

LEGISLATIVE COUNCIL

Thursday 23 November 2006

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The Clerk of the Parliaments offered the Prayers.

DEPARTMENT OF THE LEGISLATIVE COUNCIL ANNUAL REPORT 2005-2006

PARLIAMENTARY JOINT SERVICES ANNUAL REPORT 2005-2006

Motion by the Hon. John Della Bosca agreed to:

1. That, if the House is not sitting, the Clerk may table the annual reports of the Department of the Legislative Council 2005-2006 and the Parliamentary Joint Services with the President.
2. On tabling with the President the reports are:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) authorised to be published and printed by authority of the House, and
 - (c) to be recorded in the minutes of the proceedings of the House when the House next sits.

WARRAGAMBA DAM DEEP WATER ACCESS

Production of Documents: Order

Motion by the Hon. Robyn Parker agreed to:

That under Standing Order 52 there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents, created since 1 July 2002, in the possession, custody or control of the Minister for the Environment, the Department of Environment and Conservation, the Sydney Catchment Authority, the Minister for Water Utilities, the Department of Energy, Utilities and Sustainability, the Premier, the Premier's Department, or Sydney Water :

- (a) all documents relating to access in deep water (or "dead" water) in Warragamba Dam including any environmental assessment of deep water quality and of the environmental and health effects of extracting the water but excluding any documents relating to the construction works to recover deep storage water including the modification to the Dam wall to re-establish the No. 4 outlet and the refurbishment and augmentation of the Megarritys Creek Water Pumping Station, and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Impact of the WorkChoices Legislation

The Hon. Jan Burnswoods tabled, as Chair, report No. 39, entitled "Impact of the WorkChoices Legislation", dated November 2006, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Report ordered to be printed.

The Hon. JAN BURNSWOODS [11.05 a.m.]: I move:

That the House take note of the report.

The majority of the committee members and I are proud of this report. It places on the record the view of a large number of individuals and organisations in the community who are necessarily fearful of the impact of the Federal Government's WorkChoices legislation. The report calls for the repeal of that legislation and also makes a number of other recommendations in an attempt to ameliorate some of the effects of that terrible legislation.

However, of course, the report is necessarily constrained by what the State Government can do to overcome such a power grab by the Federal Government. I thank the committee staff, in particular Julie Langsworth, for their support. I thank Merrin Thompson, who is on maternity leave, and congratulate her on the birth of her daughter, Poppy.

Debate adjourned on motion by the Hon. Jan Burnswoods.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: Budget Estimates 2006-2007

The Hon. Amanda Fazio tabled, as Chair, report No. 18, entitled "Budget Estimates 2006-2007", dated November 2006, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Report ordered to be printed.

The Hon. AMANDA FAZIO [11.07 a.m.]: I move:

That the House take note of the report.

The committee held nine public hearings into the 2006-07 budget estimates for the portfolio areas of Justice, Juvenile Justice, Police, Gaming and Racing, Central Coast, Lands, Emergency Services, Rural Affairs and Attorney General. The committee operated in a non-confrontational manner and in a very co-operative way. That allowed issues raised during the budget estimates process to be negotiated with Ministers' officers to reach a satisfactory outcome in issues such as visiting hours for people at Emu Plains prison. I thank the committee members and their substitutes for the co-operative and non-confrontational manner in which they conducted themselves during the hearings. I thank the committee staff. I note that during budget estimates the committee's secretariat staff were put under considerable strain. I commend them for the professional way in which they conducted themselves.

Debate adjourned on motion by the Hon. Amanda Fazio.

UNPROCLAIMED LEGISLATION

The Hon. John Della Bosca tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 14 November 2006.

PETITIONS

Dungog Shire Policing

Petition requesting uniformed 24-hour policing in the Dungog shire to deter crime and to ensure that incidents are successfully investigated, received from **the Hon. Kayee Griffin**.

Jack Evans Boat Harbour Redevelopment Proposal

Petition objecting to the proposed construction of a commercial or residential complex on Crown land in Coral Street, Tweed Heads, and the reclaiming of any part of the Jack Evans Boat Harbour for the construction of a new cultural and tourism centre, and requesting that the House take action to stop the proposal, to stop the sale of Crown land in the harbour precincts and to rezone the land to public open space for future generations to enjoy, received from **the Hon. Jennifer Gardiner**.

Northern Rivers Transport System

Petition requesting that the Government introduce regular and affordable local passenger trains on the Casino to Murwillumbah rail line, commence planning for a rail link from Murwillumbah to the Gold Coast, promote the expansion of rail freight, and develop an integrated transport plan that meets the current and future transport needs of communities in the Northern Rivers region, received from **the Hon. Catherine Cusack**.

BUSINESS OF THE HOUSE**Suspension of Standing Orders****Motion, by leave, by the Hon. Jennifer Gardiner agreed to:**

That standing orders be suspended to allow the presentation of an irregular petition from 963 citizens concerning the Jack Evans Boatharbour redevelopment plans recently displayed at Tweed Mall.

IRREGULAR PETITION**Jack Evans Boat Harbour Redevelopment Proposal**

Petition objecting to the proposed construction of a commercial or residential complex on Crown land in Coral Street, Tweed Heads, and the reclaiming of any part of the Jack Evans Boat Harbour for the construction of a new cultural and tourism centre, and requesting that the House take action to stop the proposal, to stop the sale of Crown land in the harbour precincts and to rezone the land to public open space for future generations to enjoy, received from **the Hon. Jennifer Gardiner**.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders****Motion by the Hon. Duncan Gay agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 166 outside the Order of Precedence, relating to an order for papers regarding Hunter Water supply, be called on forthwith.

Order of Business**Motion by the Hon. Duncan Gay agreed to:**

That Private Member's Business item No. 166 outside the order of precedence be called on forthwith.

CENTRAL COAST AND HUNTER WATER SUPPLY**The Hon. DUNCAN GAY [11.17 p.m.]: I move:**

That under Standing Order 52 there be laid upon the table of the House within 21 days of the date of the passing of this resolution, the following documents created since 1 March 2003 and not previously provided to the House, in the possession, custody or control of the Premier, the Premier's Department, the Cabinet Office, the Minister for Natural Resources, the Department of Natural Resources, the Treasurer, NSW Treasury, the Minister for Water Utilities, the Minister for Energy, the Department of Energy, Utilities and Sustainability, the Minister for the Environment, the Department of Environment and Conservation, the Minister for Planning, the Department of Planning, the Minister for Local Government, the Department of Local Government, Hunter Water, State Water, or the Hunter-Central Rivers Catchment Management Authority relating to the Hunter and Central Coast water supply:

- (a) any document which refers to proposals for addressing the water supply, such as water recycling, demand management, conservation, the upgrade of existing dams or storage, or proposals for new dams or storage,
- (b) any document regarding any new dam or storage,
- (c) any document which details any payment made in relation to a proposed new dam or storage,
- (d) any document which records or refers to the development consent or planning proposals for a new dam or storage,
- (e) any document relating to any pipeline carrying water between the Hunter and Central Coast and any other region,
- (f) any document relating to the environmental impact of a new storage or dam,
- (g) any document relating to costs of any strategy or proposed strategy to supplement the water supply of the Hunter region and/or the Central Coast, and
- (h) any document which records or refers to the production of documents as a result of this order of the House.

As this is the last sitting day I will not unduly take up the time of the House, but I am disappointed that we have reached this stage. Two days ago I put in an order for papers and, at the request of the Government, gave it an extra day to come back to me to inform me whether it had any concerns about this issue. A quarter of an hour before the House resumed today I was informed by the Government that the Minister involved would not accede to my request. At no stage did the Government state it was concerned about the amount of work that was involved; nor did it ask me to be more discrete in my request. I would have looked seriously at such a request, but at no stage did the Minister involved come back to me and make one.

Many honourable members will recall Reverend the Hon. Dr Gordon Moyes telling this House about the Premier flying over the Hunter at 30,000 feet and announcing a new dam—a dam about which most Labor members were not even aware. The day before the local member, Grant McBride, sent a glossy publication to his constituents in which he did not detail that fact. No-one knew what was happening with this.

The Hon. Michael Costa: No—I did.

The Hon. DUNCAN GAY: He puts his hand up, so one of them knew, but the community did not know, and no-one knew what the ramifications of this announcement were. The Opposition quite properly wants to know the background and the ramifications. Hunter Water's integrated water resources plan of 2004 indicated this was a bad option. We want to know why it suddenly became the right option. The people of the region have the right to know the background. The papers may show this is the right option. If that is the case, that is fine.

The Hon. Tony Kelly: So, The Nationals oppose dams?

The Hon. DUNCAN GAY: It is interesting to hear the Minister for Emergency Services—his own leader said yesterday that Bob Debus was the best Minister for Emergency Services ever. I do not know where that leaves him asking us about dams. He should ask about emergency services. I would stay quiet on this if I were him. I am not going to take up the time of the House unduly, but if the Leader of Government Business wants me to take up more time I am more than happy to do so.

There was a quite proper request for information. Nobody spoke to us about whether it should be shortened. It is information that is needed because of the extent of what we are talking about. We are talking about a \$342 million dam. We are calling for papers that involve the whole infrastructure to find out whether there were better proposals or whether this one is worthwhile. These papers are essential for the community. I commend the motion to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.21 a.m.]: I support this motion. It is a bit rich for the Government, with a \$342 million dam, to say it is too expensive to dig out the papers about it. This is the sort of lame line the Government continues to use. It is our money, our land, our dam and our water, but the Government runs an exclusive club and resents immensely someone questioning it. These papers ought to be available as of right. The hopeless little freedom of information [FOI] Act we passed yesterday does not cover it. Every second day we have motions in this Chamber trying to get information out of the Government. It is time it changed what it was doing and brought in some legislation based on the New Zealand model and let us find out what is going on.

This Government has an appalling record. Presumably it controls things from the top with the Cabinet office determining who the heads of department are, with Ministers sitting there as apologists for their falling budgets and the people in State Emergency Services beholden to their masters, and the lower echelon of the public service being nepotised to hell so everyone is more scared of this Government and its nepotism than they are of the FOI legislation, which is totally pathetic. This is just another example. If the Government is swamped with FOI requests from this Parliament it will not be a surprise and it will be entirely the Government's fault.

Mr IAN COHEN [11.23 a.m.]: I support the Opposition's motion. This dam issue has been on the books for 30 years, which might indicate that the concept is 30 years out of date. The money would be far better spent looking at alternative systems, on which I would like to work with the Government. At a minimum we need information on what is a knee-jerk reaction at this point.

Reverend the Hon. FRED NILE [11.24 a.m.]: I realise we have many calls for papers under Standing Order 52. Already a number of requests for papers have fallen on the shoulders of this department. People want government departments to solve problems and to govern, and not have the staff sitting around going through boxes and boxes of documents. But even though the dam was planned 30 years ago—and I certainly oppose any

attempts by the pagan Green party to sabotage the dam, and I hope there is no hidden agenda from The Nationals—let us be more constructive and thank the Government for announcing the dam. The Nationals have been enthusiastically supporting the Premier. For that reason, I move:

That the question be amended by omitting "1 March 2003" and substituting instead "1 March 2005".

I do not see any need to force staff to check every piece of paper for three years. The announcement has just been made—the date should be 2006—but I am moving that it be amended to 2005.

The Hon. JON JENKINS [11.25 a.m.]: I am a great supporter of dams. People do not know that three dams were planned for the Sydney Basin. The plans are still there. However, I am also a great supporter of open government and I believe an infrastructure project the size of the dam should be fully open for public scrutiny.

The Hon. Dr PETER WONG [11.25 a.m.]: I totally agree with the Hon. Jon Jenkins. I support his opinion accordingly.

The Hon. ROBERT BROWN [11.26 a.m.]: I support the amendment moved by Reverend the Hon. Fred Nile. It seems to be a sensible amendment. I realise that this department is up to its armpits in calls for papers, but water is the most critical issue in the State at this time. I support the Christian Democratic Party's amendment.

Amendment agreed to.

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr IAN COHEN [11.27 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 168 outside the Order of Precedence, relating to an order for papers regarding the Lower Hunter Regional Strategy, be called on forthwith.

This debate is urgent because it is the last sitting day of this House so it is the last opportunity for these papers to be released. It is urgent because Hardie Holdings, a property development company—until recently the subject of investigation by the Government for illegal land clearing on the property Sweetwater in the lower Hunter—is getting away with illegal land clearing and the Government has dropped its investigation of the matter. The matter is urgent because up to a thousand hectares of native vegetation were cleared and underscrubbed on the property. This debate is urgent because revelations by a whistleblower within the Department of Natural Resources provided documents to the Wilderness Society and the *Sydney Morning Herald*. An email revealed that all investigations into the Sweetwater case had been suspended. The relevant documentation behind this must be released, and this is the last opportunity to do so. I ask that the House consider the suspension of standing orders on this matter.

Motion agreed to.

Order of Business

Motion by Mr Ian Cohen agreed to:

That Private Members' Business item No. 168 outside the Order of Precedence be called on forthwith.

LOWER HUNTER REGIONAL STRATEGY

Mr IAN COHEN [11.29 a.m.]: I move:

That under Standing Order 52 there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents created since 4 November 2005 in the possession, custody or control of the Minister for Planning, the Department of Planning, the Minister for the Environment, the Department of Environment and Conservation, the Minister for Natural Resources, or the Department of Natural Resources, relating to:

- (a) the memorandum of understanding signed on 16 October 2006 between the Government and Hardie Holdings, regarding land with developmental potential and conservation reserve as part of the Lower Hunter Regional Strategy,
- (b) the Lower Hunter Regional Strategy, including notes of meetings, maps, draft agreements and proposals put forward by Hardie Holdings,
- (c) investigations into alleged breaches by Hardie Holdings of the Native Vegetation Act 2003 or the Native Vegetation Conservation Act 1997,
- (d) meetings between Hardie Holdings and the Government regarding the Lower Hunter Regional Strategy, and
- (e) any document which records or refers to the production of documents as a result of this order of the House.

This call for papers is urgent as the matter is unresolved and requires appropriate investigation. There is a suggestion of inappropriate action on the part of a government department and Hardie Holdings, and I believe the papers will clarify the situation. I ask the House to agree to this reasonable request. The issue has been exposed in the media and the Sweetwater development has been investigated. We need to access documents regarding this matter so we can identify whether any impropriety has occurred. I believe a number of offsets have been negotiated behind closed doors. These are contained in a memorandum of understanding agreed to between the Government and Hardie Holdings. The public must be allowed to ascertain from the relevant documents whether there has been impropriety in this matter.

From 2002-03 to 2004-05 Hardie Holdings was engaged in land development, and I believe proper process should be followed when land is impacted upon and the bureaucracy is involved. Possible court action against the company has not been proceeded with. The company impacted upon land that it owned under private freehold title. That land is now designated as national park and requires urgent reparation.

The Hon. Michael Costa: Who is opposing the call for papers? Nobody. What are you going on about?

Mr IAN COHEN: I acknowledge the expression of support from the Treasurer, and commend my motion to the House.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Ms LEE RHIANNON [11.32 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 174 outside the Order of Precedence, relating to an order for papers regarding Operation Retz, be called on forthwith.

This call for papers is urgent because it is the last parliamentary sitting day this year and this is our last opportunity to consider the matter. The report of Operation Retz is extremely important. It is vital that NSW Police is able to draw upon the recommendations and advice in that report. Operation Retz commenced in the late 1990s, and there is increasing speculation that the recommendations in the report have not been acted upon. The Government may argue that the documents requested should not be made publicly available as it could compromise individuals and police operations. We remind members that such information can be declared privileged—which is why we have privilege. All members understand and respect that certain information cannot be released publicly, so that is no reason for keeping the report confidential. This matter is urgent because the Greens believe the findings and recommendations in relation to Operation Retz will prove important to the delivery of justice in New South Wales.

Reverend the Hon. FRED NILE [11.34 a.m.]: I have some concerns about Ms Lee Rhiannon's substantive motion as I understand that it includes a call for the release of sensitive details regarding police informants. I have always argued strongly that police informants should be protected. During court cases lawyers often attempt to access police diaries in order to uncover information, which may fall into the hands of criminals, who can then take action against informants—they may be criminal figures themselves—who are co-operating with and supplying information to the police. I believe the motion also calls for information regarding subject officers' medical histories, which raises questions about privacy. I understand that the NSW Ombudsman will not release the reports of police operations. I have reservations about Ms Lee Rhiannon's motion so I seek to amend it in the following terms. I move:

That the question be amended by inserting after the words "the date of passing of this resolution" the words—

Ms Sylvia Hale: Point of order: We are considering a motion to suspend standing and sessional orders. We are not debating the substance of the motion. Therefore, I believe Reverend the Hon. Fred Nile is out of order.

Reverend the Hon. FRED NILE: I foreshadow that I intend to amend the substantive motion in order to protect sensitive information. I will move:

That the question be amended by inserting after the words "the date of passing of this resolution" the words "and made available only to members of the Legislative Council and not published or copied without an order of the House."

The Hon. ROBERT BROWN [11.36 a.m.]: I oppose this suspension of standing and sessional orders on the basis that similar motions could be moved all day long. Ms Lee Rhiannon declared that the motion is urgent because this is the last parliamentary sitting day this year. But we have known that for some time. If the motion is so urgent why did Ms Lee Rhiannon not attempt to move it a week or two ago? If something had happened this morning to prompt Ms Lee Rhiannon to move the motion today I might be inclined to support it, but in the circumstances it is ridiculous.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Breen	Mr Jenkins	Mr Pearce
Dr Chesterfield-Evans	Mr Lynn	Ms Rhiannon
Mr Cohen	Mr Mason-Cox	Mr Ryan
Mr Gallacher	Reverend Nile	<i>Tellers,</i>
Mr Gay	Ms Parker	Mr Colless
Ms Hale	Mrs Pavey	Mr Harwin

Noes, 16

Mr Brown	Ms Fazio	Mr Tsang
Ms Burnswoods	Ms Griffin	Dr Wong
Mr Catanzariti	Mr Kelly	
Mr Costa	Mr Obeid	<i>Tellers,</i>
Mr Della Bosca	Ms Robertson	Mr Primrose
Mr Donnelly	Ms Sharpe	Mr West

Pairs

Mr Clarke	Mr Macdonald
Ms Cusack	Mr Hatzistergos
Miss Gardiner	Mr Roozendaal

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 174 outside the Order of Precedence be called on forthwith.

OPERATION RETZ REPORT

Production of Documents: Order

Ms LEE RHIANNON [11.44 a.m.]: I move:

That under Standing Order 52 there be laid upon the table of the House within 14 days of the date of the passing of this resolution the report on Operation Retz, in the possession, custody or control of the NSW Police or the Minister for Police, and any document which records or refers to the production of documents as a result of this order of the House.

Operation Retz is a police operation that commenced in the 1990s and was undertaken mainly in the Endeavour region command. There has been widespread speculation that the report on Operation Retz could make an important contribution to improving the delivery of justice in this State. Clearly, police operations are undertaken to gather information, and the lessons learnt can improve future operations. If the report process has stalled, the Parliament can play a key role in its progress. It is important that the motion is passed as it stands. I understand that Reverend the Hon. Fred Nile will move an amendment to the motion. The Greens believe that it is a matter for the Minister for Police and NSW Police to determine which parts of the report are privileged. The House understands that privilege works as a safeguard. That safeguard, which is used time and again, works well. The motion should be passed without amendment and the determination of privilege should be a discretionary matter for those who release the report.

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [11.46 a.m.]: I will speak briefly in opposition to the motion. The Government has been open in these matters. We hold a certain view about the way privilege is dealt with. This morning the House has had a plague of motions pursuant to Standing Order 52, perhaps because it is the last day of Parliament. As the Hon. Robert Brown said earlier, if the motion is so urgent today, why was it not urgent yesterday, a week ago or two weeks ago? As Ms Lee Rhiannon pointed out, the essential information in relation to Operation Retz is up to a decade old. We need to understand why the House has been given authority under Standing Order 52 and what it means for Executive Government in the relation the way the Parliament and the Executive Government operate. Certain matters pertaining to law enforcement, judicial issues and police issues are inherently privileged.

The report on Operation Retz contains critical police information, and sensitive information about complaints and complainants. It contains details of internal police informants and of the medical history of some subject officers. It may also reveal details of police investigative techniques in relation to internal matters. Disclosure of the report will undermine the confidence of future complainants in the confidentiality of the police complaints system. The report is currently the subject of other court proceedings. The report may attract legal professional privilege; indeed, extensive parts of it will attract such privilege. NSW Police argues that a general public interest immunity applies to the matters dealt with in the report. The Ombudsman has already investigated the matter. However, the Ombudsman's final report has not been released due to the sensitive nature of the issues to which it refers. That is a matter of discretion for the Ombudsman, and it demonstrates the nature of the report. I indicate in advance that the Government opposes the motion but intends to support the amendment to be moved by Reverend the Hon. Fred Nile.

The Hon. DON HARWIN [11.48 a.m.]: The Opposition has no objection to the motion. We note the concerns expressed by the Government and others about confidentiality. We believe the amendment to be moved by Reverend the Hon. Fred Nile would address those concerns. On that basis the Opposition will support the motion if it is amended in that way.

The Hon. JON JENKINS [11.49 a.m.]: I have always supported and believed in open government. However, one proviso I place on that is when issues of police investigations, the judiciary, and matters of national or State security are involved. This motion concerns me. I have not been involved in a request for papers regarding matters in which there is an ongoing investigation of this nature. I am assured by the Clerk and other members of Parliament that parliamentary privilege may be claimed and that in the history of the Parliament it has never been upheld. If members wish to contradict me on that, I will acknowledge their interjections. Based on that understanding, I will support the motion as amended should Reverend the Hon. Fred Nile's foreshadowed amendment be agreed to.

Reverend the Hon. FRED NILE [11.50 a.m.]: I still have reservations about the motion. I assume that the police informants' names could be blacked out from the records provided to members if it were considered that the police informants' lives were endangered. The Government might indicate whether some information can be blacked out from papers that are called for. To ensure maximum protection of the information in the report, I move:

That the question be amended by inserting after "the date of the passing of this resolution" the words "and made available only to members of the Legislative Council and not published or copied without an order of the House".

The Hon. ROBERT BROWN [11.51 a.m.]: I support the amendment moved by Reverend the Hon. Fred Nile. A couple of friends of mine who are police officers have done undercover duty. They never talk about their operations or anything of that nature. Because of the nature of their work many of them do not have a lot of friends outside the police force. However, every time one has a conversation with them it is clear that

they are absolutely in fear—but not in relation to their skills or the skills of the people they work with. In most cases they are not even afraid of criminals getting at them. What sends shivers up and down their spine is that information is too widely spread. I acknowledge that this House has an enviable record as far as privilege is concerned; indeed, it is suggested it has a perfect record in that respect. However, I urge members to bear in mind when they vote for the motion that people's lives are at stake.

