.

The Land and Environment Court is a superior court, which immediately sets alarm bells ringing. Lawyers will be involved and people will not want to appear in the Land and Environment Court unless they

have lawyers, whereas people felt at ease in the Mining Warden's Court, which was more informal than the Land and Environment Court. It may not be too much of an issue to some miners, although junior miners certainly will be affected. Many people who access the Mining Warden's Court are landholders. They are the people who are, or who will be, affected by mining. They will see the Land and Environment Court as a danger and they may well walk away without seeking their rights and relief because they cannot afford it; if they can I am sure the lawyers will start to pick up the dough. I have already had a call from a lawyer who said to me it was great for his practice because he would make a lot of money out of it. However, he thought it was bad practice because a perfectly good system has operated since the nineteenth century.

I know requests were made of the Government in another place for amendments to the legislation, which were not formally put. Obviously that is not going to occur. When the jurisdiction passes to the Land and Environment Court there must be, as the Minerals Council has proposed, a single dedicated official who hears and determines the jurisdiction of the Mining Warden. These matters cannot be bounced around by whichever commissioner is available for the day. There must be inherent knowledge in the pursuit of this matter, particularly with mining matters.

Another matter of concern is that if a matter goes to the Land and Environment Court and is heard by a commissioner, the commissioner cannot determine a matter of law. It will then have to be bounced out to a judge. It is inherently unwieldy to go to the Land and Environment Court, but if that is where it is to go then it is imperative that a single dedicated official hear the matters. A mining warden must also conduct hearings when disputes arise under the Mining Warden's jurisdiction; that is regional New South Wales, such as the central western and western areas of the State, the Hunter Valley and Gunnedah. Whilst the Land and Environment Court has the ability to hold country sittings and has developed a convenient "e-call-over service", the delivery of these services falls well short of the convenience traditionally provided by the Mining Warden's Court. This will impose additional costs on the parties who will have to travel to Sydney for hearings.

Again, there must be one dedicated commissioner who must be mobile. The Lightning Ridge opal miners group is extremely concerned about this provision. The Mining Warden travelled regularly to that region, and gave good and informal service; many matters were able to be resolved. It is vitally important that the commissioner, whoever it might be, is able to travel around. I am concerned that a very important industry to New South Wales was not fully consulted. The industry had some meetings with the Ministers but did not have access to the bill, which is very comprehensive. Half of this bill is devoted to Mining Warden's Court issues. I urge the Government and the Minister responsible to take on board the matters that have been raised by me in this place and by the Minerals Council elsewhere

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [1.19 p.m.], in reply: I thank the member for Epping, the member for Maitland, and the member for Myall Lakes for their contribution to debate on the Courts and Crimes Legislation Further Amendment Bill 2008. This bill contains miscellaneous amendments arising from the regular review of courts and crimes-related legislation. The amendments will assist in streamlining court and criminal procedures, and will support the effective administration of justice in New South Wales. The bill will consolidate the work of the Mining Warden within the Land and Environment Court. It will transfer the work of magistrates conducting mental health inquiries to the Mental Health Review Tribunal. It will improve the accountability of Crown Prosecutors and Public Defenders. The bill will create flexibility in judicial appointments for the Drug Court, the Dust Diseases Tribunal and acting judges of the Supreme Court of New South Wales. The bill will also resolve several minor procedural matters relating to bail and the criminal law.

I will respond to a number of issues raised by Opposition members relating to the grounds on which a Crown Prosecutor may be removed from office. This bill introduces a new ground on which a Crown Prosecutor may be removed from office: unsatisfactory performance. This ground for the removal of a Crown Prosecutor already exists for public defenders. The absence of a mechanism to deal with poor performance creates a barrier to the effective management of Crown Prosecutors. Public prosecutions are of the highest quality and cases are finalised expeditiously. The introduction of grounds for removal based on unsatisfactory performance will encourage more efficient practices and more efficient management of Crown Prosecutors. It is a safeguard to enable serious cases of poor performance on their part to be addressed.

The ground for removal for unsatisfactory performance has been in the Public Defenders Act since its inception in 1995, and there has been no suggestion of undue interference with the Public Defender's independence. The introduction of this ground to the Crown Prosecutors Act arises from a recommendation made by the Auditor-General after examining the efficiency of the Office of the Director of Public Prosecutions.

As I have indicated, the provision for the removal of the Crown Prosecutor is the same as that which applies to public defenders. The member for Epping made some suggestions that lead me to make the following comments in relation to Crown Prosecutors.

During the course of my work as a lawyer—as a solicitor for the Director of Public Prosecutions, as a solicitor for the Legal Aid Commission, and as a member of the private bar—I found the Crown Prosecutors with whom I worked to be men and women of the highest integrity, skill and experience. I had the highest regard for them when I worked for the Director of Public Prosecutions in the Court of Criminal Appeal section, and in Wollongong, and in the district circuit courts in Queanbeyan and Bega. They performed their work with skill and diligence, and to the highest standards. I make that comment from my experience. Any suggestion that Crown Prosecutors are underperforming is ill informed.

I refer, next, to the right of appeal for removal in the case of unsatisfactory performance. Any potential removal of a Crown Prosecutor would be the subject of a judicial review on administrative law grounds. The employment and dismissal of statutory officers are also subject to review or appeal in this way. No doubt the removal of a Crown Prosecutor on the basis of unsatisfactory performance would be done in consultation with the Director of Public Prosecutions himself or herself, as the case may be, at some future time. I refer to the Mining Warden and to the jurisdiction being transferred to the Land and Environment Court.

On 22 October 2008 the Chief Mining Warden, Magistrate Bailey, retired. Magistrate Bailey had developed a wealth of experience in mining disputes, and his retirement meant that there was no longer a body of expertise within the magistracy. The Land and Environment Court has experience in areas of law similar to that dealt with by the Mining Warden. The court deals with matters that are formally dealt with by the Coal Compensation Board and the Mine Subsidence Board. The transfer of jurisdiction to the Land and Environment Court will be managed in a way that will preserve existing knowledge and expertise. Magistrate Bailey will be available to assist the Land and Environment Court in the transition of cases.

I understand that the Attorney General in the other place addressed a number of issues arising out of the transfer of the jurisdiction of the Mining Warden to the Land and Environment Court. The questions that arise are whether that transfer of the Mining Warden's jurisdiction will mean increasing costs and delays, and whether it will adversely impact on litigation. The Land and Environment Court has the capacity to conduct electronic callovers and on-site hearings, and it regularly travels to country locations to avoid inconvenience to parties. The Land and Environment Court will be capable of responding promptly to urgent matters and, in particular, to issues relating to access arrangements.

Referring to the right of appeal, the Land and Environment Court is provided with a jurisdiction to review an access management plan determined by the director general under section 236F of the Mining Act 1992. The decision of the Land and Environment Court is final and is to be given effect as if it were a decision of the director general. This provision is similar in terms to the current section 236H of the Mining Act, which allowed the Mining Warden to make final and binding orders in relation to access management plans. The new Act will allow the review to be made in the Land and Environment Court, which is a superior court of record.

The provision will ensure certainty in relation to the rights of miners and landholders to access property and that disputes are finally determined without continuing long and drawn-out appeals. The member for Myall Lakes expressed some concern about consultation. I advise the House that in the preparation of this bill consultation took place with the Minerals Council, the Lightning Ridge Miners Association, the Department of Primary Industries, and the Land and Environment Court. The Attorney General's Department met with representatives of the mining sector and addressed their concerns in the drafting of the bill before the House.

The member for Myall Lakes raised concerns about informality. There will not be a significant increase in the formality of procedures following the transfer of the Mining Warden's jurisdiction to the Land and Environment Court. The jurisdiction will be the responsibility of the commissioner, who runs matters with a lower level of formality and a higher degree of flexibility as opposed to a Land and Environment Court judge. The Commissioner of Mining will be an Australian lawyer and will be able to determine matters of fact in law in the cases that come before him or her, as the case may be. As I have said, this bill makes important reforms to the courts and crimes 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 returned to the Legislative Council without amendment.**

### INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2008

#### Agreement in Principle

**Debate resumed from an earlier hour.**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.27 p.m.], in reply: The Government listened in some detail to the comments that were made by the Leader of the Opposition. Obviously we are anxiously awaiting the presentation of his amendment, copies of which we have not seen. Rather than responding in detail at this stage I will reserve my comments until the Government has had an opportunity to hear what the Leader of the Opposition has to say about his proposed amendment.

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

**Motion agreed to.**

**Bill agreed to in principle.**

**Consideration in detail requested by Mr Barry O'Farrell.**

#### Consideration in Detail

**Clauses 1 to 4 agreed to.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [1.33 p.m.], by leave: I move Opposition amendments Nos 1 and 2 in globo:

No.1 Page 3 schedule 1. Insert before line 5:

[1] **Section 11 Duty to notify Commission of possible corrupt conduct**

Omit "officers" from section 11(1). Insert instead "person".

[2] **Section 11 (1) (e)**

Insert after section 11 (1) (d):

(e) a Minister of the Crown.

[3] **Section 11 (2)**

Omit "An officer" and "the officer"

Insert instead "A person" and "the person", respectively.

No. 2 Page 4, schedule 1 [6]. Insert after line 10:

25 **Operation of amendments to section 11**

Section 11, as amended by the amending Act, extends to possible corrupt conduct that occurred before the date of assent to that Act.

Section 11, part 3 of the Independent Commission Against Corruption Act stipulates that the Ombudsman, the Commissioner of Police, the principal officer of a public authority and an officer who constitutes a public authority is under a duty to report to the Independent Commission Against Corruption any matter that the officer suspects, on reasonable grounds, concerns or may concern corrupt conduct. It specifies for the senior public servants, the people who head up public agencies across New South Wales, an implicit obligation that they operate under to report concerns about corrupt conduct. They do not have a choice. There is no "may"; it is "will". It is a duty, an obligation. My amendments seek to impose the same obligations upon Ministers and upon the Premier of the day. I do so with the hindsight of 13½ years of Labor, with the repeated claims by Labor Ministers and Labor Premiers that if people have allegations about corruption, they should take them to the Independent Commission Against Corruption [ICAC].

The head of an agency, the Ombudsman, the Commissioner of Police, the principal officer of a public agency, and an officer who constitutes a public authority are not allowed by law to tell someone who has concerns about possible corrupt conduct to take it to the ICAC. The officer concerned must take it to the ICAC. My amendments seek to impose exactly the same obligation upon Ministers of the Crown and upon the Premier of this State. We need to set examples, and those examples should be set from the highest levels down. My amendments make no bones about that. They are part of the Liberals-Nationals commitment to open, accountable and responsible government. We say that a future Liberals-Nationals government will ensure that its Premier and its Ministers will be under the same obligations as principal officers of the public sector to report to the ICAC any concerns brought to their attention in relation to corrupt conduct.

We will put an end to the practice of this Government and its Labor predecessors that engages in semantics and again deals with the media rather than the substance, by saying, "Take it to the ICAC yourself." Under the existing law that is not acceptable for the Commissioner of Police, the Ombudsman, or the head of the Department of Premier and Cabinet; it should not be acceptable for Ministers or the Premier. My amendments are in line with that. I urge the Government to accept these amendments. The Leader of the House said in his agreement in principle speech that the new Premier, Nathan Rees—who was foisted upon the public of New South Wales—is committed to transparency, accountability and honest government in this State. If that is true, my amendment must be supported.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.36 p.m.]: I indicated in my brief reply to the agreement in principle debate that I would reserve my comments until the Government had had the opportunity to see the Opposition amendments. I thank the Leader of the Opposition for his amendments and his remarks. Earlier the Leader of the Opposition asked why the Government did not seek the implementation of the recommendation concerning protected disclosure previously made by the Committee on the Independent Commission Against Corruption. As he well knows, the Protected Disclosures Act is currently the subject of a full-scale review by the committee. The chairman of the committee intends to make a submission to the Parliament spelling out the details of the review and expects the review to be completed some time next year. The Act requires the review to be undertaken.

Since the last review in 2006 there have been a number of developments in this area. One is the recent publication of an extensively researched "Whistling While They Work" report by the Australian Research Council. No doubt, the committee will pay close regard to the findings of that report in developing any recommendations in its current inquiry. The House of Representatives Standing Committee on Legal and Constitutional Affairs is also conducting an inquiry into possible whistleblower reform, and its report is due in early 2009. The amendment to the Protected Disclosures Act is a technical amendment introduced to avoid doubt. It is introduced now because all public servants need the unshakeable certainty that they will be entitled to protection under the Act. There can be no doubt about that. The Government should not seek to pre-empt the outcomes of the current committee review, and I suggest the Opposition take that view also. The committee has undertaken extensive public hearings, and conducted numerous interviews with parties involved in receiving and investigating protected disclosures. It is highly likely that the previous recommendations of the committee will be modified and supplemented by the committee in its current review.

I make this very clear. The Government stands ready to respond to any recommendations made by the committee—in fact, recommendations made by anyone who comes forward with a substantive recommendation that will facilitate the enactment of this legislation in the spirit in which it is intended to be enacted. As I said, that includes also undertaking any necessary reform of the Protected Disclosures Act. It would not, however, be helpful to act prematurely by enacting legislation that will have to be changed in only a couple of months following the outcomes of the current review. That approach simply creates confusion and uncertainty, and would detract from, rather than support, whistleblowing.

Having said that, the Government has now had the opportunity to review the amendments moved by the Leader of the Opposition. The amendments propose an amendment to section 11 of the Independent Commission Against Corruption Act so as to extend to Ministers the statutory duty to report suspected corruption to the Independent Commission Against Corruption [ICAC]. I wish to make this plain: the Government does not object to the amendments. Premier Rees has consistently said he expects governments to be open and accountable. I note, however, that Ministers already have procedures in place for dealing with these matters and already refer such allegations either to the ICAC or to their agencies for referral to the ICAC.

However, the Government foreshadows moving a further amendment, notice of which we have given, to make the proposed provision workable. The Government's amendment will provide that the Minister may

refer any allegations of corruption received by the Minister either to the ICAC or to the head of an agency responsible to the Minister. Agencies are well placed to make an assessment as to whether the statutory criteria for referral to the ICAC have been met. The Government's foreshadowed amendment will also provide that the Minister can send matters directly to the ICAC if this is a more appropriate course of action, as is the case under the current law.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [1.42 p.m.]: I appreciate the sentiments expressed by the Leader of the House, if not the effect of the action and the proposed Government amendment. With regard to the protected disclosures matters the Leader of the House referred to—which is not the substantive part of schedule 1; it is schedule 2, but I am happy to transgress on the Leader of the House's transgression—a review has already been conducted. A review was conducted under this Government two years ago—a review chaired by a former ministerial colleague of the Leader of the House, a review that unanimously supported 17 recommendations. I am concerned about the Leader of the House's comments that before the member for Maitland has completed the current review changes will be made to the legislation. Based on the Leader of the House's justification, I thought this was a fresh look at the legislation. Yet, the Leader of the House is suggesting in this place that it is a fresh look at the legislation with a view to changing it.

I say to the Leader of the House: In addition to the single recommendation being implemented today out of the 17 recommendations made two years ago—recommendations made previously under reviews of the same legislation—where on earth in recommendations proposing the establishment of a protected disclosures unit in government, where on earth in proposing uniform guidelines for the investigation of whistleblower complaints, is there anything that could be contradicted or could be affected by another inquiry? We need to promote the use of this instrument, this Act, across the public sector. As we speak about this issue, there are agencies that handle these matters well and there are agencies that handle these matters badly, and that cannot be allowed to occur. That is why I repeat the criticisms I made in my contribution to the agreement in principle debate in relation to this matter.

With regard to the amendment foreshadowed by the Leader of the House, again we see Labor at its worst: saying one thing and doing another. The Leader of the Government says he supports my amendments, and then he foreshadows moving a Government amendment that is nowhere near as comprehensive as the amendments I have moved. As with Labor, the devil is always in the detail. In this case, it is a simple word: "may". In the current section that applies to the Ombudsman, the police commissioner and the head of statutory agencies across this State, there is no word "may". There is a duty of obligation upon those public servants to report corrupt conduct and to report concerns about corruption. Yet, the Government says that when it comes to Ministers and Premiers there will be guidelines and there will be a "may". There ought not be any "may" when it comes to corrupt conduct or concern about corrupt conduct. That is what has got this State into the mess it is in after 13½ years of Labor scandals, Labor rottenness, Labor incompetence and Labor corruption.

My amendments are superior because they make it clear that the same obligation that applies to the head of the Office of the Premier and Cabinet, the police commissioner and the Ombudsman will apply to every Minister and Premier of this State. But the Leader of the House wants to fall back on Labor's traditional techniques: say one thing and do another; set a standard for one set of people and set another for itself. In this case the standard is that public officials shall be under a duty of obligation to report corrupt conduct, but Ministers and Premiers will be under a "may".

I refer the Leader of the House to his contribution. He spoke about the guidelines under which Ministers and the Premier carry out their duties. I am aware that three Premiers in this place have refused to take matters to the ICAC. I am also aware that three Premiers in this House use media conferences during question time to say, "If you have concerns about corruption, you take them to the ICAC." That is not an avenue that is available to Mr Scipione, the police commissioner. It is not an avenue that is available to any other senior public servant in this State. It should be an avenue that is closed in relation to Ministers and the Premier. If the Government, led by its latest Premier, were committed to honesty, accountability and transparency, that avenue would be closed.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.46 p.m.]: I have listened carefully to the Leader of the Opposition's comments. Being conscious of the fact that what I say now will impose legal interpretation, I wish to advise the Leader of the Opposition that he is under a misinterpretation in relation to the meaning of the word "may". The Government is conscious of the fact that under the amendments moved by the Leader of the Opposition, the duty of obligation to report the matter that he has specifically referred to in his contribution does exist, and the Minister is bound by that duty of obligation. The word "may" refers to who the

matter is to be reported to—whether it is reported to the commission or to the head of an agency responsible to the Minister. That is the interpretation of the word "may". It has nothing to do with whether the matter is reported. It is accepted that there is a duty of obligation for the matter to be reported, and that will be done.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [1.48 p.m.]: Let me test the goodwill of the Leader of the House. Let me take the Leader of the House at his word. If he amends his proposed amendment by removing the word "may" and inserting instead the word "shall", we will call it quits. We believe that it should be "shall be reported to the commission". The Government cannot have public servants reporting these matters to other public servants, particularly at a time when it does not have merit selection and at a time when, to be a senior public servant in New South Wales, you do not need qualifications, you need a Labor Party membership ticket.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.50 p.m.]: I reiterate my earlier point: "may" refers to either the commission or the head of an agency. If I understand the Leader of the Opposition to be saying that compulsorily he interprets the duty of obligation to be that the matter must be reported to the commission at all times, then I would say to him that is not the intention of the amendment foreshadowed by the Government.

**Question—That Opposition amendments Nos 1 and 2 be agreed to—put and resolved in the affirmative.**

**Opposition amendments Nos 1 and 2 agreed to.**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.51 p.m.]: I move:

No. 1 Page 3, schedule 1. Insert before line 5:

**[4] Section 11 (3)**

Insert after section 11 (3):

(3A) A Minister of the Crown who is under a duty under this section to report a matter may (despite subsection (2)) report the matter either to the Commission or to the head of any agency responsible to the Minister.

I have already spoken extensively in relation to the Government amendment. I do not feel there is anything further to be said in relation to it. I understand the Leader of the Opposition has a point of view in relation to the interpretation of the word "may". I have already specifically indicated that I am very conscious of the fact that that interpretation will have a legal impact. The word "may" refers not to whether there is some absolution from the Minister being required under a duty of obligation to report a matter of corruption, but refers to whether the Minister will report a matter of corruption either to the commission or to the head of an agency responsible to the Minister.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [1.52 p.m.]: For the reasons I have already outlined, the Opposition will vigorously oppose this attempt to water down what should be a commonsense obligation imposed upon any Minister or any Premier who wants to honestly function in the office they hold. There cannot be a "may" report for senior public servants. There should not be a "may" report for Ministers of the Crown. We have to end the process of Ministers and Premiers ignoring allegations concerning corruption because it does not suit their media agenda. That is what the amendment will allow. This week we saw the State Government legislate away legal rights in relation to the liquor industry. Why did it do so? It did so to protect the intent of its liquor licensing scheme, which the Opposition supported only last week. It did so because of concerns about a legal challenge to regulations.

A Government concerned about regulations that legislated the program into place to ensure that it was firm now wants to have Ministers of the Crown, when it comes to corrupt conduct, not bound by an Act or regulations but bound by guidelines. The Leader of the House wants to insert "may"—not "shall", not "must", but "may". However, public servants in this State, the Commissioner of Police, the Ombudsman, the head of departments and agencies are required to by law and are under a duty to do so. If they do not, they can be hauled before the Independent Commission Against Corruption and dealt with summarily. This is a State Government that will never set a bar on its own side. It will never set a bar upon its Ministers or its Premier even when it comes to matters of corruption.

We only have the Independent Commission Against Corruption because the Liberal Government was disgusted when a Minister of Corrective Services was jailed for selling early releases from prison. It is this sort of activity by a Labor Party in office that waters down the Independent Commission Against Corruption. It demonstrates the need for the institution to be cranked up again—the institution no longer enjoys the fear that it once enjoyed amongst members of this Parliament. That makes my amendment all the more important. The Opposition will seek to amend the amendment moved by the Leader of the House. Ministers of the Crown should not have a "may" when it comes to reporting corrupt conduct. Ministers of the Crown should not have a choice of whether to refer a matter to the Independent Commission Against Corruption or to an agency responsible to the Minister.

I said a moment ago that, regrettably for the people of New South Wales, preferment in the public sector these days seems to owe more to a Labor Party membership ticket than qualifications. I am not satisfied, and the public interest is not satisfied, by having concerns about corruption referred to some party flunky who has just been made head of the Department of Premier and Cabinet. It is utterly unacceptable, it does not meet any principle of natural justice, and it does not protect the public interest of New South Wales. I am ashamed to be in a Parliament where it is being seriously proposed that it is an obligation upon Ministers and an obligation upon the Premier. The Opposition supports open, honest, transparent and accountable government, as do all Independent members. I am sure some members of the Labor Party do so also. But this amendment does not. The actions and the words of the Leader of the House do not. Of course, Nothing Nathan is not interested in doing anything either. I move:

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

"shall" (despite subsection (2)) report the matter to the Commission and to the head of any agency responsible to the Minister.

My amendment would ensure that Ministers and the Premier do not have a choice about bringing concerns of corruption to the Independent Commission Against Corruption. My amendment would ensure that they cannot go off to a departmental head. They must, like senior public servants, refer matters of corruption to the Independent Commission Against Corruption. They can give a copy to the head of an agency, but they cannot simply try to bury this in a public agency with one of their mates knowing it will never be investigated. If the Government is fair dinkum about honesty in government, if it is committed to the openness and transparency that was spoken about in the agreement in principle speech, its amendment does not pass the test. If it is not amended in the way that the Opposition proposes, the Government is simply selling out the citizens of New South Wales.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.57 p.m.]: I have listened carefully to the Leader of the Opposition. I have now had a chance to look at the amendment he has moved to my amendment. The difficulty that the Government has is in relation to his stressing that the reporting has to be done to the commission and to the head of any agency responsible to the Minister. That is not acceptable to the Government and it is not in keeping with the provisions of the amendment that the Government has moved. However, the Government is willing to consider amending its amendment to section 11 (3) in an effort to obtain some form of agreement with the Opposition. So the amendment will read:

A Minister of the Crown who is under a duty under this section to report a matter is taken to have satisfied that duty if the Minister (despite subsection (2)) reports the matter either to the Commission or to the head of any agency responsible to the Minister.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [1.58 p.m.]: I thank the Leader of the House. Again that amendment imposes a different standard upon Ministers and a different standard upon the Premier to the standard that applies to the Commissioner of Police, Mr Scipione; the Director General of the Department of Premier and Cabinet, Mr Lee; and the Director General of the Department of Education and Training, Mr Coutts-Trotter. The Opposition does not support the amendment.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.00 p.m.]: In order to facilitate the proceedings of the House, having foreshadowed a further Government amendment to the amendment I moved earlier, I merely state that the Opposition's amendment to the Government's amendment is not acceptable.

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

**The House divided.**

**Ayes, 35**

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

**Noes, 44**

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

**Pairs**

Mr Baumann	Ms Burton
Mrs Skinner	Ms Megarrity

**Question resolved in the negative.**

**Amendment of Government amendment No. 1 negatived.**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.09 p.m.]: As I foreshadowed earlier, in our attempt to obtain some degree of agreement with the Opposition in relation to this matter, I once again state that the Government is willing to amend its amendment to section 11 (3) as follows:

That the amendment be amended by leaving out "may (despite subsection (2)) report" with a view to inserting instead "is taken to have satisfied that duty if the Minister (despite subsection (2)) reports".

I have spoken at some length on this matter. I ask the Opposition to indicate whether it accepts this amendment.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.09 p.m.]: We oppose this amendment because it imposes a lesser obligation on Labor Ministers and the Labor Premier than is imposed on the heads of agencies across New South Wales. The member for Blue Mountains, who was once the respected head of the Rural Fire Service of New South Wales, was under a duty to report corrupt matters and concerns about corruption to the Independent Commission Against Corruption [ICAC]. When the member for Blue Mountains was the Minister responsible for the same agency, he was under no such obligation. That suits the Labor Party after 13 years of scandals, rottenness, incompetence and corruption.

The Labor Party will always set a higher bar for other people. It will always impose standards on others but never on itself. These weasel words by the Leader of the House simply seek to cover up the fact that despite

protestations by the latest Premier of New South Wales that he is committed to open and responsible government, no such thing is in his mind. This bloke wants to continue the trend and stand up in this place when matters of corruption are brought to his attention and say to those opposite, whether Independent or Opposition, "If you have concerns, you take them to ICAC." Andrew Scipione cannot say that to anyone who brings concerns to his attention. John Lee, the Director General of the Department of Premier and Cabinet, cannot say that to anyone who brings concerns to his attention. No Minister in this Government should be able to say it, given their history.

Whether this amendment is passed today, I put every member of this House on notice that no member of an O'Farrell-Stoner government will be able to wimp out in the way Labor Ministers have wimped out. It is a slippery road. It is the same road that produced Rex Jackson. It is the same road that saw this Labor Government corrupt most of the public services of this State. A line has to be drawn: enough is enough. That is why we will not accept this double standard. We will not accept the weasel words put forward by the Leader of the House. Unless the Government imposes the same obligation on itself, we will fight it every inch of the way.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.12 p.m.]: In light of the circumstances outlined by the Leader of the Opposition, also in line with my earlier comments about this amendment and given that the Leader of the Opposition is not willing to accept this amendment, I seek leave to withdraw the amendment to the amendment.

**Leave granted.**

**Amendment of Government amendment No. 1, by leave, withdrawn.**

**Question—That Government amendment No. 1 be agreed to—put.**

**The House divided.**

**Ayes, 48**

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

**Noes, 38**

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

**Pair**

Ms Burton  
Ms Megarrity

Mr Baumann  
Mrs Skinner

**Question resolved in the affirmative.****Government amendment No. 1 agreed to.**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.20 p.m.]: I seek the concurrence of the House to continue consideration of this matter prior to the start of the routine of business.

**Leave granted.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.20 p.m.]: This is a disgrace. This was an opportunity for the so-called new Premier to stand up for honesty and openness in government, and at the first opportunity he has squibbed it. After 13½ years of Labor scandals, instead of imposing the same standards that apply to his senior public servants upon his Ministers and upon himself, the Premier decides to water them down. He gives Ministers and the Premier the opportunity to decide whether or not to refer corrupt matters or allegations of corruption not just to ICAC but maybe to a departmental head whose only qualification for the job is a Labor Party membership ticket.

The Commissioner of Police cannot do that; he is under a duty of obligation. The Ombudsman cannot do that; he is under a duty of obligation to bring any matter concerning corruption to the ICAC. But this Government, which has never imposed any standard upon itself, is at it again today. Despite its words about openness, despite words about transparency, despite words about responsibility, it will never impose those standards upon itself. That is why the Government will leave this Chamber in shame. There used to be a bloke on television who said, "Shame, shame, shame!" This is a State Labor Party that knows no shame, because today it has given itself a leave pass from the most important issue affecting this State. Open, honest, accountable and responsible government is critical, yet this Government will not even impose upon Ministers a responsibility and duty to refer a corruption issue to ICAC.

That situation will not apply under an O'Farrell-Stoner government. The Liberal and National parties introduced the Independent Commission Against Corruption because of rottenness and corruption on the Labor side of the House. A Labor Minister for Corrective Services was in jail for selling early releases from prison. The same mentality that got that man and his government into trouble is behind the decision today not to set a new standard in New South Wales. ICAC needs to have its innerspring wound up. ICAC needs to once again engender fear around this place. But, more importantly, ICAC should terrify those who sit in ministerial offices in Governor Macquarie Tower. Regrettably, it does not, because this Labor Government does not impose the same standards upon itself as it seeks to impose upon this State's public servants. Government members are hypocrites, they are shameless, and they are not putting the interests of this State first.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.21 p.m.]: We have already had this debate. The Leader of the Opposition basically reiterated everything he said earlier. I have already indicated to him that the basic issue is his interpretation of the word "may" in the amendment that has been moved by the Government. The duty of obligation to report the matter is still there on the Minister. There are no ifs or buts about that; the Minister must report the matter. The issue is whether the matter is to be reported to the commission or to the head of any agency responsible to the Minister. We have already debated this at length, and there is no point going over it.

**Mr Barry O'Farrell:** There is a big difference between "may" and "shall", and there is a big difference between sending a matter to ICAC and sending it to a party hack.

**Mr JOHN AQUILINA:** Once again, the Leader of the Opposition is wrong in his contentions, and wrong in his interpretation and in his statement that the duty of obligation on the Minister to report the matter is taken away by what the Government is doing. The Government is specific about what it is doing here. The word "may" just does not have the interpretation that the Leader of the Opposition places on it.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.23 p.m.]: How far the public education system in New South Wales has come since the Parliamentary Secretary was Minister for Education! Every person in the gallery, including a year 8 student from a fine school on the North Shore, knows that there is a huge difference between the word "may" and the word "shall". There is also a very big difference between referring a matter to ICAC and referring it to a department—particularly, when, under this Government, the only qualification that seems to be relevant to be the head of a big department is a Labor Party membership ticket, not a degree. We have in the Premier's Department and in the education department people who are there not because the position was advertised, not because there was merit selection, but because they are mates of the Labor Party.

Under this Labor Government's proposals, those blokes—and they are blokes—are able to investigate concerns about corruption. That is unacceptable. It simply does not pass any public interest test. Yet, once again, Labor members want to give themselves the easy way out. Once again, they put Labor Party self-interest above the public interest. Once again, they demonstrate their double standards. They impose enormous requirements upon the rest of the community, but never upon themselves. Joe and Eddie rule over there. And when Joe and Eddie rule, anything is possible: Kristina Keneally can become planning Minister; Eric Roozendaal can become Treasurer.

The bloke who is orchestrating the vote on this amendment has just walked in. The bloke who has the most to lose if these sorts of standards are imposed in New South Wales has just come back into the Chamber—the checkmate of New South Wales. He is in the right portfolio, regrettably. His portfolio is Finance. The only finance that Joe Tripodi is interested in is his own finance and his party's finance. Even I, with my cynicism about the Minister for Finance, would have some hope, some heart, if the Government simply imposed upon Joe Tripodi, Eric Roozendaal and other Ministers the same obligation that we impose upon senior public servants. It is good enough for Andrew Scipione, so why not you, Joe? The answer is, of course, that one of those individuals is honest.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [2.25 p.m.]: The Leader of the Opposition is clearly wrong in his interpretation of the word "may". As I have stated before, and I repeat, the duty of obligation to report the matter still underlies this amendment.

**Question—That the schedule as amended be agreed to—put.**

**The House divided.**

**Ayes, 48**

Mr Amery	Mr Gibson	Mrs Paluzzano
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Ms Hay	Mr Rees
Mr Borger	Mr Hickey	Mr Sartor
Mr Brown	Ms Hornery	Mr Shearan
Ms Burney	Ms Judge	Mr Stewart
Mr Campbell	Ms Keneally	Ms Tebbutt
Mr Collier	Mr Khoshaba	Mr Terenzini
Mr Coombs	Mr Koperberg	Mr Tripodi
Mr Corrigan	Mr Lalich	Mr West
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Ms D'Amore	Dr McDonald	
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**Noes, 38**

Mr Aplin	Mr Hartcher	Mr Richardson
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Mr Draper	Mr O'Farrell	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

**Pairs**

Ms Burton	Mr Baumann
Ms Megarrity	Mrs Skinner

**Question resolved in the affirmative.****Schedule 1 as amended agreed to.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.33 p.m.]: Notwithstanding Opposition attempts to improve the legislation, there are six amendments—five relate to the Independent Commission Against Corruption Act and one relates to the Protected Disclosures Act—that improve the operation of both Acts. The Opposition will not oppose the legislation. However, I reiterate that the Opposition will impose a higher standard upon a future Liberal government. I also make it clear that I have no doubt the Commissioner of Police is honest and ethical.

**Schedule 2 agreed to.****Consideration in detail concluded.****Passing of the Bill****Motion by Mr John Aquilina, on behalf of Mr Nathan Rees, agreed to:**

That this bill be now passed.

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

*[The Acting-Speaker (Mr Matthew Morris) left the chair at 2.34 p.m. The House resumed at 2.36 p.m.]*

**DEATH OF LIEUTENANT MICHAEL FUSSELL IN AFGHANISTAN**

**The SPEAKER:** It is with great sadness that I inform the House of the death on 27 November 2008 of one of my constituents, Lieutenant Michael Fussell, a member of the Special Operations Task Force with the Australian Defence Force, while participating in operations against the Taliban in Oruzgan Province, Afghanistan. The role of the Special Operations Task Force is to enhance provincial security by disrupting Taliban command, control and supply routes. Lieutenant Fussell epitomised the gallantry that all members of the Australian Defence Force display. I offer my condolences and the condolences of the House to his parents, Ken and Madeline Fussell, his brother, Daniel, and his two foster sisters, Nyah and Nicci. The family comes from my electorate. Michael completed his education at The Armidale School. I was honoured to receive an invitation from the Hon. Joel Fitzgibbon, MHR, Minister for Defence, to attend a memorial service for Lieutenant Fussell to be held at Holsworthy Barracks today at 3.00 p.m. Regrettably, due to question time, I am unable to attend, and the Assistant-Speaker, Ms Megarrity, will represent me.