The Hon. AMANDA FAZIO [11.52 a.m.]: I wish to comment on an issue raised by speakers in this debate, that is, parliamentary privilege. I remind members that disputed claims of privilege frequently come before this House, that it is then necessary for the House to appoint an independent arbiter to go through the material, and often the material is then released. Members should bear in mind when they are considering whether to support the amendment and the original motion that often the issues referred to are not watertight. I understand that the Reverend the Hon. Fred Nile's amendment seeks to overcome that problem. However, in the event that the amendment is not carried, I foreshadow that any information provided to the House could be subject to a claim of privilege.

The Hon. JON JENKINS [11.53 a.m.]: I indicate that I will speak to the amendment but not to the substantive motion. When Reverend the Hon. Fred Nile referred to his amendment he mentioned the possibility of somehow removing the names of police informants. This is a very serious issue. We all know that within our society, unfortunately, there are extremely violent people who have no compunctions about killing witnesses who may do them some harm. I feel very strongly that this information should only be released when those witnesses are absolutely protected from identification. I do not know how that can be done. I will not support the motion unless I am guaranteed that the names of witnesses and whistleblowers will be removed.

Amendment agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 17

Mr Breen	Mr Gay	Mrs Pavey
Mr Brown	Ms Hale	Mr Pearce
Dr Chesterfield-Evans	Mr Lynn	Ms Rhiannon
Mr Clarke	Mr Mason-Cox	<i>Tellers,</i>
Mr Cohen	Reverend Nile	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Noes, 15

Ms Burnswoods	Ms Griffin	Mr Tsang
Mr Catanzariti	Mr Jenkins	
Mr Costa	Mr Kelly	
Mr Della Bosca	Mr Obeid	<i>Tellers,</i>
Mr Donnelly	Ms Robertson	Mr Primrose
Ms Fazio	Ms Sharpe	Mr West

Pairs

Ms Cusack	Mr Hatzistergos
Mr Gallacher	Mr Macdonald
Mr Ryan	Mr Roozendaal

Question resolved in the affirmative.

Motion as amended agreed to.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

FORMER MINISTER FOR POLICE AND POLICE REFORM PROCESS AUDIT

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Treasurer. As the former Minister for Police, is the Treasurer aware of the criticisms of his tenure as Minister for Police contained in the recently released Report on the Results of the Qualitative and Strategic Audit of the Reform Process? Is he aware that the report states that, "Given these shortcomings it is difficult to find any support for the then Minister's assertion of reform achievements and improvements" in his press release of 23 December 2002? Is the Treasurer further aware—

The Hon. John Della Bosca: Point of order: The Leader of the Opposition is asking a question that is not relevant to the Minister's portfolio. Clearly, the question is out of order.

The Hon. MICHAEL GALLACHER: The rest of the question is in order: Will the Minister apologise to the police and to the public for his inability to get the reform process right?

The Hon. Amanda Fazio: Point of order: The Minister for Industrial Relations took a point of order about whether the question was relevant to the Treasurer's current portfolio responsibilities, which clearly it is not. The Leader of the Opposition then continued to read his question onto the record. I ask you to rule on the point of order and I strongly believe that the question is out of order.

The PRESIDENT: Order! Standing Order 64 (1) states quite clearly that questions may be put to Ministers relating to public affairs with which the Minister is officially connected. Public affairs that are not related to the administration of that Minister's portfolio are not a suitable subject for questions.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS WORKCHOICES LEGISLATION FAMILY IMPACT

The Hon. JAN BURNSWOODS: My question is addressed to the Minister for Industrial Relations. Does the Government have any new information about the impact that WorkChoices laws are having on New South Wales' families? What is the Government doing to help those families?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for her ongoing interest in New South Wales' workplace issues. This morning the report of the upper House inquiry into WorkChoices was tabled and it reveals that families across the State are hurting under the Howard Government's unfair laws. The inquiry heard extensive testimony from families, disadvantaged groups and businesses about the impacts of the WorkChoices regime, a regime that is actively supported by Peter Debnam, who wants to hand over New South Wales' families to the Commonwealth if elected next year. The picture that emerged was clear and damning. In her foreword to the report, the inquiry chair, the Hon. Jan Burnswoods, summed up the evidence presented, saying, "Rarely has a Committee heard such unanimity of criticism and such deep fear for the future."

The Hon. Don Harwin: Point of order: The Minister is debating a report that is set down for debate on the *Notice Paper*. His answer is therefore out of order.

The Hon. Peter Primrose: To the point of order: The Minister is not debating the report; he is simply commenting on it.

The PRESIDENT: Order! Under the rule of anticipation, a Minister must not debate a subject that is likely to be brought before the House in the foreseeable future. Given that the report is not going to be discussed in this Parliament in the foreseeable future, the Minister is not contravening the rule of anticipation.

The Hon. JOHN DELLA BOSCA: The High Court may have found WorkChoices to be legally valid, but the court of public opinion is in no doubt that those laws are wrong, and in every sense.

The Hon. Greg Pearce: Point of order: I distinctly heard the Hon. Jan Burnswoods in her last question—I hope it is her last question—ask whether the Minister had any new information to give to the House. The Minister is now going on with a bunch of old claptrap that he has been going on with for the last

several days. No-one in this House is the least bit interested in hearing him go through all of that claptrap again when we have the excellent economy that we have as a result of the Howard WorkChoices legislation.

The PRESIDENT: Order! The Minister will be relevant.

The Hon. JOHN DELLA BOSCA: Key findings of the inquiry are that WorkChoices: aims to achieve productivity and employment growth by exploiting the labour of the vulnerable; will lead to a profusion of low-pay, poor quality work in an economy characterised by low productivity; will exacerbate the skills shortage by removing incentives for employers to invest in training; and will lead to a reduction in workplace safety. In contrast, the Iemma Government will not ignore the harm being inflicted on New South Wales families and will continue to do everything in its power to shield them. To shield New South Wales' families the Iemma Government will maintain the very effective State industrial relations system, which protects more than one million workers and their families, and introduced a package of laws to protect low-paid workers.

The Hon. JAN BURNSWOODS: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. JOHN DELLA BOSCA: The inquiry found that typical of those coming forward were women and young people, those living in rural and regional areas, migrants, the disabled and injured, and the disproportionately affected. The findings confirm that a deep and widespread climate of intimidation and distress is being caused by these laws. Typical of those coming forward to tell their stories at the inquiry was Stephanie Cindric, who spoke as a witness at hearings in Penrith. Ms Cindric, the partner of a construction worker and mother of a university student, who have both been adversely affected under WorkChoices, told the inquiry:

We live in constant fear. I am terribly worried because we are on a single income, and if my husband were told, and I believe he will be told, that his penalty rates are going to be taken off him, we will not be able to survive.

Despite the damning body of evidence presented to the inquiry, State Opposition representatives on the Committee opposed the findings, confirming their active support for WorkChoices. In contrast to the Debnam-Howard package on WorkChoices, the Iemma Government remains committed to maintaining a fair and effective State industrial relations system. It has already passed laws to shield front-line public sector workers such as nurses, TAFE teachers and ambulance officers from WorkChoices, and has introduced a package of laws to protect young workers and injured employees from WorkChoices.

The Iemma Government will continue to defend Australian values and the Australian lifestyle based on the principle of a fair go for all. This is in stark contrast to the Leader of the Opposition, Mr Debnam, who will not stand up for the families of New South Wales. He is too afraid of his masters in Canberra. His plans for industrial relations in New South Wales would be disastrous for families and services in this State. We welcome the committee inquiry's report, and will continue to pursue every avenue open to us to oppose these unfair and damaging laws.

LANE COVE TUNNEL INTEGRATION GROUP COMPENSATION NEGOTIATIONS

The Hon. DUNCAN GAY: I direct my question to the Minister for Roads. Is the Minister aware that at the supplementary Roads budget estimates hearing the chief executive officer of the Roads and Traffic Authority stated that he would expect negotiations on compensation for the delaying of surface works on the Lane Cove Tunnel to be completed in three months? Have the Roads and Traffic Authority and the integration group submitted their recommendations to the Minister to take to Cabinet in relation to compensation? If not, will the Minister inform the public when those recommendations are to be submitted?

The Hon. ERIC ROOZENDAAL: It is a great pleasure to respond to the honourable member's question—yet another demonstration of the Opposition's poor attempts at probing and in-depth analysis of New South Wales politics. As has been explained on numerous occasions, the Iemma Labor Government is committed to appropriate transition of the Lane Cove Tunnel and expanded Gore Hill Freeway to be integrated into the surrounding road network. Building on the recommendations of the parliamentary inquiry, which of course was cross-party, we have been negotiating with the operators of the Lane Cove Tunnel to ensure an appropriate transition of this \$1.1 billion project back into the road network in a way that will get it right for motorists, businesses and local residents.

The construction period has been difficult for motorists, and I thank the people of New South Wales, particularly the motorists and the residents in the area, for their patience with this very long project. We have learned lessons from the Cross City Tunnel. As I have made clear, you cannot just open a \$1.1 billion piece of infrastructure and the very next day start on road surface changes and expect the motorists and the community not to experience major inconvenience. We need to work harder during the transition process for motorists and residents. The parliamentary inquiry recognised this.

We want the Lane Cove Tunnel open as soon as possible. But, regardless of when the tunnel opens, there of course will be teething problems, and we need to work with motorists on the many road changes that will be associated with the opening of this \$1.1 billion project. There are 10 major points with the Lane Cove Tunnel, the expanded Gore Hill Freeway and the new Falcon Street ramps intersecting with existing road network, including the M2, Delhi Road, Warringah Freeway, Brooks Road, Orion Sam Johnson Way and the harbour crossings.

The Hon. Duncan Gay: Point of order: I draw attention to the matter of relevance. The Minister has given an extensive preamble to the answer to the question. The question was a discrete question on compensation, and so far the Minister has not come within a bull's roar of answering it. I request that the Minister be drawn back to the question.

The PRESIDENT: Order! The Deputy Leader of the Opposition has at last raised a proper point of order. I remind the Minister that he must be relevant.

The Hon. ERIC ROOZENDAAL: It is a massive project. That is why in June the Iemma Government established the Lane Cove Tunnel integration group. The group has representatives of the Premier's Department, the Roads and Traffic Authority, the State Transit Authority and Connector Motorways. It is a massive task for our engineers, our traffic experts and our emergency response teams, and it is important to effectively communicate these changes to the travelling public so that motorists can plan their trips. The integration group's job is to make sure that the project's transition into the existing road network is based on sound traffic management principles. The work is ongoing.

The Hon. Duncan Gay: Point of order: Madam President, the preamble is ongoing as well, and the Minister is flouting your ruling that he should actually talk about compensation. It was a discrete question, directly on compensation, and so far the Minister has not got near it.

The PRESIDENT: Order! I remind the Minister he must be relevant.

The Hon. ERIC ROOZENDAAL: The New South Wales Government continues negotiations with Connector Motorways to ensure an appropriate arrangement during the transition period, and when those negotiations are finalised they will of course be made public.

The Hon. DUNCAN GAY: I ask a supplementary question. Why does the Minister refuse to answer the question on compensation?

The Hon. ERIC ROOZENDAAL: What we have here today is—

The Hon. Michael Gallacher: A very straightforward question.

The Hon. ERIC ROOZENDAAL: —a very straightforward question, because basically we have a demonstration that we have learned the lesson of the Cross City Tunnel, much to the annoyance of the Coalition, and we will transition the changes, including any changes to the surface roads, over an extended period of time to minimise inconvenience. There are negotiations with Connector Motorways to ensure appropriate arrangements, and when those negotiations are concluded, they will be made public.

CRIME COMMISSION

The Hon. PETER BREEN: I direct my question without notice to the Minister for Roads, representing the Minister for Police. Is the Minister aware that a source in the Australian Federal Police is quoted in yesterday's review of the police counterterrorism powers as saying that the Australian Federal Police did not want the Crime Commission involved in a joint State and Federal task force operation involving alleged terrorist activities? Can the Minister explain why the Crime Commission is so unpopular with law enforcement agencies—

The Hon. Michael Costa: That's ridiculous!

The Hon. PETER BREEN: It might be ridiculous for you, but it is a question that a lot of people want the answer to. Can the Minister explain why the Crime Commission is so unpopular with law enforcement agencies, including the Office of the Director of Public Prosecutions, where senior prosecutors describe Crime Commission officers as "cowboys"? What steps will the Minister be taking to bring the Crime Commission under the umbrella of the relevant parliamentary oversight committee, as recommended in yesterday's review of the police counterterrorism powers?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his question, which I will pass on to the Minister for an appropriate response.

AMBULANCE SERVICE SCHOOL EDUCATION PROGRAM

The Hon. IAN WEST: My question without notice is addressed to the Minister for Health. Can the Minister inform the House about new ambulance initiatives to educate children about emergency procedures?

The Hon. JOHN HATZISTERGOS: This morning I was accompanied by the Premier and the member for Drummoyne, Angela D'Amore, to Dobroyd Point public school, where the Premier launched a new program entitled "Be an Ambulance Hero: Dial 000", a school education program. This is a program developed by the Ambulance Service of New South Wales in consultation with the Department of Education and Training, the Catholic Education Commission and the Association of Independent Schools, providing lesson plans for teachers to educate students in kindergarten and years 1 and 2 on how to call an ambulance. It is a program empowering children to take action in an emergency should a parent or an adult be unable to do so.

Children can find dialling triple zero intimidating, and often lack the confidence to be able to make the emergency call. This is not surprising. Even adults find the process daunting and struggle to dial triple zero and answer the operator's questions calmly. Members may recall that I spoke recently in the House about another excellent ambulance initiative to help save people's lives. That program, entitled "Life: Live it Save it", is designed to educate retirees over 55 years of age about what to do in medical emergencies. It has been successful in reducing avoidable deaths. I am also confident that this new program launched today will be just as successful. The program will teach young children the difference between a big accident, when it is necessary to call an ambulance, and a little accident, when it is not, the correct emergency services phone number to call, and instil the confidence to answer questions asked by the ambulance operator.

This innovative program is a fine example of what can be achieved when ambulance officers and New South Wales teachers work together for the benefit of the community. The "Be an Ambulance Hero: Dial 000" initiative is not merely a plan, it is a springboard for children to be the lifesavers of tomorrow. We are not giving them something that they have never had—all children have the potential to be heroes. This program recognises that. Ambulance research has revealed that on many occasions the child at home was responsible for calling for help if the parent or carer was sick or injured. This is a huge responsibility for a child, but a program such as this will help unleash the hero within. By the beginning of the 2007 school year every primary school across New South Wales—2,429 schools—will be provided with resource kits to teach the "Be an Ambulance Hero: Dial 000" program, which includes State, Catholic and independent schools. The program was trialled and evaluated by nine primary schools across the State from Boggabilla to Aberdeen.

There was overwhelming support for, and endorsement of, the program. Teachers found the material and teaching methodology extremely effective. I thank them for their contribution. The program includes role-play, posters and activities to teach children what to do in an accident. I am advised that every student participating in the program will receive a take-home kit to reinforce the lessons learned in the classroom. Moreover, the Ambulance Service of New South Wales has designed a web site that introduces children to two ambulance characters, Billy-B-Safe and Betty-B-Careful. This interactive, educational and fun web site gives children both the knowledge and confidence to call for an ambulance and answer key questions. I acknowledge the generous donations from the private sector that has enabled the roll-out of this program at no cost to schools. I congratulate the Ambulance Service of New South Wales and our schoolteachers on developing this important program, which will see New South Wales embarking on a new, important direction in children's education that truly has the potential to save lives.

LANE COVE TUNNEL OPENING AND CONNECTOR MOTORWAYS

The Hon. DAVID CLARKE: My question without notice is directed to the Minister for Roads. Is he aware that media statements from Connector Motorways issued fewer than two weeks ago boasted that the Lane

Cove Tunnel was on schedule to be completed in mid December, with testing to commence shortly after? Will he now admit that his Government has asked for the opening of the tunnel to be delayed until after Christmas for political reasons, including the toll-free period running close to the election? Will he admit that, combined with the proposed delaying of surface works until after the March election, all these things are attempts to avoid a voter backlash in the lead-up to the election?

The Hon. ERIC ROOZENDAAL: I congratulate the honourable member on his recent victories.

The Hon. Michael Gallacher: Answer the question. He gets nasty when he gets political.

The Hon. ERIC ROOZENDAAL: We know how supportive the Leader of the Opposition was of the Hon. John Ryan.

The Hon. Duncan Gay: Point of order: As entertaining as this may be to the Minister's warped mind, it goes nowhere towards answering the question. Once again, I request that you ask the Minister to answer the specific question before the House.

The PRESIDENT: Order! I ask the Minister not to debate the question or the questioner.

The Hon. Michael Costa: Eric the weasel.

The Hon. ERIC ROOZENDAAL: I am advised that the—

The Hon. Greg Pearce: Point of order: I took offence at the Treasurer's comment when he called the Minister for Roads "Eric the weasel". He should withdraw it.

The Hon. MICHAEL COSTA: To the point of order: I was referring to the Leader of the Opposition.

The PRESIDENT: Order! I remind all members that interjections are disorderly at all times, so I cannot rule on them.

The Hon. ERIC ROOZENDAAL: I am advised that the \$1.1 billion Lane Cove Tunnel and expanded Gore Hill Freeway is contracted to open on 9 May 2007. On Saturday 11 November, the Executive Officer of Connector Motorways announced that the project is scheduled for construction to be completed in mid December. The opening date for the Lane Cove Tunnel is yet to be determined. Connector Motorways will then conduct a series of tests, such as traffic simulations and emergency response exercises, to test all aspects of its operational systems before opening the tunnel. I am advised that before opening, Connector Motorways needs to integrate, simulate and test more than 400 individual traffic management plans and 17 incident response procedures, and ensure that all software in the tunnel is operating and that operational staff are trained. The company advertises that the integration, testing and simulations would take a number of weeks and, along with Christmas, is likely to mean an early 2007 opening and a one-month toll-free period.

I welcome the news from Connector Motorways that it will finish well ahead of schedule. As I have stated previously, the New South Wales Government looks forward to the opening of the Lane Cove Tunnel and the expanded Gore Hill Freeway—a \$1.1 billion project that, of course, will complete the Sydney Orbital network and prove to be a great asset to the people of this State, particularly motorists. I realise that there will be teething problems with the opening of the Lane Cove Tunnel and the expanded Gore Hill Freeway. The \$1.1 billion road network project interacts with the road network in a number of places, which is why I say to motorists: Be patient when it opens because there may be some issues that we need to resolve. The New South Wales Government is committed to having the tunnel open as soon as possible, and is positive that it will be a great boost to the road network and will complete the Sydney Orbital network.

COMMUNITY SERVICE ORDERS SCHEME APPROVED AGENCIES

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question without notice is directed to the Minister for Justice. Is he aware that Breakout helps mentor people who have finished their time in prison, and that those mentored by Breakout and employed at Breakout Design and Print have much lower recidivism rates than the State average, despite the fact that they get some of the prisoners with the most troubled histories? Will the Minister provide figures on the recidivism rates of ex-prisoners and people on community service orders that show the classification of offences that would justify taking away from Breakout the ability to supervise

community service orders? If the Minister cannot provide such figures, on what basis was the decision to take community service orders supervision from Breakout, as expressed in the letter from the Department of Corrective Services dated 10 October, sent to the wrong address, and delivered on 16 November? Have the advocacy actions of prisoners by the Justice Action group, which is associated with Breakout, had any bearing on this decision?

The Hon. TONY KELLY: In early 2005 the commission instigated a review of the Community Service Orders [CSO] Scheme. As a result of the review, concerns about possibly corrupt behaviour were identified by the Department of Corrective Services and duly referred to ICAC. While ICAC investigated these matters, the department's review of the entire CSO scheme continued to progress. As part of this review, the department decided to reassess the list of approved CSO agencies. For various reasons a total of 545 agencies were removed from the list. One of these agencies was Breakout Design and Print. During the reassessment phase it was discovered that it was a registered business. According to departmental policy, CSO work sites should be non-profit organisations, such as churches, St Vincent de Paul and the Salvation Army. The removal of Breakout Design and Print as an approved CSO workshop was merely part of the effort to bring the list of accredited work sites in line with existing policies and procedures.

I emphasise that the department has not singled out Breakout Design and Print. It is one of the 545 agencies to have been removed from the list of approved CSO agencies during this process. I emphasise that there is no suggestion that Breakout was removed from the CSO scheme as a result of the ICAC's inquiry into corrupt behaviour. There is no conspiracy. In due course the department will revise the criteria for determining whether an agency is a proper agency to receive accreditation for the CSO scheme. I understand that in some of the documents the honourable member has given me there is a suggestion that it was not the company Breakout Design and Print that had the agreement, but a different organisation. The department will assess that situation as well in its review.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I ask a supplementary question. Is the Minister aware that Breakout is separate administratively from Breakout Design and Print? Was the fact that ex-prisoners are gainfully employed in a business that reduces the rates of recidivism taken into account in this decision?

The Hon. TONY KELLY: I alluded to that in the last part of my answer, but as this is possibly the Hon. Dr Arthur Chesterfield-Evans's last question in this place, I reiterate that in the review being undertaken by the department I will ensure that that aspect is assessed as well.

RURAL AND REGIONAL PUBLIC SERVICE JOBS

The Hon. CHRISTINE ROBERTSON: I address my question without notice to the Minister for Lands. Will he provide any advice on the potential job losses in rural and regional New South Wales if the 29,000 staff cuts of the Leader of the Opposition, the honourable member for Vacluse, are implemented?

The Hon. TONY KELLY: I thank the Hon. Christine Robertson for her question because it relates to the area from which she comes. The Leader of the Opposition, the honourable member for Vacluse, has stated on the record that he will slash the New South Wales public service by 29,000 positions, if ever he is elected. Ever since he announced this crazy policy on the run, he has been fudging on its real impact. However, rural and regional communities are rightly concerned about the impact on rural and regional towns, their economies, their workers and their families. The Coalition's policy shapes up to a massive cull of jobs across country New South Wales.

One of the departments that would be hardest hit is the Department of Lands. Under the Coalition, the prospects for this important agency would be very, very bleak. Crown lands would need to make somewhere between 100 and 200 staff redundant. My question to the Opposition is: Where will those job cuts come from? Branch closures would occur just as a matter of course. It is not at all unrealistic to predict that the first announcement from an incoming Coalition Minister for Lands, if there ever is one, would be along the lines of the closure of the Hay and Griffith offices, with the loss of approximately 10 jobs, the closure of the Maitland office, with the loss of approximately 20 jobs, and the closure of the Moree office would occur just as a matter of course.

The Hon. Duncan Gay: Point of order: The Minister is in fantasyland. He has based his answer on a false premise, a lie, and he is now fantasising about something that could happen, with a view to releasing the

Hansard record of his answer to the public. I have to say that the Minister's answer is awry. His own Premier thinks he is not good enough.

The PRESIDENT: Order! The Deputy Leader of the Opposition has indulged in recidivism; he has gone back to making comments that are not points of order.

The Hon. TONY KELLY: As I said, the closure of the Moree office would follow as a matter of course. After Moree, the Coalition would have to decide whether it closed Armidale or Tamworth, thereby ripping out key jobs from those two regional towns. With the city Liberals baying for more job cuts, the Coalition's next decision would be whether to close the Orange or the Dubbo offices, but the Coffs Harbour office would have to close, with the loss of approximately eight jobs.