*Members and officers of the House stood in their places as a mark of respect.*

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

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

**DISTINGUISHED VISITORS**

**The SPEAKER:** Order! I acknowledge in the public gallery the Mayor of Parkes, Ken Keith, and the Mayor of Forbes, Phyllis Miller, and General Manager, Carissa Bywater, guests of the member for Dubbo.

**QUESTION TIME**

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**KIRRA NOTLEY HEART SURGERY CANCELLATION**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Can the Premier explain to Kirra Notley, who is in the gallery and who had heart surgery cancelled on Tuesday, why there were not enough intensive care unit beds available to enable her operation to proceed? What guarantee can the Premier offer of another date for this vital surgery?

**Mr NATHAN REES:** I offer my best wishes to this young woman and I am sure she will receive her surgery as quickly as possible. I will investigate her case and provide details as soon as I can once I have received them from the health Minister. New South Wales has the best performance of any State or Territory in Australia when it comes to elective surgery. That is not my assessment or assertion; it is the assertion of experts. New South Wales is the standout performer. Patients are more likely to get their surgery within the nationally recommended timeframes in New South Wales than in any other State. The recent Australian Medical Association report card ranked New South Wales as number one in its hospital performance.

**SCHOOL COMPUTERS**

**Mr ROBERT COOMBS:** My question is addressed to the Premier. What action is the Government taking to deliver new computers in schools?

**Mr NATHAN REES:** I thank the member for his question and longstanding interest in this most important matter. Young people entering today's workforce, whether they are a mechanic in a garage, a graphic designer in a studio, or indeed a teacher in a classroom, need to be more information technology savvy than we could ever have imagined when we were at school. Our schools are the engine rooms for the delivery of information technology skills and knowledge to tomorrow's workforce. Our Government has a plan to put a wireless-enabled laptop in the hands of every student from year 9 to year 12. It will make every secondary school a wireless school. Every laptop will be able to access broadband Internet from wherever it is in the school. This will revolutionise education in New South Wales. One laptop will be provided to each student and when they leave school they will be able to take the laptop with them. On Saturday I met with the Prime Minister, when we nailed down the final details of this deal.

**Mr Andrew Stoner:** Weekend at Bernie's!

**Mr NATHAN REES:** One you haven't had. On Saturday I finalised the deal with the Federal Government. On Wednesday expressions of interest live on the website of the Department of Commerce: decision Saturday, delivery Wednesday—we are wasting no time in delivering this important technology to kids in our schools. The tender process makes clear that this is a very special job. We are seeking experts who can custom build and deliver these laptops to nearly 200,000 students across the State and who can wirelessly connect more than 570 of the State's high schools. Those expressions of interest will close on 14 January 2009. From then we will compile a short list and ask for a detailed proposal by late February. Assuming the tender goes to plan, we are aiming to wirelessly connect half of the State's high schools by mid year and we will start trialling laptops in hand at that point. A full rollout will commence in the third term and will continue over the life of the four-year program. We need schoolyard and teenager friendly custom built laptops to be rolled out across the State from the middle of next year. These laptops are for learning and education; they are not social networking tools. They need to be easy to use, compact and graffiti proof.

This is important for some Opposition members. The laptops must be safe and secure, locked down in a Department of Education and Training encoded network so that they are worthless if resold at the pub. They also need to be safe from inappropriate or harmful material or trash on the Internet. Our information and technology and procurement experts are carefully managing this important but complex project and are ready to assist as the national brokers for the equipment should other States wish to get on board with our tender process. Yesterday the shadow Minister for Education and Training took a pretty Neanderthal view of this plan. The Leader of The Nationals is scarily out of touch. He opposes this plan that would give our students—the workforce and leaders of our future—access to the most important tools to equip them for their learning and working lives.

The Opposition is convinced that kids cannot be trusted to take care of their very own laptop. Of course, some young people will be careless but we have budgeted for that. Anyone who knows young people today knows that they love their computer technology more than we could possibly imagine. Endowing trust and responsibility in young people is key to helping them become responsible adults. A similar laptop program was rolled out in Maine in the United States of America. There it was found that students took great care of their laptops, with only 5 per cent being lost or damaged. We have budgeted a 10 per cent contingency for loss or damage and we are putting in place protocols for students who lose their laptops. The Leader of The Nationals has accused the Government of not consulting on this plan and, as usual, he is wrong.

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

**Mr NATHAN REES:** Through the Secondary Principals Council, principals have contributed their views on what specifications and features are required for their students.

**Mr Brad Hazzard:** They are a wholly owned subsidiary of you.

**Mr NATHAN REES:** As the AHA is of you. We have asked the principals council what would work in their schools.

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

**Mr NATHAN REES:** Opposition members are in the pocket of the pub barons, but I will come to that later. An inconvenient truth, isn't it, Jillian? The vast majority of principals are overwhelmingly supportive of the initiative. Mr Jim McAlpine, President of the Secondary Principals Council, said on Monday:

We have worked closely with the Department on the proposal to have wireless digital next generation laptops with the proper wireless systems in all our high schools.

That's the proposal we've been supporting all along and it is the most appropriate one for the vast majority of our schools.

Somebody we think would know is Gary Johnson, Principal of Cherrybrook Technology High, the State's leading technology high school. He said:

This is a really exciting initiative for all high schools. This will provide them with an opportunity to take technology use to an even higher level and it will improve teaching and learning ...

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

**Mr NATHAN REES:** Mr Johnson went on:

Technology and these laptops are tools that will further enhance our students' learning. It will further engage them both inside and outside the classroom to strive and discover.

Geoff Hastings, Principal of Bathurst High School, said:

I think it's fantastic, I am really committed to it—I think it's an opportunity to fundamentally change the way we teach and the way students learn.

It presents challenges for schools—but the opportunities are so exciting—we can overcome the challenges for the benefit of our students.

I think it's an opportunity to reduce the divide between country and city students' learning opportunities.

This is a rolled-gold initiative, a partnership between the Federal Government and the State Government. It is part of the Rudd Government's education revolution and New South Wales is a proud partner in it with the Commonwealth Government. Together with the Federal Government, we are working to deliver better resources for our students. We will keep in constant contact with principals and school communities to ensure a smooth and effective rollout of this terrific program.

### **WESTMEAD HOSPITAL INTENSIVE CARE BED CLOSURES**

**Mrs JILLIAN SKINNER:** My question is directed to the Premier. Why are 19 of the 38—almost half—intensive care unit beds closed at Westmead Hospital when a shortage of beds in New South Wales means critically ill patients have to be flown interstate for treatment and vital surgery is cancelled?

**Mr NATHAN REES:** I will seek details and provide an answer in due course. It is an excellent question from the member.

**The SPEAKER:** Order! The House will come to order. All members are keen to hear what the Premier has to say.

**Mr NATHAN REES:** Indeed. In just 12 weeks my Government has delivered real changes, not plans, not proposals, but tangible delivery—things that the community can see, touch and ride.

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

**Mr NATHAN REES:** In transport, just yesterday I stood in front of our new, free CBD shuttle bus. It was announced yesterday morning, and was in place and running around Sydney at 12 o'clock yesterday. It is on the road as we speak. Earlier this week we delivered an expression of interest for the private sector to provide a ferry service to Parramatta. At the start of the week we announced \$1 fares for children under 16 years to 360 CountryLink destinations right across New South Wales.

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

**Mr NATHAN REES:** We fast-tracked \$56 million of additional commuter car parks, we have taken back control of RailCorp and Sydney Ferries and we are reforming rail maintenance: no discussion papers, no think-tanks, just delivery—a real, tangible change in just 12 weeks. The improvements that the community has asked for and expects are being delivered. And the Opposition, that non-policy machine, has released a transport discussion paper through the member for Willoughby. After 13 years it has a discussion paper!

**The SPEAKER:** Order! Government members will remain silent.

**Mr NATHAN REES:** That discussion paper will "coordinate modes of transport", "coordinate delivery of functional interchanges", not actual just functional: not one new train carriage, not one new bus, not one new ferry, and no commuter car parks, just another level of bureaucracy.

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

**Mr NATHAN REES:** But at least the member for Willoughby is having a go!

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

**Mr NATHAN REES:** In education—

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

**Mr NATHAN REES:** In education, we have changed planning reforms so that schools can get their halls and gyms quickly.

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

**Mr NATHAN REES:** We have delivered—the start of many—30 trade scholarships for country apprentices and provided \$150 million in additional funds for 500 capital works priority projects—

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

**Mr NATHAN REES:** —new school toilets, new security fences, new roofs, right across the State. Fences are underway at Auburn Public School, Endeavour Sports High School and Kingswood South Public School.

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

**Mr NATHAN REES:** We have delivered \$9 million for 80 new specialist teachers to help students with learning difficulties such as dyslexia and autism. We have delivered nearly \$7 million for disadvantaged schools. We have provided nearly \$1 million in additional funds for special assistance discretionary grants for kids who cannot afford excursions, uniforms, and so on. The Minister for Education and Training has delivered 630 additional selective high school places including the State's first virtual selective classroom—a world first and absolutely outstanding. Recently at Blaxland High School we kicked off the Transition to School Program, which will help primary school students find their feet at high school. As members have just heard, we have put in our order for nearly 200,000 computers for school students. One might ask: What is the Opposition doing?

**The SPEAKER:** Order! Government members will remain silent. I call the Minister for Finance to order.

**Mr NATHAN REES:** Over the past 12 weeks what great new ideas has the Opposition, that putative government, come up with? Nothing, not a single idea, not a single policy, and no plans.

**Mr Chris Hartcher:** That is very nice!

**Mr NATHAN REES:** I will come to the member for Terrigal shortly. The Opposition has no plans to change the way we educate young people in the State. It is not just in transport and education that the contrasts between my Government and the Opposition are stark. Let us consider the economic policies of my Government and those of the Opposition. We, like other jurisdictions around Australia, indeed the world, are facing a global economic financial crisis and unprecedented pressure on the State's budget.

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

**Mr NATHAN REES:** As Ian Macfarlane, who was the head of the Reserve Bank for a decade, said yesterday, the crisis is absolutely unprecedented and unforeseeable. We are facing a global economic financial crisis with unprecedented pressures on the State's budget. To protect our State's triple-A credit rating and front-line services we took the difficult decisions to deliver an affordable future for the New South Wales economy. I will not pretend that that was easy, but being in Government means making decisions. I quote from another luminary, "The key to managing difficult times is discipline and the willingness, the guts, to take tough decisions". That was said by Malcolm Turnbull. I would be surprised to hear what he has to say about the Opposition's approach to the global financial crisis. Not a great deal, I suspect!

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

**Mr NATHAN REES:** If the Coalition was on the Treasury benches we would be talking about a triple-C rating—it is already confirmed that we would be \$7 billion in debt under a Coalition government. That is the reality, as inconvenient as it might be. The Leader of the Opposition is the greatest economic vandal that this State has seen in a generation.

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

**Mr NATHAN REES:** He voted against the bill that would protect front-line services, the bill that protects the State's budget, and he voted against reducing alcohol-related violence. The mini-budget guaranteed payroll tax cuts for businesses and a \$3,000 boost for first home buyers. In addition we are delivering an energy package which will secure the State's electricity supply for the future. Under the Opposition's plans and policies we would be sitting around in the dark and the dust waiting for the lights to go out. The lights would have gone out and there would be no water.

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

**Mr NATHAN REES:** We would be sitting around thirsty and in the dark.

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

**Mr NATHAN REES:** The response of the Leader of the Opposition to our mini-budget was 34 minutes of speech, with one extension of time, and not a single policy.

**Mr Barry O'Farrell:** It was not. You are loose with the truth.

**Mr NATHAN REES:** And not a single policy. This hurts, doesn't it, Barry? Thou art an O without a figure, Barry, and everyone is onto you. Not a single idea to improve the State's financial position!

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

**The SPEAKER:** Order! The House will come to order, including the Minister for Finance and the Minister for Planning. I call the Minister for Finance to order for the second time. I call the member for Epping to order.

**Mr Brad Hazzard:** My point of order is under Standing Order 75. I ask that you direct the Premier to address members by their official title. This is the man who yesterday could not even get the land tax right with Alan Jones.

**The SPEAKER:** Order! The member for Wakehurst will resume his seat. I call the member for Wakehurst to order for the second time. If the member for Wakehurst wants me to hear a point of order he will not behave in that manner. I call the member for Wakehurst to order for the third time.

**Mr NATHAN REES:** I could say that was a killer blow from the member for Deadwood, but I will not. On the environment, the Government has announced a rebate scheme for feeding renewable energy back into the grid. We have invested \$27 million in renewable—

**Mr Barry O'Farrell:** It was our policy.

**Mr NATHAN REES:** You went missing in action on environment policy for so long—you cannot even spell "environment".

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

**Mr NATHAN REES:** We have invested \$27 million in renewable energy projects around the State. We brought forward an energy efficiency program with up to \$63 million to help low-income households save money on their energy bills. The Opposition's environment policy is slapped-together plagiarism. On water, construction has begun on the wind farm that will power the desalination plant: up to 28 per cent additional supply of water for Sydney, another 16 per cent from our recycling schemes and 3 per cent from our long-term water saving rules—all up, an augmentation of Sydney's water supply by almost 50 per cent. In contrast, there is nothing from the Opposition. The fellow who put together the Opposition's water policy has been sent to the backbench.

The Minister for Water has been the first Minister of any jurisdiction involved to pass legislation relating to the Murray-Darling Basin reforms. New South Wales is ahead of the game again. For country New South Wales in recent weeks we have delivered a kick-start package of \$85 million for infrastructure such as halls and libraries—capital works programs that will provide jobs around rural New South Wales. You would think there would be some policy from The Nationals.

**Mr John Williams:** Eighty-five thousand dollars over five years.

**Mr NATHAN REES:** You can give it back if you like.

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

**Mr NATHAN REES:** You would be certain there would be some policy but they were not able to get it into Barry's speech in reply.

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

**Mr NATHAN REES:** Not a policy and not a brass razoo for any of the rural and regional towns in New South Wales in his mini-budget reply.

**Mr Barry O'Farrell:** That's not true.

**Mr NATHAN REES:** It is true. In one week—

**Mr Barry O'Farrell:** We know you are lying when your lips are moving.

**Mr NATHAN REES:** The Leader of the Opposition did not announce a single policy. That is an inconvenient truth for him. There was not a dollar for the bush in his mini-budget reply. In one week my Government received two ground-breaking reports into the health and child protection systems in New South Wales—blueprints for change. These reports will form the basis of the way that we will deliver change in these two key areas in the future.

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

**Mr NATHAN REES:** We will prepare responses to both those reports—those blueprints for change in the Community Services sector and the Health sector—by March next year. One might ask what was the response of the Opposition. It was more ambulance chasing, more throwaway lines in a press release. Two weeks ago the Minister for Health and I announced that every four-year-old in New South Wales would receive free eye testing to pick up any abnormalities to ensure that their learning—

**Mrs Jillian Skinner:** How about Vanessa's law?

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

**Mr NATHAN REES:** —is not interrupted.

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

**Mr NATHAN REES:** We have also delivered the expansion of Port Macquarie Hospital's emergency department and we have secured more funding for schools and hospitals through the Council of Australian Governments process with the Rudd Government. That is what my Government is about: delivering. In direct contrast—

*[Interruption]*

You can jump on the bus if you doubt any of this. It is free.

**The SPEAKER:** Order! Members will cease interjecting. I call the member for Willoughby to order.

**Mr NATHAN REES:** Opposition members have set themselves a pretty low bar to get over.

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

**Mr NATHAN REES:** In July 2007 there was an article in the Saturday edition of the *Sydney Morning Herald* under the heading "Relax, I'll get back to you in two years—Barry O'Farrell tells". The clock is ticking. He told the *Sydney Morning Herald* in July 2007 that, on the subject of policy development for the 2011 State election, "The first year has got to be about getting the team out there and known"—which is a worry given that one of his long-serving members was last week asked for identification by Parliament security. He continued, "The second year is about bringing those ideas together so ... by the end of the second year the people"—that is the public, I presume—"have some idea about the direction we're heading." Well, Barry, the clock is ticking. I take it you will be working furiously over Christmas to meet that deadline. The first year has gone and in the policy department we have absolutely zero from the Opposition. There is a policy on judicial appointments from the member for Epping plagiarised from a 2002 *Melbourne University Law Review* paper.

**Mr Adrian Piccoli:** Point of order: I refer to the length of the Premier's answer. He has been going on for about 10 minutes and all we have learnt is that his staff waste their time trawling through websites.

**The SPEAKER:** Order! I have heard enough on the point of order. I draw the Premier's attention to the length of his answer.

**Mr NATHAN REES:** For 13 years the Opposition has been a policy-free zone, and at the end of 2008 it is still a policy-free zone. We have made 10 years worth of decisions in 12 weeks. That is not an exaggeration. I am about to outline them.

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

**Mr NATHAN REES:** My Government has passed 53 new pieces of legislation—which is almost half the bills passed in Parliament this year—in just 12 weeks. It includes new workers compensation laws to deliver better death benefits to workers' families, which is something the Opposition would scrap. It has delivered graffiti control laws.

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

**Mr NATHAN REES:** Our tough new alcohol laws, which are aimed at reducing alcohol-related violence, were opposed by the Opposition. We know where the Opposition's priorities are on that one. They are not with the community but with the pub barons who line their coffers. The facts speak for themselves. I have prepared a report card for the information of the House and the community. I have a hardworking team behind me; men and women who are determined—

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

**Mr NATHAN REES:** —to deliver for their communities. Not including today's efforts, they have asked my Ministers and me a total of 91 questions. To give a quick comparison, given the Opposition claims about the sitting schedule of the Parliament—

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting. He has been interjecting for almost the duration of question time.

**Mr Adrian Piccoli:** Point of order: I draw your attention to my previous point of order about the length of the Premier's answer. The Premier has been speaking for nearly 15 minutes—a third of question time. If he wants to move an urgency motion or whatever, good luck to him.

**The SPEAKER:** Order! I have drawn the Premier's attention to the length of his answer. I am sure he is about to conclude his remarks.

**Mr NATHAN REES:** I think it is important the community knows how hard people work in this place. The prize for the laziest shadow Minister in 2008 goes to the member for Terrigal.

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

**Mr Adrian Piccoli:** Point of order: The Premier is canvassing your ruling. His answer has lasted for more than a third of question time. He is about to launch an attack on a member of Parliament. If he wants to do that he should do so by way of substantive motion.

**The SPEAKER:** Order! I have already ruled on that point of order. I will not pre-empt what the Premier may do. I will listen very carefully to his answer.

**Mr NATHAN REES:** A Meapro ham in a Van Heusen shirt for Murrumbidgee. Terrific! A quick tally of the efforts of shadow frontbenchers in question time this year shows that the member for Terrigal asked one question; the member for Burrinjuck, one question; the member for Upper Hunter, one question—

**Mr Adrian Piccoli:** Point of order: The Premier is not responding to your ruling. You have asked him to wind up his answer. You know that he is simply taking an opportunity to dump on members of Parliament. If he wants to do that let us have a debate.

**The SPEAKER:** Order! I have asked the Premier to conclude his answer. If members did not take so many points of order the Premier might be able to conclude his answer.

**Mr NATHAN REES:** The member for Bega asked one question. Last but not least, we have the National Party aristocracy: the member for Ballina, shadow Minister for Small Business and Regulatory Reform, Tourism, and the North Coast, has not asked a question since 2006. My work and that of my team continues beyond the doors of this Chamber.

**Mr Jonathan O'Dea:** Point of order: We know that the Premier can collect rubbish; now he is delivering it.

**The SPEAKER:** Order! The member for Davidson will resume his seat. I ask the Premier to conclude his answer.

**Mr NATHAN REES:** We clearly struck a nerve when we examined the work ethic of the Opposition. The work of me and my team—

**Mr Barry O'Farrell:** It's just boring, Nathan. Even Morris Iemma was humorous.

**Mr NATHAN REES:** There is nothing funny about you, Barry. My work and that of my team continues beyond the doors of this Chamber. Between us, we have made 55 visits to country and regional New South Wales in just the last 12 weeks. That is almost five trips to the country each and every week since I became Premier. Personally, I have made 42 visits to electorates across the State in the past 12 weeks and my team has visited 92 electorates. There is no comparison—

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

**Mr NATHAN REES:** Members on the Opposition backbench are waiting for their go up here, are they not? They are dying for a go up here. Look, they are laughing. They know exactly how to lift these figures.

**The SPEAKER:** Order! The House will come to order. The Premier will conclude his answer.

**Mr NATHAN REES:** I look at the member for Lane Cove and I see energy. I look at the member for Manly and I see energy and brains. I look at the member for Goulburn and I see vivacity, brains and experience. I look at the member for Epping and I see King Kong! There is simply no comparison—

**The SPEAKER:** Order! Members on the Government benches will cease interjecting.

**Mr Adrian Piccoli:** Point of order: It is a bit presumptuous to refer to it as an answer, but the Premier has been commenting for 20 minutes and he is turning this Parliament into a farce. Is this the sort of farce we are to get on the last day of Parliament? You have an opportunity to clean up this Parliament.

**The SPEAKER:** Order! I have indicated that the Premier should conclude his answer, and he should do so now.

**Mr NATHAN REES:** The Opposition's work ethic is under scrutiny and it has failed. When it comes to delivery, determination and hard work there is no comparison between my Government and the Opposition. My team delivers while the Opposition, which remains a policy-free zone, is lazy to the bone.

#### **NORTH COAST AREA HEALTH SERVICE JOB CUTS**

**Mr DONALD PAGE:** My question—

**The SPEAKER:** Order! The House will come to order. The irony has not been lost on anyone.

**Mr DONALD PAGE:** I did not realise that I was so popular. My question is directed to the Premier. Now that Kevin Rudd has supposedly bailed out this Premier's health budget, will he reinstate the 400 jobs—including the jobs of nurses and cleaners—that he is axing from the North Coast Area Health Service? If not, why not?

**Mr NATHAN REES:** It is not often that we get moments like that in politics. The member for Ballina has asked no questions since 2006, and here he is asking a question.

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

**Mr NATHAN REES:** I stated plainly in the House before that there would be no cuts to permanent clinical staff in area health services. I am happy to repeat that there will be no cuts to permanent clinical staff in area health services. We are not walking away from our commitment to nursing ratios, which are consistent with our agreement with the Nurses Association; nor will we walk away from our commitment to patient care. As I said before, we will strengthen our permanent workforce and minimise the expense of labour, such as agency staff and overtime. We need to make the most—

**The SPEAKER:** Order! I have shown a fair degree of latitude today with members interjecting. I will not tolerate such behaviour for much longer.

**Mr NATHAN REES:** This year's health budget is a record \$13.2 billion—the biggest health budget in Australian history—with more coming, thanks to the funding agreement struck with the Prime Minister at the weekend. However, all area health services are required to work within their budgets—that is just good management. The people of New South Wales expect taxpayers' dollars to be spent wisely. Area health services should always seek ways in which to use taxpayers' dollars more efficiently and effectively.

### REGIONAL JOBS GROWTH

**Mr STEVEN WHAN:** My question is addressed to the Minister for Regional Development. What action is the Government taking to encourage jobs growth in regional New South Wales?

**Mr PHILLIP COSTA:** The member for Monaro asked a good question, for which I thank him. I also thank the Premier for reminding us how hard we are working. We are on the job, we are out in the community, and we are doing what we are supposed to be doing. The New South Wales Government is committed to supporting economic development.

**Mr Thomas George:** What did you have for lunch?

**Mr PHILLIP COSTA:** I, and I am sure the member for Lismore, had a wonderful lunch. This Government is committed to supporting economic development in regional New South Wales by creating jobs across the State. Through targeted programs—

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

**Mr PHILLIP COSTA:** Opposition members should listen and learn. Through targeted programs this Government is assisting businesses across the State to invest in our regional areas, generating activity and delivering more job opportunities for people in the towns in which they live. This week I had the pleasure of co-announcing a new partnership between the Rees Government and the Rudd Federal Government—a combined approach that will see the State's regional development boards join forces with the Commonwealth's area consultative committees. The new boards, which will operate under the banner "Regional Development Australia", will be appropriately badged depending on the area they cover. It is a great and fabulous initiative that members should watch—one board, one direction and one focus driving business and creating jobs for regional New South Wales.

This new structure will bring together local champions to advise both governments on priority issues to develop their economies and bring wealth and prosperity to their communities. Existing funding from both governments will be maintained for the new Regional Development Australia, with combined funding expected to be more than \$450,000 a year for each board. They will have the resources to get on with the job. Naturally, there will be a structured transition process, with the changeover starting from 1 January 2009 and the final structure up and running from 1 July next year. This new initiative is testament to the healthy and strong relationships between the Rudd and Rees governments. We are working together beautifully. It goes to show what can be achieved when we have a Federal Government that recognises the importance of regional New South Wales and understands the needs of our local community. Let us compare that approach with the approach of members of The Nationals and the pork-barrelling that went on. They doled out financial grants under the Regional Partnerships Program so long as they passed the marginal seats test.

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

**Mr PHILLIP COSTA:** In contrast, the rollout of Regional Development Australia will enhance the good work that this Government is doing to create jobs in country New South Wales. I would like to share with

members a few fairly impressive figures. In the 10 months to October this year the New South Wales Government helped to secure 268 business projects in regional New South Wales worth more than \$782 million in capital investment. I repeat: those 268 investment projects generated \$782 million in capital investment and created over 4,100 jobs. They are creating jobs—how the truth hurts—in regional and country towns, and they are providing employment for families where they live. This Government has helped to support Inverell Shire Council—

**Mr Andrew Stoner:** Point of order—

**The SPEAKER:** I am reluctant to intervene on an answer concerning Inverell Shire Council, but the Leader of The Nationals wishes to take a point of order.

**Mr Andrew Stoner:** Mr Speaker, this is also relevant to your electorate. My point of order relates to relevance under Standing Order 129. If we are talking about jobs in rural and regional New South Wales, the 200 jobs that were lost at Department of Primary Industries research stations, including those at Glen Innes, ought to be addressed by this Minister.

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

**Mr PHILLIP COSTA:** I agree; it was not a point of order. This Government has helped to support Clarence Valley Council to develop a creative industries business project. It has also helped the Deniliquin Chamber of Commerce and Industry to employ a business marketing and promotions coordinator, and it has supported the Queanbeyan company Dyesol, whose \$1.9 million expansion project will create 22 new jobs. The Premier and I have had the privilege of moving across the State and learning about the great things that are happening in regional New South Wales. Jobs are being created—jobs that are welcomed by my Country Labor colleague and friend and staunch regional development supporter, the member for Monaro.

On the Central Coast, Pacific Beverage's expansion of the Bluetongue Brewery at Warnervale will cost \$100 million and create 120 new jobs. Just this morning I met with community and business leaders in Parliament House to help to deliver lucrative defence contracts, mostly to regional areas of New South Wales. The future will be even brighter with our \$85 million Building the Country package that will be rolled out next year. This represents real dollars for real projects decided on their merits—a foreign concept for some Opposition members. We already work cooperatively with councils, chambers of commerce, industry and businesses in regional communities to attract investment and encourage job growth. It is disappointing to note a distinct lack of enthusiasm from Opposition members on these issues.

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

**Mr PHILLIP COSTA:** Opposition members are content to put in the boot and to spread doom and gloom in the regions. When it comes to providing real solutions for country communities—I looked up their policy, or what they call a policy—they cannot muster anything more than a bit of rhetoric. I read through the Opposition's policy and I found some key words. Under the heading "Planning for Prosperity", the Opposition's 1½-page policy document contains reused statistics on regional development from the Australian Bureau of Statistics. I read most of that document.

**Mr Adrian Piccoli:** You can't read, Phil!

**Mr PHILLIP COSTA:** I can read. That document, which was padded with cottonwool, referred to the phrase "possible policy solutions". That document contains nothing definite, nothing concrete and nothing to inspire country people into thinking that a Coalition government would deliver one extra job for regional New South Wales. Country people are not interested in rhetoric. They do not want half-baked ideas. They want action.

**Mr Andrew Stoner:** Who wrote this, Phil?

**Mr PHILLIP COSTA:** I wrote this. It is a great speech. Country people want real ideas and real solutions. That is exactly what the Rees Government is doing in cooperation with Country Labor.

**Mr Malcolm Kerr:** Point of order: The Minister has given his answer. He is now making a speech.

**The SPEAKER:** Order! I am sure the Minister is reading from copious notes.

**Mr PHILLIP COSTA:** My own copious notes. We are delivering across the State and doing what is needed. The Rees Government and Country Labor are supporting communities through real projects on the ground and by delivering real jobs. We are on the job. I appreciated the Premier reminding us how busy we have been.

### CRIME SCENE FINGERPRINTING BACKLOG

**Mr RUSSELL TURNER:** My question is directed to the Premier. How does the Premier expect the hardworking police within the Orange electorate to reduce crime when residents are being advised that it will take up to 12 months for fingerprints obtained at crime scenes to be analysed and matched because of the backlog of work?

**Mr NATHAN REES:** My understanding is that we have just built a new police station in Orange.

**Mr Russell Turner:** Point of order: That has nothing to do with—

**The SPEAKER:** Order! The member will resume his seat. I was about to commend the member for Orange for his conduct for all of this year.

**Mr NATHAN REES:** He fell at the last hurdle! I am happy to get a report on the detail of the matter, but I would have thought a new police station would be a welcome addition to anyone's electorate.

### CONSUMER CREDIT PROTECTION

**Mr ALLAN SHEARAN:** My question is addressed to the Minister for Fair Trading. What advice can the Government provide to families to avoid the Christmas credit crunch this year?

**Ms VIRGINIA JUDGE:** I thank the member for Londonderry for his question and for sharing our passion for consumer protection. For most of us Christmas is a really joyous time of year—a time when we can catch up and relax with our families and friends, and talk about the past year and perhaps future plans for the following year. Of course, it is also a tempting time to spend up big on presents for family and friends. The MasterCard Worldwide Australian Christmas Spending Survey revealed that the average Australian plans to spend more than \$1,000 during the festive season. Whatever size your gift list may be, remember that Christmas comes once a year but sometimes the financial hangover can last well into the New Year and beyond.

The Rees Government welcomes the Reserve Bank of Australia's interest rate cut this week and the relief it will bring to our hardworking families. However, household debt is growing—and it is the empty debt of credit cards. Reserve Bank statistics show that in September this year Australian households owed more than \$44 billion on credit and store charge cards. More worryingly, Australians are not clearing these debts. The Reserve Bank September figures show that we are paying interest on more than \$32 billion of credit and charge card debt—but help is at hand. Consumers can turn to the Office of Fair Trading or the Credit and Debt Hotline. The Rees Government also has increased funding for financial counselling services by an additional \$1.8 million, from \$2 million in 2007 to a total of \$3.8 million.

However, we can—and we hope to—do more. I am pleased to inform the House that the Rees Government will mount a consumer education campaign on interest-free deals. This follows a major research initiative by the Office of Fair Trading. I thank the hardworking officers for their preparation of this initiative. We looked at consumers' experiences with interest-free deals offered through most major electrical, furniture and whitegoods retailers. Fair Trading's research uncovered issues of great concern to me and I am sure to all on this side of the House. Almost 70 per cent of respondents read the finance contracts quickly or did not read the fine print at all; 67 per cent received a credit card as part of the deal; three-quarters of those cards had limits higher than the purchase price of the item; and 20 per cent of respondents made more purchases with the card.

Not everyone who signs up for an interest-free deal is aware that fees and charges are payable to the finance company for purchasing the goods interest free. It is for these reasons that the theme of this year's Fair Trading Week was "The deal is in the detail." If a consumer is not aware of the fine print of the deal, they sometimes can get caught out and end up paying much more than they thought. With interest rates for interest-free deals as high as 30 per cent—much higher than the typical credit card or personal loan—these deals contribute to some people's debt problems. While many consumers know how to use the system to their

advantage, some may end up owing thousands of dollars in interest. These vulnerable consumers often turn up at Fair Trading offices or a financial counsellor needing help. Consumer education about the potential pitfalls of taking out an interest-free deal is vital.

As part of our Christmas consumer protection efforts, Fair Trading has produced a publication on interest-free deals. This handy checklist contains 10 things consumers should know and ask about before they sign interest-free deals. We will also work with key stakeholders in the retail industry so that they are better able to assist consumers and answer frequently asked questions. I urge anyone contemplating using in-store finance in the lead-up to Christmas or during the post-Christmas sales to read a copy of the brochure. The brochure will be available also from Fair Trading offices and consumer credit legal centres, financial counsellors and Legal Aid officers, as well as neighbourhood and community centres, and libraries. Fair Trading will add information from the brochure to its website, together with research results, comments from consumers and cost comparisons of different payment options. Importantly, campaigns also will be targeted towards many of our culturally and linguistically diverse neighbourhoods, our indigenous communities and our youth. There are good deals out there, but remember: The deal is in the detail. Interest free does not mean cost free.

### SCHOOL LAPTOPS

**Mrs DAWN FARDELL:** My question is directed to the Premier. I welcome the announcement of the laptops to be distributed to every senior high school student in New South Wales. However, given the Premier's earlier response to this issue, what extra security resources will be placed at schools to protect this and other technology, including smart boards?

**Mr NATHAN REES:** I thank the member for Dubbo for her question and for giving me the opportunity to talk about laptops in schools. As the Minister for Education and Training has said, New South Wales public schools will receive \$180 million from the Commonwealth as an upfront payment to enable us to roll out the delivery of portable laptop computers—a massive education leap for 200,000 students across New South Wales. The laptops will be purpose-built for teenagers. In answer to the specific question of whether students will be able to take the laptops home in their schoolbags, yes, they will. As I mentioned earlier, we are informed by the experience of the State of Maine in the United States: students took great care of their laptops. However, we have allowed for a 10 per cent contingency in the budget for loss or damage.