The Hon. Rick Colless: Point of order: I assure the Minister that what he is saying is absolutely untrue. The Coalition has no plans to close any Department of Land offices.

The Hon. TONY KELLY: As I was saying, the Coalition would then have to close the Coffs Harbour office, with the loss of eight additional jobs, as well as the Taree office, with the loss of another 10 jobs, and all those workers would be thrown onto the scrap heap of the honourable member for Vacluse. While no pain would be felt in Vacluse, the job cuts would be disastrous for rural and regional towns and would spell the end of much of the good work that has been carried out by the Department of Lands in New South Wales. The people of rural and regional New South Wales could say goodbye to the perpetual lease and enclosure permit reforms because the department would simply not have enough staff to complete that important work.

Commercial opportunities would be lost and the remaining staff would struggle to cope with the basic land administration functions of the department. The job cuts of the Leader of the Opposition, the honourable member for Vacluse, would be a series of monumental disasters for country New South Wales. The city-based Liberal Party has never been able to appreciate the importance of a strong public service in country New South Wales and the importance of those positions to country New South Wales, particularly during times of drought. A strong public service is an integral part of the social, economic, sporting and cultural backbone of country towns.

The Hon. CHRISTINE ROBERTSON: I ask a supplementary question. Will the Minister further elucidate his answer?

[*Interruption*]

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time.

[*Interruption*]

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the second time.

The Hon. TONY KELLY: Everything that I have outlined would be done by the Coalition, and it is just the tip of the iceberg. Added to this carnage would be more country jobs when the Opposition signs up to the disastrous Howard Government's WorkChoices. The message to country communities in the lead-up to the March State election is pretty clear: it is a choice between the Iemma Government, which has a plan for New South Wales and a commitment to investing in jobs, skills and services for the bush, and a ragtag Coalition that is anti-country, anti-jobs and anti-regional development. It all boils down to the fact that the Coalition is just too big a risk.

CLIMATE CHANGE AND RENEWABLE ENERGY

Mr IAN COHEN: In directing a question to the Treasurer, representing the Minister for Energy, I refer to constant media reports that New South Wales is facing an energy crisis and reports of a joint venture between the Victorian and Federal governments involving the construction of a solar power plant. Given that climate change presents issues for decision making relative to new coalmines and options, will the Minister please outline the energy alternatives the Government has planned for New South Wales, apart from the gas-powered stations that have already been announced? What plans are there, if any, for renewable energy generation, especially wind and solar power? Are there any plans for a joint venture with the Federal Government similar to Victoria's?

The Hon. MICHAEL COSTA: I realise that the question is directed to the Minister for Energy through me, but I make it clear that the premise of the question is absolutely false. There is no energy crisis in New South Wales.

The Hon. Matthew Mason-Cox: Yes, there is.

The Hon. MICHAEL COSTA: No, there is not. In fact, New South Wales has surplus energy.

Mr Ian Cohen: What about the blackout?

The Hon. MICHAEL COSTA: I am pleased that the honourable member has asked why there was a blackout last night, especially as he is somebody who supports national parks. For him to carry on in this House about blackouts while there are bushfires in a range of national park estates shows that he obviously does not understand what occurred yesterday. There were a number of fires across the State, but certainly the grass fire at Rookwood caused problems for power.

The Hon. Duncan Gay: So the National Parks and Wildlife Service caused the blackout?

The Hon. MICHAEL COSTA: No, it did not. The honourable member ought to know about the national parks. There are bushfires everywhere. Clearly, when there is a bushfire where there are power poles, which in many areas are still made of wood, the power poles either burn down or fall down because of fire damage. It is ridiculous for the honourable member to base his allegations of an energy crisis on what occurred yesterday. The fact of the matter is that yesterday's events were caused by the fire. That is the basis for speculation about an energy shortage, but we do not have an energy shortage. On the contrary, New South Wales has the capacity to draw on the national power grid and draw from power supplies from other States, and other States have an exactly similar capacity to draw on New South Wales power when they require it. That is one of the beneficial outcomes of the operation of the national electricity market.

The Government has already announced a very extensive renewable energy policy. It is no secret that I have my doubts about the value of alternative energy sources, but in keeping with the manner in which governments operate, this Government considers a diversity of opinions when coming to conclusions that affect the political process. Mr Ian Cohen should go back to what he is good at: scaring children about the disappearance of ice-cream because of a lack of power. He has resorted to scaring children about having no ice-cream because of a so-called energy crisis. The honourable member became a little sensitive over this issue the other day and made a personal explanation, pointing out my lack of appreciation of art. If that is art, I do not want any part of it.

Mr IAN COHEN: I ask a supplementary question. Is there any plan for a joint venture similar to that between the Victorian Government and the Federal Government? Finally, Minister, if you put a light bulb in your mouth will it light up?

The Hon. MICHAEL COSTA: Putting a light bulb in my mouth would be a much more reliable source of energy than what Mr Ian Cohen has proposed. At least people will get refrigeration and ice cream.

FIREFIGHTERS

The Hon. MELINDA PAVEY: I direct my question without notice to the Minister for Emergency Services. Will the Minister take this opportunity to congratulate the local fire brigade and volunteer firefighters including local residents Jim Lumbers, David Madew and Ian Coillet, who battled through the night to bring under control a large fire in and around the Lake George area, saving properties, evacuating people and having to close the Federal Highway between Sydney and Canberra?

The Hon. TONY KELLY: I take this opportunity to thank all the firefighters and all the other volunteers who have been backing them up, whether they be from the State Emergency Service or the Volunteer Rescue Association, or are volunteers from across the State. Yesterday hundreds of firefighters attended in excess of 66 fires across the State, including two firefighters who were injured at Molong, in my area. I understand they were not seriously injured, but that goes to show that the Rural Fire Service volunteers risk their lives to save our lives and property. On behalf of the House I record the thanks of all members of this House to those firefighters, including the 400 who are now fighting fires in the Blue Mountains and others

across the State. I am sure that everyone in this House joins with me in congratulating and thanking those firefighters for continuing to risk their lives to save our lives and property.

INTERNATIONAL DAY OF PEOPLE WITH A DISABILITY

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Ageing, and Minister for Disability Services. What action is the Government taking to acknowledge the International Day of People with a Disability, to be held on 3 December 2006?

The Hon. JOHN DELLA BOSCA: On the International Day of People with a Disability we celebrate the valuable contributions to our community made by people with a disability. In New South Wales 1.2 million people have a disability and more than 800,000 people care for people with a disability. International Day of People with a Disability, to be held on Friday 3 December, is a day of celebration, inclusion and participation, recognising that people with disabilities actively participate in all aspects of society. It is 25 years since the United Nations declared 1981 to be the International Year of Disabled Persons.

Next Monday I will have the pleasure of officially launching the 25-year celebration of the International Day of People with a Disability. That will be an opportunity to reflect on how far we have come as well as the challenges for the future. To celebrate the International Day of People with a Disability, more than 150 events will take place across the State during November and December. In total more than 100,000 people are expected to attend those events across the State. For more information about events I would encourage honourable members to visit the web site: *internationaldayofpeoplewithadisability.com.au*.

In addition, programs and posters have been sent to all members of Parliament. International Day of People with a Disability celebrations are just one way the New South Wales Government assists people with a disability. In May this year the Premier announced the Government's historic Stronger Together plan. Designed with the community, Stronger Together delivers practical and compassionate assistance for people with a disability and their families. Stronger Together is backed by an additional \$1.3 billion over its first five years and is already providing extra respite, accommodation, in-home assistance and therapy.

Unfortunately, the member for Vacluse in the other place has refused to endorse Stronger Together, offering instead just 5 per cent of the Government's package, and not one extra accommodation place, not one extra case manager, not one extra attendant care package, not one extra therapist for adults or for children. Also, the member for Vacluse is unwilling and unable to stand up to John Howard on behalf of people with a disability and their families. He will not ask the Commonwealth to match our new funding because he has no intention of spending it himself. Today the new shadow Minister for Disability Services was briefed in my office about Stronger Together. He now knows the importance of this historic increase in funding: the additional accommodation, respite, therapy, case management, and in-home support. But has the Coalition agreed to continue the spending if elected? No, it has not—deafening silence! This Opposition will say anything for a headline, but they are not interested in the hard work of delivering the practical help needed by people with a disability and their families.

WORKCOVER SCHEME SURPLUS

Ms LEE RHIANNON: I direct my question to the Minister for Industrial Relations. Is the Minister aware that a report obtained by the New South Wales Law Society from the WorkCover Authority of New South Wales under the Freedom of Information Act shows that in July 2005 New South Wales WorkCover's actuaries estimated that the \$2 billion deficit in the New South Wales WorkCover scheme would take until 2012 to pay off? Considering that just 12 months later the Government announced that the scheme is \$85 million in surplus, how does the Minister justify WorkCover's windfall and pay-off of the \$2 billion deficit, when entitlements to injured workers have decreased in real terms because compensation for permanent impairment and pain and suffering has not been indexed to inflation and when more than 9 out of 10 injured workers are denied fair compensation under WorkCover's restrictive laws? When will the Minister acknowledge that his Government's cuts to WorkCover entitlements in 2001 were extreme and bring hardship to injured workers?

The Hon. JOHN DELLA BOSCA: I congratulate the member on once again being very consistent in raising her views on the workers compensation scheme, based on what is good for her well-heeled friends in the legal profession rather than her proletarian friends. I am very thrilled that the WorkCover scheme has returned to financial health well ahead of the actuaries' projected 2012 date. Ms Lee Rhiannon may know, if she has read the six-monthly reports that are tabled regularly by me publicly and in this House about the WorkCover scheme

and its actuarial result, that that target date for the scheme returning to financial health has been coming back ever since the Government introduced the reforms.

I place a number of matters on the record, again: I am proud that I am, I think, the only Minister responsible for WorkCover since the 1970s who has increased benefits to injured workers on three separate occasions; significant real increases in benefits to workers. Ms Lee Rhiannon repeatedly referred to common law-style claims, and she knows that common law is still available to workers who are more severely injured. However, at any time in the old scheme fewer than 2 per cent of workers were able to access common law claims. The kinds of results she is talking about were applicable to a very small number of scheme claimants. We now have a reduction in the number of people who require dispute resolution. We have prompt payment—most people are paid their benefits between 7 and 14 days. We have a very prompt way of resolving disputes over those benefits.

We have a clear basis for quickly paying impairment benefits and they are paid to many thousands of workers. Most importantly, we have been able to deliver a scheme that is sustainable. We are having very good results in occupational health and safety matters. We have had the best results in minor and serious incidents. Fatalities and serious incidents are down to their lowest in 18 years. So the real outcomes of good occupational health and safety and workers compensation systems that matter are that people are getting home safely after work and a larger proportion of the work force is able to say that that is happening. We know that people are getting their compensation and their benefits and their capacity to return to work more quickly, more fairly and more effectively than they were under the old system. Ms Lee Rhiannon seems to be determined to remain a champion of that old system, although all the facts indicate that the interests of the persons that she would claim to represent—the working people of New South Wales—have clearly been advanced by improvements to the workers compensation scheme. However, she continues to play the role of advocate for some well-heeled barristers in Phillip Street.

Ms LEE RHIANNON: I ask a supplementary question. Will the Minister elucidate his answer that workers are better off since he became Minister, considering that the scheme denies more than 9 out of 10 injured workers fair compensation?

The Hon. JOHN DELLA BOSCA: The basis of that supplementary question is simply wrong and absurd.

MRS TIA BROWN MEDICAL TREATMENT

The Hon. ROBYN PARKER My question without notice is to the Minister for Health. Is it appropriate and common practice for his office to write, "I trust you're on the mend, thank you for writing," in response to the desperate plea of Mrs Tia Brown of Binnaway, who wrote the Minister an eight-page letter describing how she had been suffering from blinding headaches and regular blackouts since 26 September? That letter describes how she nearly died following a botched lumber puncture and it reveals that she had been shipped from one hospital to another. What does the Minister intend to do to ensure that Mrs Brown gets urgently needed treatment?

The Hon. JOHN HATZISTERGOS: There are 27 million patient episodes a year in NSW Health and about 15,000 pieces of correspondence come in and out of my office. I cannot—

The Hon. Robyn Parker: Are you not responsible for your staff?

The Hon. JOHN HATZISTERGOS: I do not answer every one of them, but I answer a lot more than I think previous Ministers who held this portfolio have answered—in particular, Ministers on the honourable member's side of the fence. The honourable member's question is out of order because it seeks—

[Interruption]

It is asking an opinion of me in relation to correspondence that was written, allegedly on my behalf. I will look at this matter and, if necessary, follow it up.

The Hon. Greg Pearce: Point of order: The Minister is debating the question. He should be told not to debate the question and to come back to order.

The PRESIDENT: Order! The Minister has concluded his answer.

TIMBER BRIDGES REPAIR PROGRAM

The Hon. PENNY SHARPE: My question is to the Minister for Roads. Can he provide the House with information on the Government's efforts to upgrade timber bridges in rural and regional New South Wales?

The Hon. ERIC ROOZENDAAL: The Iemma Labor Government is making real progress in improving and upgrading rural and regional infrastructure in New South Wales. There is a lot to do, but with \$1.84 billion, or two-thirds, of this year's record \$3.3 billion roads budget being spent outside Sydney we are heading in the right direction. At this year's Country Labor conference in Queanbeyan, the largest rural conference in the country that dwarfed the ever-shrinking Nationals conference, Premier Morris Iemma announced a new \$60 million three-year program to help councils upgrade their timber bridges on regional roads.

Funding will be provided on a 50:50 matching basis with local councils. This partnership sets a new direction for State and local governments working together to upgrade timber bridges on regional and rural roads. One of the recurring themes of our community consultations around the State Plan has been the desire to see an increased investment in renewing timber bridges. This is an explicit example of how the New South Wales State Plan is driving government policy and decision-making. The Government also received considerable feedback and strong representations from Country Labor, Independent members of Parliament and local mayors on the issue.

Roads are an essential infrastructure link to rural and regional communities across New South Wales. This initiative will boost rural economies, improve safety for road users, and reduce maintenance costs for councils. This \$60 million commitment comes on top of more than \$141 million given by the Roads and Traffic Authority [RTA] to councils this year to maintain their regional roads and bridges under the block grant scheme and the Repair and Improve Regional Roads, or REPAIR, program. This year alone a further \$35 million will be spent by the RTA on timber bridges under its Care of State Roads program—part of the Government's overall bridge maintenance program.

This commitment to improving rural and regional infrastructure stands in stark contrast to the Opposition's attitude to the country—one that is hell bent on cutting jobs and stripping back services. The contribution of the member for Vacluse and his sidekick, the leader of the ever-shrinking Nationals, has been to promise the axing of the RTA. They have also promised to sack 29,000 public servants across New South Wales—a reckless and heartless policy that will devastate local communities and economies across rural and regional New South Wales.

The Hon. Duncan Gay: Point of order: If it is not bad enough that the Minister does not answer questions, he is again misleading the House, like his colleague the Leader of Government Business. There is no plan to sack 29,000 people.

The PRESIDENT: Order! There is no point of order.

The Hon. ERIC ROOZENDAAL: Let me quote a letter from the *Northern Daily Leader*—that highly regarded journal of record—written yesterday by Trevor Khan, The Nationals candidate—an honest candidate, which makes him rare in The Nationals.

The Hon. Greg Pearce: Point of order: My point of order relates to relevance. Clearly the Minister is not being relevant to the question that was asked. I invite you, in your last day in the chair, to make the same ruling that you made about the health Minister, that is, that this Minister is also finished.

The PRESIDENT: Order! The Minister's answer must be relevant.

The Hon. ERIC ROOZENDAAL: I will quote from Trevor Khan's letter to the *Northern Daily Leader*. [Time expired.]

The Hon. PENNY SHARPE: I ask a supplementary question. Will the Minister for Roads please elucidate his answer?

The Hon. ERIC ROOZENDAAL: Members of The Nationals want to silence their own candidate. This is what he wrote:

Let me put the record straight by observing that the Coalition has promised to reduce the size of the public service in New South Wales by 29,000 positions.

There it is, in black and white—an admission that the member for Vacluse will sack 29,000 front-line workers in this State, devastating services across the State. Opposition members should clearly explain to the country communities that they purport to represent—

[Interruption]

What a great Opposition! What do we say about an Opposition that puts the Hon. Charlie Lynn as No. 1 on its ticket? What a vote of confidence in all other Opposition members if the Hon. Charlie Lynn is the No. 1 candidate! It is fantastic! Communities around New South Wales want and deserve motor registry services. They want to see road construction and road safety works. They want to see heavy vehicle testing. They do not want to see the RTA disbanded which, of course, is part of the Opposition's plan.

The Opposition's plan is to sack 29,000 front-line workers, devastating services around the State. On top of the Opposition wanting to sack 29,000 workers, the member for Vacluse wants to throw all other New South Wales workers at the mercy of WorkChoices. That is the Opposition's contribution to the future of this State. That is why this Government is committed to a timber bridges program that will ensure they are maintained over three years at a cost of \$60 million.

NATIONAL PARKS FIRE MANAGEMENT STRATEGY

The Hon. JON JENKINS: My question without notice is to the Minister for Emergency Services. I remind the Minister that in September 2005 I asked him a question about fuel loads in national parks and I have never received an answer to my question. Could fire be better managed if full and proper mosaic-based fuel reduction burns had been carried out this year? Could mosaic-based burns be more efficiently and safely carried out if there were better road access? As the Minister is also responsible for volunteering, does he support the use of volunteers in national parks and wilderness areas to assist with fuel load assessment, truck and trail maintenance and, in particular, track grading to make the job of Rural Fire Service volunteers safer?

The Hon. TONY KELLY: The honourable member's question relates to a number of issues that were reported in the media today concerning hazard reduction burning. I have said in the past that it is as impossible to fireproof New South Wales as it is to drought proof it. That is an unfortunate fact, but it is true. Hazard reduction burning is a useful tool in helping to reduce the intensity of fires under moderate conditions. A number of improvements have been made to ensure that hazard reduction programs are pursued more efficiently.

We have cut red tape and we are using our resources more efficiently. However, it must be understood that the quality of hazard reduction is more important than the quantity. The priority is on carefully targeted burns that protect families, their assets and the environment. In relation to roads, there is combined funding from the Federal Government and the States. That funding was used this year and last year, and I think it will be used next year, to upgrade some of those tracks and roads, in particular, on government land, and also to provide signage.

Hazard reduction burns are now more complex, and often more dangerous, than people realise. They also depend entirely on suitable weather conditions. Even during a drought there may be as few as 20 days a year when conditions are safe for hazard reduction burning because the weather is otherwise too hot, too wet, too dry or too windy. Weather conditions have to be just right for a hazard reduction burn to be effective and safe for the personnel and communities involved. But when the conditions are right the Rural Fire Service and land managers will maximise the number of operations undertaken. Whenever possible the Rural Fire Service, landowners and land managers across the State work throughout winter on hazard reduction operations in order to prepare for the upcoming bushfire season.

However, as the Commissioner of the Rural Fire Service has pointed out, it was a difficult hazard reduction season this year. Rain and unseasonal storm activity forced many of the planned hazard reduction activities to be postponed until weather conditions were more suitable. Further delays occurred with the early onslaught of the extreme hot weather that we experienced in September. Honourable members will recall that the weather in September was similar to what we expect to experience in December, January or February. That delayed a number of hazard reduction activities. The weather unavoidably curtailed the amount of work completed, which meant that the targets set for the current hazard reduction period could not be reached.

For example, in July 2006 a hazard reduction operation that was part of a four-year plan designed to create asset protection zones and strategic fire advantage zones around Somerset Road in North Turramurra was cancelled due to rain. The operation was to be conducted by officers of the National Parks and Wildlife Service, with assistance from the local council, and involved more than 34 hectares of land. It does not take much rain to force the cancellation of a planned operation, involving scores of personnel and numerous appliances from the fire service and land management agencies. As the commissioner has said, wet weather can be a double-edged sword: not only does it delay hazard reduction burns but it sparks grass growth and grass, when cured, can fuel fires in summer. That occurred last summer, particularly in the Central West around the Riverina.

WORKERS COMPENSATION PREMIUMS AND PAYROLL TAX

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Commerce. Is the Minister aware that businesses in the Northern Rivers are missing out to Queensland tenderers in the contest for New South Wales Government contracts for projects such as hospitals and police stations? Is the Minister aware that in some instances the difference between the winning Queensland tender and the losing New South Wales tender is the result of the more favourable workers compensation and payroll tax regimes in Queensland? Is this not a major cross-border issue? What is the Government doing to place New South Wales businesses on a level playing field with their interstate competitors, and what is the Government doing to stop New South Wales businesses relocating across the Queensland border?

The Hon. JOHN DELLA BOSCA: In a little over 16 months the Iemma Government has achieved three cuts to workers compensation premiums for New South Wales businesses. That is more than any other government has done in the history of this State. Apart from Motor Accidents Authority green slips, it is the only form of risk management insurance just about in the world that is decreasing in price. The New South Wales workers compensation system will never have lower premiums than the Queensland system because, in my view, that system does not pay appropriate benefits to working people who are injured. Queensland tends to cost-shift away from the workers compensation system to the Commonwealth social security system. Although the New South Wales system is increasing in efficiency—it will become even more efficient over time—it will probably never reach the bedrock of Queensland simply because that State does not offer benefits sufficient to sustain a proper workers compensation system. But that is for the Queensland jurisdiction to worry about.

The New South Wales Department of Commerce and all government agencies in this State try to ensure that we get the best possible value for taxpayers' dollars, as well as proper outcomes for contractors and employees who produce goods and services for government. I am sure that New South Wales citizens, including those on the North Coast, are happy about that. I will inquire about the general concerns that the Hon. Jennifer Gardiner raised, which I am sure are based on a false premise. I will provide an answer to the House at an appropriate time.

If honourable members have further questions, I suggest that they put them on notice.

M5 EAST TUNNEL PORTAL EMISSIONS

The Hon. JOHN HATZISTERGOS: Yesterday Ms Lee Rhiannon asked me a question regarding the M5 East tunnel, and I took the question on notice. I provide the following response:

I am advised that as part of its Air Quality Improvement Plan for the M5 East the RTA has lodged a modification report, seeking approval for specific components of the Plan, from the Department of Planning.

I understand that one of these components is a proposal to increase ventilation flows and release air from the tunnel through the portals.

I am further advised that the Department of Planning has requested input from both the Department of Health and the Department of Environment and Conservation to assist with the formulation of advice to the Minister for Planning regarding the proposal.

To this end, officers of the three agencies are meeting regularly and...as part of this process...a review of the assessment of health risks to local residents presented in the proposal is being undertaken.