These laptops will become essential to students' homework. Therefore, it is important that students are able to take them home. However, the laptops will not be an extension of social networking tools. They will be safe and secure, locked into a Department of Education and Training encoded network, which makes them worthless for non-educational purposes. It will also not be possible to access inappropriate or harmful material on the web. Our information and technology experts and procurement experts are carefully managing this aspect of the project.

### SCHOOL SPORTS EQUIPMENT

**Mr GEOFF CORRIGAN:** My question is addressed to the Minister for Education and Training. What action is the Government taking to provide schools with extra sports equipment?

**Ms VERITY FIRTH:** This year every public school will receive money to purchase sports equipment for games and fitness activities. This is part of the Rees Government's initiative to get kids to lead more active and healthier lives. The \$58 million, four-year Premier's Sporting Challenge includes \$20 million to purchase sporting equipment such as cricket bats and wickets, basketballs, volleyballs, netballs and footballs, as well as gymnastic mats. Having this new equipment means more students can participate in team sports and schools can form teams in a range of sports. Schools will receive grants ranging from \$730 to \$9,125—an overall allocation of \$5 million will be provided to schools this financial year.

Through increasing physical activity levels, New South Wales public schools can play a significant role in the fight against childhood obesity. The \$58 million Premier's Sporting Challenge is comprised of \$20 million to improve sporting facilities at schools; \$10 million to upgrade facilities in specialist sports high schools; \$20 million for the Sports Equipment to Schools program; and \$8 million for the very successful Premier's Primary and Secondary School Sport Challenges, which encourage students to exercise more each day. The Premier's Sporting Challenge has been a fantastic success in our schools. This year the Premier's Primary and Second School Sport Challenges have attracted 333 primary schools and 71 secondary schools, with 74,000 students completing the challenge in its first year. This additional funding will provide an enormous boost to schools in the lead-up to the 2009 Premier's Primary and Secondary School Sport Challenges.

### **WESTMEAD HOSPITAL INTENSIVE CARE BED CLOSURES**

**Mr NATHAN REES:** Earlier in question time the member for North Shore asked me about Westmead Hospital and asserted that the hospital has 39 intensive care unit beds. I am advised by the Chief Executive Officer of the Sydney West Area Health Service that Westmead has 21 funded intensive care beds and 13 elective and trauma neurosurgery beds. I am advised that today the intensive care unit has an 85 per cent occupancy rate. Further, during Christmas, as the hospital does each year, some elective neurosurgery beds will be consolidated to other parts of the hospital, but will be available for use if required.

### **KIRRA NOTLEY HEART SURGERY CANCELLATION**

**Mr NATHAN REES:** Earlier in question time the Leader of the Opposition asked me a question about a patient at St Vincent's Hospital. I am advised that Ms Notley was scheduled for surgery yesterday. She was an urgency 2 classification—that is, her surgery was required within 90 days. St Vincent's Hospital advises that Ms Notley was placed on that list on 9 October 2008. On Monday Ms Notley attended a pre-admission clinic and on the same day was advised that there were more urgent cases requiring surgery on the Wednesday and hence there would not be available theatre time or a cardiothoracic intensive care bed. Ms Notley's surgeon is identifying a new date for her surgery; it will be the first available given her urgency level. In addition, in light of the Opposition's claim that Ms Notley is unwell, the hospital will be contacting her today to check on her condition. Any change in a patient's clinical condition may require a change to her urgency category.

### **CRIME SCENE FINGERPRINTING BACKLOG**

**Mr NATHAN REES:** Earlier the member for Orange asked a question about fingerprint experts in the Central West. I can advise further that the Police Force is currently exploring options to improve the recruitment and retention of fingerprint staff. For the year 2007-08, the Police Fingerprint Operations Branch processed and analysed the greatest number of crime scene latent fingerprints and made the largest number of fingerprint identifications than it had in its more than 100 years of operation. More than 41,000 fingerprints from crime scenes were processed and analysed, more than 12,500 fingerprint identifications were made relating to over 5,500 persons of interest, and identifications against the national fingerprints database increased by 13 per cent. The New South Wales Police Force remains committed to attracting and keeping officers to work in fingerprinting.

**Question time concluded.**

### **SEASONAL FELICITATIONS**

#### **Ministerial Statement**

**Mr NATHAN REES** (Toongabbie—Premier, and Minister for the Arts) [3.33 p.m.]: I take this opportunity to extend, on behalf of the Government, my thanks to the staff of the Parliament—the Clerks and their assistants, the Hansard staff, the security guards and others who work in this Parliament. I thank them for their efforts and wish them good cheer for the Christmas season. I also extend to my backbench in this place and the other place, as well as the Leader of the Opposition and the Opposition backbench, my wishes for a happy Christmas.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.34 p.m.]: I will speak to Christmas felicitations at the appropriate time. On behalf of all members, I extend our congratulations to the Premier on his upcoming marriage.

### **INTERNATIONAL VOLUNTEER DAY**

#### **Ministerial Statement**

**Mr GRAHAM WEST** (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth) [3.34 p.m.]: Tomorrow is International Volunteer Day. This gives us a chance to say thank you and recognise the significant contribution made by volunteers worldwide. December 5 was adopted by the United Nations General Assembly in 1985 as International Volunteer Day for Economic and Social Development. Volunteering was defined by the United Nations in 2001 as being undertaken without coercion

and not for financial gain, rather of one's own free will, and of benefit of society. In New South Wales alone, there are approx 1.7 million volunteers who contribute an estimated \$5 billion worth of work to our communities.

Every weekend thousands of volunteers take to the sporting fields to give kids the chance to enjoy sport. Volunteers are also serving lunches to our children in school canteens, and they are hopping in cars to deliver meals to the frail aged. State Emergency Service volunteers respond to floods, such as those that have recently caused millions of dollars of damage in Gunnedah and Tamworth. Then there are our Rural Fire Service volunteers, who are always on standby for an emergency. Volunteers from organisations such as Narellan Congregational Care in Camden provide support and company to many people. And Matthew Talbot will, through volunteers, provide vital assistance to homeless, frail and disadvantaged men. Local people will form groups to improve their local communities, or join political parties to support us on election day. Youth Advisory Council volunteers continue to represent young people, and I welcome them to the gallery in this House. Union delegates will advocate on safety, and lifeline volunteers will save lives over the phone. All of these diverse groups rely on volunteers.

Recently I launched a book on volunteering by Dr Melanie Oppenheimer called *Volunteering: Why we can't survive without it*. It is a fine history of modern volunteering and a great insight into the work of the Country Women's Association in particular. Dr Oppenheimer opened her book with a Greek proverb: A civilisation flourishes when people plant trees under which they will never sit. So, on behalf of the people of New South Wales, and members of this House, thank you to all the volunteers in New South Wales who help our communities flourish.

**Mr ANTHONY ROBERTS** (Lane Cove) [3.36 p.m.]: It is with great pleasure that I rise on behalf of the Liberal-Nationals Coalition to thank New South Wales volunteers on the occasion of International Volunteer Day. As King George VI stated, "The highest of distinctions is service to others". One in four people in New South Wales give some of their free time to helping others, through sporting and service clubs, emergency services, social work, caring for the aged, or through the many other ways of helping their community. We believe it is important to acknowledge and thank our volunteers for the enormous difference their contribution makes to our community.

As members would be aware, we are fortunate to live in a beautiful country surrounded by magnificent beaches, blessed by vast tracts of forest, interwoven and accented by great rivers and mountains. It is also a country that at times tests the strength of human character, through flood, storm and fire. As such, in recognising International Volunteer Day, it is important to particularly recognise our emergency services volunteers. The New South Wales State Emergency Service during 2007-08 received 21,903 requests for assistance, with its volunteers contributing almost 312,000 hours of operational response in their combat role. The Rural Fire Service's 70,000 volunteers responded during 2007-08 to a total of 17,569 incidents, with many hundreds of thousands of hours of operational response in their combat role.

The Royal Volunteer Coast Patrol, one of three of our volunteer maritime safety organisations, during 2007-08 rescued or assisted 1,081 vessels and 2,581 persons. Its vessels steamed 5,901 hours and used almost 120,000 litres of fuel, and its volunteers gave 384,527 crew hours in order to achieve maximum effectiveness in their combat role. They not only saved lives, but rescued and assisted over \$57 million worth of vessels. These people had to sell lamingtons to do their work. Further to this, on shore duty alone, volunteers on radio watch contributed 185,495 hours, recording 249,262 radio contacts as they kept watch over our oceans and waterways. The sea, however, is not just dangerous and unforgiving for those on boats and ships. As all Australian's know, while our beaches and surf are beautiful and part of our psyche, they are also places of hidden dangers and peril.

Among those keeping watch and maintaining vigilance over millions of people who enjoy our beaches each summer are our surf lifesavers. Each season, surf lifesaver volunteers collectively dedicate approximately 566,000 patrol hours in their combat role and make 7,310 rescues. These volunteer hours, as you would be fully aware, Mr Speaker, represent the men and women who leave the safety of their homes and the company of their families at all hours of the day and night in all types of dangerous weather to place their lives at risk and protect the community. At times, after fighting in their combat roles, our State Emergency Service and Rural Fire Service personnel return home to find their own homes severely damaged or destroyed. It is with great pleasure, as we recognise International Volunteer Day, that all members of the Opposition express our utmost gratitude and appreciation to all New South Wales volunteers—irrespective of whether they are community-based, charity-based or emergency combat based volunteers—for all their hard work, commitment and dedication.

**NSW OMBUDSMAN****Report**

**Mr David Campbell** tabled a report from the NSW Ombudsman entitled "Review of the Justice Legislation Amendment (Non-association and Place Restriction) Act 2001".

**DEPARTMENT OF THE LEGISLATIVE ASSEMBLY**

**The Speaker** tabled the annual report of the Department of the Legislative Assembly for the year ended 30 June 2008.

**Ordered to be printed.**

**STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT (CLIMATE CHANGE)****Report**

**Mr David Harris**, as Chair, tabled report No. 54/3 entitled "Climate Change and Natural Resource Management in New South Wales", dated December 2008.

**Ordered to be printed on motion by Mr David Harris.**

**PETITIONS****Sydney Olympic Park V8 Supercar Track**

Petition opposing installation of a V8 Supercar track at Sydney Olympic Park, received from **Ms Clover Moore**.

**Public Library Funding**

Petition requesting increased funding for public libraries, received from **Mr Adrian Piccoli**.

**Drink Container Deposit Levy**

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

**Northern Rivers Area Health Service**

Petition opposing job cuts from Northern Rivers Area Health Service, including Grafton and Maclean hospitals, received from **Mr Steve Cansdell**.

**North Coast Area Health Service**

Petition opposing job cuts from North Coast Area Health Service, including Coffs Harbour Health Campus, received from **Mr Andrew Fraser**.

**Hornsby Area Haemodialysis**

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

**Hornsby Palliative Care Beds**

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

**Blood and Blood Product Charges**

Petition opposing proposed charges for the supply of blood or blood products to patients in the private health system, received from **Mrs Jillian Skinner**.

### **Mid North Coast Breast Screening Services**

Petition opposing withdrawal of the mobile BreastScreen unit from the mid North Coast area, received from **Mr Andrew Stoner**.

### **School Student Transport Scheme**

Petition opposing any changes to the School Student Transport Scheme, received from **Mr Greg Aplin**.

### **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 line, received from **Mrs Shelley Hancock**.

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

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

### **Bus Service 311**

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

### **Edgecliff Interchange Upgrade**

Petition requesting the upgrading of Edgecliff interchange, received from **Ms Clover Moore**.

### **Barangaroo Planning Guidelines**

Petition opposing the Sydney Harbour Foreshore Authority proposal to modify Barangaroo planning guidelines, received from **Ms Clover Moore**.

### **Star City Casino Proposal**

Petition opposing the Sydney Harbour Casino Properties proposal for the Star City Casino, received from **Ms Clover Moore**.

### **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**.

### **Gaden Trout Hatchery**

Petition opposing the closure of Gaden Trout Hatchery, received from **Ms Katrina Hodgkinson**.

### **Pet Shops**

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

### **Albury Policing**

Petition requesting additional beat police in the Albury electorate, received from **Mr Greg Aplin**.

### **Shoalhaven Local Area Command**

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

### **Culburra Policing**

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

### **Shoalhaven Mental Health Services**

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

### **Iron Cove Bridge Project**

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

### **Grafton Bridge**

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

## **BUSINESS OF THE HOUSE**

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

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.42 p.m.]: I move:

That standing and sessional orders be suspended to permit the introduction and agreement in principle speech on the following bills:

Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008  
Western Lands Amendment Bill 2008

The Government wishes to introduce these bills and proceed with agreement in principle speeches later today. Notice of the bills was given prior to question time. The House will debate not the bills. However, the Government would like them to be available for consideration.

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

**Motion agreed to.**

### **CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2008**

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

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

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Holiday Season Road Safety**

### **Consumer Credit Protection**

**Mr FRANK TERENCE** (Maitland) [3.43 p.m.]: It is timely for the House to consider my motion for priority. I expect that all members will vote in favour of my motion being accorded priority because every Christmas holiday season there are casualties on our roads. For years the member for Coffs Harbour has been most vociferous about deaths that occur on the State's roads, so one would think he would be listening to what I have to say. However, as usual, he is interrupting. My motion addresses two main phenomena that happen at Christmas: one is road casualties and the other is the credit squeeze and people overcommitting to credit deals.

My motion is timely and worthy of discussion, so it should be given priority for debate in the House. I expect unanimous support for the motion being accorded priority, especially as today may be the last parliamentary sitting day for the year. My motion deserves priority because people want to know how members feel about the issues and what advice they would give their constituents and the wider community. People also want information on the great measures the New South Wales Government is taking to ensure that the people of this State are being looked after.

[*Interruption*]

It is obvious that Opposition members are not interested in these really important matters. They are not interested in reducing the road toll. One only has to listen to Opposition members to know that they are not taking any interest in this important motion that deals with road casualties at Christmas-time, whereas Labor members give the matter high priority. Opposition motions are all political stunts, one after the other. I urge all members, on this particular day, to support this motion.

### **Rees Government Policies**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [3.46 p.m.]: At this stage of the parliamentary year it is important for us to debate the effectiveness of the Rees Labor Government in the context of its ability to serve the families and businesses of New South Wales. The jury is in, and the verdict is bad for Labor. Things are getting worse, not better, for New South Wales families and businesses. In relation to businesses, it is clear that under the so-called new Premier absolutely nothing has changed. More than ever New South Wales businesses are burdened with regulation, red tape and taxation. Our businesses and this State struggle because of red tape associated with occupational health and safety, WorkCover, the green card and continuing professional development. I could go on and on citing examples. All the businesses that once thrived in New South Wales are leaving the State. They are taking off to Queensland to escape taxation, regulation and red tape that is the hallmark of the State's administration.

Nathan Rees has made matters worse. On top of the range of State taxes that already exist, such as land tax, stamp duty and payroll tax, the mini-budget introduced 16 new taxes—\$3.6 billion worth of additional revenue. The mini-budget has introduced taxes on insurance in the form of the State Emergency Service levy that will be added to insurance premiums in addition to GST—a tax on a tax. The Government has pushed out the range of nuisance State taxes that were part of an agreement dating back to 1998. Those taxes have been pushed out even further and businesses are copping it in the neck under Labor in this State.

In northern New South Wales the fuel equalisation scheme has been removed and that is forcing even more businesses to move across the border into Queensland. I hear that business groups and business leaders approach the Government with a proposal that will get the economy moving and reposition New South Wales as the premier State. Time and again they tell me that the Government is not interested in New South Wales, so they go across the border into Queensland or Victoria, and the governments of those States are all ears. They cannot do enough for businesspeople. That is not the case here in this lazy State under Labor.

This Government has precisely the same style as its forebears, the Iemma and Carr Labor governments. This Government does not understand that a vibrant business sector provides jobs, generates revenue and ultimately reduces the costs of government by enhancing family incomes and the quality of life of families. That is why, under Labor, the share of New South Wales of the gross national product has decreased from approximately 35 per cent to just over 30 per cent in the past five years. That is why New South Wales, which was once the engine room of the national economy, now has the second-highest rate of unemployment in the nation, and it is rising at the speed of a bullet.

It is important for us to debate this because the hardworking families of New South Wales are copping it in the neck from the Government. They are paying more than ever in taxes and getting less than ever in the way of services, such as public transport. People are paying higher fares and there are fewer trains. The iconic Manly JetCat service will be axed. The Casino to Murwillumbah rail line has been closed down and there is still no north-west rail link. The Government is failing in public transport and in health. We have longer waiting lists for elective surgery and the dental waiting lists are unbelievable. Some people with painful and crook teeth have been waiting for up to seven years for treatment. Out of 67 country maternity wards, 32 have been closed by the Government. Emergency departments in hospitals are clogged because the so-called access to block results in patients remaining on trolleys in corridors and even waiting in ambulances in car parks.

The mini-budget has cut a further \$205 million from hospital funding and there is the threat of 400 job cuts just on the North Coast alone. Earlier this week the case of Ian and Georgie Batterson typified everything that is wrong with the Government's administration. Mrs Batterson was critically injured on the Pacific Highway, which was supposed to have been upgraded two years ago all the way to the border, but that did not happen. Ultimately, Mrs Batterson could not be admitted to an intensive care bed anywhere in the State and had to be transferred to the Gold Coast. In relation to roads, \$330 million was cut from the budget for the Pacific Highway upgrade. There is 24/7 gridlock on the roads of Sydney. Under Labor the quality of the life of families suffer. This Government has delivered the iconic—I should say "shambolic"—Cross City Tunnel and Lane Cove Tunnel projects. That is what the Government has delivered to the families and businesses of this State.

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

### **HOLIDAY SEASON ROAD SAFETY**

### **CONSUMER CREDIT PROTECTION**

#### **Motion Accorded Priority**

**Mr FRANK TERENCEZINI** (Maitland) [3.50 p.m.]: I move:

That this House:

- (1) urges New South Wales families to be aware of both road safety and unmanageable credit deals as they move into Christmas period;
- (2) notes the great work the Government is doing to ensure New South Wales families remain safe on roads over the holidays; and
- (3) commends the Government for its work in protecting New South Wales families from unfair and unmanageable credit deals.

Christmas and the holiday season is a time for celebration with family and friends. It is also a time when we see more people using our roads. This means there is a higher risk for accident, injury or death. I urge families travelling in New South Wales over this holiday period to take care and be aware of our important road safety messages. Once again this season the Roads and Traffic Authority will be working closely with the New South Wales Police to target speeding over the Christmas holiday period. Last summer speeding was responsible for 39 deaths and more than 1,000 injuries. Part of our message to people driving over the holiday season is simple—slow down and stick to the speed limit. Drivers should note that there is no such thing as safe speeding and driving at just 5 kilometres over a 60 kilometre an hour speed limit doubles their chance of being involved in an injury crash. P-plate and novice drivers are reminded that they too should adhere to the speed limit, wear seatbelts and avoid drinking any alcohol as zero tolerance is enforced. The Government is serious about keeping young drivers safe.

The introduction of a comprehensive package of reforms for learner and provisional drivers and riders last July is clear evidence of this commitment to safety. Since these reforms were introduced there has been a decrease in P-plater driver deaths and crashes resulting in injury. This year we are again introducing double demerits and they will be in force from midnight Tuesday 23 December until Sunday 4 January. Since the Government introduced double demerit points in 1997 there has been a 67 per cent reduction in fatal crashes over the Christmas-New Year holiday period. This is why we are continuing with this successful campaign. Many families and friends are travelling long distances over the holiday period and motorists are reminded to "Stop, Revive and Survive". Driver Reviver is a community-based program that has been operating for more than 20 years to help stamp out driver fatigue. The Driver Reviver sites are manned by hundreds of volunteers from three major groups—Lions International, State Emergency Services and Volunteer Rescue Association—that are committed to helping improve road safety.

Another important issue for New South Wales families over the Christmas period is the credit crunch and hard economic times with which we are faced. The Rees Government welcomes the Reserve Bank of Australia's decision to lower interest rates this week, and the relief it will bring to working families. However, household debt is growing. Reserve Bank statistics show that in September this year Australian households owed more than \$44 billion on credit and store charge cards. The Reserve Bank September figures also show we are paying interest on more than \$32 billion of credit and charge card debt. With so many households facing increased pressure on their finances, many consumers are re-thinking their discretionary spending and

attempting to reduce their debt. However, financial counselling services are reporting growing numbers of clients presenting with serious financial problems involving credit card debt. Many of their clients have been juggling bills and paying for essentials such as groceries and petrol on their cards.

Despite the increased pressure on household finances, card issuers are continuing to issue unsolicited offers to take out new cards or increase existing credit limits. Many of these offers are couched in language to suggest the consumer has already been assessed as able to afford the credit and make the process as easy as ticking a box and signing your name. It is time for credit card issuers to act more responsibly, especially given the financial strains faced by ordinary Australians. While the New South Wales and Commonwealth governments are working cooperatively in this area, it is time for lenders to do their bit for the community and get serious about introducing far more responsible practices. I reiterate the timely warning to consumers by the Minister for Fair Trading in question time today not to over-commit themselves.

Christmas is a time when families are tempted to spend on all manner of "interest free" deals, take out often unnecessary extended warranties that can add up to 25 per cent to the purchase price of an item or simply to max out their credit cards and end up with a financial hangover that lasts well into the New Year. It is certainly the case that all members of the public, including myself, who have a credit card got that letter in the mail, which makes it extremely easy to get increased credit. I have the impression that it only involves a telephone call or reply to the letter to get the increase in credit approved. I urge all consumers during this Christmas period to be very wary of spending money with a plastic credit card and wrack up debt.

*[Interruption]*

As the member for Coffs Harbour said, we want to spend money on our partners and friends and then we have a financial hangover in the New Year. It is very important that the hangover is not more than we can afford. I urge all consumers to beware. As tomorrow is International Volunteers' Day, I say that the State Emergency Services is one of the major volunteer groups that look after Driver Reviver spots along the highway. In the Maitland area there is one at Lochinvar. The Rural Fire Service has a village fire unit that attends accidents along the New England Highway just west of Maitland. Its members do a fantastic job and put their lives on the line to make sure that we are looked after in case we are unfortunate enough to have an accident. There are many other volunteers who attend many tragic road safety events who look after us. I take this opportunity to pay tribute to all those who will help us over the holiday period at the Driver Reviver spots.

**Mr ANDREW FRASER** (Coffs Harbour) [3.58 p.m.]: The member for Maitland has moved a jumbled motion that contains two very important issues, but as this is the last day of sitting I suppose he had to put everything in one motion. Today we heard the warnings of the Minister for Fair Trading in relation to credit cards. I confirm that the Coalition supports the fantastic volunteers from all walks of life in Rotary, Apex and all different service clubs who man Driver Reviver sites. I am sure anyone, including myself, who travels the North Coast on the treacherous black river of death, the Pacific Highway, utilises or should utilise a Driver Reviver site at least every two hours.

They are spaced at two-hour intervals. I urge all people to not just drive safely, to not just drive to the conditions, but to take the opportunity to stop and get a free cup of tea and biscuit, and to say "G'day" and thank those volunteers who are utilising their holidays and their free time to assist us in getting safely to our destinations. However, I am somewhat concerned that while the Government commends itself for the great job it is doing on road safety—and I acknowledge that to date the road deaths this year are the lowest on record—we need to acknowledge that the Government has cut \$330 million for the upgrade of the Pacific Highway.

I acknowledge that the Coopernook to Herons Creek section is finally being constructed. It is ironic that the current speed limit over that long section is 80 kilometres an hour, and that will probably reduce deaths and accidents on that section over the Christmas break, but the frustration of drivers will increase because of the delays due to road works and because of the 80 kilometres an hour zone. I urge drivers to be careful and patient on that section. It was on that section that Dixie Gibson, the niece of retired Deputy Police Commissioner Gibson, died a little while ago. She was the girlfriend of my son, a lass who had visited our house and sat around our kitchen table on many occasions—a gorgeous young woman, taken so tragically, I suggest, because of delays to improving the Pacific Highway.

The Government has removed \$330 million from the budget for that roadwork. That saddens my heart and the hearts of people who live on the North Coast, especially the volunteer fire brigades, the State Emergency Service units who attend those accidents. In nine out of ten accidents they pick up bodies, put them

in body bags and then go and break the bad news, as the police have to do. As a former prosecutor, the member for Maitland would appreciate how hard that job is for those hardworking officers, and they will not be given leave over the Christmas period. They have been let down by the Government.

I ask whether the Commonwealth-State funding agreement for the Pacific Highway will be breached by the Government failing to spend the allocated money, by spending only the Commonwealth funding for that road over the next three years. That money was already allocated, already budgeted for, yet the Government has not justified why that money will not be spent. The Government should put its share of the funding on its credit card and deliver it now; otherwise many lives may be lost on that road over the next three years. The average loss of life on the Pacific Highway is just over 50 a year. I ask the Government: What is the cost against 150 lives over three years? We need, and we deserve, a dual carriageway from Newcastle to the Queensland border. That was supposed to be completed in 2006, but it is not there. In fact, 40 per cent of the roadwork is still to be done. People are still being killed and injured, including this week and last week at Clybucca. For a government to pat itself on the back on the great job it is doing on road safety and then cut \$330 million from the budget in the mini-budget, to me, is hypocrisy.

I point out also that in the mini-budget, or in the papers not attached to the document on the table of the House but in those presented to the House by the Treasurer, he indicated that road maintenance would be privatised. That scares me. Several times recently I have driven from Sydney to the border and from Sydney to Cowra and back. I found that the vast majority of speed advisory signs and other advisory signs along the road are overgrown with vegetation. When I queried the Roads and Traffic Authority road maintenance crews in my area they told me that they barely had enough money to fix the potholes and reseal the road surface.

We do not have the money, we do not have the time, we do not have the staff to improve those aspects of road safety on the Pacific Highway, or any other road. The challenge to the Government is, rather than privatising road maintenance as suggested by the Treasurer, to provide extra funding to the road maintenance crews immediately to ensure that motorists can see the advisory signs. The Government needs to understand that if the advisory signs cannot be seen accidents could occur. The North Coast receives more rain than other areas of the State, and the resulting potholes cause accidents.

Finally, the credit card has been mentioned. The Government should have some sympathy, some empathy, for the 200 people who will lose their jobs in the Department of Primary Industries on top of the 200 who have already gone; and the 400 nurses and the cleaners and other staff in the mid North Coast Area Health Service. When they looked at their rosters this week they found out that they will not have a job in the new year. Just remember that their credit cards will not be paid, because the Government has sacked them. They were not voluntary redundancies; they were sacked. The message to the Government should be: Retain those jobs that are vitally important to regional and rural New South Wales for health care and the Department of Primary Industries and ensure that they can pay their credit card bill in January.

**Mr NINOS KHOSHABA** (Smithfield) [4.04 p.m.]: Christmas is a time when most families and friends come together and celebrate. I think everyone in this Chamber would agree with me that to lose a loved one at any time would be devastating but even more so during this time of year. As mentioned by other members, the New South Wales road toll is at a record low. As at midnight on 3 December 2008 the provisional road toll for 2008 was 366, a decrease of 37 fatalities compared with this time last year. So I know all members will join with me in urging people to be careful on our roads over the Christmas season. It is important to spend time with friends during the festive season but to also plan ahead. If you plan to have a few drinks plan an alternative way to get home. Organise a lift, share a taxi or catch public transport.

The Minister for Roads detailed to the House the New South Wales Government's investment in a \$485,000 statewide campaign targeting drink-drivers. Advertisements are being run in local newspapers across regional areas in addition to existing television and radio campaigns. There are local campaigns. Parts of the campaigns tell people just how many people have been charged with drink-driving in the local area. It also includes maps of where offenders have been caught. The campaigns are about challenging the belief that many in the community hold: that if you keep off the main roads you will not be caught. Drink-driving is totally unacceptable. We are sending a strong message to those who want to engage in it that we want to keep our roads safe. We want people to arrive at their destinations in one piece. If you do drink and drive, there is a good chance you will be caught.

The Government is not out to ruin people's fun; we are simply saying that people should plan ahead—plan a lift home. Planning trips also goes for families setting out on holidays. There are some good tips to help motorists arrive safely at their destinations. Apart from anything else, it is better to be late than not get there at

all. Speeding is the number one killer on our roads, closely followed by drink-driving and fatigue. So before families set out on a trip with their loved ones they should have a good night's sleep. Motorists should avoid driving at times when they are normally asleep. The risk of a fatal fatigue crash is four times greater between 10.00 p.m. and 6.00 p.m. than for the rest of the day.

Long drives after work should also be avoided and regular breaks should be included in any driving plan—making use of driver reviver stations across the State, as mentioned by the member for Coffs Harbour. It also helps to share driving responsibilities where possible. If motorists feel drowsy or uncomfortable or feel a loss of concentration they should always pull over for a break. The most essential tip for safety is to follow the road rules. These measures are about keeping our roads safe and our record road toll down. They are about helping motorists to arrive safely at their destinations and ensuring families feel good about travelling on our roads over the Christmas season.

**Mr JONATHAN O'DEA** (Davidson) [4.07 p.m.]: I address the motion particularly as it relates to credit. Unfair and unmanageable credit deals do not relate to credit cards only; credit comes in various forms that are potentially unfair and unmanageable. Labor itself has failed to manage a sound approach to financial management, in both forward planning and everyday management of public services. When times were good no money was put aside for a period such as we are going through now. It is not surprising that Prime Minister Rudd and Federal Treasurer Swan have bluntly told Premier Rees and the New South Wales Government to lift their game. What sort of example has the New South Wales Government set for the public to not spend too much? This Government consistently has spent too much money. Its expenditure has exceeded its revenue.

**Mr David Campbell:** Paying down debt.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Minister will have an opportunity to contribute to the debate.

**Mr JONATHAN O'DEA:** They have mismanaged and wasted some \$17.5 billion of windfall revenues, so what sort of example are they setting to the people of New South Wales? They are hypocrites. The Government has a regulatory role, an educational role and a role in funding support for people. Ultimately people have to take some personal responsibility for their expenditure and their behaviour, but governments can assist in the ways I have mentioned. Unfortunately the Government has cruelly underfunded financial counsellors and ignored the plight of struggling families for far too long.

In relation to bankruptcies, page 4 of the Federal Government's Insolvency and Trustee Service Australia report on the profile of bankrupts indicates that in 2003, 40 per cent of bankrupts accessed advice from financial counsellors. By 2005 this had fallen to just 25 per cent. That is indicative of the reduction in the support for counsellors. I respect and admire organisations such as the Consumer Credit Legal Centre of New South Wales, and I am sure we all thank them for their hard work, but they are underfunded. Likewise, we have seen this year that the Government is not prepared to support homeowners in difficulties with their mortgages and there is a reluctance to move to a uniform set of regulations that would help protect people. [*Time expired.*]

**Mr ROBERT FUROLO** (Lakemba) [4.10 p.m.]: I support the motion. Just today the *Daily Telegraph* reported that 26 people a day are being declared bankrupt in New South Wales, a significant increase on previous years. Importantly, according to Insolvency and Trustee Service Australia, most people who declare bankruptcy are on incomes of less than \$30,000 per annum. That is why in an electorate such as Lakemba, where nearly a third of all households earn \$26,000 a year or less, the Government's initiative to increase funding for financial counsellors is very important. Last year almost 33,000 people sought advice through financial counselling services across New South Wales. The additional money made available through the announcement of the Minister for Fair Trading shows that the Government anticipates an increase of at least 50 per cent in the number of clients.

The New South Wales Government provides services to help families ensure they do not get into financial trouble, and to provide support and advice if they do. Of the \$1.8 million increase, \$1.6 million was allocated directly to financial counselling services across New South Wales to improve and expand service delivery. The 2007-10 program is funding 27 community-based organisations that are providing 43 services, and 5 outreach services, throughout the State. The Government is funding these services to provide financial counselling, consumer legal casework, community education on financial management, and training in financial counselling. Of the remaining \$200,000, \$100,000 will be allocated to financial counsellor training and up to \$100,000 will be provided for indigenous specific financial counselling projects.

We can assist our constituents by advising those who have questions or concerns about their financial situation to call the Credit and Debt Hotline number, 1800 808 488. I support the motion and the efforts of the Government to improve services for those in our community who require the assistance of financial counselling. People in the electorate of Lakemba will welcome the extra \$1.8 million that has been made available through the Minister.

**Mr FRANK TERENCEZINI** (Maitland) [4.13 p.m.], in reply: I thank the member for Coffs Harbour, the member for Smithfield, the member for Davidson and the member for Lakemba for joining in this debate. There have been some common themes in relation to our concern about road safety. The member for Coffs Harbour mentioned the road toll and funding. This Government has spent much more than the Coalition ever did on the Pacific Highway, over \$1 billion. Some weeks ago when I travelled on the highway to attend a conference I saw that work was going on for an enormous distance along that stretch of road. Of course, we would all like it done sooner, but it is being done. Over \$1 billion is being spent.

I remind the member of one statistic for New South Wales. I got this from the Commissioner of Police. In 1927 there were 420-odd deaths on the roads. No-one is going to say there were just as many cars then as there are today. We have many more cars today and the road toll is comparable to the 1927 figure. We have the lowest road toll per head of population on record. Of course, any death on the road is one too many. Given the number of cars on the road, that is a remarkable achievement. It goes to show that the campaigns, the measures and the roadworks that the Government has put in place have contributed to an enormous reduction in the road toll in real terms.

Turning to the comments of the member for Davidson, my memory is that the Carr Government started to pay off the debt that was built up by the Fahey and Greiner governments. That was the first thing we did when we got into government in 1995: we started to pay off a big debt. After we had done that we ran 10 consecutive surpluses. I do not know where the member for Davidson gets this notion that there has not been sound financial management in New South Wales; there has been sound financial management for years. We were paying off the debt left by the Opposition before we got going. After that we had 10 consecutive surpluses.