LONG BAY PRISON HOSPITAL AND FORENSIC FACILITY

The Hon. JOHN HATZISTERGOS: On 26 October Ms Lee Rhiannon asked me a question relating to the public-private partnership [PPP] formed to construct the new forensic facility at the prison hospital at Long Bay gaol. I advise the House of the following details. First, details of the public-private partnership

referred to in the honourable member's question are available publicly, and I direct her to that publicly available information. Second, NSW Health is aware that Babcock and Brown Investment Bank has formally sought consent from State parties to the contract to transfer an interest of the bank in the Long Bay hospital project into a public infrastructure fund. The New South Wales Government will ensure that appropriate interests are protected before consenting to any such change. If consent were to be given, it would not change the obligations of PPP solutions under the provision of the project deed.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

MAROUBRA ASSAULTS

On 18 October 2006 the Hon. Dr Peter Wong asked the Minister for Industrial Relations, representing the Premier, a question without notice regarding the Maroubra assaults. The Minister for Police provided the following response:

NSW Police has advised me:

This incident was responded to promptly and comprehensively by police. In addition to the immediate management of the victims' welfare, investigating police obtained statements from all victims and witnesses. Forensic and identification procedures were conducted, CCTV footage obtained and all available sources of information considered. Investigations are continuing.

Eastern Beaches Local Area Command (LAC) is a member of the Premier's Crime Prevention Partnership, a multi-agency collaborative arrangement aimed at the reduction of the incidence of non-domestic assaults, including alcohol related and racially motivated attacks. A number of local proactive policing strategies are linked to this initiative, including high visibility policing operations such as Vikings, Prevent and Cleansweep which run frequently within the LAC.

These operations are in addition to the daily intelligence driven rostering and deployment of police in crime hotspots. Eastern Beaches LAC also has a substantial commitment to Operation Beachsafe, which commenced on 22 October 2006 and runs throughout the summer months with a focus on high visibility policing operations.

MS ROSEANNE CATT QUASHED CONVICTIONS

On 18 October 2006 the Hon. Peter Breen asked the Minister for Commerce, representing the Attorney General, a question without notice regarding the quashed conviction of Ms Roseanne Catt. The Attorney General provided the following response:

Under section 8 of the Criminal Appeal Act 1912 the Court of Criminal Appeal (CCA) can order a new trial following an appeal. This is in fact what happened in the Catt matter. As noted at the beginning of the judgment, new trials were ordered by the court on counts 1,2,5,6 and 7.

When the court referred to it being a matter for the Director of Public Prosecutions as to whether a new trial should take place (at paragraph 234), the court was referring to the discretion of the Director to discontinue a matter pursuant to the Prosecution Guidelines (in particular Guideline 4) after it has been referred back by the CCA for trial.

The court has other powers under the Act such as the power to dismiss the appeal (s 6(1)) or allow the appeal (s 6 (1)). If the appeal is allowed the court may then quash the conviction and direct an acquittal (s 6(2)) or it can order a new trial (s 8).

In the Catt matter, the court did all of the above. It:

- allowed the appeal, quashed the convictions and ordered a retrial on counts 1,2,5,6,7
- allowed the appeal, quashed the conviction and directed an acquittal on count 9
- dismissed the appeal on counts 3 and 4.

Paragraph 40 of the judgment notes that "the evidence which is now available adds significantly to the evidence which could support the appellant's submission that she was the object of a conspiracy between Det Sgt Thomas and Barry Catt".

The court took the view that there was fresh evidence available which gave support to Mrs Catt's case. However, the court also noted at paragraph 384 that the Crown case was supported by a substantial body of evidence regarding the offences of solicit to murder, attempt to cause to be taken a noxious thing with intent to injure, malicious wounding, assault occasioning bodily harm and perjury.

It was for this reason that the court ordered a retrial. Had the court made a determination that the verdict of the jury should be set aside on the grounds that it was unreasonable, cannot be supported, there was a wrong decision on any question of law, or there was a miscarriage of justice, it could have directed an acquittal as it did in the case of count 9.

Neither the Director of Public Prosecutions nor I investigate allegations of corrupt or fraudulent conduct by police. All allegations that have been raised with me, including allegations regarding a fraudulent victims compensation claim, have been referred to NSW Police for appropriate action.

Questions without notice concluded.

**JOINT SELECT COMMITTEE ON THE THREATENED SPECIES CONSERVATION
AMENDMENT (BIODIVERSITY BANKING) BILL 2006**

Membership

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the Joint Select Committee on the Threatened Species Conservation Amendment (Biodiversity Banking) Bill:

Government: Ms Robertson
Opposition: Mr Colless
Crossbench: Mr Cohen

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Unfair Terms in Consumer Contracts

The Hon. Christine Robertson tabled, as Chair, report No. 32 entitled "Unfair Terms in Consumer Contracts", dated November 2006, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Report ordered to be printed.

The Hon. CHRISTINE ROBERTSON [1.06 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Christine Robertson.

[The President left the chair at 1.06 p.m. The House resumed at 2.30 p.m.]

THREATENED SPECIES CONSERVATION AMENDMENT (BIODIVERSITY BANKING) BILL

ENVIRONMENTAL PLANNING LEGISLATION AMENDMENT BILL

Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for the year ended 30 June 2006:

Community Relations Commission
Department of Aboriginal Affairs
Department of Community Services
Department of State and Regional Development
NSW Businesslink Pty Ltd
- (2) Annual Reports (Statutory Bodies) Act 1984—Report of Natural Resources Commission for the year ended 30 June 2006.

Ordered to be printed.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The Hon. Peter Primrose tabled, pursuant to the Independent Commission Against Corruption Act 1988, the following reports:

- (1) Report No. 9/53, entitled "Quarterly Examination of the Inspector of the Independent Commission Against Corruption, April-June 2006—Incorporating edited transcripts of evidence", dated November 2006.

- (2) Report No. 10/53, entitled "Quarterly Examination of the Inspector of the Independent Commission Against Corruption, July-September 2006—Incorporating edited transcripts of evidence", dated November 2006.
- (3) Report No. 11/53, entitled "Examination of the 2004-2005 Report of the Independent Commission Against Corruption—Incorporating edited transcripts of evidence", dated November 2006.
- (4) Report No. 12/53, entitled "Review of the Protected Disclosures Act 1994, incorporating selected submissions and edited transcripts of evidence", dated November 2006, together with transcripts of evidence and public submissions.

Ordered to be printed.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr IAN COHEN [2.34 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 161 outside the Order of Precedence relating to the re-establishment of the Coastal Council of New South Wales, be called on forthwith.

As this is the last day of the parliamentary session, it is imperative that the Government make a commitment to re-establish the Coastal Council. The recent coastal conference I attended in Coffs Harbour quite desperately fought the reconstitution of the council. The community is concerned about the manner in which coastal development is moving in this State—unchecked—creating another wave of coastal planning mistakes to be visited upon future generations.

Motion agreed to.

Order of Business

Motion by Mr Ian Cohen agreed to:

That Private Members' Business item No. 161 outside the Order of Precedence be called on forthwith.

COASTAL COUNCIL RE-ESTABLISHMENT

Mr IAN COHEN [2.35 p.m.]: I move:

That this House:

- (a) notes the arrangements for coastal protection under the Natural Resources Commission Act 2003 are inadequate to ensure the protection of fragile, important and critical ecological areas in the State from coastal development and land use conflicts, and
- (b) calls on the Government to re-establish the Coastal Council of New South Wales, abolished by the Natural Resources Act 2003.

In 2003 the Natural Resources Commission Act abolished the Coastal Council of New South Wales as well as a significant number of other bodies: the Healthy Rivers Commission, the Native Vegetation Advisory Council, the Water Advisory Council and the State Wetland Advisory Committee, among others. The roles of the former Coastal Council have not been adequately taken up by the Natural Resources Commission [NRC] because coastal management is about far more than water and vegetation. In coastal New South Wales the issues of natural resource management, particularly water and vegetation, are prominent and need addressing.

Coastal areas have different ecological complexions to inland environments. The coast also has a substantially different set of social and economic interests and pressures affecting natural resource management that need to be considered and integrated into decisions that affect it. Therefore, a one-size or policy solution in natural resources management reform does not fit all locations or situations. The Greens are very concerned with the way that coastal development is moving—unchecked—creating another wave of coastal planning mistakes to be visited on future generations. Inappropriate coastal development that is rushed through a compliant, sympathetic local council for approval can change the face of our coast for the foreseeable future, damaging important coastal vegetation and habitat for threatened species, diminishing water quality and scenic values, thereby undermining the very values that first attracted us to the coast.

Of course, under the new regime of planning laws it is often the Minister for Planning who makes these decisions rather than local councils, generally with no community input or involvement, no environmental assessment, and no opportunity to challenge decisions. The Coastal Council should be reconstituted to give valuable advice on coastal matters. Professor Bruce Thom and the Coastal Council made very positive contributions to protecting the New South Wales coast. This is not an advisory council that had been created administratively by the Minister. The Coastal Council was an independent statutory council created under the amended Coastal Protection Act 1979. It advised the Minister on coastal policy. It should be reconstituted because its abolition has left a gaping hole in this area.

The Coastal Council provided its independent report to Parliament annually on the implementation of the coastal policy. It was an honest report directly to the New South Wales Parliament on how well State agencies and local governments were complying with coastal policy and delivering ecologically sustainable coastal management. The reports were critical of State and local government bodies that had not performed to an adequate standard in protecting and managing their areas of the State's coast.

The Coastal Council did more than write reports to Parliament: it reached out to the community. Many community groups respected the Coastal Council's willingness to conduct field inspections and to hold community access meetings in regional centres, since these meetings provided up-to-date information and allowed direct feedback to the Coastal Council on local coastal management issues, free of departmental filters. People in the community liked the fact that the local council's officers and the staff of State Government agencies could be put on the spot and queried on their actions, or alternatively could seek their advice and intervention. People liked the way that Coastal Council members made themselves accessible and made community consultation a priority. This type of valuable participation and input should be brought back and that is a good reason to reconstitute the Coastal Council.

The Coastal Council, through its expert planning staff, critically reviewed hundreds of proposed amendments to local environment plans and many scores of development applications. It considered many submissions made by community groups or concerned individuals and provided written advice to the Director General of the Department of Planning, to the department's regional planning co-ordinators and to many local councils. It is important to bring back the Coastal Council to fulfil this critical watchdog role. The New South Wales Coastal Council instigated the idea of an annual conference of the coastal management community and it was the Coastal Council that developed a set of criteria for excellence in coastal management across a range of sectors. It also adjudicated upon and announced the annual Coastal Management Awards.

I recently attended the annual coastal conference and spoke to many people who urged the reconstitution of the Coastal Council. The Natural Resources Commission has been in existence for a number of years. The arrangements for coastal protection under the Natural Resources Commission Act have proven to be inadequate to ensure the protection of fragile, important and critical ecological areas in the State from coastal development and land use conflicts. The Coastal Council should be re-constituted. I commend the motion to the House.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [2.40 p.m.]: On behalf of the Opposition I indicate our support for this important motion. The first person to approach me about this matter was Don Page, the member for Ballina, who was certainly a great fan of the Coastal Council. My former colleague and predecessor as Leader of the National Party in the upper House, Richard Bull, always spoke in glowing terms about the work of Professor Bruce Thom and indicated what a sensible, decent man he is.

Mr Ian Cohen: He should be back there.

The Hon. DUNCAN GAY: Exactly, he should be back there. The Natural Resources Commission was set up to take over that role, but it is just not doing it effectively. The division of responsibility and conflicts in the areas are a real problem. Instead of having one body to look after planning and natural resources issues from a purely coastal perspective, we now have a body that looks at natural resources more generally across a variety of environments, while coastal planning is looked after by the Department of Planning. As Mr Ian Cohen would know, in June 2001 the Government announced a \$11.7 million coastal protection package. That package would, and should, have been administered by the Coastal Council, but is now administered by Planning. That is patently silly. The Coalition does not often agree with the Greens.

Mr Ian Cohen: You should take up surfing.

The Hon. DUNCAN GAY: At the moment there is not enough water in Crookwell to surf; we would take up fishing if the Greens would let us have recreational fishing. My coastal Nationals colleagues that surf—Don Page, Andrew Stoner, Andrew Fraser, John Turner and Steve Cansdell—add their support to the motion. The Coalition certainly hopes that the Government listens to us and agrees to the motion.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.43 p.m.]: I support the motion.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.43 p.m.]: The Government does not oppose the motion.

Reverend the Hon. FRED NILE [2.43 p.m.]: The Christian Democratic Party supports the motion.

Mr IAN COHEN [2.44 p.m.], in reply: I am pleased with the support given to my motion by all parties in this House. It is a timely motion. The previous Coastal Council was very much a robust and independent body. Under the chairmanship of Professor Bruce Thom, it had a strong, clear and erudite chairperson who understood coastal geomorphic issues and all aspects of impacts on the coast. He was creative in dealing with the wellbeing of New South Wales; that was paramount in his mind. Given that the Coastal Council was constituted by an Act of Parliament and was able to report without fear or favour, independent of bureaucracy or any individual Minister, it was an important organisation. It was able to contribute through governance, particularly on the coast.

All members of the House at that time accepted that the coast was under intense pressure, and that has not receded in recent times. As we move into periods of potentially greater cyclonic activity where we will see greenhouse issues, such as, rising sea levels, the Coastal Council will need to take on an even more important role. I look forward to the support of all members to the reconstitution of the Coastal Council in the near future. I thank all members who have spoken in support of the motion.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. MATTHEW MASON-COX: I seek leave to move a motion forthwith relating to an order for papers regarding the Mountain Ash Road Transportation Hub, notice of which was given this day.

Leave not granted.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.48 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 110 outside the Order of Precedence, relating to the Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Bill, be called on forthwith.

This matter is urgent because more than 100 applications are before the Liquor Administration Board by lessees of hotels to sell poker machine entitlements without the consent of the owner of the hotel. One application involves an 80-year-old war veteran, who bought a hotel as a retirement investment. He is the owner, but because of the Supreme Court decision of *Benwine Pty Ltd v Jabetin Pty Ltd* he is deemed to have no financial interest in the licence of the hotel that he owns and, therefore, no right to object to his lessee selling all the poker machine entitlements and pocketing the money, leaving him with an investment that is very severely diminished in value.

This matter is urgent because the Jabetin decision involved mainly country hotels, which are typically owned by mum and dad investors. Country hotels are the lifeblood of communities, providing meeting places for the locals. Sometimes they are the only venue in town for social and sporting club meetings. This matter is

urgent because from September 2000 to September 2005 53 country pubs have disappeared. More than 100 are set to go. Hotels with no poker machines struggle to survive and are being forced to close. Poker machines have poured out of country areas—964 poker machines from September 2000 to September 2005, and 47 hotels sold all their poker machines between January 2004 to April 2006.

This matter is urgent to stop the loss of amenities in country towns and to save many local businesses as well as hotels. This matter is urgent because the Government has refused to solve this problem despite being made aware of it for the last 12 months. It delayed making a decision until yesterday, the second last sitting day of Parliament. This matter is urgent because today is the last opportunity for the Government to do the right thing for the people of country New South Wales. I urge all honourable members to support this motion and to support my bill.

Motion agreed to.

Order of Business

Motion by the Hon. Dr Arthur Chesterfield-Evans agreed to:

That Private Members' Business item No. 110 outside the Order of Precedence be called on forthwith.

GAMING MACHINES AMENDMENT (TRANSFER OF POKER MACHINE ENTITLEMENTS) BILL

Bill introduced, read first time and ordered to be printed.

Second Reading

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.53 p.m.]: I move:

That this bill be now read a second time.

When the Gaming Machine Entitlements Bill was amended, my staff pointed out to me that it was not clear who owned the poker machine entitlements—whether they were owned by the licensee or by the hotelier. When poker machines were first bought they were regarded simply as a piece of machinery, in the same way as a refrigerator might be regarded. However, when poker machine entitlements were added, the licences of hotels and pubs became very valuable, so something had to be done. It was not clear who owned those entitlements, which could be sold, thus rendering worthless some country pubs. Since the introduction of gaming machines into pubs more than half the value of those pubs is to be found in gaming machines. Gaming machines now generate more income for a pub than would be generated by the selling of beer.

People expressed concern about poker machine entitlements in country pubs being sold off to the city, thus effectively rendering pubs and, in some cases, towns unviable. I said earlier that staff in my office observed this anomaly and, during debate on the second reading of the Gaming Machine Entitlements Bill, I asked the Minister to address that issue. However, I do not believe he fully understood what was meant and, when replying to debate on that legislation, he did not make it clear. The matter was then litigated in court—I do not believe the court knew what it was doing—and the court came down in favour of licensees. The Australian Hotels Association [AHA]—its membership comprises about 80 per cent licensees and about 20 per cent hotel owners—effectively lobbied for the licensee. So where a licensee had no interest in the poker machines, which had been set up by the hotelier, that licensee could still take the poker machine entitlements, sell them at a huge profit and skip off to the Gold Coast, leaving a non-viable hotel with poker machines that it was not allowed to use.

People who had invested all their money in a country pub for their retirement or to supplement their income effectively could have been left broke by someone who skipped town. We must address that anomaly and each case must be dealt with on its merits. I referred anecdotally to a case of which I am aware, but each case might be different. Who is morally or legally entitled to poker machine licences? Cases such as this would have to be litigated at vast cost in order to obtain different precedents. I am sure all honourable members would be aware that that would be difficult, given that precedent always governs the law.

Section 19 of the Gaming Machines Act 2001 provides for the transfer of poker machine entitlements allocated in respect of an hotelier's licence or the premises of a registered club. An application to transfer a poker machine entitlement allocated in respect of an hotelier's licence must, among other things, demonstrate to

the satisfaction of the Liquor Administration Board that the proposed transfer is supported by each person who, in the opinion of the board, has a financial interest in the hotelier's licence. Currently, a person is taken to have a financial interest in a hotelier's licence if the person is entitled to receive any income derived from the business carried on under the authority of the licence, or any other financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law or in equity or otherwise.

The object of the Gaming Machines Amendment (Transfer of Poker Machine Entitlements) Bill is to provide that a person is also taken to have a financial interest in the hotelier's licence if the person is the owner of a hotel for which there is a lease or other arrangement, the terms of which expressly provide for an application to be made to transfer the licence to the owner or the owner's nominee. The Gaming Machines Act 2001 permitted hotels to sell poker machine entitlements—a lottery win for the publican. Poker machines have poured out of country areas—964 from September 2000 to September 2005—and that figure is accelerating. Forty-seven hotels have sold off all their poker machines from January 2004 to April 2006.

This sale of poker machine entitlements has been accelerated by an ownership battle between owners and tenants. Today tenants are selling poker machine entitlements. The legal system has failed to protect the owner. Former Minister Richard Face intended that poker machine entitlements would be allocated in respect of the hotelier's licence and mirror the property rights involved in the licence. The hotelier's licence, in the majority of leases, remains the property of the hotel owner. Following the New South Wales Supreme Court decision in *Benwine Pty Ltd v Jabetin Pty Ltd* a hotel tenant is now able to sell poker machine licences without the consent of the landlord.

I sought clarification of the ownership of poker machine entitlements in a question to the Government during debate on the second reading of the Gaming Machines Amendment Bill but the Minister did not address my concerns. The issues about which I was concerned have become a reality. The minor amendments proposed by this bill to the 2001 gaming machines legislation would reflect the correct intention of the Act—an issue that was subsequently confirmed by Mr Richard Face, the Minister who introduced the legislation. Action is required now. The bill also sets as the date for its commencement the date it passes Parliament. Effectively, this will stop any rush to deal with entitlements. The Government has dithered with and failed to address this important issue. Yesterday it finally made a decision to do nothing, which is quite unacceptable. I commend Greg Evans, Nick Tinning, and Ron and Drew Roberts for pushing this issue and for explaining to me why the legislation needed to be changed. I commend the bill to the House.

Debate adjourned on motion by the Hon. Peter Primrose.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Jon Jenkins agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business Item No. 171 outside the Order of Precedence, relating to grey nurse shark surveys, be called on forthwith.

Order of Business

Motion by the Hon. Jon Jenkins agreed to:

That Private Members' Business Item No. 171 outside the Order of Precedence be called on forthwith.

GREY NURSE SHARK SURVEYS

The Hon. JON JENKINS [2.59 p.m.]: I move:

That under Standing Order 52 there be laid upon the table of the House by 5.00pm on the day following the passing of this resolution the following documents in the possession, custody or control of the Minister for Primary Industries, NSW Fisheries, the Department of Primary Industries, the Premier's Department or the Department of Environment and Conservation:

- (a) any document referring to or showing results of the two Grey Nurse shark distribution and abundance surveys for 2003 referred to in a letter from NSW Fisheries to the NSW Spearfishing and Freediving Association dated 17 September 2003, and not previously provided to the House,

- (b) the report referred to in a letter from NSW Fisheries to the NSW Spearfishing and Freediving Association dated 17 September 2003 which documents information from the tagging, and
- (c) any document which records or refers to the production of documents as a result of this order of the House.

In November 2005, with the support of the House, I called for the production of documents regarding grey nurse sharks. When those documents were provided it became apparent that a series of papers were missing. Subsequent investigations revealed that that was the case, and in the past couple of months I have asked the Minister for Natural Resources to supply those documents. The Minister assured me, on his word of honour, that he would provide them. Yesterday in answer to my question about this matter the Minister misquoted some results from scientific research documents. As a consequence, I believe it is imperative that the full set of documents is provided to the House. We must reinforce the fact that we require all documents regarding grey nurse sharks.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.01 p.m.]: I support the motion and the Hon. Jon Jenkins's call for papers regarding grey nurse sharks. There have been two such calls recently—one from Mr Ian Cohen and another from the Hon. Jon Jenkins. I also supported Mr Ian Cohen's call for papers. He believes the documents that he seeks will prove that we need marine parks in order to save the grey nurse shark. I believe that marine parks have been established for that reason but the facts might reveal something different. Although we have different reasons for seeking the information, we both want it. It is a fair request.

The Hon. Jon Jenkins has sought to suspend standing and sessional order to allow him to move a motion today because he fears that there has been a cover-up. The honourable member has been most diligent and decent in his pursuit of this matter. He has made the odd mistake—one of which was taking the word of the Minister for Natural Resources, who is not in the Chamber. That is probably a fatal flaw. The call for papers is a fair one. There is concern that information from scientific inquiries has been either covered up or kept out of reports to the Minister and the public in order to protect a particular premise. Every member in this place should be concerned about that. We should all want to know the truth. The Opposition supported the Greens' call for papers because they sought important information, and we support the Hon. Jon Jenkins in this motion for the same reason. This is a topical issue and the facts about it should be made public.

I will be very disappointed if the Government tries to cover up the facts by voting against the suspension of standing and sessional orders. Such action would indicate, first, that the Government is attempting to cover up a potentially inappropriate action; and, second, that it is covering up background information because it does not support the Government's premise for establishing marine parks. A huge amount of money has already been invested in research. The Opposition supports the motion and the call for the release of the documents.

Mr IAN COHEN [3.04 p.m.]: I certainly do not object to the Hon. Jon Jenkins's motion or the call for papers. In fact, I welcome it. I also supported the member's call for papers the last time we debated this matter in the House. However, I remind members that I moved to have the same documents placed on the table of the House but my motion was defeated on the vote of the Hon. Jon Jenkins.

The Hon. Duncan Gay: But you wouldn't hold that against him.