Sure there is a financial crisis around the globe and hard decisions need to be made, and we are making them. A record infrastructure spending program and cuts to land tax in this economic climate speak volumes for the ability of the Government to manage difficult times and to make sure that New South Wales is looked after. I do not accept the claim by the member for Davidson that there was poor financial management. There has been sound financial management year after year, and he knows it. He was given a speech to read but he knows that we have been looking after things. The Opposition has been sent back to the sin bin four times in four elections. [*Time expired.*]

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

**Motion agreed to.**

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

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

#### **ROCKDALE ELECTORATE PUBLIC TRANSPORT**

**Mr FRANK SARTOR** (Rockdale) [4.16 p.m.]: I bring to the attention of the House a number of important public transport issues in my electorate. The most pressing issue concerns the 303 and X03 bus services. For those who do not know, the 303 runs from Sans Souci along the Botany Bay foreshore through the electorate of Heffron and into the city centre. The X03, the express, runs from Sans Souci, via Southern Cross Drive and into the central business district. This is an efficient service, which provides residents of the Rockdale electorate with a direct, fast and reliable route into the city.

A few months ago I was alarmed to hear that the State Transit Authority was proposing to change the route from Sans Souci to the City to Sans Souci to Bondi Junction and discontinue the express X03 service. I received some 260 individual submissions from residents who opposed the proposal. I subsequently met with people from the office of the Minister for Transport office, who advised me that the Minister is reluctant to approve any network changes without carefully considering the community's views. I advised the Minister's staff that the 303 and X03 provide an important service for residents living along or close to The Grand Parade, particularly the elderly and disabled who rely heavily on these services.

I ask the Minister to consider expanding the X03 service with two additional morning services and, more importantly, two evening services. I thank the Minister for listening to residents' concerns and I hope for a successful outcome. I will continue to argue the need to retain an unchanged 303 route and expand the X03 service. In addition to the X03 bus service, I raised with the Minister's office—and I am glad that the Minister is in the Chamber—the possibility of an airport to Brighton, Rockdale and St George hospital bus service. Currently no service links the airport with Brighton-le-Sands and Brighton-le-Sands with St George Hospital—an issue that is regularly raised by many of my constituents. I am advised that it takes more than half an hour and two buses just to get to St George hospital from Brighton-le-Sands, which is unacceptable. I propose that the 479 be changed to include the airport and St George hospital.

I now raise a couple of rail-related issues. During my meeting with people from the Minister's office I raised concerns about insufficient commuter car parking at Rockdale station and the lack of commuter car parking at Wollie Creek station. Currently Rockdale station has approximately 70 parking spaces at its Geeves Avenue car park, which I believe is inadequate, and I have asked the Minister to look into the possibility of expanding the existing car park into a multi-deck car park. I acknowledge the strong advocacy and support of Rockdale Chamber of Commerce on this issue. Wollie Creek is an important junction that accommodates not only the Illawarra to Bondi Junction line but also the East Hills line and a connection to the airport.

The junction is situated adjacent to the Discovery Point development project that will house many hundreds of people when completed. Unfortunately, no commuter car park is designated for this site. Many people have raised this issue with me, which will become an increasing problem over time. In response to constituents' concerns I have also asked the Minister to examine the possibility of upgrading Arncliffe station. Many constituents in the Arncliffe area have complained about the need for an upgrade and, in particular, the need for a lift. I hope that the Minister addresses these important issues. I take this opportunity to thank the Minister for his consideration, in particular at this stage, of the bus routes. I hope that he comes up with a favourable outcome. I thank the Minister and I thank the House.

**Mr DAVID CAMPBELL** (Keira—Minister for Transport, and Minister for the Illawarra) [4.21 p.m.]: I take this opportunity to acknowledge that since becoming the Minister for Transport the member for Rockdale has been consistently in my ear and in the ears of members of my staff about the issues that he raised today. I thank him for his constructive approach in raising the measures he outlined in his contribution. I will continue to work with the member for Rockdale to seek solutions to issues that he raised on behalf of his constituents—constituents that he strongly and constructively represents.

#### **BEGA HIGH SCHOOL INDIGENOUS SUPPORT OFFICER**

**Mr ANDREW CONSTANCE** (Bega) [4.22 p.m.]: In 2009 Bega High School will lose its indigenous support officer. I raise this matter today because of its importance to the local community in Bega and, in particular, the local Aboriginal community. The Bega High School Parents and Citizens Association wrote to me and to local members of the media about the imminent loss in 2009 of Mr Mark Rose, the school's indigenous support officer. The school community will attest to Mark Rose's enormous contribution to all students and staff over the past four years. He has done a fantastic job of improving the welfare and livelihood of young indigenous students. Over the past four years Mark has done much to improve attendance and retention outcomes for indigenous students.

I am advised that over the past four years Mr Rose's position at the school has been sustained with funds supplied by the Federal Department of Education, Employment and Workplace Relations through the Whole of School Intervention Program, which forms part of the Parents and Schools Partnership initiative. I wholeheartedly support the desire of the school community to extend this worthwhile program with a commitment to maintaining a permanent Aboriginal education officer position at Bega High School. Mr Rose has delivered enormous benefits for students. The Parents and Citizens Association informed me that in 2009 Bega High School would have over 60 Aboriginal students, with 15 of those students transitioning from year 6 to year 7.

Mark Rose ensures that those students transitioning from year 6 to year 7 have a positive start to their schooling. Support officers assist in ensuring stronger links between the wider community and the Aboriginal community. Indigenous students are not only achieving positive educational outcomes; they are also at the top of their class in a number of subjects and their attendance rates are at or above the attendance rates of non-indigenous students. The Minister must address this problem. Federal member Mike Kelly said on ABC Radio that he would lend his support, but ultimately this matter must be resolved. It is one thing for him to say that he supports the aims and ambitions of the school, but the matter must be resolved as quickly as possible.

In recent days I have not been able to speak to April Carter, President of the Bega High School Parents and Citizens Association, but that association is seeking a resolution to this matter by close of business on Tuesday 9 December 2008. I hope that the New South Wales Minister for Education and Training heeds what I said this afternoon and provides necessary funding and support for the much-needed permanent Aboriginal education officer position at Bega High School, given its enormous benefit to indigenous students. I hope that commonsense prevails and that this issue is resolved. As I said, Mark Rose has done a fantastic job. I hope that he can continue in that position for many years to come.

### **JUVENILE DIABETES SUFFERER CORY WISEMAN**

**Mr FRANK TERENZINI** (Maitland) [4.27 p.m.]: I pay tribute to a young person in my electorate who is a real inspiration and a model for all other young people. Cory Wiseman is a six-year-old boy who lives with his parents, Julie and Brett Wiseman, in Ashtonfield in the City of Maitland. Cory has type 1 diabetes. On 25 November he visited Parliament House and it was my privilege to show him and his mother around and to spend some time with them. Cory is one of 40 youth ambassadors for the Promise to Remember Me campaign run by the Juvenile Diabetes Research Foundation. Cory visited Parliament House as part of Kids in the House day. He sat in this House with other young people, parents and friends and we heard from some of them about their experiences.

For me it was a truly moving experience and one I will never forget. If that day was meant to raise true awareness and motivate us as members of Parliament to do all we can to help it certainly achieved that aim. Australia is among the top 10 countries for type 1 diabetes incidence. Around 85,000 children in this country have the disease, and that figure increases at a rate of 3 per cent each year. Cory carries an insulin pump that, as all members know, is expensive. He lives with the many burdens that come with this insidious disease. He performs his finger pricks and has to be careful with his diet. Cory gets the best of care and love from his parents but he still has an increased chance of developing long-term health problems and complications.

Diabetes is the number one cause of adult blindness and amputations not caused by accidents. It increases the risk of stroke five-fold and of kidney disease by 40 per cent. It is the sixth leading cause of death in Australia. Cory has not let this disease stop him from living an enjoyable life. He plays soccer and goes dancing and he has taken up martial arts. Cory is an inspiration and he is lucky to have his parents, Julie and Brett. I first met Cory some time ago when he visited me at my electoral office with his mother. He struck me as being very mature for his age. He told me about diabetes and showed me how he uses his pump and performs his finger-prick test every day. Since that visit I have not forgotten him. Recently I visited Cory at his home. His room is filled with trophies and prizes from his sports and pastimes. He is an intelligent, strong and courageous young man, who will not allow diabetes to prevent him from living his life. He is doing what all kids his age want to do—in fact, he is doing much more. He is showing and teaching us about courage, resilience and how the human spirit can deal with difficult situations.

Type 1 diabetes is being diagnosed at an increasing rate. This not only places a strain on our health system, but also causes strain, anxiety and in many cases trauma in our community, especially for people close to someone suffering from this disease. Cory and his friends did not visit this Parliament to receive our pity or sorrow. He came here for our help—help that one day will go towards finding a cure for type 1 diabetes. Most probably each of us in this place has a young person just like Cory in our electorates. The Promise to Remember Me campaign has done a great deal to awaken us all to what can only be described as a growing health tragedy in Australia and all over the world. All of us here should not only promise to remember, but also commit to doing whatever we can to help find a cure for diabetes. I conclude by repeating the call of my parliamentary colleague, the member for Macquarie Fields, Dr Andrew McDonald, who is at the table. I call on all levels of government in Australia to commit to finding a cure for this disease, which takes away so many opportunities from so many of our young children and in the process takes away so much from us all.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [4.31 p.m.]: I echo the comments of the member for Maitland. Cory Wiseman and his family are the reason we are in this place. All levels of government need to work to allocate greater resources to cure childhood diabetes. The Juvenile Diabetes Research Foundation Promise to Remember Me campaign was an excellent idea, and certainly should be repeated. To Cory, Julie and Brett, have a happy Christmas. The New South Wales Parliament has heard your voices and we thank you for speaking to us.

## COFFS HARBOUR HEALTH CARE SERVICES

**Mr ANDREW FRASER** (Coffs Harbour) [4.31 p.m.]: On behalf of the medical staff and doctors in my electorate I should like to read an email that I received from Dr Bill Ross, a renowned surgeon in Sydney and on the North Coast. He said:

Andrew

It has started. At a medical staff council meeting on Monday night, I was astounded to learn of the new NSW Health Dept benchmark—Delete 80-odd staff at CHHC more at Bellingen, Macksville and Grafton. It didn't matter whether they were doctors, nurses, cleaners, or management just meet the target of 80+ FTE.

Nursing staff turned up at the operating theatre to check their rosters for the next month. Some casual staff on fixed contracts could not find their name on the roster and when they enquired "why?" they were told there was no work for them. I have been told some are planning to leave town to find work to pay their mortgages others will no doubt move to the expanding private sector and will be lost to the public hospital system forever. How cruel is that?—allowing staff to find out they have been sacked by not seeing their name on the roster.

The hospital is reducing the night resident medical cover for wards and the Emergency Dept by 50% (one doctor). The Medical Staff Council thought this was unsafe and discussed whether it was right to continue whether or not to continue to admit elective patients to this environment which has already been severely criticized in the Garland Report.

A small point, but an important one, many doctors have not been paid this month. I have been told many of the hospital's suppliers have been unpaid as well.

I had operating sessions for the Monday and Tuesday before Christmas to accommodate urgent cancer cases—these will not be staffed and cancer treatment will be delayed for another month until late January.

It really does seem that directives are being sent down the line from Sydney to regional and rural NSW without any sense of logic or planning.

I also received a copy of a letter to Dr Chris Crawford, Chief Executive of the North Coast Area Health Service, from the Medical Staff Council, Coffs Harbour Health Campus. The letter states:

We were extremely disappointed that you were unable to attend the Coffs Harbour Medical Staff Council meeting on Monday 1<sup>st</sup> December 2008 to which you had been invited and which we were initially advised that you would be attending.

We understand that there is a requirement for local management in Coffs Harbour to identify a reduction of 89 FTEs ... from a base of 730 FTEs at Coffs Harbour Health Campus (a reduction of >12%) and that these cuts are to be made without affecting front line services.

The budget cuts being demanded of us are simply not possible without affecting service delivery. To pretend otherwise is fanciful at best and downright dishonest at worst and would be contrary to statements made in the media by various individuals including the Premier, the Health Minister and yourself as the Chief Executive of the NCAHS that front line services would not be affected by the proposed budget cuts.

At Monday's meeting a number of important issues were discussed in your absence.

### **Emergency Department Night Shift**

... An average of 19.3 patients presented to ED between 2200 and 0800 each night during 2007/8 and, not infrequently, we have >30 patients (36 was our "record" last year) presenting overnight. These figures do not take into account patients that present up to 2200 but have not yet been seen by the medical staff ...

The implications of not supporting the additional night shift in ED—

which was requested previously in his correspondence—

is that there will be an unacceptable clinical risk overnight in ED from January 2009 when the shared ED/ward call ... shift reverts back to the wards. If you do not address this issue as a matter of urgency there is the very real probability, rather than a possibility, of a serious adverse patient outcome overnight.

It is important to note that, while there has been a decrease in raw presentations to ED over the first 5 months of the current financial year of 5.8%, there has been an increase in admissions of 5.1% and an increase in access block. Overnight ED presentations have decreased from 19.3 to 18.1 per shift in the current financial year. These figures indicate that the decrease in presentations is in those patients who do not require admission and does not relieve any of the pressure in ED as these patients do not require beds and take little time to manage when finally seen in ED.

The writer refers to the Coronary Angiography Unit and in regard to the important pregnancy care services stated:

Pregnancy care services have only recently commenced at Coffs Harbour. Funding was only sufficient for 70 women yet, at this stage, we are currently required to manage 173 women. Clearly, funding needs to be sufficient to meet the demands of this community. Again, it is simply unacceptable to potentially leave > 100 women without access to this service.

I point out that the contract of a chief executive officer [CEO] of a hospital is based on performance. How can a chief executive officer get a decent performance admission when the hospital has no facilities or money? The letter concluded:

We invite you to a meeting of the Medical Staff Council Heads of Department and committee on Monday, 15<sup>th</sup> December at 1800 in Coffs Harbour to address these issues.

It is a disgrace.

### **CESSNOCK YOUTH GROUPS**

**Mr KERRY HICKEY** (Cessnock) [4.36 p.m.]: I bring to the attention of the House youth group issues across the Cessnock electorate. Today I was fortunate to spend some time with a youth counsellor from the Hunter Valley, Matt Pethebridge, who comes from the suburb of Weston in the Cessnock electorate. He raised the lack of good transport links to Sydney and the difficulty this presents for local youth. I am pleased to announce the good news is that in February local company Rover Motors Pty Ltd will be providing a new bus route between Cessnock and Morisset for local youth to use to travel to Sydney. Other issues Matt raised related to rail links and the need to ensure that the rail service is much better utilised by our youth. Rover Motors is working hard to provide young people with better links to the community through direct access to Maitland railway station and now Morisset station.

An interesting issue Matt raised concerned young carers. Many youth in our community look after their mothers and fathers. As local members we understand that many mums and dads face considerable problems. When youth take on the job of looking after their parents they seem to be overlooked by the community. Quite a few young people in my electorate are working hard to look after and provide for their siblings because their parents are unable to do so as they are sick with some debilitating disease or are affected by drugs. These young people go unnoticed in many communities. It is commendable that today's youth are concerned about the responsibilities of young carers and the issues pertaining to that role. A young girl aged 14 years in my electorate looks after her siblings because her mother and father are affected by drugs. This creates problems for that young girl. It is good that welfare agencies are working with these people to give them a sensible way of life.

Another matter that Matt Pethebridge raised with me is the development of music. Cessnock has just opened its new civic centre, which our youth will be able to use for concerts and other functions. I would like the Minister for Youth to consider providing some money to the youth of the Cessnock community to enable them to put on concerts at this fabulous new civic centre. That would benefit the whole community, but it would particularly help the youth to get bands together to perform and keep them entertained. I ask the Minister for Youth to look within his budget or to other departmental avenues to help our youth in funding that endeavour.

I also raised with Matt a reduction in fares for school students to travel around the communities. Rover Motors bus fares to Newcastle and other areas in the Hunter Valley have virtually halved, giving young people more opportunities to do a lot of things. It is great to see the Cessnock council working with the Samaritans and delivering many outreaches to our youth. The former Minister for Youth, Ms Linda Burney, and I met with the youth council and gave them \$1,000 to put on concerts and facilitate the provision of better entertainment for young people. The aspect of music for our youth is to be encouraged, as is arts and culture across the Cessnock community.

I am only too pleased to have met with Matt Pethebridge to hear his views about encouraging the youth in our community in ways that are beneficial for them. Being the father of three children, one tends to overlook a lot of issues important to them. The tendency is to think that they want more than they should have, and to say that when we were younger there were a lot less things to do. But we must realise that many more problems face our youth today. We must acknowledge those who look after siblings to keep families together while mother and father have problems with their lives. I thank Matt Pethebridge for raising these issues with me, to ensure that we work together to give youth a voice not just in our communities but here in Parliament as well.

### **DEATH OF VANESSA ANDERSON**

#### **CHILDREN HOSPITALISED IN ADULT WARDS**

**Mrs JUDY HOPWOOD** (Hornsby) [4.41 p.m.]: The statements I am about to make come from the heart and reflect the reason I have worked as hard as possible for the people I represent—and am honoured and

proud to represent—following my election on 2002. Warren, Michelle, Nathan, Amanda and Vanessa Anderson became my constituents following the Hornsby by-election. I undertook to meet their needs and the needs of all the people in the Hornsby electorate, and have been focused on this aim since that day. I try very hard to assist every person who requests help and this could be the smallest issue—a blocked drain—or the most serious and complex situation that anyone could find themselves in—the Anderson family and the death of their 16-year-old sister and daughter in such circumstances.

Never before today have I felt so let down, frustrated and disappointed in the processes both in this place and in the bureaucracy within a ministry and a department. Vanessa Anderson is not a printed name on a piece of paper. Vanessa was a beautiful baby, she went to school and played sport well, her great love being golf. She laughed, cried and lived her life surrounded by one of the most loving families it has been my pleasure to know. Warren and Michelle Anderson have done what few people could have done—somehow coped with the tragic loss of their wonderful daughter, set aside the trauma and are still working through grief today—to find out the answers and to attempt to change the health system so that the terrible loss of a child would not be suffered by anyone else. The Anderson family hoped that, in light of the need to improve safety in our hospitals, the death of Vanessa would see a change—many changes—so that no other child would be placed in the position in which Vanessa and her family found themselves in November 2005.

Since November 2005 I have been searching for some intervention action that could have altered the course of Vanessa's stay in Royal North Shore Hospital that led to her death. As a nurse, I am no stranger to the workloads and attention to guidelines in our hospital system. Hence the creation of a simple, first-step law that would make it essential to give children in adult wards the type of vigilance they require given that they are children. I remind everyone in the House that last year 1,102 children were admitted to an adult medical or surgical hospital in an area health service. At the moment, hospitals in New South Wales—all hospitals—have guidelines that state children must have access to, or be overseen by, health professionals who have expertise in paediatrics. There are hospitals in New South Wales that are in breach of these guidelines.

Vanessa's law would have given surety to families that children admitted into tertiary and major regional hospitals—that is, the sickest children—would have the paediatric expertise they not only deserve, but require. The Garling report could have been considered and responded to and Vanessa's law enhanced in the context of improving safety for children in hospital. Unfortunately, the Government decided not to support making this law a reality before Christmas. Warren Anderson has some questions:

What measures will be put in place to ensure the correct diagnosis of a child is made and give a guarantee to the New South Wales public that a child being admitted into a New South Wales Hospital will not fall victim to current system failures?

What measures will be undertaken to adequately meet the needs of children who are admitted into an adult ward?

Warren and Michelle have never lost belief that something positive would come from something so negative. They feel gutted and distraught that the Government could not clearly see their concerns and put in place just one action that would make a huge difference to them and to their loss. Why else are we in this place if not to meet the needs of the people of New South Wales? Can we not put aside politics—even just once—to pass sensible legislation that was always going to be a first step?

Christmas is coming and many children will be admitted to our hospitals. We do not have enough safeguards in place. Spare a thought on Christmas Day for Vanessa's family when—for the fourth time—they place a candle at an empty chair. No-one can possibly know how they feel unless they have experienced the loss of a child in these or other circumstances. I have never felt so helpless than when speaking to Warren this morning. His voice sounded empty. Vanessa's life and memory is surely worth more than this Government has shown with its inaction on ensuring the safety of hospitalised children and adolescents in adult wards.

#### CENTRAL COAST LONGWALL MINING

**Mr DAVID HARRIS** (Wyong) [4.46 p.m.]: I raise today an issue that I raised initially in my first or second private member's statement—the proposed Wallarah 2 coalmine, to be built underneath the Wyong valley. I am pleased that my Central Coast colleagues are in the Chamber, as well as the member for Lake Macquarie because a large part of the underground section is in his electorate. Coalmining is one of those issues that galvanise a community. Some people came to me when I was running my election campaign, but also after I was elected. I was a bit dubious because you sometimes think, "People don't want these things in their

backyards." But over the past 18 months I have done extensive research, taken many groups to meet with Ministers, and have participated in the Chikarovski inquiry into mining generally in the Wyong shire. I have drawn the strong conclusion that this is a bad proposal.

It is a bad proposal because anyone who knows the Central Coast knows that our water is drawn from a relatively small area. In fact, our water catchment is only 100 square kilometres. Almost 53 per cent of our water comes from two streams, the Wyong River and Jilliby Jilliby Creek. The proposal is for a longwall coalmine that extends to almost the edge of the Wyong River and directly underneath Jilliby Jilliby Creek. I have seen all the research. Earlier this week I joined members of the Save Our Rivers organisation in meeting the Minister for Planning. We saw photographs of the Southern Highlands and places in the Hunter. Internationally, we looked at places like Virginia. The evidence shows that watercourses cannot be protected where there is longwall coalmining. We need to have a good look at the economic value of water and what it is worth to our community. I know that coal is worth quite a lot, and that there is coalmining along the whole of the Central Coast. There is a new, longwall mine at Mandalong, for instance.

I do not argue against the operations of those mines because our area needs them, and we need the jobs. But in terms of the risk that mining poses to water resources, we have to be very cautious and ensure that any decisions are not about coal but about water and protecting our water resources. The population of the Central Coast currently is approximately 310,000. By 2025, it is expected to increase to 410,000. If our water supply is put at risk, a great number of jobs and potential population expansion in the area as well as the whole economic viability of the Central Coast will be put at risk. That is what I am talking about when I say we have to begin measuring the economic value of water. I do not think that has been done very well. Another problem we have is the proposal relating to endangered species. I refer to a document published in 2006-07 by the New South Wales Scientific Committee. It is the committee's final determination on the authorisation of habitat following subsidence due to longwall mining. The final recommendation made by this committee of eminent independent scientists states:

In view of the above the Scientific Committee is of the opinion that Alteration of habitat following subsidence due to longwall mining adversely affects two or more threatened species, populations or ecological communities, or could cause species, populations or ecological communities that are not threatened to become threatened.

They are powerful words. The Central Coast habitat also must be firmly taken into account. As I stated earlier, this matter has galvanised our community. I have a letter signed by approximately 30 eminent Central Coast people, including members of both State and Federal Parliaments and councillors from Gosford City Council and Wyong Shire Council, who all state:

We the undersigned members of the Central Coast Community vehemently object that the South Korean Government-owned mining company Kores are currently seeking to build a longwall coal mine beneath the Central Coast of NSW water catchment ...

The Government must listen to the statements to which I have referred, and make sure we do the right thing.

### **SEXTON HILL PACIFIC HIGHWAY UPGRADE**

**Mr GEOFF PROVEST** (Tweed) [4.51 p.m.]: I wish to bring the House up to speed on Sexton Hill, which is one of the most notorious black spots in New South Wales. Recently the president and a number of directors of the NRMA met with local community groups. When the mini-budget was delivered in this place last month we discovered that the Government may have redirected funding for Pacific Highway projects—namely Banora Point, or Sexton Hill. The New South Wales Government may have deferred the Pacific Highway upgrade at Sexton Hill, but no-one seems to have told the bureaucrats at the Roads and Traffic Authority [RTA].

Surveyors have been out in force on Sexton Hill all this week. That follows revelations during supplementary budget estimates hearings that work is proceeding, despite the Labor mini-budget announcement that the project would be deferred for at least another two years. That was brought to light during budget estimates hearings by my colleague the shadow Minister for Roads, the Hon. Duncan Gay, who asked the chief executive officer of the Roads and Traffic Authority, Mr Wielinga, whether work was continuing on Sexton Hill. Quotes have already been obtained for geotechnical boring and a contract is on foot. We should bear in mind that the upgrade was deferred in the budget papers. Mr Watters, who is the director of major infrastructure, told the supplementary estimates committee hearing on Roads on 17 November, "We are continuing with the planning and the pre-construction work at Banora Point." This is bad news for proponents of the tunnel option. The Roads and Traffic Authority again has ruled out community option C. Mr Watters stated:

So far as we are concerned that matter has been closed. The environmental assessment on the preferred project has been completed ...

Again I draw to the attention of the House the overwhelming community support for option C, which not only considers through traffic but also significantly looks after local traffic. It will probably be the economic saviour of Tweed Heads. Today we note that unemployment rates on the Far North Coast have increased to 6.8 per cent, which is among the highest rates in the country. If the unemployment rate continues to increase it will have grave consequences for the economy of the area. What we have been asking in relation to option C is for the Roads and Traffic Authority to conduct a full economic impact statement for the project. But, once again, our requests have fallen on deaf ears. The Premier announced that the work had been deferred, so it appears that the bureaucrats in the Roads and Traffic Authority are out of control and are doing their own thing, without informing the government of the day. Or perhaps the Government is making policies and not informing the bureaucrats. I do not know who is responsible for the problem. All I know is that the people of the Tweed are suffering.

We need an economic impact statement to be provided before more lives are lost. I tremble a little when I think about the busy Christmas season that is almost upon us. The area will attract many motorists—approximately 70,000 vehicles a day—who will be travelling over the infamous Sexton Hill. Although I hate to say it, there will undoubtedly be further carnage and further accidents on Sexton Hill. However, I am very pleased that approximately 18 months ago in the House, Sexton Hill was the subject of a motion that was debated. We have continually pushed for attention to be given to this matter, and I am pleased to note that representations have resulted in the Roads and Traffic Authority spending \$2.2 million on resurfacing the road. I am pleased that happened because I know it will go a long way towards preventing further accidents.

A little bit of assistance is really good, but we need a permanent solution. That is evident when one considers that the Premier of Queensland, Anna Bligh, has allowed Queensland taxpayers to fund five kilometres of road construction into New South Wales—mainly because of the inaction of the New South Wales Government. There is supposed to be greater cooperation between Labor governments in the States, but it appears that there is no cooperation at all between Queensland and New South Wales about border districts. Perhaps we should move the State border further south?

The people of the Tweed will continue to fight for option C. We will continue to support adoption of option C, even though the majority of the funding from the New South Wales Government has been deferred for a further two years. It appears that some funding is being provided to allow the Roads and Traffic Authority to continue its work. Upgrading the Sexton Hill roadway is greatly needed by the Tweed. Let us conduct a full economic impact statement and measure the effect of deferring this road project. Recently petrol levies were withdrawn without reference to any type of economic impact statement. The people of the Tweed are being left in the dark and that will be to the detriment of the area as well as the Government. I will continue to work with local communities. I suggest that the Government start talking to local people and understand what they are saying. Once again, I am proud to be 100 per cent for the Tweed!

#### **CABRAMATTA CENTRAL BUSINESS DISTRICT CAR PARKING**

**Mr NICKOLA LALICH** (Cabramatta) [4.56 p.m.]: I take this opportunity to inform the House of a matter that greatly affects the electorate of Cabramatta—specifically the eastern half of the Cabramatta central business district—and that is car parking. In my inaugural speech I spoke of the difficulties that the community faces on this issue. The shortage of car parking within the central business district is a three-pronged problem. The first prong is that the lack of car parking is a discouraging factor in Cabramatta's ability to attract more and more tourists. Cabramatta is a mecca for shoppers and restaurant goers seven days a week. It is a multicultural hub that draws visitors to our community from across the Sydney Basin throughout the week.

The second prong is that there is insufficient parking in the central business district, which forces commuters to take up valuable spaces that should be used by those who wish to shop in the central business district. Having said that, I also appreciate and encourage those who wish to use the public transport system. The need for more parking is vital to ensure that the Cabramatta central business district continues to grow. The final issue is the area's increasing population. The higher density housing that is beginning to spread over the electorate and the additional vehicular traffic this generates has created almost city gridlock conditions in the Cabramatta central business district.

To further exacerbate the problems, the proposed Australian Rail Track Corporation Ltd [ARTC] freight line will not only reduce the number of available spaces by approximately 170, but also have a negative visual and operational impact on my electorate. This line will run straight through the heart of Cabramatta's central business district. Its construction will require the installation of sound walls of between four and seven

meters in height that will split the city in two. I understand that this is an important piece of infrastructure for the nation's economy because it will take heavy freight off roads and onto rail, cut greenhouse emissions and take heavy vehicle congestion off our major roads. But the price of this progress is high for the residents and local businesses of Cabramatta.

The Australian Rail Track Corporation Ltd has listened to some of the concerns of the community and has offered a one-off payment of \$750,000 to the Fairfield City Council. Unfortunately, this payment is totally inadequate to cover the loss of amenity on the east side of Cabramatta. The addition of the freight line will have the negative effect of narrowing the adjacent street on the eastern side. This will take away car parking spaces and make it harder for the eastern side of the city to compete. Whilst Cabramatta is losing up to 175 spaces from the introduction of this line, the residents and shopkeepers will be inconvenienced further as not all the spaces will be replaced and the ones that will be replaced will be some 400 metres from the original location. This is not acceptable for the businesses and residents of the eastern side of the central business district. In order to stop a decline in shopping and business interest the need to provide adequate visitor and commuter car parking is vital for the community.

During my election for the seat of Cabramatta and again in my inaugural speech I said that I would be knocking on all of the relevant Ministers doors to find a conclusion to this impasse. The Hon. Henry Tsang from the upper House has joined forces with me and is a great support with the high number of Asians in Cabramatta. At 10.00 a.m. we met with staff of the Minister for Transport to try to gain additional car parking spaces. I am hopeful we will be successful in gaining financial support from the State. In my capacity as Mayor of Fairfield I have already had several meetings with relevant Federal and State Ministers and stakeholders. I take this opportunity to call on all three levels of government and the ARTC to help my electorate overcome commuter car parking problems in Cabramatta.

#### **STEWART HOUSE, MANLY**

**Mr MIKE BAIRD** (Manly) [5.01 p.m.]: It is a privilege to speak about Stewart House, which is not only an important and proud institution within the community of Manly but is also held with great pride by many schools, people and communities across this State. At this time members focus on the upcoming Christmas season and know of the many jobs we have to do. We get burdened by our activities of life and we often lose perspective. There are many amongst us and across many communities in New South Wales that are significantly disadvantaged and certainly in very trying and terrible circumstances. Stewart House holds out a beacon of hope to many communities and schools who have to deal day in, day out with kids in very difficult situations.

For 77 years Stewart House has been helping vulnerable students through the State. Fundraising efforts of schools across New South Wales, through salary donations from the teachers, along with some government funds, enables Stewart House to care for almost 2,000 children each year. Almost all public schools are invited to participate in its great fundraising program, which they do with vigour. Each year I have the privilege to attend the presentation and see schools from far and wide hand in coins and sometimes large amounts of money from the efforts of young kids caring for those within their communities and schools that are in very difficult circumstances. Stewart House, like all institutions in these times, is in need of funds. For many years Stewart House has struggled to match the rising expenses of offering its services and this year it continues to struggle. I call on all members to encourage all schoolteachers in their electorates to provide service and assistance to Stewart House, and to dig deep this year.

Stewart House was built at South Curl Curl in 1931 with the support of the Department of Education and the Teachers' Federation. The kids there have special welfare needs. I remember talking to a staff member who dealt with a kid one morning who said, "I never knew that life could be this good." Often the kids come from torn families or from families with incidents of domestic violence and with significant periods of grief. They are given an opportunity to reflect and enjoy other kids, the ocean and activities to remind them that life has a deep richness, that their circumstances can be overcome and that there is a way through them. The lives of many kids have been turned around. I remember one student who said he comes back to Stewart House every year with his family to show them that it was transformational in his life. He turned his life from one of despair to one of hope, which is what Stewart House does.

Every two weeks of the year 90 kids are cared for by Stewart House. I pay particular tribute to the principal, Marilyn Bourne, and the general manager, Graham Philpotts. I recognise the huge contribution of the teachers, carers, cooks, cleaners, maintenance staff and after-hours staff who make Stewart House such a special

place. About \$2.5 million a year is needed to run Stewart House. It would not be possible without donations from teachers across New South Wales. The compelling statistic is that voluntary contributions come from teachers' salaries, which is a terrific testament to them. Last year about \$895,000 was raised from 1,810 government schools. The concern is that 50 per cent of those teachers who contribute will retire in the next five years and they are not being replaced quickly enough.

I call on the new generation of teachers to take up this cause. Stewart House is old, rundown and in need of a maintenance refit. The magic of Stewart House as a place of hope for families and kids in despair is so important. I call on that new generation and the school communities to come together and continue to dig deep. I thank the work of Stewart House in such a real and special way. I think I speak for both sides of the House when I say that we acknowledge their work and contribution, and we as one want to support its efforts today and in the years ahead.

### GUISE PUBLIC SCHOOL

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.06 p.m.]: On 1 December 2008 I visited Guise Public School and met Pierre Comis, the regional co-ordinator of active after-school communities. This is a federally funded program that runs in many of the schools of my electorate. There are 80 sites in south-west Sydney. Schools involved in the program in my electorate include Guise, Curran, Macquarie Fields, Macarthur Adventist and Prestons. The program at Guise runs seven weeks per term, with two sessions per week from 2.45 p.m. to 3.45 p.m. There are 3,250 sites across the country that look after 150,000 children. The strengths of the program are that participation is free for the children and that it targets those children who are traditionally inactive. Coaching strategies used are called "playing for life" and children learn teamwork through games much like they would in old-fashioned backyard play. Typical of the games include French cricket, bombard or bocce, where prior skill is less necessary. There is also a healthy afternoon tea provided by the school, as per the parameters set by the program.

When I was there Greg Carpenter, the Mac Connect coordinator, was running this bocce. Greg was employed with the Mac Connect funding that we were able to get through the Department of Youth and Community Affairs from New South Wales Government last year. This funding currently lasts until 2011. Other things that Greg does at the school include partnership programs such as the breakfast club, which is coordinated with the parents and citizens association, the YWCA mentoring program and transition to high school program. There are plans that include a suspension centre with Burnside and the Benevolent Society, and a homework centre in conjunction with the Department of Housing at Mallee Rose Cottage in Macquarie Fields.

Greg Carpenter is an inspiring person. He is the only continuous male presence on site and he is a valuable role model to whole of the Guise community, many of whom come from single-parent families. When this funding expires in 2011 it is hoped that the programs instituted by Mr Carpenter will be able to be continued from within the school resources. However, there may be difficulties with continuing the program once the funding is exhausted. Many of the teachers at Guise are newly graduated and sometimes there is staff turnover, which means that corporate memory may become lost. Greg Carpenter said that he has seen many changes in the attitudes of both the kids and their parents towards physical activity and sport. His press release stated:

We have seen kids come through the program who initially were quite sedentary and lacked any confidence to participate in sporting activities. These kids are now actively playing games at lunchtime.

As Pierre Comis said:

The activities at Guise are always fun and well attended due to the safe and controlled environment.

I was very fortunate to meet Florence King, the Vice President of Guise Parents and Citizens Association. She informs me that the Mac Connect program has been extremely successful and the parents and citizens support both the program and the continuation of the programs once funding expires. Florence stated that another advantage of the program is that the parents are able to ensure that their children have quality, safe and cooperative play. I was very struck by the enthusiasm and cooperation of the children—they certainly seemed like they were having a good time. Even though they do not have to be there they were obviously enjoying themselves. On the day I arrived 60 children were in attendance, which, considering the total school number is only 200, was very impressive. Parents are welcome to be involved and are welcome to stay for the program.

Typical of the staff involved was the very committed Patricia Lewis, who, as well as being a full-time teacher, was there for the program. It took some hours to be trained before she could take the kids on activities.

Pat is an excellent example of the fine teachers who provide enormous good for the future for our children—so often unacknowledged. I am proud to congratulate her in this place on her commitment to the future of our area. I was very proud to see the fine work of this program, and I am extremely proud of Guise Public School, which does a wonderful job for our community. I commend the school, the teachers and the active after-school communities to the House.

### **LAKE MACQUARIE AND DISTRICT HISTORICAL SOCIETY INCORPORATED**

**Mr GREG PIPER** (Lake Macquarie) [5.11 p.m.]: I bring to the attention of the House the valuable work of the Lake Macquarie and District Historical Society. Local history plays an invaluable role in every community and defines who we are as a community. Without the recording of this local history, much of it is lost with the passing of each generation. For that reason it is important that historical societies form to record local events and their people in all their colour, representing their communities to their constituents and to the wider community. The Lake Macquarie and District Historical Society was formed on 13 November 1962 after the then librarian of Lake Macquarie Council, Mr Levett, called for a meeting of interested constituents to form a historical society. About 40 people attended the meeting at the council chambers, and the Historical Society was born.

The late Mr Daniel Reginald Blakemore, who was the Principal of Booragul High School at the time, became the President of the Historical Society and held that position for many years. The aim of the society is to collect, protect and promote the history and heritage of the Lake Macquarie district, and since 1962 the society's collection of memorabilia and historic items has grown significantly, being housed in a variety of locations over the years. In 1992 the then Minister for Transport and Tourism, Mr Bruce Baird, handed the president the keys to the disused Toronto Railway Station. This became the permanent base for the group's exhibition and collection.

The Lake Macquarie and District Historical Society Incorporated used labour from the Westlakes Skillshare Program, together with a \$5,000 grant from the Heritage Council for materials to complete the interior restoration and fit-out. Trees, shrubs and flowers were also planted around the station. The society has around 30 members who use this base to work tirelessly on building and maintaining its collection. The group has also extended its operations in a number of ways. During 1988 the historical society was involved in the Bicentennial activities. In October 1989 the society was involved with the post office in Toronto's centennial celebrations with a re-enactment of a mail delivery from Newcastle. It was also involved in the Toronto Public School Centennial celebrations in 1990 with a photographic display. Members have kept an interest in other school centennials such as Cardiff, Dudley, Warners Bay and Morisset, to name just a few.

Four years ago, in collaboration with the Department of Planning, members Eddie Jayne and Wal Collier spent time photographing many buildings and places of heritage value in the Lake Macquarie area. The society's efforts have not gone unnoticed. On 14 November 2007 it received a State Heritage Office Award for Volunteers from the State Government, and I was pleased to be able to meet the group's representatives at Parliament House on that occasion. As with any volunteer group, success depends on the efforts of its members. There are many people who make this group work, but specific mention should be made of Max Pengilly, Janice Bendeich, Delia Bright, Clive Read, Eddie Jayne, Margaret Berghofer, Pat Gregson, Brad Wrightson and Jim and Joan Allerton. Those current members are quick to praise the efforts of the late Wal Collier, the late Ron Ogilvie and the late Don Campbell.

The efforts of those and other members have allowed the development of themed photographic displays, with topics so far including Toronto Railway Station, Toronto Main Street, Boats Galore, Victory in the Pacific, Toronto Hotel, the Fassifern to Toronto Rail Line and the Adamstown to Belmont Rail Line. Although the society records and preserves elements of our past, it also looks to the future. The society has been working closely with the Catalina Flying Memorial and the Rathmines Catalina Memorial Park Trust, with the intention of seeing one of those magnificent flying boats returned on a permanent basis to what was the largest flying boat base in the Southern Hemisphere during World War II. The realisation of this ambition will allow not only for a Catalina to be based at Rathmines but also for the society to expand and modernise its facilities as it co-locates to a purpose-built facility. It is worthy to note that the Catalina VH-CAT just yesterday touched down on Australian soil as it makes its way to an eventual new home, ultimately hopefully at Rathmines. I am always pleased to honour the work of volunteers in our community and I am particularly grateful to the Lake Macquarie and District Historical Society.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.15 p.m.]: I thank the member for Lake Macquarie for drawing to the attention of the House the valuable work of the Lake Macquarie and District

Historical Society. It is always important to collect and preserve our history and our heritage, particularly our local history, which can be so easily lost. I commend all members of the society, past and present, for their hard work and commitment. I commend particularly those who spent many hours taking photographs, including Mr Collier, for their role in preserving what is really an important part of our history.

### PRIVATE NATIVE FORESTRY CODE OF PRACTICE

**Mr PETER DRAPER** (Tamworth) [5.16 p.m.]: It is a complete disgrace that as parliamentary sittings are about to wind up for 2008 I must yet again detail the damage that is being done to small communities and small businesses as a result of the abomination that is known as the Private Native Forestry Code of Practice. It has ruined one, and almost forced the remaining two Tamworth hardwood mills out of business. And it is not only in the Tamworth region that small sawmillers are facing a bleak future. It disgusts me that at the same time it appears the big players in this industry have benefited by being looked after with adequate Government sourced supplies. The Boral operations in Walcha had more than enough timber to meet its needs, but have closed its doors due to a downturn in demand. Yet, at the same time, a small operation such as Bendemeer sawmill has received no assistance from Government in sourcing the roughly 1,500 cubic metres per year it requires to remain viable.

I have previously detailed how local landholders who used to supply the mill with small volumes of logs from their properties will not engage in the new code process—they do not trust the authorities and there is far too much paper work involved. The owners of the Bendemeer sawmill are in a bind. They want to continue operations, maintain local employment and preserve the important base they provide in their town. They have had many discussions with the Department of Primary Industries regarding an exit package—not because they want to get out, but because they can see the writing on the wall. They have received many pages of documentation that required a highly paid lawyer to deal with, adding huge additional cost to a business that is being offered a pittance to cease operating. In August 2006 the management of Bendemeer sawmill highlighted the problems it would face in a submission commenting on the draft private native forestry code. Some of its comments stated:

**Need for Harvesting Plan for all operations**—would be beyond most landholders' ability to complete and too much trouble. The returns in product from smaller blocks would not be worth the time and expense for landholders

**Detail required in a Harvesting and Management Plan**—Amount of detail required is far too demanding for most landholders, and for western hardwood would simply not be worth the time and effort

**Basal area retention levels for single tree selection and thinning operations**—Retention levels for tree selection recommendation is far too high for our area

The mill representative commented on several other issues, however it is the closing comments that have proven so prophetic. It stated:

This draft will no doubt make our business non-productive, thus leading to the loss of three employees jobs, plus three partners and myself. The flow on effect in a small town will not be measured lightly—supermarket, post office, hotel, fuel depot, transport company. If this is carried out to the full who will fund our lost jobs, equipment and buildings?

The following note, which I have received from one of the principals, outlines their current mood.

As a fourth generation saw miller, and a participating member of the wider community, I have been witness and given great thought to the present and future of the timber industry. After all it is my family and others like me, who would not be who we are, if it wasn't for trees and the precious resource they provide.

Like most, I have been witness to the constant changing face of the timber industry. It seems just about every other day there is a report or article in the news that depicts timber cutters as environmental vandals. Well please believe me when I say that it is not me or my family. In fact it is quite hard to accept that we may be part of it. Which brings me to the future. Is there one for people like us? Will my son become a fifth generation saw miller? This is the question facing my family and me. We need some answers. Do we have a future or are we to go the way of the whaling ships? We can handle a decision, but need a decisive Yes or No to plan a future.

For the NSW Government to come back with a maybe is unacceptable. We were actually naive enough to think that after some 70 years that our family has been in the timber industry, and the dedication and contribution it has made—not just the families it has provided for through employment, or the community, but the actual blood and guts of what makes the Australian spirit so strong. All we need is for Government leaders to show that same strength and lead to give an answer, Yes or No. Remember we're ok with a real answer. In fact you will gain my respect for making what I know is a very difficult decision. For me personally, a maybe is disrespectful and heart wrenching.

I have said this before: While a flurry of activity occurs after my entreaties to Government, no real actions or solutions have been forthcoming. I say again to the Government that urgent action is required to ensure

Bendemeer sawmill has a future. Everybody in this place should be ashamed to hear that the operator's son said to me, "This whole process is killing my dad." I hope the decision makers have a happy Christmas because nobody associated with the Bendemeer sawmill will enjoy that luxury.

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

**Private members' statements noted.**

### **ASSENT TO BILLS**

Assent to the following bills reported:

Adoption Amendment Bill 2008  
Public Sector Employment and Management Further Amendment Bill 2008

### **STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2008**

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

### **TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) (NEW SOUTH WALES) AMENDMENT BILL 2008**

**Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.**

#### **Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.22 p.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Telecommunications (Interception and Access) Bill 2008. The use of telephone interception continues to be an important tool of law enforcement. At the same time, the potential impact on the privacy of law-abiding individuals demands that interception is used only in accordance with strict, legislative guidelines. This role is fulfilled by the Commonwealth Telecommunications (Interception and Access) Act 1979. The Commonwealth Act protects the privacy of individuals who use the Australian telecommunications system by making it an offence to intercept communications other than in accordance with the Act. The Commonwealth Act also specifies the circumstances in which it is lawful for an interception to take place. This includes interceptions in connection with the investigation by law enforcement agencies of serious offences.

The Commonwealth Act permits authorised State law enforcement agencies to apply for warrants to intercept telecommunications to assist in the investigation of prescribed offences. To facilitate this, the New South Wales Telecommunications (Interception and Access) Act 1987 lays out the administrative procedures that are to be followed by authorised New South Wales agencies such as the keeping and destruction of records. The Commonwealth Act has been amended a number of times in recent years, and this has given rise to concerns that in some respects, the New South Wales Act is no longer consistent with that Act. The Telecommunications (Interception and Access) Bill 2008 will harmonise the provisions of the New South Wales Act with those of the Commonwealth Act.

I now turn to the detail of the bill. First, the bill will amend the definition of "certifying officer" and substitute the definition of "permitted purpose" so that those definitions correspond with the definitions in the Commonwealth Act in their application to New South Wales. Currently, the definition of "certifying officer" in the New South Wales Act includes the members of the New South Wales Crime Commission, which encompasses the commissioner and any assistant commissioners. However, the Crime Commission does not have assistant commissioners, directors and assistant directors making up its senior executive staff. The Commonwealth definition of "certifying officer" already includes such senior executive staff members. Similarly, the Commonwealth definition of "permitted purposes" for which intercepted material can be used has expanded beyond the definition in the New South Wales Act to include purposes pertaining to a number of New South Wales agencies including the New South Wales Police Force, the Independent Commission Against Corruption and the Police Integrity Commission. These amendments will bring the New South Wales Act into line with the Commonwealth provisions.

Secondly, the amendments will provide for the Inspector of the Police Integrity Commission and the Inspector for the Independent Commission Against Corruption to be eligible authorities for the purposes of the New South Wales Act. Again, the Commonwealth Act already identifies these agencies as eligible authorities, and the amendments will ensure the New South Wales Act is up to date. Thirdly, the amendments will provide for the record-keeping requirements for eligible authorities in New South Wales to be consistent with those for Commonwealth agencies. The record-keeping requirements of the Commonwealth Act have extended beyond what is currently captured by section 5 of the New South Wales Act. A possible consequence of this is that New South Wales authorities may no longer fulfil the preconditions to be declared eligible authorities under the Commonwealth Act. These amendments will rectify that situation.

Fourthly, the bill will provide for the Ombudsman to have comparable powers to the Commonwealth Ombudsman to obtain information or ask questions when conducting an inspection of an eligible authority's records. The new section 3A will outline when information or a question will be relevant to the Ombudsman's inspection. The amendments will also make provision for the New South Wales Ombudsman to exchange information with the Commonwealth Ombudsman in relation to certain matters concerning the administration of the New South Wales Act and the Commonwealth Act. Section 92A of the Commonwealth Act provides for the exchange of information between the Commonwealth Ombudsman and a State Ombudsman regarding eligible authorities from that State, but there is no equivalent provision in the New South Wales Act. These amendments will provide for the exchange of information.

Finally, the amendments will remove the requirement for authorities to provide copies of warrants issued to them to the New South Wales Minister. Section 6 of the New South Wales Act currently requires authorities to provide copies of warrants to the State Minister, with the State Minister required by section 7 of the Act to pass them on to the Commonwealth Minister. Earlier this year, section 59A was inserted into the Commonwealth Act requiring State authorities to forward copies of warrants directly to the Commonwealth Minister. Removing the section 6 requirement will reduce the unnecessary handling of documents. In summary, recent changes to the Commonwealth Telecommunications (Interception and Access) Act have led to differences between the new South Wales and the Commonwealth Acts. These amendments will address those differences. I commend the bill to the House.

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

## **WESTERN LANDS AMENDMENT BILL 2008**

**Bill introduced on motion by Mr Steve Whan, on behalf of Ms Kristina Keneally.**

### **Agreement in Principle**

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [5.30 p.m.]: I move:

That this bill be now agreed to in principle.

The Western Lands Amendment Bill 2008 is the culmination of a thorough review of the operation of the Western Lands Act carried out in consultation with all relevant stakeholders and interested parties. The Western Division of New South Wales comprises over 40 per cent of the area of the State. It is that part of the State situated to the west of a line running from the Victorian border near Balranald to Mungindi in the north. It is a diverse semi-arid landscape which is typified by low average rainfall and extremely high average summer temperatures. It is sparsely populated, with few towns and cities and there are limited land-use opportunities.

The majority of this division is Crown leasehold lands administered under the Western Lands Act 1901. This legislation, which underpins the management of this division of the State, has been amended and modernised over the years since it was first enacted. The most recent of those amendments occurred in 2002. The amendments to the Western Lands Act in 2002 gave effect to various proposals arising from the Western Lands review undertaken by a team led by the Hon. John Kerin between 1998 and 2000. These amendments incorporated provisions to: formally establish the road and access network as it currently exists through Western Lands leases; replace the outdated rent system as it applied at that time to leases with a more equitable rental system; introduce modern objects into the Act; facilitate the establishment of a broadly based Western Lands Advisory Council to advise on matters affecting the Western Division; and remove overly restrictive provisions and provide for greater efficiency and flexibility in dealings with, and management of, Western Lands leases.

Section 3B of the Western Lands Act, which was introduced in 2002, required the Minister administering the Act to conduct a formal review after five years to determine whether the policy objectives of the Act remain relevant and whether the Act's provisions remain appropriate for securing those objectives. The statutory review of the Act has been undertaken in consultation with the Western Lands Advisory Council, which is representative of the diverse interests in the Western Division. As part of the review process, members of the Western Lands Advisory Council were encouraged to consult with individuals and organisations they represent to identify issues they wished to have included in the review. Members of the general public were also invited to comment through advertisements in national and local newspapers.

In June 2008 the final report on the review of the Western Lands Act was tabled in both Houses of Parliament. The Western Lands Amendment Bill 2008 gives effect to the recommendations of the report. The review found that the policy objectives of the Western Lands Act remain generally valid. The review found, however, that there is a need to amend the Western Lands Act in a number of ways, including: to enable the creation of an easement along the length of the dog-proof fence which prevents wild dogs from entering New South Wales; to strengthen the boundary fencing provisions as they apply to Western Lands leases; to provide greater flexibility in the term of appointment of members to the Western Lands Advisory Council and to make provision for the appointment to the council of a nominee of the Minister for Mineral Resources; to provide clarity that the objects of the Act include matters relating to both indigenous and non-indigenous cultural heritage and accommodate new land uses and opportunities in the Western Division; and to make further provision to effect the creation of a legal road and access network for the Western Division across all land parcels.

The bill addresses the recommendations for reform found in the review. The dog-proof fence is approximately 600 kilometres in length and is located on parts of the State borders separating New South Wales from Queensland and South Australia. This fence was originally constructed as a rabbit-proof fence but now serves to prevent wild dogs, including dingoes, from entering New South Wales and killing stock and wildlife. Over \$1.5 million of landholder and public moneys are spent annually in maintaining the fence. This work is coordinated by the Wild Dog Destruction Board. Whilst the fence has been in existence for many years, and the activities of the Wild Dog Destruction Board in maintaining the fence are generally covered by the Wild Dog Destruction Act, the bill proposes a power for the Minister to create an easement along the fenced portion of the New South Wales-Queensland and New South Wales-South Australia State boundaries generally up to 100 metres wide, although up to a maximum of 200 metres wide where necessary and specified in a regulation.

Within the Sturt National Park the relevant easement or right of way may be granted by the Minister administering the National Parks and Wildlife Act 1974 subject to the terms and conditions that the Minister considers appropriate following consultation with the Minister administering the Western Lands Act 1901. The easement or right of way may be varied or revoked, again following such consultation. The intention is that the easement will be created in respect of the whole of the fenced area across all land tenures. This will guarantee access to the fence by the board for upkeep and maintenance purposes into the future. The easement will be created in favour of the Wild Dog Destruction Board. Because the Wild Dog Destruction Board already has a right to access the fence for maintenance and related purposes, compensation will not be payable when the land affected is leased under the Western Lands Act. Compensation will be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, however, where a small number of freehold land parcels are affected by the creation of the fencing easement.

The more recent introduction of exotic breeds of sheep into the Western Division has highlighted the need to strengthen the boundary fencing provisions of the Western Lands Act as they apply to Western Lands leases. If any of these breeds of sheep mix with traditional merino or other wool-producing sheep, the wool fibre is contaminated and devalued. This is an untenable situation, given the robust nature of these exotic breeds, their capacity to roam and the resultant conflict that is occurring between neighbouring producers. Whilst provisions currently exist in the Western Lands Act that require lessees to fence the boundaries of their properties, the provisions do not allow for the lessee to be directed to upgrade the fence beyond the standard of fencing which applied when the lease was first granted. The bill proposes that these provisions be strengthened to enable the Western Lands Commissioner to set standards of fencing and to enforce an upgrade of a fence so as to ensure that stock are properly contained within property boundaries. These proposals were strongly supported by Western Division pastoralists and the Western Lands Advisory Council during the recent review of the Western Lands Act.

The bill will make it clear that the Western Lands Commissioner can give directions relating to the standard of fencing lessees are required to maintain to contain stock within the boundaries of any leased land.

The bill also allows the commissioner to apportion costs of complying with a fencing order between adjoining landholders. In some circumstances it may be appropriate for stock to be fenced within a defined part of a leased property. Accordingly, the bill will provide the commissioner with power to specify fencing standards within any part of the leased land. These measures will allow fencing disputes to be resolved in a more efficient manner and will facilitate the construction of fencing appropriate to the containment of exotic breeds of sheep and other animals. The orders made by the Western Lands Commissioner under the proposed provisions will be subject to the same appeal process as currently exist for a decision of the commissioner. There may be an appeal first to the local land board and then to the Land and Environment Court, which will operate as a rehearing of the matter.

The current membership of the Western Lands Advisory Council is considered representative of all interests in the Western Division, with the exception of mining interests. As such the review supported an amendment that would allow for the appointment to the council of a nominee of my colleague the Minister for Mineral Resources. It also supported an amendment to the term of appointment of members to the council. The current term of appointment of members is for a period of three years. This provision is somewhat limiting and provision for appointment for a term of up to three years would provide greater flexibility and continuity of the council. The bill proposes amendments to effect these changes. The objects of the Western Lands Act are considered generally current and relevant. Accordingly, the review proposed that the objects remain unchanged except to the extent that may be necessary to accommodate new land-use opportunities in the Western Division; and to clarify that the scope of the objects as they relate to the social, economic and environmental interests of the State have regard to both indigenous and non-indigenous cultural heritage.

The bill will amend the objects of the Act by inserting reference to facilitating new land uses and development opportunities for land in the Western Division, and the indigenous and non-indigenous cultural heritage of the Western Division. The Western Lands Act has been amended over time to seek to address the changing needs and more contemporary requirements of the Western Division. The recent proposal to construct a large wind farm at Silverton, near Broken Hill, has highlighted a need for legislative provisions to ensure that large-scale developments, such as this wind farm, can be validly accommodated on Western Division leasehold land. Whilst the review of the Western Lands Act identified a need to amend the Act to accommodate such developments, this proposal has already been substantially progressed through the Western and Crown Lands Amendment (Special Purpose Leases) Act 2008, which was assented to in June this year.

That Act provides that a Crown Lands Act lease in the form of a special purpose lease may be granted in the Western Division. Where the land to be leased is already held under a Western Lands lease the consent of any current lessee must be obtained prior to the grant of any special purpose lease. The aims of the Western and Crown Lands Amendment (Special Purpose Leases) Act 2008 are facilitated by the provision in the bill that allows for a plan describing the site of a special purpose lease to be a registered plan of description under the Conveyancing Act 1919, rather than a plan of subdivision, as may otherwise be the case. There is no need for the technical requirements that apply to a plan of subdivision to apply to a plan of a special purpose lease.

A key component of the changes to the Western Lands Act in 2002 was legislative reform to facilitate the creation of a system of public roads linking cities, towns and villages giving access to places of significant public interest, and to provide a legal means of access to land-locked properties. This was achieved by inserting provisions to enable the creation of a legal road and access network in the form of public roads and rights of way. The 2002 amendments enable the withdrawal of any land from a Western Lands lease that is being used as a public road, without compensation, and for the dedication of that land as a public road maintained by the Roads and Traffic Authority and by shire councils in the Western Division. However, the 2002 amendments did not make provision for formally establishing existing roads where they traverse land other than Western Lands leases including freehold land, national parks, nature reserves, State forests and commons.

The Western Lands commissioner will monitor progress in establishing the legal road network of the Western Division using the existing mechanisms. These mechanisms include those introduced in 2002 and the power of the Minister for Lands to create public roads over freehold land by acquiring the land under part 12 of the Roads Act 1993 and dedicating the land so acquired as a public road under part 2 of that Act. The amendments proposed in the bill set out that the option of acquisition under the Roads Act is available in order to clarify that the option applies. If experience shows that there is a need for road or easement creation that cannot be met using existing powers consideration will be given to further reform. In addition to these amendments proposed as a result of the review of the Western Lands Act, the bill proposes a number of minor amendments to the Act to simplify and modernise its provisions. These include rationalisation of the two local land board schemes under the Crown Lands Act 1989 and the Western Lands Act 1901 into a single scheme under the Crown Lands Act applying throughout the State.

The bill also proposes a number of amendments to other Acts that are consequential to, or complementary with, the amendments proposed to the Western Lands Act. Of particular significance are proposed amendments to the Conveyancing Act 1919, the Crown Lands Act 1989, the Dividing Fences Act 1991, and the National Parks and Wildlife Act 1974. I have already discussed the amendments to the Conveyancing Act, which are designed to accommodate special purpose leases introduced by the Western and Crown Lands Amendment (Special Purpose Leases) Act 2008. The principal amendments to the Crown Lands Act 1989 will have the effect that provisions in that Act for the establishment of local land boards for each land district will apply in the Western Division. They will also define the Western Division by reference to a deposited plan recorded in the office of the Registrar General.

The amendments to the Dividing Fences Act 1991 require local land boards to have regard to certain orders under the Western Lands Act when dealing with fencing disputes; and preclude a Local Court from dealing with matters affecting land subject to a western lands lease otherwise than in relation to enforcement of orders. The amendments to the National Parks and Wildlife Act 1974 will provide the power that I have already outlined for the Minister administering that Act to grant easements or rights of way in favour of the Wild Dog Destruction Board for the purpose of repair and maintenance of the dog-proof fence following consultation with the Minister responsible for the Western Lands Act. This will ensure that easements may be created for this purpose along the whole of the fenced portion of New South Wales—the Queensland, New South Wales and South Australia State boundaries.

In conclusion, the amendments to the Western Lands Act proposed in the bill will make an important contribution to the modernisation of the legislative framework governing the management and use of land in the Western Division of the State. They will help to secure a sustainable and productive future for the division and its residents. I take this opportunity to wish all the staff of Parliament House, including Hansard—I thank them for their work—and my colleagues a Merry Christmas. I commend the bill to the House.

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

#### **FOOD AMENDMENT (MEAT GRADING) BILL 2008**

**Bill introduced, by leave, on motion by Mr Richard Torbay.**

##### **Agreement in Principle**

**Mr RICHARD TORBAY** (Northern Tablelands—Speaker) [5.46 p.m.]: I move:

That this bill be now agreed to in principle.

In November 2001 *Choice* published an article on food labelling and beef. It posed the question, "Have you ever wondered why you can get beef that melts in your mouth one day, but when you go back to buy more it will often be tough and tasteless?" Inconsistent eating quality has long been recognised as the single greatest factor undermining the marketability of beef in Australia. It is an anomaly that in a nation noted for producing some of the best beef in the world its domestic consumers have had to put up with unreliable product labelling for so long. Many in the beef industry have been trying to address this issue, viewing inconsistent quality as one of the major reasons beef has been losing market share. Australian consumers have been turning to other products.

Beef consumption in Australia has been falling alarmingly since 1977 when, on average, Australians consumed in excess of 70 kilograms of red meat per person per year. By 1982 that had fallen to 49.4 kilograms per annum and in 2007 it was around 35 kilograms per person per annum. Consumption of beef in this country has decreased by 30 per cent since the late 1970s. At the same time consumption of chicken and pork in Australia has been increasing. Since 1995-96 the total chicken meat produced in Australia has increased from 480,554 tonnes to 774,969 tonnes.

In 2003, for the first time ever, Australians ate more chicken, 35.7 kilograms per capita, compared with beef, 34.2 kilograms per capita. During the same period in the United States, while poultry meat consumption increased, beef consumption remained unchanged. Over the past 40 years red meat consumption, that is, beef and lamb, has fallen by 10 per cent in the United States and 37.5 per cent in Australia. If Australia was able to lift its domestic beef consumption from the current annual level of around 35 kilograms per capita to 43 kilograms per capita, which was the average in the 1980s, it would return well over \$1 billion a year to the Australian beef industry.

Over the last 10 years beef consumption has fallen by 5 kilograms per person, from 41.3 kilograms in 1997 to 36.3 kilograms per person in 2006-07. At current retail domestic prices, if each Australian ate another 250-gram meal of beef every 2½ weeks—to the level of 1997—the beef industry would achieve the \$1.2 billion per year increase, as estimated by the Meat Industry Council in 1996. The 2001 census figures show 7,800 abattoir jobs were lost in regional Australia between 1996 and 2001. A further 2,160 jobs were lost from abattoir closures by October 2003. Eating quality and consumer-focused grading continue to be a high priority to increase domestic consumption. Australia has no comprehensive consumer-based beef grading system that delivers customers a guaranteed quality product. By comparison, the United States has had a consumer-based mandatory beef grading system, underpinned by legislation and audited by its Department of Agriculture, since the 1920s.

In February 2001 the New South Wales Government's SafeFood Truth-in-Labeling Cow Beef Working Group recommended the introduction of a mandatory truth-in-labelling standard for beef cattle with eight or more teeth. The beef industry usually checks the age of cattle by the number of teeth they have. If an animal is over 3½ years old it has eight permanent incisor teeth. In response to the working group's recommendations the beef industry introduced a voluntary retail code for the labelling and sale of budget beef from cattle with eight or more teeth. Major meat processors in Australia estimate that around 30 to 40 per cent of the beef sold domestically is from cattle with eight teeth, and much of this ends up at the butchers or supermarkets as "prime cuts" when it should be labelled "budget" beef.

On the other hand, consumers in the United States get their table beef from animals with an average age of 22 months. In the United States, cows with eight permanent incisors are used almost entirely for processed beef, including hamburgers and sausages. Consumers in the European Union, South Korea and Japan also eat better quality meat, with import restrictions banning animals with more than four or six permanent incisors, depending on the country. It is clear that legislation on beef standards has had a positive impact on beef consumption in many countries. Over the period 1998 to 2003 the United Kingdom, United States of America, Canada and Japan—where national beef grading legislation or government restrictions on slaughter age exist—experienced increased beef consumption per head of population or, at worst, a very modest decline.

During the period 1998 to 2003 consumption in the United Kingdom increased by 4.8 kilograms per person, in South Korea by 1.4 kilograms per person, in Japan by 600 grams per person, in the United States by 500 grams per person and in Canada there was a modest decline of 600 grams per person. In Australia and New Zealand, where there is no national beef grading legislation, beef consumption has declined dramatically—by 4.1 kilograms per person in Australia and by 2.6 kilograms per person in New Zealand. Since being elected to Parliament I have worked closely with a major beef processor, Bindaree Beef, based in Inverell, to develop a fair and equitable grading system to ensure a consistent quality of meat to Australian domestic consumers. In 2002 Bindaree Beef chairman J. R. McDonald took out advertisements in *The Land* and the *Queensland Country Life* to promote a more rigorous beef grading system through appropriate truth-in-labelling regulations.

This campaign raised the concerns of many within the industry and, at the behest of the then Federal Minister for Agriculture, in 2001 the Red Meat Advisory Council convened an industry-wide Beef Grading/Labeling Forum comprising independent and major supermarket retailers, meat processors, cattle producers, the Australian Consumers Association, regulators, meat industry organisations and other special interest groups to report back to him with recommendations for the introduction of a national beef grading system. In 2004 the Red Meat Advisory Council industry-wide Beef Grading/Labeling Forum recommended the development of a voluntary standard language utilising Aus-Meat labelling language augmented by research based extensions to Meat Standards Australia in the existing budget code.

It also recommended that State and Territory governments be requested to underpin any voluntary agreed language with regulation that would require those who adopt it to have compliance as a condition of their licence. Consequently the Australian Beef Industry organisations collectively developed the Aus-Meat beef grading language for the domestic market published in the Aus-Meat "Users Guide to Australian Meat" which is the subject matter of the bill being presented to Parliament today. This bill seeks to give effect to the recommendations of the industry-wide Red Meat Advisory Council Beef Grading/Labeling Forum. The main opposition to beef grading historically in Australia has been from special interest groups such as large, foreign-owned abattoirs that apparently have an incentive to dump inferior meat onto the Australian market; hot boners whose primary market is the United States hamburger industry, and who are able to sell old cow rumps, tenderloins and other cuts on the domestic market at a higher price than they can obtain for it as hamburger meat in the United States; *Bos indicus* cattle producers in Northern Queensland; and industry organisations which are associated with or influenced by the groups mentioned.

Supporters of beef grading generally have been cattle producers who produce quality beef cattle and consumers through consumer associations. The problem with relying on a voluntary industry scheme is that it is not necessarily in the commercial interests of all relevant participants in the beef supply chain to the domestic market to adopt a national beef grading system. Neither the hot boner nor the large exporter is reliant on a vibrant domestic market for its bottom line, and neither is particularly concerned with the effect that dumping poor quality meat onto the Australian market may have on consumption levels. Processors are almost unanimous in their support for Federal legislative underpinning of the Aus-Meat descriptive trading language for exports because they want to preserve its integrity. Many of the same processors, however, are reluctant to support a trading language for domestic consumers underpinned by legislation.

The Food Amendment (Meat Grading) Bill I am introducing today addresses this anomaly. It is comparable to the system in the United States where its Department of Agriculture beef labelling code operates as a voluntary system backed up by legislation. Under the United States Department of Agriculture beef labelling legislation wholesalers and retailers who adopt the grading system are bound to comply with its provisions. A system of inspection from the abattoir through to the retailer or restaurant is provided to enforce the labelling program and penalise those who do not conform. Under this amendment to the Food Act breaches would incur a \$55,000 fine for an individual and \$2.7 million in the case of corporations.

Retailers would only have to comply if they agree to adopt the labelling scheme but they would be in breach if using the Aus-Meat code when they do not comply. The major supermarkets and a significant number of butchers are already signatories to the current voluntary retail labelling agreement using the Aus-Meat code. Under the code the terms "budget ox", "budget cow" and "manufacturing" apply to beef from older animals with eight teeth. The terms "yearling steer", "yearling beef", "young steer", "young beef", "young prime steer", "young prime", "prime steer", "prime" and "beef" apply to beef from animals with less than eight teeth. The majority of beef sold within Australia comes from Aus-Meat accredited abattoirs and must conform with Aus-Meat accredited labelling.