Mr IAN COHEN: I am simply pointing out the absurdity of the Hon. Jon Jenkins's actions in this place. At the time I said that I would support the Hon. Jon Jenkins if he called for the production of the documents. I do that now. It is important that all information is on the table. However, I think it is ludicrous that the Hon. Jon Jenkins voted against my call for papers—in fact, I may investigate the matter. All information must be in the public domain if we are to make an educated assessment of a critical issue—which I have raised time and again in this place—of potential species extinction. I support the Hon. Jon Jenkins's motion and I ask the House to consider debating the issue further later today.

The Hon. ROBERT BROWN [3.07 p.m.]: I support the motion and Hon. Jon Jenkins's repeated call for papers concerning the grey nurse shark. I note the contribution of Mr Ian Cohen. I do not agree that the Hon. Jon Jenkins's attempts to obtain documents are ludicrous. I was in the Chamber when the matter was discussed initially and I believe the Hon. Jon Jenkins was quite reasonable in his expectation that the Minister for Natural Resources would provide all the information that the honourable member requested. In all my dealings with the Minister I have never had any reason to doubt his word: when he said he would provide information he did so. I support the Hon. Jon Jenkins motion and believe all the documents should be provided.

The Hon. JON JENKINS [3.08 p.m.], in reply: I had an agreement with the Minister for Natural Resources that he would provide all the documents. As everyone knows, I am a proponent of open government. The Minister gave his word that all documentation and research about grey nurse sharks would be provided. That information should be provided.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Reverend the Hon. FRED NILE [3.10 p.m.]: I move:

That standing and sessional be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 160 outside the Order of Precedence relating to the Crimes Amendment (Age of Consent) Bill, be called on forthwith.

This is a very urgent bill which I believe should be considered by the House. As honourable members know, a child is abused every 13 minutes in our nation. More than 5 per cent of the population younger than 18 years experience or witness assault, approximately 220,000 cases are reported every year and in any group of 25 children one can assume that one of them has been or is being abused. This highlights the seriousness of this activity in our society. This bill is urgent because of new scientific evidence from the United States of America. The bill will seek to raise the age of consent for both heterosexual and homosexual males and females to 18 years. It will empower the law to protect 16- and 17-year-olds from the likes of 60-year-old sexual predators. This new scientific evidence has been made available by the American Bar Association, Juvenile Justice Centre, which reports:

Scientists are now utilising advances in magnetic resonance imaging (MRI) to create and study three-dimensional images of the brain without the use of radiation (as in an x-ray). This breakthrough allows scientists to safely scan children over many years, tracking the development of their brains.

Researchers at Harvard Medical School, the National Institute of Mental Health, UCLA, and others, are collaborating to "map" the development of the brain from childhood to adulthood and examine its implications ...

The scientists, to their surprise, discovered that the teenage brain undergoes an intense overproduction of *grey matter* (the brain tissue that does the "thinking"). Then a period of "pruning" takes over, during which the brain discards grey matter at a rapid rate. This process is similar to pruning a tree: cutting back branches stimulates health and growth.

Ms Sylvia Hale: Point of order: Reverend the Hon. Fred Nile is speaking to the substance of his motion rather than seeking leave to proceed with the motion. What he is saying is not relevant to the decision that we should now be making.

The PRESIDENT: Order! The member must speak only to the motion to suspend standing and sessional orders.

Reverend the Hon. FRED NILE: This matter is urgent because of this new scientific evidence and I am sure all honourable members are interested in the evidence, which I will explain briefly. It is important to know that scientific evidence has revealed that the teenage brain is not able to fully operate in adolescents and therefore adolescents need protection. As honourable members know, paedophiles come from all walks of life, and this bill will help to protect future generations of children and adolescents from the seduction, coercion and abuse inflicted by predatory adults. I urge honourable members to acknowledge the urgency of this issue and move to support this legislation.

Motion negated.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Budget Estimates 2006-2007

The Hon. Robyn Parker tabled report No 24, entitled "Budget Estimates 2006-2007", dated November 2006, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

Ordered to be printed.

The Hon. ROBYN PARKER [3.13 p.m.]: I move:

That the House take note of the report.

The budget estimates process for General Purpose Standing Committee No. 2 has been a busy period. The committee has had a number of the usual budget estimates hearings and supplementary hearings for the Department of Community Services [DOCS]. It has investigated Nardy House and issues in relation to the Children's Court, DOCS caseworkers and issues that were relevant to the recent Adoption Bill and the Children and Young Persons (Care and Protection) Bill that have been before the House. The committee held supplementary hearings for the Department of Aboriginal Affairs and raised issues in relation to Darkinjung Aboriginal Land Council. I note that this House has recently passed legislation to amend the Aboriginal Land Council Act and the questions raised with the department in terms of Darkinjung Aboriginal Land Council were important to the people of New South Wales, particularly the people of Darkinjung who wanted more answers from the department about their treatment under departmental administration.

The budget estimates for General Purpose Standing Committee No. 2 makes interesting reading, and I ask all honourable members to take note of the transcripts of hearings. As chair of the committee I am concerned that one issue has been poorly dealt with by the Minister for Community Services and her department and I know that several other members of the committee share my concern. At the hearing on 7 November 2006 the Director General of the Department of Community Services, Dr. Neil Shepherd, was asked a series of questions by the Hon. Dr Arthur Chesterfield-Evans relating to the need for the Children and Young Person's (Care and Protection) Miscellaneous Amendments Bill. The response of Dr Shepherd was:

Dr SHEPHERD: No. The way this works is that an appeal court determined that the similar fact evidence could not be taken into account. That binds at the Children's Court, even if the Children's Court wanted to take it into account, which previously the Children's Court had wanted to do. Previously we used to roll up with the evidence of the previous half dozen children or whatever and the Children's Court would say, "Yes, this child is clearly at risk of harm." Someone appealed that decision and the appeal court said, "No, you cannot take that into account." It is still the court that will make the decision, not DOCS. All this does [referring to the legislation proposed] is allow the court to take that evidence into account. It reverses the appeal court decision and so it is a positive step in the protection of children.

The Hon. CATHERINE CUSACK: Is it possible to cite the case? Has it been published?

Dr SHEPHERD: Yes. I can get the case, but I do not have it off the top of my head, and I will get the citation right.

At the next hearing, on 13 November, the Hon. Catherine Cusack followed up this matter and asked for the ruling in relation to protective removal of siblings. Dr. Shepherd replied:

Dr SHEPHERD: Higher court, yes. I said that we would get that for you, which we are in the process of doing. I need to get the judgment and also need to try to get the transcript from that case. I can certainly get the judgment, but what you will really need in order to get your head around it is the transcript.

The committee through the Secretariat only received the judgment at 4.45 p.m. on Wednesday 22 November 2006, at the very end of the time requested by the committee for answers to be returned from those hearings, and long after the debate on the bill to which it pertained. At 5.41 p.m. last night the department emailed the secretariat to advise that the electronic copy of the answers had been delayed due to technical problems. This email included a request for the judgment and transcript to be kept confidential. This request was reiterated in a later fax. Despite the director general's advice that legislation was brought forward on the basis of the case, the committee is unable to make the judgment available as it found out only today—the day on which the report is to be tabled—that it was delivered in a closed court. The committee respects the rights of the court to make whatever decisions are appropriate as part of the mutual respect between the Parliament and courts, so has taken the unusual step of writing to the judge to request consideration of release of parts of the judgment, given the public interest.

However, I am very disappointed that the committee, in the dying hours of this Parliament, is in the position of still not being able to make available for public access the basis for the legislation that has already passed through this House. Had it been available to all members, the debate on the bill might have been far better informed. The Parliament needs to be in possession of full information when it debates bills, not provided with highly relevant information after the bill has gone through the House.

Debate adjourned on motion by the Hon. Robyn Parker.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Reverend the Hon. FRED NILE [3.22 p.m.]:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 143 outside the Order of Precedence, relating to the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005, be called on forthwith.

This is a very important bill. I have just been advised that the South Australian Labor Government introduced a similar bill into the South Australian Parliament on 16 November 2006. New South Wales is suffering the worst drought on record. As such, I ask honourable members to acknowledge the clear and present danger presented by fire over the summer. The State is a tinderbox. Several fires have already laid waste to vast tracts of land and are claiming lives.

There has been a long-established correlation between the incidence of smoking and man-made spot fires around the State. Careless and malicious drivers who smoke and discard their butts have been a major problem during periods of extreme fire danger. New South Wales Fire Brigades has long recognised this problem, and supported this position with its own empirical evidence and statistical research, conducted by the University of Technology, Sydney. New South Wales Fire Brigades has stated that cigarettes and matches directly cause over half of all fires in the environment. As many as 1,200 grass and bush fires each year are attributed to cigarettes.

New South Wales Fire Brigades has conducted the "Don't be a firebug" campaign, to discourage the discarding of cigarette butts. The matter needs to be dealt with by this House. There is also the issue of drivers being distracted when, while lighting up, ashes drop on their trousers or on their dresses, causing accidents. We know that accidents often result when drivers use their mobile phones, and they certainly happen because drivers try to light up a cigarette. This prohibition on smoking in vehicles will reduce accidents as well as reduce bushfires. So I urge honourable members to give serious consideration to this important bill.

Motion agreed to.

Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That Private Members' Business item No. 143 outside the Order of Precedence be called on forthwith.

SMOKE-FREE ENVIRONMENT AMENDMENT (MOTOR VEHICLE PROHIBITION) BILL

Second Reading

Reverend the Hon. FRED NILE [3.23 p.m.]: I move:

That this bill be now read a second time.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

VICTIMS SUPPORT AND REHABILITATION AMENDMENT BILL

In Committee

Clauses 1 to 6 agreed to.

Reverend the Hon. FRED NILE [3.25 p.m.], by leave: I move the Christian Democratic Party amendments Nos 1 and 2 in globo:

No. 1 Page 11, schedule 1. Insert after line 20:

[45] Schedule 1, table

Insert after "fertility: loss of fertility" in the matter relating to "**Torso**":

fertility: permanent decrease in, but not loss of, fertility 12,000

No. 2 Page 11, schedule 1. Insert before line 21:

[46] Schedule 1, table

Insert after "lung: smoke inhalation in both lungs (permanent and disabling damage)" in the matter relating to "**Torso**":

miscarriage of, or injury to, foetus

18,000–28,000

These amendments were put to the Christian Democratic Party and to Reverend the Hon. Dr Gordon Moyes, who is not well at the moment, by the Law Society of New South Wales and the Women's Legal Resources Centre. Both are highly respected organisations, and their submission that the bill should be amended to include these matters should be considered seriously by this Chamber. These amendments do not emanate from our party; the Christian Democratic Party is moving the amendments on behalf of those two very respected organisations. The Women's Legal Resources Centre is well known for its activities on behalf of women, giving them legal advice and ensuring they get justice. That organisation obviously realised that there was in the legislation a gap relating to this whole issue of fertility, and damage to reproductive organs, and permanent damage decreasing fertility but not resulting in infertility. Those sorts of matters should be included in the bill, and compensation should be available to those victims. This is a very good bill, and we have supported it, but it will be improved by these amendments.

The Hon. DAVID CLARKE [3.28 p.m.]: These are very worthy amendments, and they have the support of the Coalition.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [3.29 p.m.]: I thank Reverend the Hon. Fred Nile for his valuable contribution to the debate on the bill. Amendment No. 1 relates to a proposed new category of compensable injury regarding permanent damage that decreases fertility but does not result in infertility. The Government cannot support this amendment in its current form.

The amendment is well intentioned, but it needs to be considered more fully in light of existing compensable injuries under the Victims Support and Rehabilitation Act, and concerns about establishing a proper nexus between an act of violence and physical damage sustained in a reduction in a person's fertility. The current Victims Compensation Scheme recognises the compensable injury "loss of fertility" for which the standard amount of compensation is \$50,000, which is the maximum amount of compensation available under the scheme. Other relevant compensable injuries include injury to genitalia requiring medical treatment. When permanent damage occurs, the standard amount payable is \$12,000. Clause 8 of the schedule of compensable injuries also allows an assessor to make a compensation award for an injury that is not specifically mentioned in the table to the schedule when a similar injury is specifically mentioned. In combination, these existing compensable injuries enable compensation to a victim for damage suffered to reproductive organs.

Christian Democratic Party amendment No. 1 may create further barriers to victims, when the available evidence cannot clearly demonstrate that an act of violence directly reduces a person's fertility. To ensure fairness and workability of the scheme, we believe that further work is needed in the formulation of a new category of injury. Although the Government does not support the amendments at this time, we intend to consult further. Any changes brought forward as a result of the consultation will ensure that victims of an act of violence whose fertility has been impaired or reduced permanently are compensated under the scheme. I undertake that the matter will be further pursued in the next Parliament, and that amendments will be brought to the House to deal with this issue and that covered by an amendment to be proposed by the Christian Democratic Party.

Reverend the Hon. FRED NILE [3.31 p.m.]: We regret that the Government cannot support the amendments in their current form. However, we appreciate the Government's assurance that these areas will be given serious consideration for inclusion in the overall compensation regime. The Women's Legal Resource Centre made a point in its submission that we should not ignore supporting compensation for injury to, or loss of, a foetus, miscarriage as a result of violence and associated injury to reproductive organs as a result of violence. It said that many women experience domestic violence, often for the first time when pregnant. This violence is often directed to their stomach, back and the unborn child, and results in significant injury that is not currently recognised in the schedule of injuries. I urge the Government to give this proposal serious consideration.

Ms LEE RHIANNON [3.32 p.m.]: The Greens definitely support compensation for women who are injured in a violent incident, and who miscarry a viable, wanted pregnancy as a result. Obviously, we absolutely

support this. But we will not support the amendment because we have not been given sufficient time to consider its potential broader implications. This is a very sensitive area. The path for the awarding of compensation for the loss of a foetus is well trodden. We know it can be emotive. We know that definition is a problem. It should be widely considered and widely canvassed. However, we do not trust amendments moved by the Christian Democratic Party dealing with foetuses. This could be used at a later date to undermine women's rights to choose. We know the Christian Democratic Party has an agenda and, therefore, everyone should be wary as to how it will play out. Last year the Greens supported the Crimes Amendment (Grievous Bodily Harm) Bill, which extended offences for grievous bodily harm to criminal acts that lead to the death of a pregnant woman's foetus. We came to the conclusion that the bill recognised the unique relationship of a woman with a foetus, and how the termination of pregnancy, due to circumstances very much beyond the woman's control, could have a very serious impact.

We noted that the Crimes Amendment (Grievous Bodily Harm) Bill did not seek to accord a foetus any enhanced stance at law. After legal advice and wide consultation over an extensive period with many groups we concluded that the bill struck an appropriate balance. The handling of the passage of that bill stands in sharp contrast to what is happening now. In this case we are not certain that the amendment does not assume an incorrect legal position in relation to a foetus. We cannot be certain that the amendment will not have unintended effects on a woman's right to choose. We cannot be certain that the amendment is drafted carefully enough to be immune to attempts to distort or misrepresent its meaning at the expense of women's rights. We were able to work through the Crimes Amendment (Grievous Bodily Harm) Bill because we had time to canvass a wide range of opinions. However, in this case we are wary and we believe that is the responsible approach. The amendments have too many question marks. Too much is at stake for women, and for everyone, who have campaigned long and hard to ensure that women have a right to choose.

Reverend the Hon. FRED NILE [3.35 p.m.]: I appreciate the Greens attitude. It was predictable. I am sure the Women's Legal Resource Centre, which is a community legal centre specialising in women's and children's legal issues, will be interested in the opposition by the Greens to these amendments. However, I accept the assurances of the Government that it will give consideration to these amendments in due course. I move the amendments, but I will not cause the Committee to divide.

Amendments negatived.

Schedule 1 agreed to.

Schedules 2 to 4 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

TREES (DISPUTES BETWEEN NEIGHBOURS) BILL

In Committee

Clauses 1 to 11 agreed.

Ms SYLVIA HALE [3.39 p.m.], by leave: I move Greens amendments Nos 1 to 5 in globo:

No. 1 Page 6, clause 12. Insert after line 16:

- (d) any contribution of the tree to the urban forest as a primary component of the urban ecosystem,

No. 2 Page 6, clause 12. Insert after line 23:

- (h) the contribution of the tree to the community, including improved health and well being, and reduced stress, aggression, violence and crime,
- (i) the contribution of the tree to the environment through energy savings provided by shade and evapotranspiration, air pollution removal, carbon storage and sequestration, stormwater runoff prevention and water quality improvement,

No. 3 Page 6, clause 12, line 33. Omit all words on that line. Insert instead:

damage, and

- (iii) a report in relation to the likelihood of any such damage being caused by the tree, prepared by an appropriately qualified and experienced arborist who is appointed by the Court and is independent of the applicant,

No. 4 Page 7, clause 12, line 2. Omit all words on that line. Insert instead:

which the tree is situated to prevent any such injury, and

- (iii) a report in relation to the likelihood of any such injury being caused by the tree, prepared by an appropriately qualified and experienced arborist who is appointed by the Court and is independent of the applicant,

No. 5 Page 7, clause 12. Insert after line 4:

- (2) In this section:

urban forest means the totality of trees and shrubs on all public and private land in a locality (including bushland, parkland, gardens and street trees).

Although somewhat disappointed, I am not surprised that the Government will not support the amendments. I would have thought that the amendments are extraordinarily non-contentious and add merit to the bill. I know the Government's line in relation to urban forests and requiring a court to take additional factors into consideration will be that those matters are adequately covered by the bill, but I do not agree.

Greens amendment No. 1 will enable the court to take into consideration any contribution of the tree to the urban forest as a primary component of the urban ecosystem. Amendment No. 5 provides a definition of urban forest as the totality of trees and shrubs on all public and private lands in all localities, including bushland, parkland, gardens and street trees. A notion that seems to have been encapsulated by Harry Triguboff—that if people want to see trees, they should go to the Blue Mountains—seems to have been subsumed into a proposition that in an urban area, trees are an optional extra. Trees play an extraordinarily important part in urban environments by providing shade and coolness as well as anaesthetic and psychological comfort. Trees often have a very calming effect on people.

The Hon. Charlie Lynn: We should have one in here!

The Hon. Duncan Gay: We already do!

Mr Ian Cohen: It could be the Tree of Knowledge.

The Hon. Greg Pearce: As long as there are no lamp-posts!

Ms SYLVIA HALE: Obviously, trees are a source of great comfort from a variety of perspectives! The notion of an urban forest is a relatively new one, but it has been embraced overseas. As I was saying, at a time when we are looking at ways to reduce energy usage, trees are an extraordinarily important environmental component. Greens amendment No. 1 seeks to introduce the contribution trees make to the environment into considerations to be taken into account by the Land and Environment Court.

Greens amendment No. 2 adds two considerations and suggests that the court should consider the contribution of the tree to the community, including improved health and wellbeing and reduced stress, aggression, violence and crime, and the contribution of the tree to the environment through energy savings provided by shade and evapotranspiration, air pollution removal, carbon storage and sequestration, stormwater runoff prevention and water quality improvement. The amendment reflects extraordinarily topical elements. If trees make a contribution, and I believe it is almost incontrovertible that they do, that is a very relevant factor for the court to consider. The reason for considering the first factor is that some studies link the presence of trees not only to cleaner air but also to less stress, aggression and crime, although there is probably also a socioeconomic correlation between the leafier areas and socioeconomic status.

It is true that trees contribute to the community and wellbeing. In the nineteenth and twentieth centuries, the designers of mental hospitals, such as Callan Park and Gladesville mental hospitals, recognised the link between the therapeutic aspects of natural settings and mental health. That is why the State's older mental hospitals are almost always situated within parkland settings.

[*Interruption*]

The CHAIR: Order! Members are reminded that interjections are disorderly at all times. I ask members to refrain from engaging in conversation with one another across the Chamber. Members with the call should confine their comments to amendments moved to the Trees (Disputes Between Neighbours) Bill.

Ms SYLVIA HALE: One of the breakthroughs in the treatment of psychiatric patients was the perception of the usefulness of the natural environment in assisting people's restoration to health, and New South Wales led the charge. At Callan Park currently, one of the great concerns is not only that Callan Park or the Rozelle psychiatric hospital continue to be used as mental health facilities, but also that the park as a whole continue to be accessible both to patients and to the community.

Greens amendment No. 3 adds a subparagraph dealing with an applicant's claim that a tree may cause damage to property and enabling the court to take into consideration a report, in relation to the likelihood of any such damage being caused by the tree, that has been prepared by an experienced arborist appointed by the court and independent of the applicant. The amendment seeks to enable the court to refer to such a report. I have no doubt the Government will argue that requiring an arborist's report will add to the cost of any action and that that should not be encouraged. The Government may also argue that the Land and Environment Court assessors are adequately trained and can be relied upon to do a good job. But anyone who is familiar with the assessors of the Land and Environment Court would be very aware of how inconsistent and often contradictory are their decisions compared to those of other assessors. When it comes to a matter that is as important as a decision on whether or not to remove a tree, it is absolutely important to obtain expert opinion instead of relying on misplaced misconceptions or unfounded fears.

Greens amendment No. 4 adds new subparagraph (iii) to the provision dealing with an applicant's claim that a tree may cause injury, adding that the court may consider a report in relation to the likelihood of any such injury being caused by the tree that has been prepared by an appropriately qualified and experienced arborist who is appointed by the court and is independent of the applicant. In common with amendment No. 3, this amendment seeks to enable a court to consider any arborist reports that are prepared. During the second reading debate I drew attention to the fact that fatalities directly attributable to trees are almost negligible—one in the past 10 years. Although that does not mean there is a fear among the community that trees are excessively dangerous, the Greens are concerned that any such fear may lead to decisions to remove or to lop trees to within an inch of their lives on an unfounded basis. The Greens take the view that any orders by a court should be based upon expert evidence in relation to the matter rather than being based on unfounded fears.

Greens amendment No. 5 provides that the definition of "urban forest" is "the totality of trees and shrubs on all public and private land in a locality, including bushland, parkland, gardens and street trees". The amendment explains the intention of amendment No. 1 in defining an urban forest. It certainly does not change the intent of the bill, but simply amplifies it. The Greens believe the amendments are well worth the support of the Committee.

The Hon. ROBERT BROWN [3.50 p.m.]: That sounded like a second reading speech to me. The Shooters Party could not possibly support any of the amendments that are proposed to a bill that seeks to make it more efficient for the Land and Environment Court to consider certain issues. Putting concepts such as urban forests into legislation is really another Greens backdoor attempt at getting their way with anything that grows. In urban Sydney many trees were planted 30 or 40 years ago because everyone agreed—as I do—that there should be more trees in Sydney. But they were inappropriate trees.

On the boundary of the property on which I currently reside there is a Sydney blue gum. Its location is totally inappropriate. My elderly widower neighbour is in constant stress about it. To argue that a court should determine the contribution of a tree—because it is part of an urban forest—to improved health and wellbeing, and reduced stress, aggression, violence and crime, ignores the stress on a person or neighbour who is trying to solve a problem caused by a tree. That should be the primary concern. The one thing I am pleased to hear the Greens say is that trees contribute to senses of wellbeing and reduced stress, aggression, violence and crime. That is why hunters spend most of their time out amongst the trees! We are very non-aggressive people. With regard to expert evidence being given in court cases, I am pretty sure that happens now.

Mr Ian Cohen: Are you the people shooting each other in the streets of Sydney?