The major retailers sell approximately 70 per cent of the beef on the domestic market and the export abattoirs process 60 to 70 per cent of the beef produced in Australia. The export abattoirs also supply the majority of the beef sold on the domestic market by the major supermarkets. Under our system, no meat can be exported unless it has been processed at an accredited abattoir and is properly labelled. This is not the case with beef sold on the domestic market, irrespective of whether that beef is produced at a domestic abattoir or an export licensed abattoir. Meat and Livestock Australia attempted to overcome the problem by introducing a voluntary standards system. Under this arrangement Meat and Livestock Australia operates a self-regulation labelling system through selected abattoirs and retailers. It provides for four classifications of beef. The difficulty with the arrangement is that it is voluntary, and while many retailers may pay lip-service to the voluntary code, without sanctions very few producers and retailers observe the scheme's requirements in practice.

The working party convened by the New South Wales Minister for Agriculture in 2000 was established to investigate the feasibility of introducing legislation for truth in labelling. It was a response to concerns by some producers that low-grade beef from cows and aged bullocks was being substituted for high-quality table meat on the domestic market. Under present marketing arrangements, this poorer quality beef can be sold at retail level with either no title or titles such as "This Week's Special" or "Export Quality Beef". Under this new legislation, abattoirs and retailers who use the Aus-Meat labelling code will be audited and will face a significant penalty if their products do not conform to the code.

Aus-Meat is governed by an independent chairman and a board of four directors appointed by Meat and Livestock Australia and the Australian Meat Processor Corporation Ltd [AMPC]. The standards body, which was formed under the Aus-Meat Ltd constitution, is known as the Australian Meat Industry Language and Standards Committee. It is responsible to the Red Meat Advisory Council [RMAC] for the development, approval and maintenance of the Australian meat industry language and standards. The committee comprises representatives from the Cattle Council of Australia, the Sheepmeat Council of Australia, Australian Pork Ltd, the Australian Supermarkets Institute, the Meat Standards Committee, the Australian Lot Feeders Association and the Australian Meat Industry Council.

The principal objectives of Aus-Meat are management of industry standards for trade description through the Australian meat industry classification system and the Aus-Meat national accreditation standards. The national accreditation standards are designed to protect the integrity of the Aus-Meat language and the interests of the Australian industry in relation to the sale, distribution and export of Australian meat and the

reputation of Aus-Meat Ltd. The Aus-Meat language is a common language that uses objective descriptions to describe meat products accurately to meet market requirements, both nationally and internationally. A trade description that conforms to the Aus-Meat language is taken to be accurate for the purposes of compliance with export legislation, and the Aus-Meat approved quality system forms the trade description part of a registered establishment's approved arrangement with the Australian Quarantine and Inspection Service [AQIS]. Aus-Meat offers accreditation programs for abattoirs, boning rooms and non-packer exporters. Accreditation is required for all licensed exporters. Establishments wishing to be accredited by Aus-Meat must implement an Aus-Meat approved quality management system designed to ensure consistency of quality and accurate product description.

Aus-Meat language is the basis of a national uniform description system based on objective carcass measurements that is used in the classification of Australian meat and livestock. The language covers all sections of the meat processor sector. The Australian Beef Industry Language and Standards Committee developed the Aus-Meat domestic beef grading descriptors that are set out in the Aus-Meat "Users Guide to Australian Meat" in direct response to the recommendations of the Red Meat Advisory Council beef grading-labelling forum. These descriptors are specifically designed for the sale of beef on the domestic market. A different language is used for export beef. The bill that is presented to Parliament today aims to amend section 22 of the Food Act 2003 as follows:

- (a) to provide that meat is falsely described if it is described by words, letters or symbols that are used by the AUS-Meat "User's Guide to Australian Meat" to designate or indicate the meat of a particular type or grade, but has not been assessed in accordance with requirements of that publication or does not comply with the standards set out in that publication with respect to that type or grade of meat.
- (b) to provide that a person carrying on a food business is taken to have engaged in conduct that is misleading or deceptive (or is likely to mislead or deceive) in relation to the advertising, packaging or labelling of meat intended for sale, or in relation to the sale of meat, if:
  - (i) the person advertises, packages, labels or sells meat described by means of AUS-Meat language, and
  - (ii) other meat advertised, packaged, labelled or sold by that person is described by any other means.

Since New South Wales represents almost one-third of Australia's domestic beef market, it is the market leader. If this bill is passed I believe other States and Territories will, in due course, adopt similar legislation. The New South Wales National Party passed a motion in support of the beef grading system in 2003. The then leader of the National Party, George Souris, wrote to Mr McDonald at Bindaree Beef stating that his party was committed to advancing the issue of truth in labelling for beef and would support appropriate regulations made under the New South Wales Food Act.

That same year the New South Wales Farmers Association gave its support for a more detailed retail labelling agreement to introduce legislative underpinning of a comprehensive voluntary truth-in-labelling scheme for beef. Similar support came from the Cattle Council. This bill is based upon advice from senior counsel obtained by the New South Wales Government SafeFood Truth-in-Labelling Cow Beef Working Group. I believe this amending bill should receive bipartisan support. I have dropped off a copy of the bill for the Minister for Primary Industries, the Hon. Ian Macdonald, because it meets the needs of consumers. It should also boost the sale of beef on the domestic market and provide more jobs and income across the beef industry. I commend the legislation to the House.

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

## **PRINTING OF PAPERS**

### **Motion by Mr John Aquilina, by leave, agreed to:**

That the following papers be printed:

Report of the Aboriginal Housing Office for the year ended 30 June 2008  
 Report of the Administrative Decisions Tribunal for the year ended 30 June 2008  
 Report of the Anti-Discrimination Board of New South Wales for the year ended 30 June 2008  
 Report of the Art Gallery of New South Wales Trust for the year ended 30 June 2008  
 Report of the Attorney General's Department for the year ended 30 June 2008  
 Report of the Australian Museum Trust for the year ended 30 June 2008 (Volumes One and Two)  
 Report of the Australian Technology Park for the year ended 30 June 2008

Report of the Board of Studies and the Office of the Board of Studies for the year ended 30 June 2008  
Report of the Building and Construction Industry Long Service Payments Corporation for the year ended 30 June 2008  
Report of the Building Insurer's Guarantee Corporation and the Fair Trading Administration Corporation for the year ended 30 June 2008  
Report of the Cancer Institute New South Wales for the year ended 30 June 2008  
Report of the Casino Control Authority for the year ended 30 June 2008  
Report of the Centennial Park and Moore Park Trust for the year ended 30 June 2008  
Report of the Chipping Norton Lake Authority for the year ended 30 June 2008  
Report of the Clinical Excellence Commission for the year ended 30 June 2008  
Report of the Community Relations Commission for the year ended 30 June 2008  
Report of the Cooks Cove Development Corporation for the year ended 30 June 2008  
Report of the Department of Community Services for the year ended 30 June 2008  
Report of the Department of Corrective Services for the year ended 30 June 2008  
Report of the Department of Lands for the year ended 30 June 2008  
Report of the Department of Local Government for the year ended 30 June 2008  
Report of the Department of Planning for the year ended 30 June 2008  
Report of the Department of Premier and Cabinet for the year ended 30 June 2008  
Report of the Department of State and Regional Development for the year ended 30 June 2008  
Report of the Departments of the Arts, Sport and Recreation for the year ended 30 June 2008  
Report of the Greyhound and Harness Racing Regulatory Authority for the year ended 30 June 2008  
Report of the Greyhound Racing NSW for the year ended 30 June 2008  
Report of the Growth Centres Commission for the year ended 30 June 2008  
Report of Harness Racing NSW for the year ended 30 June 2008  
Report of the Health Care Complaints Commission for the year ended 30 June 2008  
Report of the Historic Houses Trust of New South Wales for the year ended 30 June 2008  
Report of Housing New South Wales for the year ended 30 June 2008  
Report of the Hunter Development Corporation for the year ended 30 June 2008  
Report of the Independent Pricing and Regulatory Tribunal for the year ended 30 June 2008  
Report of the Independent Transport Safety and Reliability Regulator for the year ended 30 June 2008  
Report of the Judicial Commission of New South Wales for the year ended 30 June 2008  
Report of Legal Aid New South Wales for the year ended 30 June 2008  
Report of the Library Council of New South Wales for the year ended 30 June 2008  
Report of the Lifetime Care and Support Authority of New South Wales for the year ended 30 June 2008  
Report of the Luna Park Reserve Trust for the year ended 30 June 2008  
Report of the Maritime Authority of New South Wales for the year ended 30 June 2008  
Report of the Mental Health Review Tribunal for the year ended 30 June 2008  
Report of the Ministry for Police for the year ended 30 June 2008  
Report of the Ministry of Transport for the year ended 30 June 2008  
Report of the Motor Accidents Authority of New South Wales for the year ended 30 June 2008  
Report of the Natural Resources Commission for the year ended 30 June 2008  
Report of the New South Wales Bar Association for the year ended 30 June 2008  
Report of the New South Wales Board of Vocational Education and Training for the year ended 30 June 2008  
Report of the New South Wales Chiropractors Registration Board for the year ended 30 June 2008  
Report of the New South Wales Dams Safety Committee for the year ended 30 June 2008  
Report of the New South Wales Dental Technicians Registration Board for the year ended 30 June 2008  
Report of the New South Wales Electoral Commission for the year ended 30 June 2008  
Report of the New South Wales Film and Television Office for the year ended 30 June 2008  
Report of the New South Wales Fire Brigades for the year ended 30 June 2008  
Report of the New South Wales Food Authority for the year ended 30 June 2008 (Volumes One and Two)  
Report of the New South Wales Health Foundation for the year ended 30 June 2008  
Report of the New South Wales Institute of Psychiatry for the year ended 30 June 2008  
Report of the New South Wales Institute of Sport for the year ended 30 June 2008  
Report of the New South Wales Medical Board for the year ended 30 June 2008  
Report of the New South Wales Optical Dispensers Licensing Board for the year ended 30 June 2008  
Report of the New South Wales Optometrists Registration Board for the year ended 30 June 2008  
Report of the New South Wales Osteopaths Registration Board for the year ended 30 June 2008  
Report of the New South Wales Physiotherapists Registration Board for the year ended 30 June 2008  
Report of the New South Wales Podiatrists Registration Board for the year ended 30 June 2008  
Report of the New South Wales Police Force for the year ended 30 June 2008  
Report of the New South Wales Psychologists Registration Board for the year ended 30 June 2008  
Report of the New South Wales Rural Fire Service for the year ended 30 June 2008  
Report of the New South Wales State Emergency Service for the year ended 30 June 2008  
Report of the New South Wales Vocational Education and Training Accreditation Board for the year ended 30 June 2008  
Report of NSW Businesslink Pty Ltd for the year ended 30 June 2008  
Report of the Nurses and Midwives Board for the year ended 30 June 2008  
Report of the Office of Transport Safety Investigations for the year ended 30 June 2008  
Report of the Parramatta Park Trust for the year ended 30 June 2008  
Report of the Professional Standards Department of the Law Society of New South Wales for the year ended 30 June 2008 (Volumes One and Two)  
Report of the Protective Commissioner and Public Guardian for the year ended 30 June 2008  
Report of the Public Transport Ticketing Corporation for the year ended 30 June 2008  
Report of the Public Trustee for the year ended 30 June 2008  
Report of the Racing NSW for the year ended 30 June 2008  
Report of Rail Corporation New South Wales for the year ended 30 June 2008  
Report of the Rail Infrastructure Corporation for the year ended 30 June 2008

Report of the Redfern-Waterloo Authority for the year ended 30 June 2008  
 Report of the Responsible Gambling Funds Trustees for the year ended 30 June 2008  
 Report of the Rice Marketing Board for the year ended 30 June 2008  
 Report of the Roads and Traffic Authority for the year ended 30 June 2008  
 Report of the Sporting Injuries Committee for the year ended 30 June 2008  
 Report of the State Property Authority for the year ended 30 June 2008  
 Report of the State Sports Centre Trust for the year ended 30 June 2008  
 Report of the Sydney Olympic Park Authority of New South Wales for the year ended 30 June 2008  
 Report of the Sydney 2009 World Masters Games Organising Committee for the year ended 30 June 2008  
 Report of Sydney Ferries for the year ended 30 June 2008  
 Report of the Sydney Harbour Foreshore Authority for the year ended 30 June 2008  
 Report of the Sydney Olympic Park Authority for the year ended 30 June 2008  
 Report of the Sydney Opera House Trust for the year ended 30 June 2008  
 Report of the Transport Infrastructure Development Corporation for the year ended 30 June 2008  
 Report of the Trustees of the Museum of Applied Arts and Sciences for the year ended 30 June 2008  
 Report of the Upper Parramatta River Catchment Trust for the year ended 30 June 2008  
 Report of the Veterinary Practitioners Board of New South Wales for the year ended 30 June 2008  
 Report of the Wollongong Sportsground Trust for the year ended 30 June 2008  
 Report of the World Youth Day Co-ordination Authority for the year ended 30 June 2008  
 Statutory Audit Report of the Legal Profession Admission Board for the year ended 30 June 2008  
 Report of Riverina Citrus for the year ended 30 April 2008

## RETIREMENT VILLAGES AMENDMENT BILL 2008

### Consideration in Detail

#### Consideration of the Legislative Council amendments.

##### *Schedule of amendments referred to in message of 4 December 2008*

- No. 1 Page 3, schedule 1 [2]. Insert after line 13:
- capital maintenance means works carried out for the purpose of repairing or maintaining an item of capital and includes works prescribed by the regulations as being capital maintenance, but does not include works that are prescribed by the regulations as not being capital maintenance.
- capital replacement means works carried out for the purpose of replacing an item of capital, but does not include capital maintenance.
- No. 2 Page 3, schedule 1 [3], line 32. Insert " **capital replacement**" after " **definitions of**".
- No. 3 Page 25, schedule 1 [63], proposed section 92 (2), lines 25–27. Omit all words on those lines.
- No. 4 Page 26, schedule 1 [63], proposed section 93 (4), lines 27–30. Omit all words on those lines.
- No. 5 Page 27, schedule 1 [63], proposed section 94 (3), line 7. Omit "the maintenance of or replacing any". Insert instead "capital maintenance or capital replacement in respect of an".
- No. 6 Page 27, schedule 1 [63], proposed section 95 (1), line 13. Omit "maintenance". Insert instead "capital maintenance or capital replacement in respect".
- No. 7 Page 27, schedule 1 [63], proposed section 95 (1), line 15. Omit ", or replace any such item,".
- No. 8 Page 27, schedule 1 [63], proposed section 95 (2), line 20. Omit "Except as provided by subsection (3), a". Insert instead "A".
- No. 9 Page 27, schedule 1 [63], proposed section 95 (3), lines 25–31. Omit all words on those lines.
- No. 10 Pages 28 and 29, schedule 1 [63], proposed section 97, line 16 on page 28 to line 21 on page 29. Omit all words on those lines. Insert instead:

#### **97 Funding of certain capital maintenance and capital replacement**

- (1) The operator of a retirement village may fund the cost of capital maintenance in respect of which the operator is responsible from the following sources:
- (a) the capital works fund for the retirement village (if any),
- (b) recurrent charges.
- (2) The operator of a retirement village must bear the cost of capital replacement in respect of an item of capital for which the operator is responsible.

- (3) This section does not authorise the funding of any of the following from the capital works fund or recurrent charges for the retirement village:
- (a) the construction of a new building or a new stage of the retirement village,
  - (b) any work arising from the breach of a statutory warranty (within the meaning of the *Home Building Act 1989*) in respect of which proceedings may be commenced under Part 2C of that Act,
  - (c) the depreciation of items of capital,
  - (d) the refurbishment of vacant residential premises within the retirement village,
  - (e) such other things as may be prescribed by the regulations.

No. 11 Page 29, schedule 1 [63], proposed section 98, lines 22–32. Omit all words on those lines.

No. 12 Pages 29 to 31, schedule 1 [63], proposed section 99, line 33 on page 29 to line 9 on page 31. Omit all words on those lines. Insert instead:

**99 Capital maintenance to be included in proposed annual budget**

- (1) This section applies only if:
- (a) the operator of the retirement village is required to supply the residents of the retirement village with a proposed annual budget, and
  - (b) the operator proposes to use any recurrent charges or any part of the capital works fund (if any) for the retirement village to fund capital maintenance.
- (2) The operator of a retirement village must, in the proposed annual budget:
- (a) list each item of capital maintenance that is proposed to be carried out, and
  - (b) specify, in respect of each item, the expected cost, and
  - (c) include, in respect of each item, any quotes that the operator has obtained, and
  - (d) include provision for urgent capital maintenance.

No. 13 Page 31, schedule 1 [63], proposed section 100 (1), line 13. Omit "and replacement".

No. 14 Page 31, schedule 1 [63], proposed section 100 (5) (a), lines 30 and 31. Omit "and replacement in accordance with a proposal under section 99".

No. 15 Page 31, schedule 1 [63], proposed section 100 (5) (b), line 35. Omit "and replacement".

No. 16 Page 32, schedule 1 [63], proposed section 100 (8) (b), line 14. Omit "and replacement".

No. 17 Page 37, schedule 1 [81], lines 13 and 14. Omit all words on those lines. Insert instead:

- (7) The residents of a retirement village may consent to not being supplied with a proposed annual budget if, in the year in which the consent is given, the total amount of the recurrent charges that are to be collected for the year does not exceed \$50,000 or such other amount as may be prescribed by the regulations

No. 18 Page 37, schedule 1 [81], lines 19–21. Omit all words on those lines. Insert instead:

- (9) Consent given under subsection (7) remains in force until such time as:
- (a) the consent is revoked by a resolution of the residents of the village, or
  - (b) the total of the recurrent charges to be collected for a financial year to which the consent relates exceeds \$50,000 or such other amount as may be prescribed by the regulations.

No. 19 Page 41, schedule 1 [103], lines 4–16. Omit all words on those lines. Insert instead:

**[103] Section 119 (2) (a) (i) and (ii)**

Omit the subparagraphs. Insert instead:

- (i) details of the income and expenditure of the village during the financial year, including income and expenditure of the capital works fund (if any),
- (ii) details of the balance of the capital works fund (if any),

- No. 20 Page 62, schedule 1 [167], proposed clause 17 of schedule 4, line 20. Omit "6 months". Insert instead "42 days".
- No. 21 Page 65, schedule 1 [167], proposed clause 24 of schedule 4, lines 1–7. Omit all words on those lines.
- No. 22 Page 65, schedule 1 [167], proposed clause 25 of schedule 4, lines 13–15. Omit "held by the operator and may be used by the operator to fund the operator's proportion of any capital maintenance and replacement". Insert instead "paid to the operator of the retirement village".
- No. 23 Page 67, schedule 1 [167], proposed clause 28 of schedule 4, lines 2–7. Omit all words on those lines. Insert instead:

**28 Amendments relating to annual budgets**

- (1) A statement of proposed expenditure or a statement of approved expenditure under this Act (as in force immediately before the repeal of the definition of *statement of approved expenditure* in section 4 (1)) is taken, on that repeal, to be a proposed annual budget or approved annual budget respectively.
- (2) An amendment made by the 2008 amending Act does not affect expenditure from recurrent charges of a retirement village that was approved, in accordance with this Act, by the residents of the retirement village before the commencement of that amendment. Any such expenditure may be made after that commencement from the recurrent charges of the retirement village.

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [6.08 p.m.], on behalf of Ms Linda Burney: I move:

That the House agree to Legislative Council amendments Nos 1 to 19.

The Retirement Villages Amendment Bill 2008 and the amendments passed in the Legislative Council were the result of lengthy consultation and have provoked much discussion and debate. One of the great things about democracy is that such matters are able to be debated, and issues can be thoroughly canvassed so that the right balance can be struck in legislation. Sadly, the Opposition has maintained a campaign of misinformation about this package of reforms, and that misinformation continues this evening. The new provisions passed in the other place will improve the situation for retirement village residents and support a viable industry so that our ageing population—our treasured seniors—can have access to a range of accommodation. Many people who live in retirement villages are on low or fixed incomes, and naturally the rumours of massive fee increases that have been spread by the Opposition have caused them great anxiety.

I assure the Parliament that the intent of the reform to the retirement village budget process is to encourage operators to keep fees at or below the rate of inflation. Existing protections in the Act prevent services and facilities from being varied without residents' consent and specify items that cannot be included in a village budget, such as capital replacement. Key stakeholders have expressed strong general support for the bill. I extend very special thanks to the Retirement Village Residents Association, the Retirement Villages Association, and the Aged and Community Services Association. The Government's consultation with stakeholders does not stop this evening. We will continue to engage, talk and have dialogue as part of the development of supporting the regulations. I take this opportunity also to thank the Shooter's Party and Reverend the Hon. Fred Nile for supporting these new laws that will deliver a broad range of benefits to residents and villages. A special thank you also goes to Reverend the Hon. Dr Gordon Moyes for his encouraging words of hope and support. The amended bill better protects the rights of retirement villages without compromising the viability of an industry that is vital to our ageing population.

The benefits of these changes include: reducing the period that a former occupant is required to pay recurrent charges or is fully responsible for those charges, introducing a 90-day settling-in period for new residents during which they may terminate a contract and only be responsible for market rent and an administration fee; requiring operators to hold annual meetings with residents; ensuring operators make good any budget deficit at the end of each financial year; establishing new safety and emergency procedures within the villages; and streamlining compliance requirements for smaller village operators. We listened, we heard and we took steps to address the concerns of residents. This is a sensible package of reforms that delivers certainty and security to both residents and operators. We believe we have struck a balance and with every month, day and week that we delay in passing these amendments more and more of our treasured seniors, the residents, will suffer. Is that what the Opposition wants? It is beyond my belief or comprehension that the Opposition wants residents to suffer, because the Government certainly does not. Let us pass this bill in the Legislative Assembly.

**Mr ANDREW CONSTANCE** (Bega) [6.12 p.m.]: I note that it is 6.12 p.m. It will be a great shame if consideration of the Retirement Villages Amendment Bill 2008 is gagged because the right wing of the Australian Labor Party is holding a function. I know that village residents who have been following the debate in the Legislative Council will be very disappointed if that happens, particularly given the number of Opposition

members who want to speak to the amendments. I also draw the Minister's attention to the fact that when this bill was introduced in June, Parliament had been recalled to debate the electricity debacle. That meant that members received no notice of the bill's introduction and had no time to prepare. However, the New South Wales Liberal-Nationals Coalition consulted residents about the impact of this legislation.

At no point has there been any real opportunity for Opposition members to debate the legislation. It was debated in the Legislative Council last night, and the Government did a deal with the Shooters Party and Reverend the Hon. Fred Nile. I am becoming very disillusioned with the way in which Reverend the Hon. Fred Nile continually aligns himself with the Government—particularly when it disadvantages retirement village residents, as it does on this occasion. The Minister for Fair Trading said that Opposition members have been spreading misinformation about the legislation. But the Australian Labor Party and the Minister introduced a bill into this place that required 20 amendments in the Legislative Council. Some of those amendments resulted from pressure applied by the Liberal-Nationals Coalition, which worked with residents of retirement villages. We lobbied the various associations involved and put pressure on the Minister to roll over.

I refer particularly to the capital works component of the legislation, which was frankly outrageous, unethical and came about simply because Labor members were lobbied and dined by developers. As a result, that provision in the bill as originally drafted was completely unacceptable. The Opposition welcomes the Government's backflip on its disgraceful attempt to impose on residents the responsibility to pay 50 per cent of capital replacement costs. That proposal would have overridden all contracts. It is unthinkable that this unprecedented provision would require one person to pay for another person's property. In particular, the bill targeted that section of the community that is particularly vulnerable.

The Minister said that the Opposition misinformed the community, but she introduced a bill that required 20 amendments in the Legislative Council. Surely that demonstrates that the bill was fundamentally flawed. I understand that former Minister Burney was principally responsible for this legislation. Shame on the Government, which was forced into a humiliating backdown over capital costs after it was revealed that the Labor Party accepted nearly \$40,000 in political donations from village owners. The donations were made at a \$1,000 per head function at which the former Minister for Fair Trading was a special guest. At the time Minister Burney was finalising legislation that was supposed to protect residents from unfair changes. As we all know, that is when she introduced the 50 per cent capital cost provision into the legislation.

I acknowledge Mr Ian Hopper, President of the Retirement Village Residents Association, and the hundreds of ordinary residents whose measured approach and activism has resulted in this backdown. Unlike the Government, the Opposition held forums with residents. I attended a number of them, and the anger was palpable. Thank goodness that the Government has backed down. I acknowledge that the current Minister for Fair Trading was responsive, but the backdown came about because of community based pressure and the revelations concerning political donations. The Opposition will support amendments Nos 1 to 19. However, I was particularly disappointed when a number of amendments moved by the shadow Minister in the other place were shot down because the Shooters Party and Reverend the Hon. Fred Nile were not willing even to entertain the reforms. As a result, public housing tenants will no longer have equal rights as residents in their own villages, as they will be transferred to tenancy status. Village operators can increase levies by up to the consumer price index without obtaining resident approval. In fact, most of the process can now be suspended.

Village resident committees will lose the automatic right to scrutinise, veto or dispute how their money is spent in villages. Residents in for-profit villages are exempt from provisions to give better security. Members of committees will have their terms of office capped at three years. Operators will be allowed to combine village accounts, depriving residents of the right to know how much of their money has been collected and spent on them, and operators can impose business costs such as payroll insurance on residents. Those are some of the reforms that the Labor Party has been able to secure with Reverend the Hon. Fred Nile and the Shooters Party. I say with caution that no doubt there will be fallout from this legislation. It is outrageous that consideration will be gagged tonight because of the Labor Party's factional dinner. I look forward to moving an amendment to amendment No. 20 in due course.

**Mrs SHELLEY HANCOCK** (South Coast) [6.20 p.m.]: I make a brief contribution to the consideration on the Retirement Villages Amendment Bill 2008 and state, as the member for Bega has done, the profound disappointment felt by a significant sector of the residents of aged-care facilities regarding unnecessary delays in the finalisation of this bill, delays not due to any incompetence on the part of the Opposition, but certainly on the part of the Minister for Fair Trading. The original bill was simply a sham, and

she knows that. The delays have led to ongoing uncertainty regarding the rights of residents, ongoing frustration on the part of residents regarding the contentious area of maintenance versus capital replacement and, in some cases, reluctance on the part of some aged-care facility managers to properly engage with residents.

Many of the aged-care facilities in my electorate are situated in prime locations, boasting excellent facilities and first-rate construction standards. However, the reality does not always match the glossy advertising brochures with respect to maintenance, adherence to safety standards, communication between management and residents and failure on the part of managers to adhere to proper standards. Throughout my discussions with residents from the South Coast electorate, many residents said that they are often ignored or treated without respect due to their age. In some cases various loopholes in the legislation have led to blatant exploitation of our older citizens. I am sure that the Minister would not want that to happen in future. I know she is committed to her portfolio. Often older residents do not have the resources to argue or plead their case.

At this point I note the contribution of the Aged Care Rights Service, known as TARS, to aged-care advocacy and retirement village advocacy, through supplying legal advice, information and education to older people. However, as with most rural and regional areas, the TARS representatives may not always be on hand to provide their much-needed services. As a result of the delays in amendments to the bill, and the lack of clarity in the Retirement Villages Act, which was gazetted way back in 1999, the services of TARS have been appreciated but not always able to be utilised due to the increasing number of conflicts throughout the State.

I pay sincere tribute to the shadow Minister for Fair Trading and shadow Minister for Volunteering, the Hon. Catherine Cusack, MLC, who closely scrutinised the original legislation and spoke out stridently on behalf of the residents of retirement villages in New South Wales who have approached her. She has done the very hard yards; there is no doubt about that. We all know that if the residents were saddled with the original legislation that came before the House in June this year, they would be worse off. I thank the shadow Minister for her efforts. Her scrutiny was needed urgently, considering the lacklustre effort of the Government to properly represent village residents. I am sorry to say that our amendments moved in the other place last night were defeated. They would have achieved fairer outcomes.

Today we are faced with Government amendments, which are obviously better than any previous amendments, but the Government would not listen to the better amendments moved last night in the other place. I am very disappointed with Reverend the Hon. Fred Nile and the Shooters Party. They should have been much more diligent about representing their constituents. The amendments the Government moved in the other place will undoubtedly dismay residents and effectively remove the rights of residents.

The Government's amendments will lead to public housing tenants no longer having equal rights as residents in their own villages, as they have been transferred to tenancy status. Village operators can increase levies by up to the consumer price index without obtaining resident approval. In fact, most of the process can now be suspended. Village resident committees will lose the automatic right to scrutinise, veto or dispute how their money is spent in villages. Residents' up-front payments, usually the life savings of residents in for-profit villages, will be exempt from provisions to give better security. Members of committees are to have their terms of office capped at three years, and operators will be allowed to combine village accounts, depriving residents of the right to know how much money has been collected and spent on them. Operators will be able to impose business costs, such as payroll and insurance, on residents.

On behalf of the residents in my area, with whom I meet regularly to listen to their concerns and hear them say that they do not believe any legislation before this House since 1999 has represented accurately their concerns, I say that the legislation still is not right. The amendments that were defeated last night would have perfected the bill. But as usual at this time of the year, members opposite want to push through legislation and amendments rather than getting them right. That will come back to bite us, because the bill still is not right. Although the Minister has tried, and she always tries her hardest, the bill is not right. Again, I thank the Hon. Catherine Cusack for attempting to get it right and being utterly rigorous in her examination of these proposals.

**Mr ROB STOKES** (Pittwater) [6.26 p.m.]: I will speak for some time on the deficiencies in the Retirement Villages Bill 2008, given that the Government will not accept all the amendments moved by the Opposition last night. I am aware that debate is likely to be gagged, and I am aware that a large number of my colleagues want to speak on this consideration. I certainly welcome the announcement of the State Labor Government that it will dump its plan to force retirement village residents to pay 50 per cent of the capital costs

of retirement village owners. I am appalled at the suggestion by the Minister for Fair Trading that somehow members on this side of the House have been engaged in some sort of misinformation campaign. I assure the Minister that residents of the villages brought deficiencies in the bill to my attention.

This issue is not something invented by the Opposition; we are responding to issues brought up by our constituents. I congratulate the hundreds of ordinary residents, including Patrick Luttrell, Roger Clark and Ivan Skellett from Minkara Resort in my electorate of Pittwater, and Betty Mair from Bayview Gardens Village, also in Pittwater, whose measured approach and activism have resulted in the backdown by the Government. It is a victory for older people and it sends the strong message that pensioners and self-funded retirees are not milch cows to be exploited by big banks and big business. Although that backdown is positive, the bill is still bad in certain respects.

All the residents will lose rights to veto village levies and budgets under Labor's laws. While the laws are ostensibly designed to protect residents' interests, it does not take much examination to reveal that the laws are weighted strongly in favour of the powerful corporate operators of retirement villages. Under the reforms, village operators can increase levies by up to the consumer price index without resident approval. Operators will be able to combine village accounts by depriving residents of the right to know how much of their money has been collected and spent on them. Operators can impose on their residents business costs, such as payroll and insurance. Some of the powerful corporate owners have bought up a number of retirement villages.

One operator based in Queensland has bought four retirement villages in my electorate. It is simply unconscionable for powerful corporate players with huge payroll tax liabilities to cost shift payroll tax onto residents. It is also unconscionable that they should have such ridiculously huge payroll tax liabilities in the first place, but that is another matter. The idea that residents should have to meet the insurance costs of the operators, for land owned by the operators, is just plain wrong. I congratulate residents on a magnificent effort to stop this terrible move to force residents to pay 50 per cent of operator capital costs. We have seen some modest improvements for residents, but overall the bill remains a developer's dream.

**Mr WAYNE MERTON** (Baulkham Hills) [6.29 p.m.]: I speak in support of the residents of retirement villages. These residents were given a dreadful deal in the legislation put forward by the Government. It was introduced into Parliament on the day that the electricity utilities were supposed to be privatised. I raised the issue of what was happening about making residents liable to pay the capital costs of the building and things of that nature as well as the recurrent expenditure, which was to be divided equally between residents and the operators. I am pleased to note that as a result of the steps taken by the Coalition in response to community interest the Government was forced to back down. It realised it was leading these people astray. They are the most vulnerable people in the community and the Government was prepared to take them to the cleaners in the interests of big business. The Opposition does not operate that way. It is interested in the little people, the battlers. The world has changed.

**Mr Chris Hartcher:** Ordinary people.

**Mr WAYNE MERTON:** That is right, ordinary people. Under this legislation the reality is that the security of payment for people who are in for-profit villages and the security of their leasehold interest disappears. They do not get the benefit of priority. The Opposition thinks that is fundamentally wrong. The operation of these retirement villages is slanted very much in favour of business. The business sells the unit and it gets paid. When the occupants leave it gets 25 per cent back by way of a deferred payment. Quite often the operator gets half the capital gain.

The reality is that a person can buy a unit for \$400,000 and occupy it for eight years, pay a quarter back when they sell it, which is \$100,000, and then have to pay half the capital gain. It is slanted entirely against old people who are the most vulnerable people in the community. The Opposition has a line-up of speakers here ready to go. We are prepared to speak about this all night. We would be devastated if the Government tried to gag debate because we are the voice of older Australians. People have worked hard and put up money to get security in retirement and the Government's legislation has undermined their rights. My colleagues and I will fight to the end to preserve these people's rights.

**Mr CHRIS HARTCHER** (Terrigal) [6.31 p.m.]: On the Central Coast our local paper gives out brickbats and bouquets. Tonight I would like to hand out some brickbats in the short time allocated to me. The first brickbat goes to the Government, which allowed this situation to fester for five years from the time the initial review was required by law until the legislation was introduced in 2008. Promise after promise was

broken. The second brickbat for the Government is that it sold itself out for \$40,000. The previous Minister, the Hon. Linda Burney, was involved with fundraisers with the Retirement Villages Association that raised \$40,000 for the Australian Labor Party and she then promoted this legislation in the Parliament that denied fundamental rights to the thousands of people who live in retirement villages.