The Hon. ROBERT BROWN: No, they are the young gentlemen with their hats on backwards, mate. You have us confused with others. I could not support any of these amendments; they are sneaky, Green amendments rather than anything that will contribute to the effectiveness of the amended bill.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [3.53 p.m.]: The Government does not support the Greens amendments. Before making a determination on an application under this legislation, the Land and Environment Court must consider a number of factors relating to the value of the tree in question, to both the local ecosystem and to public amenity generally. The amendments seek to include in clause 12 a number of other factors that the court would be required to consider. The amendments propose to amend clause 12 of the bill to require the court to consider further factors including improved health and wellbeing, and reduced stress, aggression, violence and crime. The Government believes these factors are already addressed by clause 12 (c) of the bill, which requires the court to consider whether the tree has any historical, cultural, social or scientific value. The amendment is therefore unnecessary.

The amendments to clause 12 of the bill would require the court to consider also any contribution of the tree to the urban forest as a primary component of the urban ecosystem and the contribution of the tree to the environment through energy savings provided by shade and evapotranspiration, air pollution removal, carbon storage and sequestration, stormwater runoff prevention and water quality improvement. These amendments are not supported. While the urban tree canopy plays an important role in reducing air pollution, it is unreasonable to expect the court to make an assessment based on such far-reaching criteria.

Other amendments to clause 12 of the bill appear to be directed at ensuring that any determination of the court relating to any damage or likely damage to property or the likelihood of injury to a person resulting from a tree is based upon sound, independent advice. The amendments would require the court to consider a report in relation to the likelihood of any damage or injury being caused by a tree prepared by an appropriately qualified and experienced arborist who is appointed by the court and is independent of the applicant. The amendments are unnecessary.

The Land and Environment Court already has a number of commissioners who have a range of expertise relevant to determining applications under the proposed legislation. The court has also advertised for a number of acting commissioners who will either act alone, with other commissioners or with a judge to determine applications under the legislation. Commissioners may have expertise in such matters as engineering, planning law, local government, ecology, native vegetation and arboriculture. Any one of those may be relevant to determining an application under the proposed legislation. Where a matter can be determined by an appropriately qualified commissioner or commissioners or by a judge assisted by an appropriately qualified commissioner, it will not be necessary to obtain a report prepared by an arborist.

The circumstances where the court may appoint an arborist will be addressed in the rules of the court and/or regulations under the legislation. Requiring a separate arborist's report to be obtained in every case would incur additional costs, and such a requirement is not supported. The amendments, whilst well intentioned, are too broad in scope and unnecessary. The Government does not support the amendments.

The Hon. GREG PEARCE [3.56 p.m.]: The Opposition cannot support the amendments.

Mr Ian Cohen: You hate trees, don't you?

The Hon. GREG PEARCE: I acknowledge that disgraceful interjection by the very self-righteous Green. These amendments are not about whether people are in favour of or against trees. For the record, members of the Coalition are very much in favour of trees, Mr Cohen, you self-righteous pris. You really are a disgrace and you should absolutely back off occasionally and treat other people with a bit of respect—respect that you quickly claim for yourself whenever anybody has a go at you.

Reverend the Hon. Fred Nile: Point of order: The member should withdraw the term he just used in describing Mr Ian Cohen. I have not heard that word used in the House before.

The Hon. GREG PEARCE: To the point of order: If the member wanted to object, he could object.

Reverend the Hon. Fred Nile: I am speaking on behalf of the standards of behaviour in the House.

Mr Ian Cohen: To the point of order: I appreciate the support from Reverend the Hon. Fred Nile. Perhaps the member who made the statement could explain what a "pris" is, then I would be in a position to know whether it is unparliamentary or not.

The Hon. Duncan Gay: To the point of order: I think there was a misunderstanding. The word that was used was "pris", not some other word.

Mr Ian Cohen: Can you define "pris"?

The Hon. Duncan Gay: A prissy. A big sook, with a glass jaw!

The CHAIR: Order! It would be in order for Mr Ian Cohen to ask for a withdrawal if he found the term offensive. However, another member may not seek a withdrawal on his behalf.

The Hon. GREG PEARCE: As I began saying, the Opposition does not support the amendments because they are simply inappropriate in a bill that is attempting to deal with an important problem that is important to many people—that is, the issue of trees on neighbouring boundaries. It is inappropriate for the Greens, whatever their motives, to introduce this quite novel and new idea—and I am not making a judgment of whether this is good or bad—in a bill that is about changing the way that people deal with neighbourhood disputes.

It does not give people an opportunity to consider whether these amendments are good or bad, and it does not give people the context within which they can understand them. I indicated earlier in debate that I was not convinced that these amendments to Land and Environment Court provisions were really a step in the right direction. I also said earlier that Opposition members would wait and see whether it worked. I do not think that the changes suggested in amendments Nos 3 and 4 would help at all by bringing in another layer of cost and dispute. If the independent arborist were required, both parties would then have to get expert evidence to dispute what the court had already heard.

When dealing with these sorts of disputes, in the view of the Opposition the cost, extra delay and complexity of it all is not warranted. I would be interested to hear what the Greens think about the independent arborists. Where were the Greens when those arborists ganged up with Clover Moore to set up and launch their armies of chainsaws into Hyde Park and the Domain at midnight? That was based on those same independent arborists. The Government should rethink provisions in the bill relating to independent arborists, chat to Clover Moore, and set her straight on independent arborists before she sends in more armies of chainsaw-wielding gangs to chop down trees.

Amendments negatived.

Clause 12 agreed to.

Clauses 13 and 14 agreed to.

Clauses 15 to 23 agreed to.

Schedule 1 agreed to.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [4.08 p.m.]: I move Government amendment No. 1:

No. 1 Page 14, schedule 2. Insert after line 5:

[5] **Section 34A Proceedings to which on-site hearing procedures apply (as amended by the Crimes and Courts Legislation Amendment Act 2006)**

Insert at the end of section 34A (1):

(f) proceedings in Class 2 of the Court's jurisdiction that are brought under section 7 of the *Trees (Disputes Between Neighbours) Act 2006*.

This amendment addresses an unintended omission in the drafting of certain provisions relating to the Land and Environment Court Act 1979. This amendment is consistent with Government amendments to the Crimes and Courts Legislation Amendment Bill. Applications made under the Trees (Disputes Between Neighbours) Bill may be dealt with by way of an informal preliminary conference under section 34 of the Act, unless the court directs otherwise. A preliminary conference enables conciliation. The commissioner meets with litigants to

discuss the issues and assists them to reach an agreement. The commissioner, having been trained in tree matters, will provide expert advice.

It is proposed to amend section 34A of the Land and Environment Court Act to provide that, where matters are not disposed of at a preliminary conference, they are to be dealt with by means of an on-site conference presided over by a single commissioner. At the conclusion of the conference, the commissioner may make a ruling and must give reasons for his or her decision. Where the matter proceeds to a court hearing a report is provided to the court setting out the commissioner's views as to the issues in the dispute. Court hearings may also be held on site. The process provided for by the amendment will help distil the matters at issue in the dispute. It will promote alternative dispute resolution and maximise opportunities to avoid legalistic and adversarial proceedings. Given the nature of disputes involving trees, it is critical for the court to be able to utilise the processes, as provided for by the amendment.

The Hon. GREG PEARCE [4.04 p.m.]: The Opposition does not oppose this amendment. It makes eminent sense that if the Land and Environment Court were to be the venue for these hearings, on-site hearings would, for the reasons outlined by the Minister, make them much more efficacious.

Amendment agreed to.

Schedule 2 as amended agreed to.

Title agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

LEGISLATIVE COUNCIL RECORDS TRANSFER TO STATE RECORDS AUTHORITY

Motion, by leave, by the Hon. Tony Kelly agreed to:

1. That this House notes that the State Records Act 1998 provides for exempt public officers, including the Houses of Parliament, to enter into agreements with the State Records Authority for the application, with or without specified modifications, of any of the provisions of the Act to their records.
2. That this House accordingly authorises the Clerk to enter into a memorandum of agreement with the State Records Authority for the transfer of records of the Legislative Council to the care of, but not control of, the State Records Authority.
3. That under Standing Order 50 this House authorises the Clerk to transfer, from time to time as occasion may require, to the care of, but not the control of, the State Records Authority the records of the Legislative Council not currently in use.
4. That any documents transferred to the care of the State Records Authority be subject to access orders in terms of the spirit of Part 6 of the State Records Act 1988, as follows:
 - (a) documents tabled in the House and authorised to be made public are to be open to public access,
 - (b) documents tabled in the House and not made public are to remain closed to public access for 30 years from the date of tabling, after which the Clerk may make a direction that the documents be open to public access, and
 - (c) documents which have not been published by authority of the House or a committee, such as in-camera evidence and confidential submissions, are to remain closed to public access unless authorised by resolution of the House.
5. That this resolution have continuing effect until amended or rescinded.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2006-2007

The Hon. Jennifer Gardiner tabled, as Chair, report No. 17, entitled "Budget Estimates 2006-2007", dated November 2006, together with transcripts of evidence, tabled documents, correspondence and answers to questions take on notice.

Report ordered to be printed.

The Hon. JENNIFER GARDINER [4.09 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Jennifer Gardiner.

**JOINT SELECT COMMITTEE ON THE THREATENED SPECIES CONSERVATION
AMENDMENT (BIODIVERSITY BANKING) BILL 2006**

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that, having considered the Legislative Council's message of 22 November 2006, it has this day agreed to the following resolution:

- (1) That this House agrees to the amendment to the terms of reference for the Joint Select Committee on the Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006 proposed in the Legislative Council message dated 22 November 2006.
- (2) That this House suggests that the day and time for the first meeting be called by the Chair of the Committee, the Hon. Rev Dr Gordon Moyes.

Legislative Assembly
23 November 2006

JOHN AQUILINA
Speaker

BUSINESS OF THE HOUSE

Suspension of Standing Orders

Motion by the Hon. Tony Kelly, by leave, agreed to:

That standing orders be suspended to allow the message from the Legislative Assembly relating to the Joint Select Committee on the Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006 to be considered forthwith.

**JOINT SELECT COMMITTEE ON THE THREATENED SPECIES CONSERVATION
AMENDMENT (BIODIVERSITY BANKING) BILL 2006**

Consideration of the Legislative Assembly's message of 23 November 2006.

Motion by the Hon. Tony Kelly agreed to:

That this House, having considered the Legislative Assembly's message of 23 November 2006, agrees to the proposal in the Legislative Assembly's Message of 23 November 2006 that the day and the time for the first meeting of the Joint Select Committee on the Threatened Species Conservation Amendment (Biodiversity Banking) Act 2006 be called by the Chair of the Committee, Rev. Dr Gordon Moyes.

Message forwarded to the Legislative Assembly advising it of the resolution.

TIMBER BRIDGES REPAIR PROGRAM

The Hon. DUNCAN GAY: I seek leave to table a letter to the editor of the *Northern Daily Leader* of Wednesday 22 November written by The Nationals candidate for the New South Wales upper House, Trevor Kahn, that was quoted incorrectly during question time today by the Minister for Roads.

Leave not granted.

HEALTH LEGISLATION AMENDMENT (UNREGISTERED HEALTH PRACTITIONERS) BILL

Second Reading

Debate resumed from 18 October 2006.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.14 p.m.]: The Health Legislation Amendment (Unregistered Health Practitioners) Bill establishes a code of conduct for unregistered health practitioners under

the Public Health Act 1991. In essence, the bill is attempting to bring all health practitioners, registered and unregistered, under the control of the Health Care Complaints Commission [HCCC]. Defining someone as a "health practitioner" allows that person to do something to someone else, so we must ensure that we protect consumers. Arguably, this bill should have been called the "Protection of Consumers Bill". It has opened up a can of worms as to which practitioners are registered, when they were registered and whether their registration is recognised at a national or a State level.

I believe the focus of the bill has been distorted. Unregistered health practitioners—that is, health practitioners who are not currently registered under the title of their profession—practise in a wide range of health specialties. They range from crystal therapists at one end of the spectrum to radiographers, who require a university degree. The Health Care Complaints Commission has the power to investigate any complaint against a health practitioner. The bill spells out in no uncertain terms that the HCCC can investigate breaches of the code of conduct by unregistered health practitioners as well as registered health practitioners. The commission will be able to issue a prohibition order placing conditions on the way a person provides health services, restricting the health services provided or prohibiting a person from providing health services altogether.

The bill provides that when a person is deregistered from a health profession the tribunal or board that deregistered the person may also impose a prohibition order on that person. However, in the past when people were prevented from practising as psychologists, for example, they would simply continue to practise as counsellors—only the name was different. The bill aims to stop unethical practices by preventing practitioners from reinventing themselves and their professions, phoenix like. Whether the bill will downgrade the status of those who are presently unregistered or impose medical models on those who do not warrant or want them is another issue.

It is a moot point whether the Health Care Complaints Commission applies a medical model. As with most health practice in this country, a medical model probably dominates. The inquiry into Campbelltown Hospital was really an inquiry into health care complaints, and the question of the model applied by the Health Care Complaints Commission was key. Amanda Adrian, the former Health Care Complaints Commissioner, attempted to apply a risk management model to regulation and, arguably, fell foul of the Act. I think she believed she had more discretion than a close reading of the Act allowed. In my view, she was pilloried unreasonably as a consequence. Today the Health Care Complaints Commission, which is now headed by a lawyer, applies a legal rather than a medical model.

The real fear is that an unregistered practitioner will effectively suffer at the hands of the doctors and the medical profession's dominance. The medical model is based on a scientific world view, so the fear of the less scientifically based disciplines is justified. I am a medical person who believes in the importance of an evidence-based practice, and a practice based on good theoretical understanding based on laws of physics and chemistry that is then evaluated by good statistical methods. I suppose that is a working definition of the nature of scientific evidence as a basis for practice, which I think the medical profession would pretend to although it does not always achieve it.

I refer to people who are practising in a way that attempts to improve the health of the population. Those who think they have some sort of spiritual insight that allows them to do treatments without a statistical analysis of the efficacy ask a lot of people and of the belief systems of those people. Indeed, the fear which the medical profession often expresses is that this sometimes misplaced confidence will request that conventional medicine not be used because this should be a given a chance to work first. Every surgeon has a story of a person who has something in his or her stomach and who is told, "Try this naturopathic formulation and you will be all right, don't go and see a doctor", and a disaster happens. That is anecdotal evidence. There is not a series on the subject; I do not have any evidence of that. However, that is not what this bill is about. I have discussed that with the Minister.

This bill is not about registered practitioners versus unregistered practitioners. It is important that people understand that. The title of the bill is unfortunate in that it is about protecting consumers by stopping practitioners either being unethical in a sexual or financial sense or being unregistered and prohibited from practising by the Health Care Complaints Commission [HCCC] after some misdemeanour and then reinventing themselves with a different name. Certainly, that is a worry. It is true that some professions have had somewhat autocratic and, indeed, personality-driven mores in the past. Some people have left professions and gone into related fields in order to continue practising. That is not common. However, there can be searching examinations of that, and I know some cases where this will be a problem.

To return to the practical aspects of the bill, schedule 1 amends the Public Health Act 1991. New section 10AB provides that the limitation period for instituting proceedings for an offence under part 2A is two years rather than the current six months. Extending the limitation period is that prosecuting relevant offences can be complicated and can require the use of a great deal of clinical, scientific and expert evidence. It is important that it be done as expeditiously as possible as it is very destructive to somebody's practice, not to mention their state of mind when having this sort of Damocles sword hanging over their head while tardy investigations drag on endlessly. I have seen people extremely damaged emotionally, professionally and financially by past dithering around by the HCCC. Although I believe it has improved considerably, I do not have figures to back up that at this point.

New section 10AK of the Public Health Act creates an offence for a person to provide a health service in contravention of a prohibition order. The section also requires deregistered people and those subject to a prohibition order to advise their patients of those matters prior to providing health services. New section 10AL requires deregistered practitioners and people subject to a prohibition order to include that information in any advertising for their health services. A person who has been deregistered in another Australian State or Territory will be subject to the same requirements if they provide health services in New South Wales, which stops people from hopping over the border. Section 10AB of the Public Health Act prohibits the advertising or promotion of health services in a manner that is false, misleading or deceptive, or that creates an unjustified expectation of beneficial treatment. The new provision expands on this by also prohibiting advertising that is likely to mislead or deceive, or which is likely to create an unjustified expectation of beneficial treatment.

Schedule 2 to the bill amends the Health Care Complaints Act 1993. New division 6A of the Act will allow the Health Care Complaints Commission to take action against an unregistered health practitioner. After an investigation the commission may issue a prohibition order against an unregistered person and/or issue a public warning about the practitioner if the commission is satisfied that the practitioner has breached the code of conduct made under the Public Health Act, or the person has been convicted of an offence under the Fair Trading Act or the Trade Practices Act that relates to the provision of health services, and, that the practitioner poses a serious risk to the public.

The commission's determinations can be appealed to the Administrative Decisions Tribunal [ADT]. However, under new section 41B the commission needs only to provide a written reason as soon as practical to the unregistered health professional. Now an appellant has 28 days to go to the ADT and appeal a decision. However, there is nothing that ensures that the HCCC provides its reasoning for decision in writing within that 28-day period. New section 94B provides for the Health Care Complaints Commission to make publicly available the name of any health practitioner who, on disciplinary grounds, has been deregistered. The commission is also to make publicly available any disciplinary decision of a tribunal or board where the complaint is proved. Similar arrangements will apply to the various health professional registration Acts under schedule 3. Under new section 94C the HCCC is exempted from any liability to protect them if any possible legal proceedings taken against the HCCC.

New section 10AM in division 4 provides for a code of conduct for unregistered health practitioners to be made by regulation. The Government says "the code of conduct will be the subject of detailed consultation with all relevant professional groups before it is finalised". The Department of Health has consulted with representatives associations such as the Australian Traditional Medicine Society, the Psychotherapy and Counselling Federation of Australia, the National Herbalists Association, the Australian Acupuncture and Chinese Medicine Association and the Australian Register of Homeopaths. They are quite supportive of the bill as they will benefit the most from the tightening of professional standards and improving consumer perceptions of their respective professions.

The Government says bodies such as the Medical Services Committee, the Australian Medical Association, professional associations representing unregistered health practitioners employed within the public health system, such as dietitians and orthotists, have all been consulted and have indicated their support for its policy. However, some groups do not support it—the Australian Institute of Radiography and the Australian and New Zealand Society of Nuclear Medicine. Those groups believe that the bill is inappropriate for the medical radiation scientists because the profession is currently unregistered in New South Wales, unlike in other jurisdictions. The bill as it stands cannot enforce the profession's specific code of conduct. I would like to read from a letter from James McGillicuddy of the Australian Institute of Radiography:

We advise that in the absence of registration for medical radiation practitioners practising across New South Wales, the proposed *Health Legislation Amendment (Unregistered Health Practitioners) Bill* is a very poor second best solution because the Bill is

unable to provide patients adequate protection from incompetent medical radiation practitioners. For example, the Bill cannot protect patients from:

- the case of a radiographer who was refused registration in Queensland but employed at Mona Vale Hospital in mid 2006. The radiographer lasted two weeks and several complaints were lodged against him ...
- the case of a medical radiations practitioner working in Tamworth who injected the wrong leg of a patient resulting in the patient losing that leg. The bill is unable to monitor the competency of medical radiations practitioners and therefore unable to protect patients ...

Registration of medical radiations practitioners that registration is the first best solution provides is the first best solution for protecting patients from incompetent medical radiations practitioners. In the absence of registration the Bill is of limited value to patients with respect to the work carried out by medical radiations practitioners.

Their objection is that the more general powers given to the Health Care Complaints Commission [HCCC] do not cover the specific codes of behaviour that they regard as acceptable for their profession. No-one would doubt the professional expertise of these people; they have been to university. However radiation doses and the physics and physiology thereof present a very complicated issue. The Minister said there are very rarely complaints about these professionals. They are no doubt very competent in the management of their patients, and lifting them on and off trolleys and doing those supervisory things. However, as far as radiation doses are concerned, presumably people have little idea whether the dose they got was correct; they would rely on the expertise of the practitioner, and generally would not even be aware if there were anything wrong. So it is not surprising that there are few complaints.

The New South Wales branch of the Allied Health Alliance, the peak body that represents the allied health professions in this State, also is concerned about section 10AM, which will establish a single generic code of conduct for allied health practitioners. They argue that a single code covering all unregistered health practitioners would be so broad in scope that it would not offer meaningful protection to consumers and would not adequately deal with issues specific to particular fields of health professionals.

The proposed section will also displace voluntary codes of conduct that have been established by certain allied health professions and developed to address specific technical issues. The alliance proposes that section 10AM should be amended so that current codes can be enforced by the Health Care Complaints Commission. In other words, the HCCC would take those codes and use them as an enforcement mechanism. Presumably the HCCC, having been empowered by this legislation, when deciding whether a practitioner is practising competently or not, would take any Australian standard or other standard into account. The code of practice of the specialty, or the special expertise in that profession, would be expressed in the codes of practice of the body or bodies that represented or wanted to represent that sub-specialty, so that the codes are not actively excluded by the fact that there is an overall code. If the HCCC is using the best available evidence to assess the conduct of a practitioner, presumably all those codes would be factors that would be taken into account in that assessment.

However, it might be noted that, apart from their concern about the universal code of conduct, the Australian Association for Occupational Therapists [AAOT] is very disappointed that the Department of Health did not even initiate contact with that association before August 2006. Occupational therapists are not registered in New South Wales, and a few problems will arise because of that. In division 2, section 10A concerns prescribed electrophysical treatments. Currently, occupational therapists who have been trained in this form of treatment are excluded from using electrophysical modalities. This bill reinforces that exclusion. It is also argued that this contradicts the Department of Health's stated policy about extending the scope of practice to address work force problems in New South Wales.

The association also argued that there is a lack of clarity about the responsibilities of the HCCC for handling complaints. As they are unregistered in New South Wales, the inference is that the HCCC will make clinical judgments and no reference has been made to the role of the unregistered health associations regarding complaints management against their members. The lack of equity in registration mechanisms and the use of evidence to determine the efficacy and safety of clinical treatments are issues for the AAOT, and they still have to be resolved.

The Minister, in discussions with me, has defended himself regarding the fact that he has not dealt with the issue of registration and non-registration of professions on the grounds that there is a lot of work going on between the health Ministers and through the Council of Australian Governments process to try to get universal regulation of quite a number of professions. If the Minister waits for that process to be completed, that might result in a delay in the power of the HCCC for quite some time. And if the Minister goes ahead and registers

people in New South Wales in order to strengthen the professional associations and give more legitimacy to the codes of conduct that they have for their members, he will have to do a lot of work. He will have to make a lot of judgments in terms of the relative merits of not only the professions but the different bodies and codes of practice of the bodies that claim to represent professions.

Of course, in some cases there is just one body representing a profession, and it is a small sub-specialty and everybody is happy to be in a single group. In other cases there are personality clashes or whatever, and people who do not want to join the professional association. Some of those presumably will be competent and some perhaps may not want to meet the criteria that that group has defined for itself and its profession. In other cases there are a number of competing groups of people, with different work histories or different personality attachments, who would like to represent certain groups but face the difficulty that there is no universality amongst the profession, sometimes about the definition of its functions and other times about the definitions of its expertise. This makes matters extremely difficult. Sorting this out at a national level is difficult. I appreciate the Minister's difficulty that, if he tries to do this at a State level first, he will have to do all the work yet face the prospect of having that good work unravelled or overruled as the Council of Australian Governments process undertakes the same task.