The third brickbat has to go Reverend the Hon. Fred Nile and the Australian Shooters Party, who collaborated with the Government last night to deny the further reforms that are necessary to protect retirement villages. These members claim to protect the weak and the underprivileged in our society, yet they denied them the protection of the law. As members would expect, the fourth brickbat has to go to the member for Gosford and the member for The Entrance, who have said nothing despite the fact that thousands of retirement village residents live in their electorates, including in huge villages such as Henry Kendall, the second largest village in the State. They have said not a word to protect these people. They are silent in the face of the enemy that wanted residents to pay 50 per cent of the capital cost of future maintenance works. Where are those members? They are silent. Let the electorate judge them in 2011.

Let us hand out the bouquets. The first bouquet must go to the Hon. Catherine Cusack, a wonderful woman whose zeal, attention to detail and determination to overcome has really ensured that the Government has been exposed by this legislation. The Hon. Catherine Cusack has done an outstanding job and deserves the commendation of not just this side of politics but the entire community. The next bouquet has to go to my other colleagues here who supported the Hon. Catherine Cusack, including the member for Lane Cove, who has been a determined fighter for the residents in his area. I will not single out the others—

**Mr Richard Amery:** Point of order: I do not want to put any undue pressure on you, Mr Acting-Speaker, but I draw the attention of the member for Terrigal to the fact that this is not an agreement in principle debate; this is consideration in detail of amendments agreed to in the Legislative Council. The role of members, shadow Ministers and the brickbats and bouquets are all entertaining stuff, but they have little to do with the amendments from the upper House.

**ACTING-SPEAKER (Mr Thomas George):** Order! I have heard enough on the point of order.

**Mr Andrew Constance:** To the point of order: Every member that I have heard thus far has spoken about capital works and we will continue to speak about capital works, which relates to amendments Nos 1 to 19 before the House.

**ACTING-SPEAKER (Mr Thomas George):** Order! Members will restrict their comments to amendments Nos 1 to 19.

**Mr CHRIS HARTCHER:** I refer to amendments Nos 1 to 19 and I urge their adoption by this House because of their importance. I indicate that these amendments were strongly supported by the residents of Henry Kendall village in The Entrance electorate and by the residents of Tarragal Glen Retirement Village in my electorate. I give each of those residents associations a bouquet for fighting for truth and justice.

**Mr MICHAEL RICHARDSON** (Castle Hill) [6.36 p.m.]: I do not have the largest number of residents of retirement villages in the State in my electorate—I think that distinction goes to the member for Port Macquarie, who I see is now in the Chamber. However, I have the largest concentration of aged people in Australia at the Anglican Retirement Village at Castle Hill. It is so big that it is divided into six villages, which is one of the issues that needed to be addressed in the amendments. There are no fewer than three polling booths in those villages. I am proud to say that at the last election I received 90 per cent of the vote at one of those booths. I do not know whether that had anything to do with the Government's attitude towards retired people. I hope that it did not because my understanding is that Warwick Olsen and Malcolm Squires, who live in the Warrina Village in the Anglican Retirement Village, played a pivotal role in the amendments before the House.

**Mr Richard Amery:** Point of order: Again, I do not wish to put you under any undue pressure, Mr Acting-Speaker, but I ask the member for Castle Hill to indicate which part of the amendments relates to his election results and the facilities in his electorate. I do not think he is speaking to the amendments.

**ACTING-SPEAKER (Mr Thomas George):** Order! I have heard enough of the point of order. I ask members to refer to amendments Nos 1 to 19.

**Mr MICHAEL RICHARDSON:** I was saying that amendments Nos 1 to 19 were to a significant extent informed by my constituents Mr Warwick Olsen and Mr Malcolm Squires. Their efforts played a pivotal

role in these amendments coming before the Parliament. It is not surprising. The issue that most concerned them, as I think it concerned residents of retirement villages throughout New South Wales, was residents being asked to pay 50 per cent of capital works. They were outraged by this proposal and pointed out that there were many self-funded retirees, people on fixed incomes, in their village who might end up having to sell their unit and get out and lose their home because at some time in the future they would not be able to afford the massive demand that the operator might place on them for a co-payment for capital works.

Some examples that they gave me related to the air-conditioning units in their homes, which as I understand it were only five years old but were defective and were being progressively replaced. One would have thought that that would have been done under warranty, but the difficulty is that the supplier went broke. Clearly, this is a capital item for which they were concerned they would end up having to pay. Another example they gave concerned their leaking balcony rooms, which are being progressively replaced. Another example they gave involved the replacement of a number of superseded microwaves that were breaking down.

This is typical of the sorts of issues for which residents in retirement villages would have been forced to pay had the Government's original bill gone through this Parliament. I pay tribute not just to my constituents Mr Warwick Olsen and Mr Malcolm Squires but also to the Hon. Catherine Cusack, shadow Minister for Fair Trading in another place, for the effort she put into getting this Government to back down on what would have been an outrageous piece of legislation. I do not think I can speak too strongly about the impact that that legislation would have had on residents in retirement villages throughout this State. I understand that the review was carried out five years ago but it took this Government five years to introduce this defective piece of legislation. It shows that the Government in this area, as in everything else, is not on top of its game.

**Ms PRU GOWARD** (Goulburn) [6.41 p.m.]: The Retirement Villages Act creates two classes of consumers—those classified as owners and those classified as non-owners. It is mostly a technical distinction but it is a devastating distinction for people like one of my constituents who, unfortunately, signed a contract that classified her as an owner. She falls on the wrong side of the arbitrary dividing line drawn by Labor for consumers who receive full protection and those who are denied protection, and she becomes a registered interest holder. My constituent's mother bought into a private retirement village and occupied it for three years. At that point she moved to a nursing home, where she died two months later—in December 2006.

In accordance with the terms of the lease, the villa was made ready for refurbishment by the end of the year and that refurbishment had to occur before the villa was released. It was not completed until June 2007 and in that six-month period the villa could not be shown to prospective tenants. Her daughter—my constituent—was obliged to pay the monthly levy of \$603 every month throughout that time and she has done so from then until now—in 2008. The villa has remained vacant and my constituent continues to pay the levy from her own resources. If she had had a different type of contract known as a loan lease contract, which is common in church- and charity-run villages, she would not have suffered this misfortune and her fees would have been capped at six months.

However, she has a long-term lease with a notional share of the capital gain and is thus defined as an owner. The notion of capital gain is ludicrous because it is based on a change in the price of the unit and excludes the annual draw downs, departure fees and other costs that accrue to village residents when they seek to sell their properties. There is at least one other example of an estate where recurrent charges continued for nine years until the unit was sold. It is a scam. The operator has no incentive to sell the unit because he or she gets paid for looking after vacant premises. It is akin to the *Yes Minister* hospital—an empty retirement village with former residents and their estates continuing to pay for services that they do not need. It is a dream for developers and big businesses that are drawing up these contracts to exploit elderly people.

For those classed as owners to be called registered interest holders the bill provides for them to pay the charges for 42 days and then to keep on paying forever in proportion to their share of the capital gain. That could be anything from 50 per cent to 100 per cent and it is modest relief. We want the same protection for those technically described as owners who are mostly residents in the for-profit sector. We want to end the distinction between the two groups so that recurrent charges will cease for all residents after 42 days. The amendment deals with a transition provision for those who vacate their units prior to the commencement of the new arrangements. Procedurally, we are unable to move an amendment to cut off these charges altogether. However, we are allowed to move a small amendment to bring some relief to these residents. If members agree to the amendment foreshadowed by the member for Bega, my constituent will not have to wait for 42 days after the bill commences; rather, her fees will reduce on the very day that these provisions come into effect. I commend the foreshadowed amendment of the member for Bega.

**Mr VICTOR DOMINELLO** (Ryde) [6.44 p.m.]: The Retirement Villages Amendment Bill 2008 will affect vulnerable and elderly people in our society and it will affect people on fixed incomes. The Hon. Catherine Cusack, a member of the Coalition, and all Coalition members are championing the rights of the vulnerable and the elderly. If it were not for people such as the Hon. Catherine Cusack in the other place this legislation would have gone through both Houses unamended, which would have had a horrendous effect on people living in retirement villages. Even now it will have a diabolical effect on the vulnerable and the elderly. It is a pity that the Government, members of the Shooters Party and Reverend the Hon. Fred Nile did not accept the Opposition's amendments. If they had it would have made things much better for those whom we are here to protect. When the Opposition conducted forums during the Ryde by-election old people from the retirement homes attended those forums in droves. They were concerned about the fact that the Government had introduced legislation of which they were not aware.

**Mr Richard Amery:** Point of order: I am sure you are aware that this contribution of the member for Ryde is a classic example of an agreement in principle speech. It is not a very good speech; it has nothing to do with the amendments that are being debated. I listened to the member for some time and I thought he would refer to some of the amendments, but he has not. He should be asked to return to the leave of the amendments.

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member for Ryde to direct his comments to amendments Nos 1 to 19. The member for Bathurst will cease interjecting. He will have an opportunity to contribute to the debate.

**Mr VICTOR DOMINELLO:** If members agree to these Opposition amendments, those who are vulnerable and elderly in our community will no longer fear these legislative provisions. When I was addressing the Coalition-held forums, retirement village residents attended in droves. They were horrified when they found out what was going on. The Government did not communicate with retirement village residents. The Government should have spent millions of dollars on spin to inform people about this legislation, as that might have worked. However, it chose to spend its money on the north-west metro and the Tcard—issues with which Government members are enamoured.

[*Interruption*]

If Government members did not feed us garbage we would not have to serve it back to them.

**Mr BRAD HAZZARD** (Wakehurst) [6.47 p.m.]: Opposition members are extremely concerned about the way in which the Government conducted its review of the Retirement Villages Act. Some amendments were moved in the upper House. The Coalition is concerned about one important issue. Apparently the Labor Party was not awake to this, despite cries from retirement villages across the State. The Labor Party thought it was somehow satisfactory for people on fixed incomes—people living in retirement villages who were expecting a degree of peace in their lives—to be hit with 50 per cent of capital costs in those villages, which is ludicrous. Even after five years of consultation Labor did not wake up to that issue. The Minister for Community Services, the Hon. Linda Burney, introduced this disastrous piece of legislation at the same time as the electricity privatisation legislation was introduced. As a result of amendments forced on the Labor Party by the Liberal-Nationals Coalition, the 50 per cent of capital cost requirement has been reversed.

The shadow Minister, the Hon. Catherine Cusack, did a fantastic job of representing communities across this State. People living in retirement villages wanted to ensure that their dollars and cents were not taken off them while living in those villages. I am extremely disappointed that the Government has failed to address many of the other issues that were raised by Coalition members on behalf of retirement village communities. One issue relates to service charges that are imposed after a resident either dies or vacates a unit. I implore all Labor members, who are waiting to attend their Christmas parties and who are not remotely interested in supporting people in retirement villages, to consider the amendment to be moved tonight by the member for Bega. In a few years time many members will probably be residents of retirement villages, as they will no longer have their jobs in this House. If they do not want to look after the rest of the community perhaps it is time for them to look after themselves.

**Mr JONATHAN O'DEA** (Davidson) [6.49 p.m.]: I congratulate the shadow Minister for Fair Trading on a magnificent effort to stop the outrageous move to force residents to pay 50 per cent of operator capital costs. The Government only backed down on this issue when faced with defeat of the bill in the upper House.

The shadow Minister, the Hon. Catherine Cusack, visited Glenaeon Retirement Village in my electorate of Davidson. I pay tribute to the honourable member in the words of one of the residents of that retirement village who emailed the shadow Minister and forwarded a copy to me. The resident wrote:

I wish to place on record sincere thanks and gratitude to you for your visit to Glenaeon this morning on another very busy day for you—and also for the great debt which residents of retirement villages owe to you for your intense and unrelenting campaign on our behalf against the injustices of the Retirement Villages bill put forward by the Labor Party and Virginia Judge, Fair Trading Minister.

The sincere appreciation of all residents who turned up in great numbers was testament in itself. We also greatly appreciated the attendance of Jonathan O'Dea, Member for Davidson. This whole saga has created very great concern and stress to us all at a time of our lives when we have no way of taking on additional financial commitments, having taken responsible decision in the light of known facts and contracts earlier re our liabilities. To have this overturned and possibly put us in a position of financial jeopardy for our future was almost unbelievable.

The repercussions for Labor will be felt throughout the community as the injustice of the situation has been taken up by media who have given great coverage to your campaign.

I will not speak much longer because I want to give other members the opportunity to speak in this consideration in detail discussion. After a lengthy delay, this bill was rushed through the House when we should have been debating electricity privatisation. The bill is now being rushed through again tonight, and the Minister has the hide to say that we are delaying consideration of it. Yet again the Government demonstrates its hypocrisy.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [6.52 p.m.]: The extent of the amendments demonstrates the community's concern in relation to the Retirement Villages Amendment Bill 2008. It is disappointing that the State Government has been talking about this review for the past five years yet when legislation is introduced it is highly efficient. The extent of the amendments we are considering this evening demonstrates the level of community angst and the level of uncertainty the Government is creating because of its incompetence.

I wish to thank the many retirement village residents who have contacted me as the member for Willoughby. Their concerns have been ongoing. The residents contacted me prior to the legislation reaching the Parliament because they were so concerned that the State Government had for so many years told them that amendments would be introduced, but they never were. When the legislation was finally presented to the Parliament, it was highly deficient. It increased angst in the community about a number of issues, such as the onus on residents to contribute to capital replacement costs, the lack of information provided to residents in relation to sinking funds, and the involvement of residents in other issues in relation to the future of their villages.

I seek the Government's advice as to why it has not adopted all the Coalition's amendments moved in the other place and why, at the eleventh hour, we are dealing with a highly deficient bill that relates to such an important matter. Once again I thank the many residents in the Willoughby electorate who have contacted me about this issue. Again I reassure them that the efforts of the Coalition have at least forced the Government to agree to some of the Coalition's amendments. The amendments do not go as far as we would like, but at least they are a small consolation for the thousands of retirement village residents throughout New South Wales who have an uncertain future because of the Government's inefficiency.

**Mr KEVIN HUMPHRIES** (Barwon) [6.54 p.m.]: It has taken five years for the Retirement Villages Amendment Bill 2008 to come before the Parliament. During that time I have been the director of an aged care facility and the manager of a retirement village. When this legislation was first mooted it caused a lot of consternation within the community. The Labor Party failed to address the issue over a number of years. In the not-for-profit sector, where I was working at the time and which covers most rural areas, the legislation was deemed as outrageous. The legislation as originally drafted at that time was lazy. My Coalition colleagues have paid tribute to the shadow Minister, the Hon. Catherine Cusack, for her diligence in seeking to amend the legislation, which the Labor Government has failed to do. With Labor we always get half the project at twice the cost. This legislation was another case of gouging the fixed-income people of New South Wales, the people who are the most vulnerable in our society.

I will refer to practical examples of the impact of the legislation as originally drafted. If the provision for residents to pay 50 per cent of capital costs had been included in the legislation, it would have applied to things such as air-conditioner breakdowns; hot water system breakdowns; security improvements, particularly in country areas such as Moree; fencing improvements; and road and access point improvements as a result of increased occupational health and safety standards. If the original legislation of this lazy Government had applied, it would have cost retirement village residents thousands and thousands of dollars.

I do not think this Government has ever heard of depreciation schedules. The for-profit sector must include a business model and look after its own. The residents of retirement villages deserve better. These people are being blindfolded to the Government's proposals. It is a disgrace that the Coalition's amendments have not been supported. There is no transparency here. The legislation reduces residents' rights. These people have pride in their homes, which they consider their retirement village units to be. Retirement villages are not a factory for pushing people from working life through to retirement to passing on. This is an attack on the vulnerable people in our society. It is a disgrace that Government members in this House and in the other place do not support the Coalition's amendments.

**Mr PETER BESSELING** (Port Macquarie) [6.56 p.m.]: I will speak briefly to the amendments. In particular, I acknowledge the contributions of a number of my constituents. Mr John Cooper from Queens Lake Village has spoken to both the Minister and me on a number of occasions regarding these amendments and has provided a lot of information on the issue. Mrs Shirley Dunmall and Bob McClelland from Queens Lake Village, Mary and Keith Ainsworth from Queens Lake Village, Elaine Lloyd from Parkland Village, and Mary Johnston from the Governors Retirement Resort have also made representations on the issue.

The Retirement Villages Amendment Bill 2008 has obviously caused a lot of concern among my constituents. Throughout the campaign for the Port Macquarie by-election a number of issues regarding the legislation were raised. I thank the Minister for discussing the bill with my constituents and me, providing good access to her office, and giving good information and feedback on the issue. I also appreciate the Coalition's input in addressing the bill. The amendments—particularly amendment No. 97, which refers to the funding of certain capital maintenance and capital replacement costs—have enabled a better bill to come before the House tonight.

The funding of capital maintenance and the replacement of items within registered interest holders' premises was spoken about during a number of meetings. My constituents were very clear in saying they wanted that provision removed from the bill, and I am pleased that that has occurred. I extend my appreciation to the Minister for her time, but also to the Coalition for pushing these amendments through. Hopefully we will get a better result for everyone in my electorate.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [6.59 p.m.]: I will refer briefly to amendments Nos 10 and 12, which deal with the funding of certain capital maintenance and capital replacements to be included in the proposed annual budget. Without embarrassing residents of retirement villages within my electorate, particularly those in North Turramurra, these issues have been raised with me repeatedly. I have raised them with the department over a number of years. Indeed, the department has helped some of the retirement village residents in my electorate regarding these issues. The amendments put forward by the Hon. Catherine Cusack would overcome the distress that has been caused to many retirement village residents and the victimisation that those residents have faced when they have sought to stand up for their rights. I support this legislation on behalf of what the member for Ryde describes as the aged and vulnerable members of our community.

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

**Motion agreed.**

**Legislative Council amendments Nos 1 to 19 agreed to.**

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [7.00 p.m.], on behalf of Ms Linda Burney: I move:

That the House agree to Legislative Council amendment No. 20.

**Mr ANDREW CONSTANCE** (Bega) [7.00 p.m.]: I move:

That this debate be now adjourned.

**Question put.**

**The House divided.**

**Ayes, 36**

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

**Noes, 41**

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

**Pairs**

Mr Piccoli	Ms Burton
Mr J. D. Williams	Ms Megarrity

**Question resolved in the negative.**

**Motion for adjournment of debate negatived.**

**Mr ROB STOKES** (Pittwater) [7.10 p.m.]: I move:

That the Legislative Council amendment be amended by leaving out all words after "line 20." with a view to inserting instead:

"Omit all words after 'reference to', with a view to inserting instead 'the period commencing on the day that the former occupant permanently vacated the premises and ending on the commencement of that section.'"

The Opposition's amendment seeks to delete the words "42 days after" and replace them with "the date of". Line 20 would then read:

Reference to the date of that commencement.

This is a complex and confusing issue. It applies to registered interest holders who are treated as second-class consumers by the Government. To understand whom we are trying to assist with our amendment it is first necessary to understand what a registered interest holder is. I will explain this and give the House a case study of a registered interest holder who is being treated so shabbily by the Government so members can understand our amendment and the need for it.

Registered interest holders, as defined in schedule 1 [11] of the bill, include residents who have strata or company title, or who are long-term leaseholders where the term of the lease is at least 50 years and there is

at least a 50 per cent share of the capital gain. The Act refers to them as "owners". The bill changes this reference from "owners" to "registered interest holders". Generally speaking, registered interest holders are found in the for-profit villages, while the non-registered interest holders are in the charitable sector. Sharp practice by some for-profit operators has seen contracts drawn up so that most of their residents are now trapped in that definition of being "registered interest holders" who have no cap on their recurrent charges.

The pitfalls are highlighted in the case of Claire Phillips, which was publicised in the *Sydney Morning Herald* on 27 November 2008. Mrs Phillips is a pensioner who lived for three years in a village in my electorate of Pittwater known as Pittwater Palms at Avalon. It is crucial to note that in seeking to find an appropriate place for Mrs Phillips to live the family was not shopping for the right contract; they were shopping for the right accommodation for their mother. When they found the right accommodation they accepted the contract that was offered. This was hardly a fair bargaining position.

In this case it was a strata contract, so Mrs Phillips unwittingly fell into the trap of being an "owner", now called a "registered interest holder", for the purposes of the Act. The family obtained legal advice and that obtuse distinction was not pointed out—in one sense you cannot really blame the solicitor for not understanding such a turgid definitional issue—nor is it normally pointed out. Mrs Phillips paid \$115,000 for a studio apartment without a kitchen and signed a personal services contract that obliged her to pay \$1,236.77 per month for laundry, meals and cleaning. I stress that this was in addition to her recurrent charge, strata fees, strata sinking fund, and council and water rates. Mrs Phillips vacated the apartment in January 2006. Having given proper notice under the termination provisions of clause 13 of her contract, she expected that the \$1,236 personal services charge would cease. It did not cease because nasty little clause 9 in her contract says that you can terminate the agreement but you cannot terminate the liability to keep paying the charge until the unit has been sold.

**Ms Pru Goward:** Forever until it is sold.

**Mr ROB STOKES:** Forever and ever. You can terminate your rights but you cannot terminate your obligations. Three years later Mrs Phillips' unit has not been sold. The personal management services fee has been redefined as a "services fee", and Mrs Phillips is still paying \$1,254 per month. She cannot afford this, so a special charge has been levied against her strata title. After three years the fee is up to \$39,143.37 and it is still growing every day. The ability of the operator to continue to rake in such huge sums means it is in his financial interest for the apartment to be vacant. It is almost impossible to sell the apartment because of the terms of the operator's contract. Mrs Phillips is hopelessly trapped. It is an absolute scam and an absolute disgrace. It is the Government's faulty legislation that allows the operator to do this. The Government's bill seeks to impose a modest cap on the liability of people in Mrs Phillips' situation. The cap proposed for people with loan licence contracts is 42 days then all charges must cease. The cap for strata and long-term leaseholders is 42 days and then in proportion with their share of capital gain.

This is discriminatory and the shadow Minister in the other place passionately took up the case for all residents to be treated the same way. The Hon. Catherine Cusack should be commended for the fabulous job she has done. The 42-day cap should be an absolute end to all these charges, including for people such as Mrs Phillips. Sadly, we lost that argument in the other place by just one vote. The issue now is: How can this bill help residents such as Mrs Phillips who have already vacated the village and have been paying exorbitant fees for services they simply do not benefit from? A transition provision in the bill said that the liability of residents who have already vacated and are still paying charges would be reduced to six months after the commencement of the bill. The shadow Minister approached the Minister pointing out the unfairness of this provision and urged the Government to amend it. The Government did so by getting its friend Reverend the Hon. Fred Nile, known as Labor's twentieth member in the Legislative Council, to move the amendment for it.

Reverend the Hon. Fred Nile seemed not to know what he was doing last night and was unable to respond intelligibly to any questions asked of him about the amendment. But it seems from a reading of his amendment that it changes the period of time that people such as Mrs Phillips will have to wait from 6 months to 42 days. The Opposition's amendment is consistent with the Liberal-Nationals position that people such as Mrs Phillips who have been fleeced for three years have already paid enough to the village operator, and that those charges should cease as soon as the provisions commence. The Government initially wanted Mrs Phillips to wait six months. The amendment in the Legislative Council says she must wait 42 days and in the amendment now being debated I am saying she should not have to wait at all; three years is long enough.

Sadly Mrs Phillips' is not an isolated case and there are hundreds of affected residents in seats represented by all sorts of members, but I note the presence of so many of my Coalition colleagues in this place

because they are standing up for the residents who are adversely affected by these unfair charges. Half of Mrs Phillips' former co-residents at Pittwater Palms are also affected. I note that Mike Carlton's mother is one of the residents affected. Numerous others have contacted talk-back radio and the Opposition, including many of my friends and colleagues present in the Chamber tonight, complaining about this rort. It is legalised theft of old people's assets. I commend the amendment.

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [7.17 p.m.]: There is a lot of noise.

**The DEPUTY-SPEAKER:** Order! I call all members to order!

**Ms VIRGINIA JUDGE:** The unheralded amendment proposed by the member for Pittwater has not been properly canvassed and is opposed by the Government. The bill requires village operators to pay some or all of the general service charges for a registered interest holder's unit after it has been vacant for 42 days. The amendment to section 153 of the Act has been passed here and in the other place and is not subject to debate here tonight. The Liberal Party is now proposing to change a key transitional provision in the bill, which was subject to an amendment in the other place. Clause 17, as passed in the other place, provides that a resident who had vacated their unit before the amendment pays the full recurrent charges for only 42 days after that. I hope members are listening. After this the operator will have to pay a share of the charges until the unit is sold or re-leased.

The Opposition's amendment would bring this stage forward to the date the amendments commence. That means that even if a resident had moved out of a unit the operator would start paying part of the charges immediately and not after 42 days as provided for in section 153 of the bill, which has been passed in both Houses of Parliament. I repeat: The Opposition's amendment undermines and defeats a provision of the bill that has been passed. This sort of amendment is strongly opposed by the operators of retirement villages because it has the potential to put many small villages out of business. A responsible government's role is to find an appropriate balance, to strike the right balance in the legislation, so that our wonderful residents, our treasured seniors, are protected and a viable industry remains here in New South Wales. The Government opposes the amendment.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [7.20 p.m.]: Mr Speaker—

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [7.20 p.m.]: I move:

That the question be now put (S.O. 86).

**The House divided.**

**Ayes, 43**

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

**Noes, 35**

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

**Pairs**

Ms Burton	Mr Piccoli
Ms Megarrity	Mr J. D. Williams

**Question resolved in the affirmative.**

**Question—That the amendment to Legislative Council amendment No. 20 be agreed to—put.**

**The House divided.**

**Ayes, 36**

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

**Noes, 43**

Mr Amery	Mr Harris	Mr Morris
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Mr Collier	Mr Koperberg	Ms Tebbutt
Mr Coombs	Mr Lalich	Mr Terenzini
Mr Corrigan	Mr Lynch	Mr West
Mr Costa	Mr McBride	Mr Whan
Mr Daley	Dr McDonald	
Ms D'Amore	Ms McKay	<i>Tellers,</i>
Ms Gadiel	Mr McLeay	Mr Ashton
Mr Gibson	Ms McMahan	Mr Martin

**Pairs**

Mr Piccoli  
Mr J. D. Williams

Ms Burton  
Ms Megarrity

**Question resolved in the negative.**

**Amendment to Legislative Council amendment No. 20 negatived.**

**Legislative Council amendment No. 20 agreed to.**

**Motion by Ms Virginian Judge, on behalf of Ms Linda Burney, agreed to:**

That the House agree to Legislative Council amendments Nos 21 to 23.

**Legislative Council amendments Nos 21 to 23 agreed to.**

**Consideration in detail concluded.**

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

**CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2008**

**Consideration in Detail**

**Consideration of the Legislative Council amendment.**

*Schedule of amendment referred to in message of 4 December 2008*

No. 1 Page 4, schedule 1. Insert after line 38:

**[9] Section 72 Application for variation or revocation of final apprehended violence orders**

Insert after section 72 (4):

- (5) An application for revocation of a final apprehended violence order may be made by the defendant even though the order has expired. Subsection (3) does not apply to such an application.

**Note.** Certain consequences result from an apprehended violence order being made against a person if it is not revoked. For example, section 11 of the Firearms Act 1996 provides that a firearms licence must not be issued to a person who is subject to a final apprehended violence order or who at any time in the previous 10 years has been subject to such an order (other than an order that has been revoked).

- (6) A court may make an order under this Division revoking a final apprehended violence order even though that final order has expired if the court is satisfied that, were that final order still in force, it should be revoked.

- (7) In applying the provisions of this Division to an application for revocation of a final apprehended violence order that has expired, a reference to a protected person includes a reference to a person for whom the expired order was sought or made.

- (8) If an application is made by the defendant for revocation of a final apprehended violence order that has expired:

- (a) the Commissioner of Police is to be notified of the application, and
- (b) the court hearing the application must take into account (in addition to any other matters that it is required to take into account) the effect that revocation of the expired order may now have on the protected person, having regard to the grounds on which the expired order was made, and
- (c) the court may order that a further application for revocation of the expired order may not be made by the defendant except with the leave of the court.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [7.36 p.m.], on behalf of Ms Verity Firth: I move:

That the Legislative Council amendment be agreed to.

**Ms PRU GOWARD** (Goulburn) [7.37 p.m.]: The Opposition has no objection to this amendment.

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

**Legislative Council amendment agreed to.**

**Consideration in detail concluded.**

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

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2008**

**The SPEAKER:** Order! Earlier in proceedings, amendments were considered and subsequently agreed to in the Independent Commission Against Corruption Amendment Bill 2008 that were strictly outside the leave of the bill. I advise the House that this procedure was conducted with the concurrence of the House and is not to be taken as a precedent.

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2008**

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

#### **SEASONAL FELICITATIONS**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [7.38 p.m.], by leave: I move:

That the House take note of Christmas felicitations.

I take this opportunity to wish you, Mr Speaker, and yours the very best of the festive season and to thank you for your efforts in the Chair, particularly during what has been a very difficult period. As I stated in my Christmas felicitations last year, being Speaker at times can be very difficult. It is difficult to know what is happening both inside and outside the Parliament and to make sure that you make impartial rulings for both sides of the House on all occasions and in all circumstances. I extend to you my congratulations on the work that you have done so far and I extend to you, your family and your staff all the very best wishes for the festive season and beyond.

As I have in previous years, I acknowledge the very hard work of the Whips—both the Government Whips, the member for Bathurst and the member for East Hills, and the Opposition Whips, the member for Wagga Wagga and the member for Lismore. A special relationship exists between the Whips and the Leader of the House because quite often when other members are busy and Ministers are preoccupied with legislation, it is our task to ensure that the processes of Parliament proceed in the most orderly and most efficient manner. I commend all the Whips for their very hard work and also for the very strong level of professional understanding that exists between the Whips of this Chamber. I know there is also a very strong understanding between the Whips and my staff, particularly between the member for Wagga Wagga and "Princess" Priscilla, who organises a lot of the business of the House on my behalf. I will have more to say about that later.

I take this opportunity, as you have on a number of occasions when the opportunity has arisen, Mr Speaker, of recognising the work done by people who assist us as members of Parliament, but who have very little opportunity to visit Parliament. Approximately a week ago the Parliament recognised long-serving members of staff, and many of those were electorate officers. I take this opportunity to extend to all electorate secretaries on behalf of all members, both Government and Opposition, our very best wishes and very sincere thanks for the work that they do in electorate offices. It is sometimes very lonely work, but we recognise that they are very much the face of parliamentary representation on behalf of members. In many ways electorate officers are front-line troops who are doing very hard work. While members are at Parliament, they are pretty much on their own and have to use their own judgement when dealing with some very difficult situations. For the reasons I have given, I think it is important for electorate staff to receive particular recognition.

I also recognise all other staff who work so hard: Everyone makes a huge contribution. That includes the attendants, who are here very early in the morning and until a long time after parliamentarians leave, the catering staff and the cleaning staff—that charming group of people. When the member for Wagga Wagga and I arrive at Parliament House very early in the morning, we meet some of the cleaning staff who are always very

friendly. Despite the fact that they work very hard and often are not recognised for the work they do, they are always very jovial. It is nice to be greeted by a cheerful face when we arrive at Parliament House very early in the morning. I extend our best wishes, as I have on every occasion when I have had the chance, to the Hansard staff, who do such an outstanding amount of work. I once described the Hansard staff as the disciples of Midas because they turn our leaden words into gold. Quite frankly, they do a wonderful job. A great feature of this Parliament is that it is one of the very few Parliaments in the Westminster system that retains Hansard reporters, and I hope that continues for a very long time. As everyone knows, I take great delight in the historical context and the historical longevity of this Parliament.

**Mr Barry O'Farrell:** You are one of the historical figures of this place!

**Mr JOHN AQUILINA:** And I hope to be for a long time yet! This Chamber is the longest continuously serving Chamber in the Westminster system. I am proud that we have retained the traditional way of doing things and some of the great traditions of Parliament, such as our Hansard staff. They are unique and are deserving of mention and praise. I extend my sincere thanks to the Hansard staff. I also thank the staff of the Parliamentary Library. I know how much work they do and how hard they work. Sometimes, because they work on the sixth level, they are not visible to us unless we make a conscious effort to go and see them. Nevertheless, we are very conscious of the extraordinary amount of work they do and how they are always very willing and efficient whenever we have a request for research on some particular aspect. Sometimes requests are made at very short notice and the topics are sometimes very difficult. The staff of the Parliamentary Library are always very polite and they are extraordinarily efficient. I commend the staff of the Parliamentary Library for the work they do on behalf of all members.

I also thank the Clerks at the table. Approximately a week ago a wonderful function was held to recognise the long service of the Clerk of the Legislative Assembly, Russell Grove, who has attained the historical feat of being the longest-serving Clerk in the history of the Legislative Assembly. That is another historical aspect that is worthy of recognition! Not only does New South Wales have the longest continuously serving Chamber in the Westminster system right throughout the Commonwealth of Nations, but we have now our longest-serving Clerk as well. Mr Grove commenced working here more than 30 years ago. The occasion to mark his record years of service as Clerk of the Legislative Assembly—18 years, two months and 10 days—was an outstanding event. I compliment you, Mr Speaker, on the reception you organised on behalf of the Parliament and for ensuring that so many members were able to attend and enjoy the function with Mr Grove and his wife, Frances, who I know has been by Mr Grove's side over his entire career and has provided very positive support for Russell. There are other long-serving members of the table staff, including Mark Swinson, Les Gönye, Ronda Miller and Greg Kelly, as well as many others who assist as Clerks at the table on a regular or irregular basis. I thank them all as well for the outstanding work they do.

I also thank the shadow Leader of the House. I think we have achieved quite a good understanding of each other's roles, but that was not always the case. We had a somewhat shaky start for the first 12 months until we got used to each other. Leaving aside our political differences and the fact that we have our own jobs to do, we have a professional and respectful understanding of what needs to be done and the processes that we necessarily undertake. With the indulgence of the House, I wish to mention some of my personal staff. Many members would know Nicole Ryan, who worked for me for a long time. Nicole has gone on to do other work, and I am very happy for her. She has been able to obtain a job that in a sense is a promotion, and it is closer to home, which enables her to be closer to her young family, and she is also able to serve the local community. I am very grateful for the service she provided for me under sometimes very difficult circumstances, particularly when we made a transition following last year's State election. I state my acknowledgement on the record and thank Nicole and her family for the work she undertook.