I am looking for some amendments to sort those matters out. I think the consideration of codes is a task worth doing. Again, I believe the Health Care Complaints Commission should have some discretion about how seriously it takes some codes if it considers them to be not adequate. It might consider the report of the national committee on registration of qualifications and give some codes more weight than others, but the codes ought to be recognised to at least some extent. I wait for those amendments. However, it is not unreasonable that the HCCC be able to take action against people who have done an unethical practice; they should not be able to Phoenix themselves into another professional group or, under another name, continue a practice that is substantially the same as the one from which they have been disbarred for inappropriate conduct.

Mr IAN COHEN [4.38 p.m.]: I will speak briefly on the Health Legislation Amendment (Unregistered Health Practitioners) Bill 2006. I support the comments made by Ms Sylvia Hale, who led on this matter for the Greens. However, there are a number of issues that I would like to put on the record.

Health practitioners and people from my home area, to whom I will refer later, have significant concerns about the bill. A press release issued in October by the Minister for Health that the State was cracking down on shonky health practitioners was taken up by the ABC, which suggested that the original press release named as its primary areas of focus naturopathy, including councillors, massage therapists and herbalists. The key to the release was that these practitioners promised things they could not deliver. Compounded by the fact that a few years ago the Government adopted a moderately hostile stance to naturopathy in the State while establishing links with Professor John Dwyer, a long-term opponent of natural health, people in all areas of alternative health practice were extremely concerned about the release. The legislation must not be, nor should it be seen to be, biased against natural complementary medicine or in any way in favour of orthodox medicine. It is clear that rogue practitioners come in many forms, from both orthodox and complementary medicine.

Practitioners in either field who act inappropriately should be controlled, but they should not besmirch the character and good works of the many who work in alternative medical fields—traditional naturopathic fields, traditional herbal therapy or well-established Chinese therapy, which has a great deal to offer the community. Natural therapists are concerned that reductionist scientific criteria would be used to decide which therapies do and do not work. I understand the bill will not stop practitioners from practising, but it will stop them from making claims in advertisements of what they can achieve, as it should be. Orthodox medical practitioners cannot claim to cure cancer, but they can claim to provide treatment for it. Likewise, it is widely accepted that orthodox medicine gives placebo pills without claim to efficacy, but with knowledge that, in some cases, they are successful in curing some patients. Health care is extremely complex. I hope the legislation will not shut down any areas of health care, and that regulations do not impact inappropriately or unfairly on alternative health practitioners.

I live on the North Coast of New South Wales, in an area that would have one of the highest percentages of complementary health practitioners per capita, certainly in Australia and even globally. One of the most popular courses at Southern Cross University at Lismore is the Bachelor of Naturopathy, a rigorous full-time course that takes students four full-time years of study. This has created numerous jobs and produced a number of fine graduates, thereby increasing even further the major contribution that the complementary medicine industry makes to the economy of the North Coast and the wellbeing of its people. Most complementary medicine practitioners are not covered by the current registration system.

The vast majority are honest, and provide safe and effective advice and solutions. However, like most other industries it also has a small number of dishonest and incompetent operators. It is not unreasonable that the public know who they are and, where appropriate, that they be prohibited from practice. In that sense the overall thrust of this bill is reasonable, but some aspects of it need to be rectified. I put on the record that these problems are not just the province of the unregistered sectors of the health industry. Unethical and incompetent practitioners operate among the more orthodox areas of the medical profession as well. Some practitioners have expressed concern over Division 4, clause 10AN, subclauses (a), (b), and (c) in schedule 1 to the bill, which states:

Advertisement or Promotion of Health Services

A person must not advertise or otherwise promote the provision of a health service in a manner that:

- (a) is false, misleading or deceptive, or
- (b) is likely to mislead or deceive, or
- (c) creates, or is likely to create, an unjustified expectation of beneficial treatment.

Nobody disputes that those points are important, and if they are obviously engaging in such practices then they ought to be banned. However, it is important to clarify on what grounds the Government determines what is misleading or deceitful, or creates an unjustified expectation of beneficial treatment. How do we define the grey areas? There is no doubt that people peddling false cures for fatal diseases do not deserve to be in practice, but I am wary of definitions of what is most appropriate for complementary medicine being determined by people whose only background is in orthodox medicine. There are, after all, similar fears about what pharmaceutical companies, cosmetic surgeons, or indeed the average family doctor may promise. I raise these issues merely to make the point that much of what goes wrong in our health industry cannot be laid at the feet of health professionals who are, through no fault of their own, currently unregistered. Many of those practitioners feel, rightly or wrongly, that this legislation targets them.

There is also concern that the general public may assume from the publicity surrounding this bill that unethical behaviour is rife in the complementary medicine industry. This may well not be the Government's intent, but if it wishes to reassure the complementary medicine industry of this it would be well advised to support the finetuning this bill requires to address those concerns. A good way to demonstrate this would be to ensure that the bill does not negatively affect outstanding claims for registration by those areas of the health profession that are entitled to it. Registration is a complicated issue, and I do not wish to make sweeping assertions as to who does or does not deserve registration, but it is important that that procedure continues to be dealt with independently of the bill.

The major problem with the bill, as other speakers have noted, is the notion that a single code of conduct can apply to such a diverse industry. It is particularly unnecessary when most of these professions already adhere to codes of ethics that could easily be incorporated into this legislation via some simple amendments. I accept the essential thrust of this bill—to protect the public from unscrupulous operators—and for that reason the Greens will not oppose it, but we do wish to improve it. The inherent problems in the bill have been clearly outlined by speakers in both Houses. To confront these problems I urge the House to support the amendments that will be moved by my colleague Sylvia Hale.

The Hon. Dr PETER WONG [4.46 p.m.]: I speak to the Health Legislation Amendment (Unregistered Health Practitioners) Bill 2006. I congratulate the Minister on the improvement to the current situation. Yes, it is necessary to do something about unregistered health practitioners, particularly the shonky ones. But there seems to be a dichotomy of philosophies. On the one hand the Minister explained that radiographers could not be registered until after the 2008 Council of Australian Governments [COAG] meeting, which would introduce Australia wide registration for radiographers. On the other hand, as the Hon. Dr Arthur Chesterfield-Evans said, we are seeking to enact legislation before that meeting.

I share the concerns raised by Mr Ian Cohen that it is a complex issue for many unregistered health practitioners in Australia. Whether one can generate a generic code to apply to all is doubtful. In fact, the overseas experience has shown that certain problems need to be overcome. The saying "one size fits all" comes to mind. Non-traditional and complementary health practitioners are always concerned that somehow or another these types of laws will be used by mainstream health practitioners to control them. Mr Ian Cohen referred to Professor John Dwyer. I have no doubt that the Minister will keep him as far away from administering this law as possible. I support the Government.

Hon. JOHN HATZISTERGOS (Minister for Health) [4.49 p.m.], in reply: I thank honourable members for their contributions to this debate. I note that all honourable members who contributed to the debate have indicated their support for the objective of the bill and I thank them for that. However, in some contributions to the debate, a number of members criticised the consultation process that has been undertaken on this bill and accused the Government of not properly consulting affected professions. That is an accusation that I reject. The Department of Health has consulted widely on this bill. For the record I will provide some detail on the consultation process that has been undertaken.

In July and August of this year officers of the Department of Health met with very many organisations and individuals to discuss the draft bill. These include the Medical Services Committee, the Chair and staff of the Parliamentary Committee on the Health Care Complaints Commission, the Health Services Association, the registrars and secretaries of all New South Wales health professional registration boards, the Acupuncture and Chinese Medicine Association of Australia, the Psychotherapy and Counselling Federation of Australia, the Health Care Complaints Commission, the Australian Medical Association, the National Herbalists Association, the Australian Traditional Medicine Society, representatives of the Australian Institute of Radiography, the Speech Pathologists Association of Australia, the Australian Association of Social Workers, the Audiologists Association, Occupational Therapy Australia, the Dietetics Association of Australia and the Orthoptists Association of Australia.

In particular it is of concern that the parliamentary record reflects the claims of Occupational Therapy Australia that it was responsible for initiating contact and consultation with the Department of Health on the bill and that it made this initial contact in the first week of August this year. I cannot let that claim remain unchallenged because it is not correct. The truth is that in late July Ms Brenda McLeod, the chief allied health officer from the Department of Health, was asked to convene a meeting with those professional associations representing unregistered health professionals employed within the New South Wales health system. On 26 July Ms McLeod contacted representatives of those associations by email, including Occupational Therapy Australia, asking them to attend a meeting to discuss the bill. By consensus it was agreed that the meeting would be held on 15 August. On 31 July Ms McLeod confirmed the arrangements, with all associations attending the meeting. The meeting was held on 15 August. A representative of Occupational Therapy Australia attended.

It is unfair of Occupational Therapy Australia to make the inaccurate claims it has made and to suggest that it has not been consulted. I fear that this is one of those instances in which people who do not achieve their desired outcome from a consultation process will sometimes seek to impugn that process. Occupational Therapy Australia and a number of other groups have sought to use this bill and the consultation process to advance their claims to statutory registration. I make it perfectly clear that this bill is not about statutory registration. It is about setting minimum standards of conduct for unregistered practitioners. Any application for statutory registration for health professions is assessed against a set of nationally agreed criteria and on the key test of public interest. That process is not affected by the provisions of this bill.

Occupational Therapy Australia also raised concerns relating to proposed section 10AD of the Public Health Act. I advise the House that its concerns are completely without foundation. Section 10AD has been in the Public Health Act in substantially the same form since 2001 when it was inserted by the Physiotherapists Act 2001. The only substantive change to the provision that is being made by this bill is that the powers of authorised officers are being taken out of the section and, along with all other powers of authorised officers under Part 2A, are being consolidated in the proposed section 10AI. Furthermore the electrophysical treatments prescribed under the section are found in clause 20A of Public Health (General) Regulation 2002 and are shortwave and microwave diathermy and electrical stimulation by interferential current. There is no intention to extend the scope of clause 20A and there has been no request from any group that the Government consider doing so.

Occupational Therapy Australia has expressed concern that a code of conduct prescribed under the Public Health Act would displace the existing association code that applies to members of the association. Other professional associations have expressed similar concerns. This is not true. I am at a loss to understand how it could be true. This bill has nothing to do with that. Professional associations, as with any private organisation or club, will always be at liberty to set the standards that apply to their members within the limitations set by other laws, such as the Trade Practices Act, the Crimes Act and anti-discrimination legislation. It is my intention that a prescribed code of conduct will establish a minimum level of conduct that all people providing health services in New South Wales will be required to meet. The code will provide the Health Care Complaints Commission with a reliable mechanism to remove from the industry practitioners who represent a risk to the public. Furthermore, people who are subject to an employee code of conduct in their places of employment, such as

employees or contractors in the public health system, also will be required to comply with those codes, as required by their employers. The bill will have no impact on those matters at all.

I also point out that notwithstanding a number of outlandish and spurious claims made by some organisations representing unregistered practitioners, although, happily, not made by any member of this Parliament, that this bill is not an attack on alternative health services. Any claim that the bill represents a means to get rid of alternative health services is incorrect. In fact, by providing mechanisms to remove the shonks and rip-off merchants from the industry, the Government is creating an environment in which members of the public will be able to have more confidence in alternative practitioners from whom they may choose to receive services. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Reverend the Hon. FRED NILE [4.59 p.m.], by leave: I move Christian Democratic Party amendment Nos 1 and 2:

- No. 1 Page 13, schedule 1 [2], proposed section 10AK (2), line 30. Insert ", in accordance with the regulations," after "notified".
- No. 2 Page 14, schedule 1 [2], proposed section 10AK (3), line 7. Insert ", in accordance with the regulations," after "notified".

Pursuant to sessional orders consideration interrupted to permit a motion to adjourn the House.

The Committee continued to sit.

Reverend the Hon. FRED NILE [5.01 p.m.]: These are straightforward amendments to section 10AK of the Public Health Act. Section 10AK (2) of the Act provides that a health professional whose registration has been suspended or cancelled due to misconduct must give each patient notice of that suspension or cancellation before commencing to provide health services to a patient. Proposed section 10AK (3) of the Act provides that a deregistered practitioner who has been made the subject of a prohibition notice must also give patients notice of that fact before commencing to provide health services. The amendments allow for the form of the required notice to be prescribed by regulation. Setting out in the regulation the form that a notice will take will aid the enforcement of the provisions as well as give practitioners clear guidance as to the steps they must take in the notification. This is an important patient safety issue. The deregistered practitioner must give notice of any previous suspension or cancellation involving misconduct. In that way the patient is fully aware of any orders involving the practitioner. I commend amendments Nos 1 and 2.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.03 p.m.]: The Government will not oppose amendments, the purpose of which is to prescribe a form in which notification is to be provided. That is a sensible addition to the bill and on that basis the Government supports the amendments.

Amendments agreed to.

Ms SYLVIA HALE [5.04 p.m.], by leave: I move Greens amendments Nos 1, 2, 4, 5, 6, 7 and 8 in globo:

- No. 1 Page 15, schedule 1 [2], proposed section 10AM, line 2. Omit "**Code**". Insert instead "**Codes**".
- No. 2 Page 15, schedule 1 [2], proposed section 10AM, line 3. Omit "a code". Insert instead "codes".
- No. 4 Page 17, schedule 2 [2], line 10. Omit "the code". Insert instead "a code".
- No. 5 Page 18, schedule 2 [12], proposed section 41A (1) (b), line 20. Omit "the code". Insert instead "a code".
- No. 6 Page 19, schedule 2 [12], proposed section 41A (5), lines 21 and 22. Omit "the code". Insert instead "a code".
- No. 7 Page 19, schedule 2 [12], proposed section 41B (1) (a), lines 34 and 35. Omit "the code". Insert instead "a code".
- No. 8 Page 21, schedule 2 [12], proposed section 41C (1) (a), lines 5 and 6. Omit "the code". Insert instead "a code".

The amendments are identical to those circulated by the Christian Democratic Party and the Opposition and, therefore, I expect they will receive unanimous agreement.

The Hon. JENNIFER GARDINER [5.07 p.m.]: It is correct that at the behest of the Liberals and The Nationals, Parliamentary Counsel prepared amendments almost identical to the Greens amendments that are before the Committee. The Opposition supports the amendment of the bill in this way and is strongly supportive of profession-specific codes of conduct incorporated into the Act.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.07 p.m.]: I make it perfectly plain that the Health Legislation Amendment (Unregistered Practitioners) Bill, as introduced, provided for a code of conduct for unregistered health practitioners to be made by regulation under the Public Health Act. It has been suggested that the legislation is deficient in that it provides for a single code of conduct to cover all unregistered practitioners. While it has always been intended that there be a single code of conduct that sets minimum standards expected of all health practitioners, the legislation as drafted does not preclude the prescribing of multiple codes. Members should be aware of sections 8B and 8C of the Interpretation Act 1987. Section 8B provides:

A reference to a word or expression in the singular form includes a reference to the word or expression in the plural form.

Section 8C provides:

A reference to a word or expression in the plural form includes a reference to the word or expression in the singular form.

Therefore, the legislation as introduced will allow for the making of multiple codes and the Greens amendments will not change that situation. However, I point out also for the benefit of members that it is my view that having a single code of conduct that sets some forcible minimum standards of conduct for all unregistered health practitioners is preferable.

The reasons for this are as follows. Firstly, a single code of conduct for all unregistered practitioners provides simplicity. Practitioners, patients and the Health Care Complaints Commission would have no difficulty in determining whether the code applied to a particular practitioner. Secondly, if multiple codes were made, they would require interpretive provisions to specify to which health practitioners each code applied.

That could create scope for debate and possible challenge to a decision of the Health Care Complaints Commission to issue a prohibition order. However, as I have already noted, the provisions of the Interpretation Act provide that a single code, or a multiple code as appropriate, might be made under the proposed legislation. The amendments presented by the Greens have no impact on that position and in those circumstances the Government will not oppose them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.10 p.m.]: Is the Minister supporting Greens amendment No. 3? Is that correct, Minister?

The Hon. John Hatzistergos: No.

The CHAIR: Order! Greens amendment No. 3 is not before the Committee.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The Minister said that a code of conduct relating to professional ethics in sexual and financial matters obviously would be universal and that the generic obligation to behave with respect and competence towards patients would be covered by a single code. Obviously the manifestation of that in the behavioural practices of different specialties might be different. What is reasonable for a practitioner to do depends on the specialty of the practitioner. So, in a sense, we are arguing about issues that are both true.

A weakness of the bill is that it refers to codes that do not yet exist—or at least the universal code does not yet exist. One wonders whether a better way of doing it would be to have people argue about the code of practice that health practitioners generically ought to have before introducing a bill to empower the implementation of such a code. In the case of professions that have been around for a long time, medical and other boards enforce acceptable behaviour, and a legal precedent might also exist. The Minister has in place a practice for existing health practitioners that presumably is acceptable and codified in some areas. The Minister will now put together a code incorporating elements of that—and that is issue we are dealing with in this bill. Having a code for each group of practitioners will assist in defining what standards are reasonable. Australia defines what are "reasonable standards" for the sale of particular goods or services, and I think that is

reasonable. I am pleased that the controversy about codes has been sorted out. The definition of "codes" will be dealt with in Greens amendment No. 3, which is yet to be dealt with.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.12 p.m.]: I respond to the concerns raised by the Hon. Dr Arthur Chesterfield-Evans and again reiterate for the benefit of all honourable members that this bill is not a substitute for registration. Professions that require registration will be considered on their merits. The unregistered practitioners legislation and, in particular, the code that will be implemented, are not designed to deal with the professional qualities of any particular profession. It is the Government's intention that the unregistered practitioners legislation deal with those factors identified by the honourable member in his contribution, as they are germane to all practices—that is, ethical conduct across the board. That does not preclude the Government from doing the things raised by the honourable member. However, I make it quite clear that I do not see this bill as a substitute for the registration of health practitioners who currently are not registered if the case exists for those persons to be registered.

Amendments agreed to.

Ms SYLVIA HALE [5.14 p.m.]: I thank the Minister for the unaccustomed pleasure of having him accept Greens amendments.

The Hon. Christine Robertson: Don't be nasty!

Ms SYLVIA HALE: I am not being nasty; I am genuinely grateful. This is the first occasion that the Minister has supported Greens amendments. I hope we will soon witness the second occasion. I move Greens amendment No. 3:

No. 3 Page 15, schedule 1 [2], proposed section 10AM. Insert after line 10:

- (2) Before a code is made under subsection (1), the Minister is to consult with professional associations representing health practitioners to be covered by the code.
- (3) If a professional association provides the Minister with a code of conduct for health professionals represented by the association that is endorsed by the association and the Minister is satisfied that compliance with the code would protect the health and safety of the public, a code prescribed by the regulations for those health professionals is, as far as reasonably practicable, to be made consistent with the endorsed code.

I speak to this amendment in the context of the Committee having determined that there should be a number of codes rather than a single code. The purpose of this amendment is to better balance the need to protect the health and safety of the public with the need to allow different groups of practitioners to be involved in the development of codes of conduct that reflect the specific nature of their practices, and to which they will feel a greater level of professional commitment. It will also have the effect of removing unnecessary ambiguity arising from the existence of both voluntary codes developed by practitioners, and a generic code imposed by regulation by the Minister.

Amendments that have been agreed to will replace the power of the Minister to impose by regulation a single generic code of conduct on all unregistered health practitioners. To some extent the Greens amendment, which is similar to the amendment that presumably will be moved by the Christian Democratic Party, requires the Minister to consult with professional groups representing various unregistered health practitioners before imposing any codes of conduct on the practitioners represented by those groups, and requires that where a professional association has developed its own code and the Minister is satisfied that compliance with that code would adequately protect the public interest, that code should, so far as practicable, be the one that is imposed by regulation on that group of practitioners. I suppose that this really goes to the heart of the matter. Christian Democratic Party amendments might require the Minister to produce a code that will be on public exhibition so that people are able to respond to it.

The Hon. John Hatzistergos: Including consumers.

Ms SYLVIA HALE: Including consumers.

The Hon. John Hatzistergos: It doesn't exclude that?

Ms SYLVIA HALE: The Greens amendment, which does not remotely exclude that, requires the Minister to consult with professional associations representing health practitioners to be covered by the code.

The Hon. John Hatzistergos: Not consumers.

Ms SYLVIA HALE: No. If a professional association provides the Minister with a code of conduct for health professionals represented by the association, that is endorsed by the association, and if the Minister is satisfied that compliance with the code would protect the health and safety of the public, a code prescribed by the regulations for those health professionals is, so far as is reasonably practicable, to be made consistent with the endorsed code. Nothing in that would prevent the Minister, in the process of consulting with practitioners, from consulting with members of the public on a proposed code.

The Hon. John Hatzistergos: He does not have to.

Ms SYLVIA HALE: I am sure that the Minister, in his wisdom and in his commitment to the democratic process, would make certain—

The Hon. John Hatzistergos: You are assuming that every Minister is nice like me.

Ms SYLVIA HALE: Goodness me! The Minister is asking us to take on face value the contents of the code that he is proposing. He has not come up with a code. He is still saying, "You can rely on me to come up with something that is acceptable." It is incumbent on the Minister to ensure that any codes that are proposed are made available for public consultation. It is equally important that any codes should be developed in consultation with relevant professional groups. I must confess that I am pleased that the Minister has proceeded with the legislation. I thought he might get cold feet, given the phenomenal avalanche of representations—

The CHAIR: Order! Ms Sylvia Hale will confine her remarks to the amendments before the Chair.

Ms SYLVIA HALE: There was a very public response to the Minister's proposal. The Greens have responded to every group and every person who contacted us about the code of conduct, and we showed them our amendments. We invited them to tell us whether they had any problems with the amendments and not one group—not the radiographers, occupational therapists, acupuncturists nor anyone else—did so. In fact, I believe members have received emails and other correspondence asking them to support the Greens amendments. Reverend the Hon. Fred Nile foreshadowed during the second reading debate that he would move an amendment to the bill. But I was a little surprised when, at 11.45 p.m. today, he produced an amendment that no-one in the general community has had the opportunity to see, discuss or contribute to.

The Hon. John Hatzistergos: What's wrong with it? Nothing.

Ms SYLVIA HALE: The Minister is so enamoured of the Christian Democratic Party amendment that he must have written it himself.

The CHAIR: Order! I remind members that interjections are disorderly at all times. I remind Ms Sylvia Hale that she should be directing her comments to the Chair, not to the Minister.

Ms SYLVIA HALE: I imagine the Minister would have difficulty in finding fault with an amendment that he probably crafted. But let us leave that matter to one side. Under the bill the Minister develops the code, gives public notice of it, puts it on public exhibition and then considers any submissions. There is absolutely no requirement for the Minister to consult any professional organisations. Implicit in the Greens amendment is the concept that when professional organisations have developed codes they should be taken into account. It is not desirable for the Minister to try to impose a code on a professional organisation that already has one. We all know the Minister does not have to take any notice of public submissions if he does not agree with them.