I also wish to acknowledge others who have worked in my office from time to time, such as Julie Apps and Ruth Apps. Ruth turned 82 recently. She was my original secretary in 1981 and she fulfilled the role of secretary for me when I was the Mayor of Blacktown between 1977 and 1981. Ruth is an incredible lady with incredible energy. When she visits my office as the Leader of the House from time to time, it is obvious that she is extremely popular with members of the staff of the Parliament. She richly deserves to be recognised. She has had a little bit of indifferent health recently and underwent quite a serious operation on her back. But Ruth is such a Trojan that the next day she was up and walking and, despite having had a major operation to repair a slipped disc, went home!

Now I have another young worker, Danielle Kolodziej. As it turned out, she is a schoolfriend of Priscilla Armstrong-Guirguis, who has been working with me for quite some time. I think the two of them have

a very happy relationship. Priscilla, who is well known to everybody in the Parliament, is extremely efficient and diligent. She works very long hours and pays great attention to detail to ensure the orderly processes of the House. Given the number of times we have contemplated changing legislation and had to readjust and change tack, she has done an extraordinary job.

Finally, I refer to my electorate staff: Sandra Caldwell and Janine Drury, formerly Janine Adams. Janine was married on 1 November. I made some general comments about them earlier. I take this opportunity to extend to Janine and her husband my sincere congratulations on their wedding. Janine's son Scotty is my godson. She has come back from her honeymoon and is continuing the efficient work she has done for many years. I have been her only employer. She first came to work for me as a second electorate assistant in my office when she was 17. That was in the mid to late eighties—I think 1986 or 1987. So I have had an association with Janine for a long time, and I wish her all the very best.

To all the members—my colleagues on both sides of the House—to you, Mr Speaker, and the Independents, I extend my very best wishes and Christmas felicitations. Christmas is still some time away and I think we all acknowledge that we have a lot of work to do between now and then. But the work of the Parliament for this year is over, and I think it is appropriate that we end this year and this day with greetings and best wishes to everyone. We will come back next year and it will be tough—it always is. We all have a job to do in our respective roles. What we do, of course, is legislate. Sometimes that is relatively easy and at other times it is hard and confronting, but we do it because it is our duty and we do it in the best interests of our constituents and in the best interests of the State. I wish everyone a very happy Christmas and I look forward to being with you next year.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [7.52 p.m.]: I am happy to follow such a historic figure in the history of this place in these felicitations. The Hon. John Aquilina is one of 28 Speakers who span the 100 years of the twentieth century. That compares with only eight who span the 44 years during the time that this place existed in the nineteenth century. That probably demonstrates, as the Leader of the House has said, that change is with us and is increasing in pace. This has been, as some might say in that old joke about a Chinese curse, an interesting year. It has been fast moving and it has been full of action—a lot of it regrettably, or not regrettably, having occurred in this Chamber. But it is important to note that it has been tough—tough on the individuals involved and tough on their families, whether they are members of Parliament or staff. This is a time when we get to seek some absolution for those things, and I am happy to come back to them.

This is, of course, the year in which family friendly hours came and family friendly hours went. Given the state of the front page of at least one of our journals of record today, I simply make the obvious point that that controversy would, could and should have been avoided if we had had the sense—and if the Labor Party had had the guts—to back your proposal, Mr Speaker, regarding sensible family friendly hours, which was that no-one would come into this Chamber after seven o'clock at night to do anything. As was reported in the papers a couple of days ago and as I said earlier today, this is the Christmas when our Premier, Nathan Rees—a Premier chosen for us by the Labor Party—will marry. He will discover, as you and I have discovered, Mr Speaker—not simply because we both married women named Rosemary—that marriage is a life-changing experience that ranks up there with the birth of one's children as being one of the best things that can ever happen to a person.

**The SPEAKER:** Hear! Hear!

**Mr BARRY O'FARRELL:** I come to you, Mr Speaker. Given the year that we have had, given all that has been involved and given the centrality of this Chamber to that year, you have had a fairly tough job to do. I suppose at times I have not made it any easier—but then that is my job as well. You have brought a fairness to the Chair that those on this side of the House respect. You have brought an independence to the job. It does not always mean that we agree with you—as I make clear from the odd interjection—but I think it is a testament to you that you enjoy respect across the Chamber, otherwise you would not be in the job. May it last for at least another 120 weeks!

**The SPEAKER:** Thank you—I think.

**Mr BARRY O'FARRELL:** I said "at least". There are no guarantees in politics. As the old joke goes, behind every successful man is a surprised wife. Behind a successful Speaker, of course, are not surprised but hardworking, dedicated and professional staff. I particularly acknowledge your three staff members. First, Joe,

who does an extraordinary job and who, if there was any justice in the world, would have replaced Robbo on last night's list of the most desirable men around this place. You see him at the end of the corridor and you are not quite sure whether he is to be the next Premier of New South Wales or whether he is just Joe. Secondly, I acknowledge Lucy in your office, who is always courteous, always cheerful and always seems to have a cup of tea in hand when one is either summoned to the office or one is seeking to get your attention.

But I particularly want to talk about Margaret, who—and I mean this in the nicest possible way; she should note that when she watches this tape—in racing parlance would either have been shot or put out to paddock. I passed her leaving the Chamber this evening and she was limping. We know—and I will not divulge it—that she has a joint problem in one leg. I thought it was playing up but, no, she has broken her toe on the other leg. If that happens to a racehorse it gets shot; it gets put down. If it happens here you are simply told to come to work tomorrow. I acknowledge your staff for everything they have done. I acknowledge the Chamber officers, led by that historic figure Russell Grove. I acknowledge his deputy Mark Swinson, who could do with the haircut that Russell Grove was always encouraged to have. I acknowledge Les Gönnye, Ronda Miller and the others. They do an extraordinary job for us. That was demonstrated in the lead-up to question time today when their professionalism, dedication and impartiality enabled me to score a few more points.

I acknowledge the Leader of the House and the shadow Leader of the House. I thought initially that it was a Mediterranean thing when the Hon. John Aquilina was appointed Leader of the House and I appointed the member for Murrumbidgee shadow Leader of the House. It was a Malta-Italy thing. Both have strong Mediterranean backgrounds—the backgrounds of those who have contributed so much to this nation—and I thought the water and extra virgin olive oil were not mixing properly. It is terrific to see that, in the best tradition of Mediterranean cultures, they have found a piquancy that, despite the odd repetitive speech about the suspension of standing orders, amuses both sides of the House. By and large, business in this place is conducted with some degree of good humour and coordination. There would be chaos if we did not have managers of business, and I pay tribute to the Leader of the House and to the member for Murrumbidgee, who cannot be here this evening.

If the Leaders of the House are the managers, of course the Whips are the competitive floor managers—they are the Captain Peacocks from *Are You Being Served?* They do a terrific job. I particularly acknowledge, in reverse order, Thomas George, The Nationals Whip; Daryl Maguire, the Liberal Party Whip; and the two Labor Party Whips, to whom—again because it is my job—I give a reasonably hard time. I only wish the Leader of the House would occasionally introduce them to an abacus or something just to speed up the counting of divisions. But I thank them for all their work.

**Mr John Aquilina:** One of them is a history teacher and the other is a maths teacher.

**Mr BARRY O'FARRELL:** He is supposed to be good with numbers. I thank Jan in the Labor Whips office. I particularly thank Maryann Winterflood in the Liberal Whips office. It has been a difficult year for Maryann, made no less difficult by the activities of Coalition members of Parliament who rely on her services. We thank her for everything and wish her well. I thank all the attendants in this place. This year I will not make the mistake that I apparently made last year, but I say again that, when it comes to inspiring young people and informing students about the importance of politics, Parliament, the democratic process and the development of the future of this country, no-one does it better than Dennis and his team in the lower House. They do far more than that of course, but they have no greater role than inspiring young people about the activities that occur here.

I thank all the people without whom we could not operate. I think the Hansard staff should be called "eloque-ution" experts in the sense of eloquence as opposed to elocution. I acknowledge them. They make speeches like this read like Milton's *Paradise Lost*—according to the Premier. Frankly, I prefer Peter Fitzsimmons. I suppose Fitzzy fits with the Opposition because he is the greatest storyteller around and sometimes does not let the odd fact get in the way. Again, I acknowledge the Hansard staff. I acknowledge the tremendous job done in the library. My only complaint this year is that on those occasions when family friendly hours have been breached too often the library is closed, which creates difficulties and problems. I hope that that can be looked at.

I thank all those in joint services, from my friend Isaac on level 2 all the way through to dining room staff and to the newest manager in this place, who I think is doing a terrific job and who is appreciated. I thank my colleagues. Mr Speaker, you will admit that a degree of tolerance needs to be shown to the Leader of the Opposition, and I am glad my colleagues do that. I particularly thank the Leader of The Nationals, Andrew Stoner. I thank my deputy, Jillian Skinner. I thank all staff who work for the Opposition. I particularly thank my

personal staff who put in an enormous amount of effort that often goes unrewarded and unacknowledged in opposition. But the business of government and democracy—the concept of accountability and responsibility—would not occur but for their efforts.

I join the Leader of the House in thanking our electorate staff for their work during the limited period when Parliament actually sits and at other times throughout the year. It is upon our electorate staff that the greatest load falls, and they occasionally cop the abuse that is intended for us and that should be heard by us. But, regrettably, of course the messengers are always shot and at times they get between us and our constituents. So I pay tribute to all those electorate staff. I seek absolution for any offences committed throughout the year. Seeking to hold government to account and standing up either for my constituents or for citizens across the State is a vigorous and passionate profession, and I try to bring some vigour and some passion to it.

We now have at least three decent footballers in this place. We have been joined this year by Mr Besseling, who is a former New South Wales representative in rugby union. We have George Souris, who is no slouch at that game himself—although he played it the odd decade earlier—and, from perhaps an even earlier decade, we have our friend Gibbo. I never played football at such an august level, and I never attended the fabulous schools that people like George Souris attended. But, like in football, I believe you give your all on the field and you leave it on the field. And that is how I have sought to approach this job. Finally, I make mention of level 6. In one sense, we could not be here if it were not for the media. It is an interesting relationship. I noticed Mr Speaker's relationship with the media last night on a certain tape. We can go down that path or we can stand up and be independent about these things.

**The SPEAKER:** Order!

**Mr BARRY O'FARRELL:** There are times when the media can be our best friends; there are times when the media can be our worst critics. Long may it last, because that is the sort of competition, accountability and responsibility we need. We can be frustrated—as I was reminded by a few of my colleagues today—but we cannot live with them, and we cannot live without them. Long may that continue. Finally, Christmas is a special time of year. It is a time to affirm our faith and to be thankful for the wellbeing of our families and our communities. Regrettably, not all of us are blessed with good fortune this Christmas. Last night I attended an interfaith gathering associated with the terrible events in Mumbai that of course led to the loss of two Australian lives, including one member of my local community.

It gives us pause to reflect on the true spirit of Christmas: the message of peace, tolerance and support for those less fortunate than ourselves. Christmas is made all the more special when as a community—a community in this place, in our own areas and across the State—we reach out to those in need whether by donating toys to struggling families or by serving meals to the homeless on Christmas day. I thank everyone who engages in those activities at this time of year for their efforts. The generosity of spirit and the commitment to looking after our neighbours that is so typically Australian will be vital as we tackle the emerging challenges, particularly the economic and employment challenges, that face us in 2009. I share the hope that 2009 will be peaceful and prosperous, and I wish everyone in this place and across the State a happy and safe Christmas.

**The SPEAKER:** Order! Before I call the Leader of The Nationals, I want to add my comments and, as others have, wish everyone a merry Christmas. It is a very happy time, when family and friends get together after what has been a pretty gruelling year. I take the opportunity to thank, firstly, my family. We all would not be here without the support of our family and our friends. Those of us with additional responsibilities know that they take us away from our families, and that can be quite testing. So I take the opportunity to say thank you to my wife and our children, and to reiterate my love. I thank them for their support of my role and of the various duties that I seriously enjoy doing.

I also take the opportunity to thank all members of Parliament. They extend significant courtesies to me as a member of Parliament, and to my office as Speaker. I do not take that for granted, and I am very pleased to acknowledge that it is equally distributed on both sides of the House. To the Premier and the Government, the Leader of the Opposition, the Leader of The Nationals and the Opposition, and of course my colleagues on the crossbench, the Independents, I say a special thank you to each and every one of you for your support. It is important that we continue to strive to do in this place what the community expects of us.

The Leader of the House and the Leader of the Opposition paid tribute to the many people who support us in our roles—other than our families, and I have acknowledged mine. I thank both the Leader of the House, John Aquilina, and the shadow Leader of the House, Adrian Piccoli, who have been regular visitors to my

office. As the Leader of the Opposition pointed out, Opposition members do not always agree with my rulings but they are courteous—and indeed respectful—and offer their views in a very direct way, which I have always appreciated. I thank them for their support. I thank their staff, who have been tremendous in liaising with my office. I also thank my colleague the President of the Legislative Council, Peter Primrose, and his team. As the two Presiding Officers in this place, we enjoy a close working relationship. It has been a year of change, with budgetary considerations, restrictions and other issues. The Presiding Officers and their staff must share a good working relationship as we deal with those difficult matters. I thank Peter and his team.

I thank my Clerk—and that is what I call him—Russell Grove. The Leader of the House mentioned the celebration for Russell when he became the longest-serving Clerk in this Parliament. Russell is an outstanding public servant. He is a source of great support to me as Speaker, as he was to my predecessor. I am sure that the Leader of the House would warmly acknowledge that. His contribution was acknowledged recently when Russell received appropriate accolades for achieving his milestone. Of course, this is Australia's first Parliament, so that is a significant achievement. I thank him for his support and his loyalty to this place and to me. I also acknowledge the people who support Russell. We acknowledge the work of Mark, Les, Ronda, Greg and others in this place. They do a great job. The attendants are at the front line and they represent us to the community every day. As the Leader of the Opposition said, the young people who come through here—the student leaders—get a first hand view of this place. The feedback I get is very interesting. I warmly acknowledge the contribution of our attendants.

I also acknowledge Brian Ward, our new joint services manager. Brian started work here in recent times in a very new structure, which I believe will assist us to fulfil our roles and to operate within the budgetary restrictions that we know will continue to be placed on the Parliament. I wish that that were not the case. However, we must remember that, as difficult as it is to sell to the public, this is the Parliament of New South Wales and it is appropriate that it have the appropriate facilities and resources to undertake the very important leadership role that it must play on behalf of the people of New South Wales.

I acknowledge my staff: the limping Margaret—as she was referred to by the Leader of the Opposition—and Lucy. They have provided magnificent support to me and, I know, to many members in this place. I also acknowledge Joe. I sometimes introduce him as the real Speaker. The support he provides to me is incredible. I thank him very much for that. He has faced some difficult challenges recently when his beautiful daughter required an operation. As always, he turned up for work even during those very difficult times. He gives this place very high priority in his life and we are privileged to have him with us.

**Mr Andrew Fraser:** What about his motorbike?

**The SPEAKER:** Yes, we must not forget his motorbike. The member for Coffs Harbour's interjection is most appropriate. I join with the Leader of the Opposition in acknowledging the media. It is important that the Presiding Officers maintain an appropriate relationship with the media. That scrutiny and competition referred to earlier is appropriate in the Westminster democracy that we have been fortunate to inherit. I acknowledge Simon Benson as the president of the Press Gallery, particularly after last night's goof tape. Most of us got an honourable mention. The work that members of the media do in this place is important and I am pleased to acknowledge it.

Last but not least, I thank the people of New South Wales. I believe that the majority of members of Parliament are respected in their local communities—and significantly so. The overwhelming majority work very hard and they come to this place to make a difference. We should not forget that, and we should stand up for it. Each time we fail to do that we create a false perception about what members of Parliament do, the important role they play and the support they enjoy in their communities. There is a person behind every service that this Parliament provides, whether it be in the library, the catering section, the security section—

**Mr Barry O'Farrell:** Or the mute button.

**The SPEAKER:** Yes. It has been a wonderful addition. I thank every staff member in this place who provides a service. Everyone does a magnificent job. As Speaker I thank them very much for their contributions. I thank Hansard for making us sound so good. It would not be a parliamentary speech without Hansard's alterations. I make that very generous point from my own perspective. Thank you very much, and merry Christmas to everybody.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [8.15 p.m.]: As the popular Christmas song goes, "It's beginning to look a lot like Christmas". I know that all members are looking forward to a break

from this place. I think we all need a break at home in our electorates and with our families. Without a doubt, this has been one of the most eventful years in State politics in decades. On behalf of The Nationals I express our felicitations and appreciation to all those involved in the running of this Parliament. Of course, this place is the great pillar in our democracy here in New South Wales.

Like the Speaker, I will start by mentioning the families of members. Our families pay a price and make a sacrifice so that we can participate in this democracy. That is particularly true of the families of our country-based members, who do not see their loved ones for four or five nights at a time when the House is sitting. When they are at home in their electorates over the weekend they are all too often out doing what they do as local members. I thank my wife, Cathy, and my children Stephen, Beau, Gemma, Abby, Annalise and Nathaniel. It was not easy to remember them all. They support me 110 per cent. I know that every member would express their thanks to, and love for, their families for the contribution they make towards what they do as members of Parliament.

Every member acknowledges the hard work that their staff do in their electorates, on the ground, at the coalface assisting constituents. That is what our system of democracy is all about. Not only do we express our views and, hopefully, the views of our constituents in this place but at that coalface we also assist all sorts of people in various aspects of their lives. Our electorate staff bear the brunt of what can often be a very stressful job, particularly when we are in this place doing our job dealing with legislation and participating in debates. I thank my electorate staff in Kempsey—Marg, Patricia, Jodie, Jenny and Mary—for all the work they do. I also thank them on behalf of the many constituents they help in so many ways. I also thank my staff here in Sydney—Peter, my chief of staff; Rob, my media adviser; Ben, my policy adviser; Bree, my personal assistant, and Erin. They not only work for me, they also try to assist all members of The Nationals in the lower House. They punch above their weight and they are a very efficient crew. I am very privileged to have them as my staff.

I thank the Speaker and his staff—Joe, Lucy and Margaret. Again, I offer felicitations on behalf of The Nationals. Mr Speaker has grown in the role and earned the respect of all members. In the chair he certainly endeavours to be fair and to maintain order. The mute button has been an innovation in that regard. It is not always easy to maintain order in this place. We are all passionate in our beliefs. Times can be stressful and the debate can occasionally become quite heated and disorder breaks out. Along with the Leader of the Opposition I seek absolution from my sins in that regard over the course of the year.

Mr Speaker has done a good job in the chair, and also in the behind-the-scenes role of managing a very large part of this Parliament. I thank the Deputy-Speaker and the Assistant-Speakers. Acting-Speakers Thomas George and Wayne Merton also do an excellent job in supporting Mr Speaker. The Clerks, the record-breaking Russell Grove, and Mark, Les and Ronda, occasionally assisted by Vicki, Russell and Helen, support our system and the efficient running of the Chamber. The efforts of the Serjeant-at-Arms, Greg, and our attendants, Richard—who has moved on—Ian, Dennis and April, are appreciated by me and all members of The Nationals.

To my Coalition partner, Barry O'Farrell, and his staff, particularly Peter, Natasha, Brad, Sam, Gayle, Ryan, Rose and Diane, with whom we work quite closely, I say thanks for the cordial relations that our offices enjoy, and the cooperation that we achieve in our work. The Whips on both sides of the House deserve our thanks as well. To Thomas George and Daryl Maguire and their staffers, Tara and Maryann, our thanks go to you for the job that you do. They are always around to round us up and to point us in the right direction. I know that is easier said than done. I thank also the Government Whips, Gerard Martin and Alan Ashton, and Gerard's staffer, Jan, who is very helpful. We hope that Thomas and Daryl can give a few secrets to the Government Whips to speed up the vote counts next year.

**Mr Thomas George:** Just separate them.

**Mr ANDREW STONER:** Thomas suggests that we separate them. To the Leader of the House, John Aquilina, and his staff, particularly Priscilla, I give my thanks for being so helpful. We acknowledge the good work they do in keeping the program rolling. Sometimes we get frustrated when things do not go our way, but that is part and parcel of the running of this place. The shadow Leader of the House, Adrian Piccoli, does a terrific job on behalf of the Opposition. It is pleasing to hear that he and the Government Leader of the House are sorting out their role and relationship. Adrian Piccoli has certainly grown into that role.

To the long-suffering Hansard staff, the staff of the Procedure Office and Members' Services we say thank you for making sure that what we do in the House is done with the minimum of fuss, and they support us logistically with pieces of paper and the inevitable questions on notice. That is all taken care of with maximum efficiency, and I thank them on behalf of The Nationals.

I thank also the Accounts staff who, in this day and age of massive red tape, churn through the various Parliamentary Remuneration Tribunal decisions that are buried under mountains of paper. I thank the Building Services staff for helping us in our offices and with our equipment. I thank the catering staff as well; an army marches on its stomach and we are always well fed in this place. I acknowledge the advent of Cafe Quorum, a positive development this year. I thank the Security staff, who are always polite, helpful and friendly. The Library staff do a wonderful and highly professional job of research and support for members in this place. So too do the Information Technology staff; in this technological age they certainly provide us with much-needed support and equipment to enable us do our job that little bit better. I wish the members of the media all the very best for the festive season and thank them for their role in our parliamentary democracy. Theirs is an important role.

I wish members who have departed during the year a very happy, safe and holy Christmas—the former Premier, Morris Iemma; the former Deputy Premier, John Watkins; the former Minister for Health, Reba Meagher; the former Treasurer, Michael Costa; and also the former member for Port Macquarie, Robert Oakeshott, who has moved on to Canberra. I hope they and their families enjoy the Christmas season with safety and happiness. I wish all members and staff, and their families a happy, holy and safe Christmas. This brings me to the reason for the season and, indeed, these felicitations. Australia remains a Christian nation and Christmas is the time we celebrate the birth of Jesus Christ, which heralded a message of hope and joy for all Christians. I encourage all of us to celebrate that good news and not get caught up too much in the commercialisation and overindulgence that all too often goes with the festive season.

**Mr ANDREW FRASER** (Coffs Harbour) [8.25 p.m.]: First and foremost I mention my wife and family, who have had a pretty tough year to say the least—a year in which, apart from a legal case that I will not say too much about as it has cost us a lot of money, we lost our family home and our daughter suffered serious injuries. She is in Sydney today for what we thought was her last doctor's appointment, but she has to come back down again in January. I particularly thank my electorate staff and the Clerks of the Parliament. Russell Grove and his wife, Frances, are personal friends of mine and of my wife, Kerry. My congratulations go to Russell and Frances. No member of this Parliament would survive without the support of his or her partner, and that applies even more so the Clerk. I am a fairly early riser, and when I arrive at Parliament House in the early hours of the morning I often see Russell here getting his early morning coffee—as I do. I know that he works back late too—as we do.

The Leader of the House, John Aquilina, and I have our differences on occasion—and a couple of nights ago was one such occasion. As I said in the media recently, I have been a stickler for procedure, and I advise that the Leader of the House and the Speaker invited me to join in discussions on the standing orders even though I was not a member of the Standing Orders and Procedure Committee. Eventually we were able to smooth out some rough patches, and I believe there is room for further amendments. I believe that if an opportunity presents itself, as it did recently, amendments should be debated. Gags should not be applied in this place. One was applied tonight—and I suppose some members on our side might suggest that was not a bad idea, or else we might have been sitting here until after 10 o'clock.

The business of the House could be better organised. I do not blame the Leader of the House for that; he has to fit in the business that is presented to him by the Government of the day. When everyone works together we get a fairly workable situation, but sometimes that does not happen. To the Speaker, and to Joe, Lucy and Margaret, I say thank you very much for your assistance through the year. I thank Dennis and his cheery attendants, the catering staff and all the people who work in this place. I wish you all the very best for Christmas.

The support given to Kerry and me by 91 members of this House after our loss was heartfelt. In that fire I lost 18 years of political memorabilia. But that really does not worry me. I can duck down to the Library, where the great people down there can find all that I need. But my kids have lost their school reports, their school awards, their birth certificates, their baby books and their baby photos. And that is tragic. Over that period the phone calls, emails, cards, letters and donations I received from just about every member in this place were heartfelt. Hopefully, the slab for our home has been poured and the frame has arrived. When I get home on Saturday morning I hope to see the frame up. This weekend we hope to move into the flat next door to the farm that we are having done up and we should get a bit of normality into our lives.

While this has been our *annus horribilis*, I must mention the great democracy we live in. Quite often we take for granted the great freedoms we have. My daughter returned from India about two weeks ago—the week before the trouble in Mumbai started. She has a photo of the big Sikh fellow who was helping people into

ambulances at the Taj Mahal Hotel. To learn that Brett Taylor from Blacktown Timbers was killed there makes our year pretty good by comparison. To Brett's family, workmates and colleagues, I send my sincere condolences. What happened to him was tragic. To think that in this day and age people can travel to a country that we regard as a pretty close ally of Australia on a trade mission led by the Department of State and Regional Development and have a 49-year-old man with everything in front of him not come back is tragic. It is a sombre note at a time of great joy.

To my electorate staff, Diane and Campbell, and to Debra McGrath, who fills in faithfully for us, thank you for your support. To all my colleagues in this place, from both sides of the House, thank you for your support. To all the staff, everyone I have not mentioned, I thank you for your support and I wish you all a very happy and holy Christmas and a prosperous New Year. I look forward to returning early in 2009. I will continue my robust representation for the people of the Coffs Harbour electorate, to whom I wish the very best. I also wish you the very best, Madam Deputy-Speaker.

**Mr THOMAS GEORGE** (Lismore) [8.32 p.m.]: I will speak as The Nationals whip and for Daryl Maguire, who would like to be included in my comments. I endorse the comments of appreciation from all the previous speakers to everyone who makes this Parliament work. It would be remiss of me if I did not start by thanking my staff back in Lismore. I refer to Karen Wilson, Bronwyn Mitchell, Christine Marshall, and Kirsten and Carol, who make up the team. I thank them sincerely for their support throughout the year. They do not work full-time jobs, they all job share. I thank them for all they have done for Deb and me this year. It has been greatly appreciated. I particularly mention Christine and her husband, Malcolm. They are both close friends of mine. Malcolm has just been through an operation. Reports are very good at this stage and we hope that Malcolm continues to make a good recovery.

To the Government Whips, Gerard Martin and Alan Ashton, and, of course, Jan, I sincerely say thank you on behalf of Daryl and me. The cooperation we have, despite our differences, has always been amicable and we have great respect for one another. I thank Daryl and Maryanne in his office. Daryl has the ability to make sure that everything is right and I am part of his team as The Nationals Whip. Daryl would also like to place on record his appreciation to his electorate staff, Margaret, Paula and Brenda, and Di Lee, who has just been appointed as the Whip's secretary here. I pay tribute to my Deputy Whip, Russell Turner, and thank him for coming down at very short notice. Being a Temporary Speaker I often end up in the chair when I should be acting as Whip, but I only have to ring Russell and he will be here and he is willing to do any other jobs. To Peter McConnell and the staff in the office of the Leader of The Nationals—Erin, Ben, Rod and Bree—I say thank you for everything you have done by cooperating with us to make sure that the whole team works. To the parliamentary staff of The Nationals in the other place and the staff who work in this place for The Nationals and the Coalition, we simply say thank you.

A number of members have thanked Hansard. What else can I add? You just make us look so good, and I sincerely thank you for your support this year. To the staff of member services, security, accounts and the cleaners, who do a tremendous job in supporting us, I say thank you. To the staff in catering—Carlos, Jennifer and everyone else—I say thank you as well. This place is like our home. Each and every one of The Nationals is here for the full week. Whilst we might vent our anger at seeing the same menu every day, the quality of the food is outstanding, and we say thank you. To everyone associated with the bar, stationery and every other department in Parliament I give my thanks. The Parliamentary Library supports us so well and I say thank you. When you walk through the door you pass the security staff and then you get to Dennis and his team. Everyone says good morning, greets you and makes you feel at home.

I particularly thank Tara in my office. Tara has just grown into the position. She has matured, is accepting responsibility and is able to run a very efficient office. Sadly, Tara will leave me before Parliament sits again next year, but she goes with my blessing. Words cannot express my appreciation for Tara. She will be missed and all I can do is wish her the best, but at an appropriate time more words will be said about Tara. The Clerks have been mentioned tonight. I congratulate Russell, and also Frances on her support of Russell, in his achieving what has already been well and truly documented here tonight. Russell gets great support from Mark, Les and Ronda, and the whole team.

To Greg Kelly and the attendants—especially April and Ian—thank you all very much. You look after us all the time we are here and we thank you for all you have done. I thank the Speaker, the Deputy-Speaker, and the assistant and temporary speakers. I thank Joe, Margaret and Lucy from the Speaker's office. Joe is always there. He gets embarrassed about ringing to remind us that we should be in the chair, but it is the best phone call we get. We get busy and can forget to be here. No-one wants to forget to be here because everyone puts in so much effort. Joe should never feel embarrassed about ringing me because he does a mighty job.

Where do I start with the Leader of the House and Priscilla? Nicole left earlier this year and Danielle is here now. It is a pleasure to work with John. I know we have our differences—although it is probably show half the time. I sincerely appreciate the job you do. I make only one plea—that we might go home by 10 o'clock tonight instead of being kept here till all hours. It is a very hard job and I appreciate what you and Adrian Piccoli have to put up with. I have always said that members of Parliament are the hardest people to organise. You and Adrian Piccoli do a tremendous job in organising 93 of us, and I thank you for that. A lot of things have happened this year, but one of the most memorable as far as this Parliament is concerned was the visit of Pope Benedict XVI.

The Government supported the local area command in my electorate to bring down a policeman whose dying wish was to see the Pope. The Government cooperated to enable Senior Constable Gary Hill to come to Sydney. He was blessed by the Pope on the Wednesday and died on the following Saturday. I will never forget that. The Pope went back to Rome with two Akubra hats and one police hat. He would be the only person around the world who would have a New South Wales Police Force hat. I thought we might have had an opportunity this year to speak about the Pope's visit and document it. Not much of it has been documented in this place, but perhaps we will be able to do so next year.

As president of the Parliamentary Lions Club I felt very proud today. I just want to say thank you to everyone who has been involved with the club. A cheque for \$34,000 was presented to Lifeline today as a result of the dinner that was held. Many members were involved, not just parliamentary members of the Lions Club and staff in this place. I thank each and every one who supported the Parliamentary Lions Club in having its meetings here and the dinner. I say thank you to the constituents of the Lismore electorate for their unwavering support. On a personal note, I want to say that I am very honoured to have Deb in my life now.

Next week will be a trying week. As everyone in this place knows I have a son who has spent the last 18 months at Silverwater waiting for a court case to begin. That case is coming up next week and the family—Stuart, Margaret, Cameron and the grandchildren—will be here to support Brendan. We just hope and pray that maybe he will be home with us for Christmas. You never know. These things are sent to try us. But as Andrew Fraser just said, the people around you often get you through these things. To all members of Parliament on both sides I say thank you. I hope that you all enjoy a safe, happy and holy Christmas. All that I ask for next year is that everyone be blessed with good health.

**The DEPUTY-SPEAKER:** I have the privilege of being the last speaker on this motion. I have two very special people in my life—my very young girls, Tahlia and Liviya, who are five and three and do not know what Christmas felicitations are. One day when they have learnt to read they can look back and read this. They are the absolute light of my life. It is fair to say that we all have a very difficult time in politics but nothing beats going home and cuddling up to two little girls. I have the privilege of doing that on most nights. I have been very ably assisted this year by my dad and my sister, so I am enormously grateful to them for making it possible for me to continue in my job, particularly following my promotion to Deputy-Speaker, which is an enormous honour.

Naturally the Parliament does not work without a huge team of dedicated staff. I think just about everybody has been mentioned today. I refer to the Hansard reporters as the "miracle workers". I have seen some of the notes that go up to the reporters and I do not know how they actually manage to make sense of any of it. There are also the people whom I refer to as the "angels"—Ian, Dennis and April and Joe—who make our lives so much easier in here. I thank also the Clerks who, as I have just discovered today, have the best seats in the House. Thank you very much for your assistance.

I have known the Speaker for a long time. He has seen me grow and mature somewhat from the rabid student activist that I once was when we first knew each other. The staff in his office are absolutely sensational, and I say thank you. I acknowledge the Leader of the House and the shadow Leader of the House. Everyone has said how hard it is to organise this rabble. A colleague of mine said earlier this year it is a bit like trying to herd cats. I think that is probably an apt way of describing what it must be like for everybody who has the responsibility of organising members in this place.

I also thank security, catering, administration, building services, library, PITS and the cleaners. People do not realise how pristine this place is. I have been here now for almost six years and the other day I came across the gentleman who cleans and washes the floors of the car park with a special machine. I want to say a special thank you to him. I thanked him then and there, and said I did not realise that somebody did that job but it suddenly made sense of why it was all so clean. The electorate staff across the State bear the brunt of a lot of

things that many constituents would like to say to us. I particularly thank my electorate staff, Stephen Leslie, Gloria Brown, Donna Davis and Theresa Chidiac, who left to take up a promotion earlier this year. She has been wonderful. My staff are absolutely incredible.

To my old boss Morris Iemma, whom I have the privilege and pleasure of calling a friend, and also John Watkins and Michael Costa, I express my appreciation for teaching me a lot about humanity and humility. I thank them and pay tribute to them. I wish our Premier and his fiancée, Stacey, a very happy wedding later this year. I hope they have some kind of break because the Premier is working very hard and putting in the hard yards, particularly for our party at the moment. I think I can say on behalf of all of us that we are very grateful. I hope I have not overlooked anyone. Thank you and merry Christmas to everybody. May the new year bring love, happiness and good health to you and your loved ones.

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

**Motion agreed to.**

#### **SPECIAL ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That the House at its rising this day do adjourn until Tuesday 3 March 2009 at 1.00 p.m.

#### **ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned at 8.50 p.m. until Tuesday 3 March 2009 at 1.00 p.m.**

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