If we are genuinely interested in compliance, we must accept that it would be much better to develop codes in consultation with the relevant health practitioners rather than impose codes upon them. I commend Greens amendment No. 3 to the Committee. I am delighted that the Opposition will support it. If the Minister subsequently develops a regulation that indicates how he will provide an opportunity for public submissions regarding a code that was developed in consultation with a professional association, we will welcome it.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.23 p.m.]: While trying to resolve issues that have arisen out of the bill I have consulted widely with members of the crossbench. Indeed, I offered a briefing to the Opposition—I understand that Hon. Jennifer Gardiner accepted that offer—in an attempt to resolve any problems and to reach a consensus so that the bill could be passed. I make it quite clear that Greens

amendment No. 3 is unacceptable and that I will not proceed with the bill if the amendment is accepted. I make that perfectly plain. This is a very problematic amendment. I have grave concerns about the Greens proposed new section. If it is incorporated in the Public Health Act it will effectively prevent a valid code of conduct from being developed, and thus the provisions in the bill that seek to deal with rogue practitioners would be unenforceable.

The proposed new subsection would require the Minister to consult with professional associations representing health practitioners to be covered by a proposed code before the code is made. I wholeheartedly support the underlying principle of consultation. That is evident in the amendments that Reverend the Hon. Fred Nile will move in the event that this amendment is defeated. I believe the consultation process can be encompassed by the mechanism in that amendment, which I understand is also in other health legislation. For example, I think the Medical Practice Act 1992 and several other Acts contain similar provisions and have the same mechanisms for consulting when developing codes.

I am concerned that, because of the way this amendment is drafted, a failure to consult with all associations representing unregistered practitioners—and thereby complying with the requirements of the proposed new section—may invalidate any code that is made. It would be impossible for the Minister to consult all professional associations that represent some groups of health practitioners. I will give a simple example of the problem. The web site of the Australian Naturopathic Network lists some 18 separate associations that claim to represent the interests of naturopaths. Many of these associations are based interstate but the Minister would not know whether they also represent naturopaths in New South Wales. Furthermore, I have no doubt that the list provided by the Australian Naturopathic Network is not comprehensive and that additional associations will claim to represent the interests of naturopaths. A similar pattern is likely for other unregistered health practitioners, such as homoeopaths and counsellors.

My concern in this area is greatest in the context of a code of conduct that sets the minimum standard of conduct that is expected of all unregistered health practitioners. Compliance with proposed new subsection (2) may very well require consultation with hundreds of associations that claim to represent the interests of unregistered health practitioners, which would therefore effectively make it impossible to implement in any meaningful manner. The primary goal of this legislation—cracking down on the outrageous practices of conmen such as Paul Perrett—will therefore be lost. The Government will support the amendment that has been foreshadowed by Reverend the Hon. Fred Nile, which I believe will address any legitimate fears about the consultation process while ensuring that a code of conduct can nevertheless be devised.

The proposed new section provides that a professional association can give the Minister for Health a code of conduct for health practitioners represented by that association and, if the Minister is satisfied that compliance with that code protects the health and safety of the public, any code prescribed by the regulations for health practitioners represented by the association must, as far as reasonably practical, be consistent with the association's endorsed code. The amendments can be interpreted in two ways. The first interpretation suggests that there is to be a separate prescribed code of conduct for the members of each professional association that provides its code to the Minister for Health, provided the Minister is satisfied that compliance with the code will protect the public. Of course, an individual practitioner could avoid the operation of such a code by not being a member of the particular association. This has the potential to create significant confusion for the public and difficulty for the Health Care Complaints Commission in determining whether a particular code, or in fact any code, applies to the particular practitioner charged with an alleged offence. Furthermore, establishing a separate code for members of each professional association would entail a substantial amount of work, both for Health and for the Office of the Parliamentary Counsel, and would not be an effective or efficient use of resources.

The second interpretation of the provision is that if a professional association provides its code of conduct to the Minister for Health and the Minister is satisfied that compliance with the provisions of the code would protect the public, then any prescribed code covering practitioners represented by that association—including a generic code that applies to all unregistered health practitioners—is as far as possible to be made consistent with the association's code. That interpretation may see the Minister attempting to reconcile the codes of a number of different associations in order to make the prescribed code consistent with them. This may be an impossible task and is likely to involve a substantial amount of time and effort. Furthermore, it may result in a situation where a prescribed code, particularly a generic code, is constantly under review as different professional associations provide their codes to the Minister for assessment. Again, this would not be an effective or efficient use of resources and would create a lack of certainty for the public, practitioners and the Health Care Complaints Commission. For this reason, the Government will not support the amendment, although I foreshadow support for the amendment to be moved by Reverend the Hon. Fred Nile.

[*Consideration interrupted.*]

DISTINGUISHED VISITORS

The CHAIR: Order! I acknowledge the presence in the President's Gallery of former Presidents the Hon. Johnno Johnson, the Hon. Max Willis and the Hon. Virginia Chadwick, together with a former Leader of the House, the Hon. Ted Pickering.

HEALTH LEGISLATION AMENDMENT (UNREGISTERED HEALTH PRACTITIONERS) BILL

In Committee

[*Consideration resumed.*]

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.29 p.m.]: I acknowledge the difficulty of the Minister consulting with every group that claims to represent a profession—

Reverend the Hon. Fred Nile: Every unregistered group.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: —particularly in the case of unregistered groups. Registered groups have generally formalised themselves into one or two associations representing their practitioners. It was obvious from my experience on a committee soon after I came into this Parliament that looked into alternative health practitioners of various types that a huge spectrum of different associations claim to represent or want to represent their professions. For example, in the chiropractic profession, some people have been trained in America, others have been taught in technical colleges in Australia and others have been taught in unregistered colleges in Australia. At least three associations would be associated with the historical origins of the practitioners in that profession. Some had more or less credibility, and others perhaps were made up of a dominating practitioner and his friends—it varied a lot.

The difficulty with division 4, proposed new section 10AM (2) is that the Minister is to consult with professional associations, but what is the definition of a "professional association"? Certainly professions such as radiotherapists and radiographers have a lot of credibility and the practitioners are university trained. Practitioners in that profession are concerned that the body that represents them is competent and articulate. They may have disputes about the composition of that body and who runs it, but they have clear ideas of what they want from their body and what they want their body to do in regard to government, the media, et cetera—or to organise their annual reunion.

It is much more difficult in less structured groups with more diffused origins in their training. It is difficult to define what is meant by a "professional association". The idea that one can take great lumps of different codes holus-bolus and incorporate them would make for extreme complexity, and I acknowledge the Minister's problem in that regard. In general terms, there is some good in the proposition of consulting credible associations and as far as reasonably practicable taking their considerations into account if it does public good.

Reverend the Hon. FRED NILE [5.32 p.m.]: The Christian Democratic Party does not support Greens amendment No. 3 because it is unworkable and would make it impossible for the Minister to carry out. My amendment provides for consultation and submissions, as is the normal process.

The Hon. JENNIFER GARDINER [5.32 p.m.]: The Opposition also sees some problems in implementing the Greens amendment. Whilst the Opposition is delighted that the Minister and the Government have changed their minds in relation to the earlier provisions as to generic codes versus specific codes, it cannot see its way clear to support Greens amendment No. 3.

Ms SYLVIA HALE [5.34 p.m.]: I will comment very briefly on some of the Minister's remarks. Presumably this bill comes before the Parliament so it can consider its provisions and decide accordingly. For the Minister to say that if the Greens amendments go through he will not proceed with the bill is really holding this Parliament in contempt. It is a form of blackmail. It says to the people that if this amendment is passed the Minister will not proceed with the bill. It is totally intimidatory and wrong for the Minister to have that attitude.

If the Minister is so keen on a generic code there is no reason why certain elements of such a code—such as appropriate behaviour in relation to sexual activity or whatever—could not be a standard feature

of every individual code. The key aspect of Greens amendment No. 3 is that the code, rather than being developed solely within the Minister's office, as is inherent in the Christian Democratic Party amendment, be developed in conjunction with the various health professional bodies because they are the ones who, after all, are going to be bound by it. I think the Minister's argument is totally spurious, as is common with much of what he has to say in this place.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 4

Dr Chesterfield-Evans
Ms Rhiannon
Tellers,
Mr Cohen
Ms Hale

Noes, 34

Mr Breen	Mr Gay	Mr Pearce
Mr Brown	Ms Griffin	Ms Robertson
Dr Burgmann	Mr Hatzistergos	Mr Roozendaal
Ms Burnswoods	Mr Jenkins	Mr Ryan
Mr Catanzariti	Mr Kelly	Ms Sharpe
Mr Clarke	Mr Lynn	Mr Tsang
Mr Colless	Mr Mason-Cox	Mr West
Mr Costa	Reverend Nile	Dr Wong
Mr Della Bosca	Mr Obeid	
Mr Donnelly	Mr Oldfield	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Harwin
Miss Gardiner	Mrs Pavey	Mr Primrose

Question resolved in the negative.

Amendment negatived.

Reverend the Hon. FRED NILE [5.44 p.m.]: I move Christian Democratic Party amendment No. 3:

No. 3 Page 15, schedule 1 [2], proposed section 10AM. Insert after line 10:

- (2) Before a code of practice is prescribed under subsection (1), the Minister is to:
- give public notice of the code in a form and manner determined by the Minister, specifying where the code can be inspected and the time and manner in which submissions may be made, and
 - place the draft code and an impact assessment statement for the code on public exhibition for not less than 21 days, and
 - consider any submission received within 21 days (or such longer period as the Minister may determine) after the end of that exhibition period.

I believe this amendment would ensure a consultation process. It is the same process laid down in the Subordinate Legislation Act 1989, which is mandated for any code of conduct for unregistered health practitioners. While the Minister has already given an undertaking that there would be extensive consultation before a code is prescribed, I believe the concerns of various groups of unregistered practitioners would be addressed by incorporating in the legislation this comprehensive consultation process concerning any future code of practice.

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.45 p.m.]: The Government will support the amendment for the reasons I gave in response to the amendment moved by Ms Sylvia Hale.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.45 p.m.]: This is really "Minister may" legislation, as I call it; it allows the Minister to do more or less what he likes. He must allow the draft code to be

inspected for 21 days, and consider submissions made on it, but it was no real substitute for a consultative process. It may be that the Minister will ensure good consultation, and if so I will be absolutely delighted. But I do not think this amendment imposes any significant obligation on the Minister to do that.

Amendment agreed to.

Schedule 1 as amended agreed to.

Schedule 2 as amended agreed to.

Schedule 3 agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

**JOINT SELECT COMMITTEE ON THE THREATENED SPECIES CONSERVATION
AMENDMENT (BIODIVERSITY BANKING) BILL 2006**

Message forward to the Legislative Assembly informing it of the Legislative Council members appointed to the committee.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

Annual Reports (Departments) Act 1985—Report of the Office of the Director of Public Prosecutions for the year ended 30 June 2006

Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 30 June 2006:

Historic Houses Trust of New South Wales
Library Council of New South Wales
New South Wales Film and Television Office
Protective Commissioner and Public Guardian
Trustees of the Museum of Applied Arts and Sciences

Ordered to be printed.

HUNTER AND OUTER SUBURBAN RAILCARS

Production of Documents: Claim of Privilege

The Clerk announced the receipt, pursuant to the of 18 October 2006, of correspondence from the Director General of the Premier's Department indicating that the Independent Transport Safety and Reliability Regulator sought to withdraw three submissions in respect of a claim for privilege regarding the granting of RailCorp's application for a variation in respect of the Hunter Rail cars.

The Clerk tabled the correspondence, together with two documents no longer the subject of a claim of privilege.

**RETIREMENT OF JOHN DENTON EVANS, PSM, CLERK OF THE PARLIAMENTS AND CLERK
OF THE LEGISLATIVE COUNCIL**

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [5.50 p.m.]: I move:

1. That this House expresses its appreciation for the distinguished service to the Legislative Council and the State of Mr John Denton Evans, PSM, Clerk of the Parliaments and Clerk of the Legislative Council.
2. That this resolution be communicated to Mr Evans by the President.

Only last week the House farewelled Warren Cahill. Today, with sadness, we say farewell to John Evans. I speak on behalf of all members when I say that John Evans' departure today is a great loss for New South Wales. John has served the Legislative Council since December 1971. During those 35 years—half a lifetime—we have seen immense changes to the upper House and, indeed, Australian society. When John first arrived in Macquarie Street the President of the Legislative Council was one Sir Harry Vincent Budd. I understand from someone who came from that North Coast area that three former Presidents came from the same area, and that three of them are in this room today.

Sir Harry Vincent Budd was a member of the now defunct Country Party. Incidentally, that year he relinquished the editorship of the *Land* newspaper after 40 years. Sir Harry may have expressed concerns over the actions of a young activist, Meredith Bergmann, during that year's Springbok rugby tour. We had a Legislative Council that was still not democratic and members who were not directly elected by the people of New South Wales. Locked in the dark ages of both a Coalition Government in Canberra and Macquarie Street, we still had another seven years before the landmark Wran reforms.

It was that world that John Evans entered as a young officer of the Legislative Council. As I said, in 35 years the upper House has seen some immense changes. In addition to the democratisation of the upper House, during that time we have seen the emergence of the committee system and its growth, for better or worse some might say. Throughout his years, John has displayed the utmost professionalism in carrying out his various roles. I know that his advice is trusted by each and every member of this House when it is sought. From taking up the position of Clerk of Printed Papers—I am not sure such a position still exists—John worked his way up through the Legislative Council from Usher of the Black Rod, to Clerk Assistant, Deputy Clerk and, finally, in 1989, to Clerk of the Parliaments and the Legislative Council. No-one would deny that without John the House would not have run as smoothly nor as effectively. John is a solid rock upon which the modern functions of the upper House have grown and flourished.

John also carries around with him a vast amount of what we call corporate knowledge, which can only come after a long and distinguished career. This corporate knowledge has been an exceedingly valuable asset to the public service and to the people of New South Wales. It is something that is now lost in the days of multiple career paths and short tenures. His departure is a sad thing. The House will be all the poorer without John. Well used to wooden and hollow posturing in the House, no doubt John will devote more of his time to his passion of wood turning, a hobby I know that he excels in. I extend my personal thanks to both John and Ann from my wife and I. I am proud to have known and worked with him. Best of luck, John, in your new endeavours.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.53 p.m.]: It is with a tinge of sadness that I express our thanks to John Evans for the work and dedication he has shown this Parliament in a career spanning 35 years. Few in this House would not have sought the advice of John Evans in respect of parliamentary procedure, or the rights and responsibilities of members of Parliament. Even fewer in this House would have doubted that advice. We in the Opposition have worked closely with John Evans since 1995, as we sought to continue the development of the operations of this House. Whether it was the creation and evolution of the general purpose standing committees, the previously uncharted waters of the right of this House to demand information and the subsequent legal battles that ensued, changes to question time procedure or the challenge of upholding tradition while meeting the public test of relevance, John Evans has been the strongest defender of the Legislative Council.

It would be fair to say that John actually enjoyed the challenge, enjoyed the battle, when it came to some new idea or means by which we could hold the Government to account. The most recent example is the expansion of the estimates committees. Although it is fair to say that both sides—Government and non-government—can claim a win, it is inevitable that we will eventually see the estimates process evolve into a similar model to that of Senate estimates, taking into consideration our inherent resource constraints. When I first arrived in Parliament in 1996 I remember John Evans telling me proudly about his days in the New South Wales Police Force. He worked at Phillip Street, the Infringement Processing Bureau and later at Bankstown. Few know that John Evans worked very closely with Norm Allen, not because of the notoriety of, shall we say, this colourful identity, but because some of John's work was best described as covert, or so I am told.

Fortunately, a thorough search of some of the top-secret files in police headquarters have come into our possession. In them is a rather interesting photograph of John Evans performing one of those undercover operations to infiltrate a West Indian cartel. It is a photograph I would love to present to you, John, as a reminder of your days in the Legislative Council. Seriously, John, thank you for the integrity and impartial manner with which you have conducted yourself in the role of Clerk of the Parliaments. On behalf of the

Opposition I wish you well in the future. I have no doubt, as you have shown in your active role assisting other developing countries and democracies, that you will continue to serve the people, wherever they may be, for many years to come.

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [5.56 p.m.]: In the 150-year history of responsible Government in this State there have been only nine Clerks of the Parliaments. The second-longest serving is John Denton Evans. Thus, his retirement is a significant event. The Clerk of the Parliaments is the authority on parliamentary procedure in this Chamber, and is the sole adviser to the President of the Legislative Council. The Clerk is also the Chief Executive Officer who manages Parliament House. John Evans has filled these diverse roles admirably. His professionalism is obvious, and we are all well aware of his devotion to his duties. He stands out with his expertise in parliamentary procedure and expertise that is recognised not only by members of this House regardless of their political affiliations, but also internationally.

John's ideas and experience are sought by Parliaments and democracies far removed from Macquarie Street, right around the Pacific and the Asia region. It is a tribute to the man himself and the dedication he has demonstrated in his dealings with us and with the institution of Parliament itself. His store of knowledge is second to none. Indeed, all who have sat in this Chamber have benefited from the skills, professionalism and experience of John Evans. John Evans came to Sydney in 1963 as a 16-year-old country boy from Murwillumbah, as the Leader of the House mentioned. He spent eight years in the police department, during which time he was Assistant Private Secretary to the colourful—I think the Leader of the Opposition used that term—Chief Commissioner, Norm Allen. He subsequently held positions such as the Usher of the Black Rod, Clerk Assistant and Deputy Clerk. Since August 1989 he has been Clerk of the Parliaments and Clerk of the Legislative Council.

When he came into this position I imagine he would not have envisaged that he would preside over a period of transformation of the Legislative Council. Indeed, no former Clerk has presided over such great changes. The role of this Chamber in the days prior to John Evans becoming Clerk had been largely perfunctory. But all that has changed, and John Evans was the Clerk in those turbulent times. Since 1988 the Legislative Council, now elected by the people directly, has changed from what many regard as a mere rubber stamp for the Government to a House of genuine review, undertaking its role to debate and amend much of the Government's legislation. The election of a large crossbench has introduced players to the Legislative Council's deliberations that were absent in the past. The crossbenchers represent diverse elements of this State and, in some ways, the nation. The fact that the transition in the role of the Legislative Council has worked so smoothly is a tribute to the capability and the commitment to parliamentary democracy of John Evans.

Sitting hours have been greatly extended, as have the scope and role of committees. That has put an increased workload on the staff of the Legislative Council and of course on the Clerk. Indeed, when the House adjourns after tiresome and sometimes very long sittings, the Clerk's work is only just beginning. As we wend our way home, the Clerk and his staff have to complete the documentation of the day's deliberations and prepare for the next morning's sitting.

It is fitting to place on record our great respect and appreciation both for the contribution of John Evans to the smooth running of this Parliament and the countless hours of dedicated service he has given to the oldest Parliament in the Commonwealth. John Evans is recognised as an expert in the complex area of parliamentary procedures. I suspect I have the same source of intelligence as the Leader of the House because I too have heard that John has expertise in other areas, including his two great passions, woodwork and calligraphy. I trust that he will have plenty of time in his retirement to concentrate on his hobbies—possibly without the tensions and dramas that have accompanied his illustrious working life in this place. On behalf of the Government, I wish John all the best for his retirement. I convey our best wishes to his family.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [6.00 p.m.]: John, Ann, Damien and Meegan, when I first saw the photograph I am showing, I realised where Max Willis got the idea of the wig! I adopt the very true words of a former great President, Johnno Johnson, who said, during speeches on a motion to celebrate John's 30 years of service to this Parliament, that he had served with two great Clerks, Les Jeckeln and John Evans. I also have served with those two great Clerks.

The term "Clerk", which is used to describe the office of the Clerk of the House, is one of the elements that we inherited from the United Kingdom House of Commons. An equivalent title was in force in the

Legislatures of the Colonies that later became the States in the new Federation. The need for a Clerk, someone who could read and write, was to inform the largely illiterate membership—in other words, us—and stemmed from the need to keep a minute record of decisions and proceedings as well as a need to inform members of what was going on.

The first appointment of an official to attend Parliament in a clerical capacity in the United Kingdom dates from 1315. In 1341 the Commons commenced deliberations apart. In 1363, 23 years before Chaucer's *The Canterbury Tales*, the Commons were sufficiently distinct from the Lords for the King to pay a Chancery Clerk to serve that House permanently. Robert Melton was the first recorded Clerk of the House. He was paid £5 a year for life and held the official title of Under-Clerk of Parliament. Geoffrey Chaucer must have known that at some time in the future our Clerk, John Evans, would arrive at Parliament. *The Clerk's Tale* states:

There was also a Clerk from Oxford

*His horse was a lean as is a rake
And he was not very fat, I affirm
But looked emaciated and moreover abstemious
His short overcoat was very threadbare*

*He spoke not one word more than was needed
And that was said with due formality and respect
And was short and lively, and full of elevated content*

Surely Chaucer must have known of our Clerk when he wrote that!

[Interruption]

I was quoting selectively from *The Canterbury Tales*. There have been other great Clerks over the years. When describing the Parliament, another former great Clerk, Sir Erskine May, wrote in his poem, *Merry May Tune*:

*They come with all the winds that blow
Soft South and Northern bluster
Of every sort of high and low
A very motley muster,*

*Some try to speak who only spout,
To storm, who only stammer,
Some only leave their "h's" out
Some leave out all the grammar*

*But well for them the years that flow
The years that seal and sever
For they may come and they may go
But I go on for ever.*

*I know not for I only know
Whatever men's endeavour
That Members come and Members go
But I go on for ever.*

*A noisy lot, and rather low,
Alas they leave us never
For still they come, if still they go
The great, the wise, the clever,
Oh well for me if the years that flow,
For I go on for ever.*

However, the Clerk does not go on forever. Today it is the final day of service of our Clerk, John Evans, and we will surely miss him. As other honourable members have indicated, he has been the Clerk of the Parliaments and

has faced changing times since 1971. At that time, the Legislative Council President was being removed from a demonstration against the Springbok tour and, as the Hon. Michael Egan commented during a tribute to John's 30 years of service to the Parliament, it was also a time when platform shoes and flared pants were the go. No-one can remember whether John Evans wore platform shoes or flared pants at that time, but what we do remember is his role in steering this Parliament through the establishment of committees and changes that have been undertaken in this Parliament.

I suspect that there would be not one member of this Parliament who does not trust John Evans absolutely. On a daily basis, we consult John Evans for sage-like advice, confident in the knowledge that we will receive the best advice on issues we ask about. John has always been quick to tell members that he will give them the answer the question asks for, but if they do not ask the right questions, they may not get the answers they need, and it is up to members to be diligent. It is rare when people from such different backgrounds and different political persuasions are able to consult one person yet share an absolute trust. I have worked with two such Clerks and I consider myself to be privileged. John, you deserve your retirement. I can certainly say that if you take time away from wood-turning and calligraphy, and you and Ann are travelling through Crookwell, you would be most welcome to call in.

Reverend the Hon. FRED NILE [6.06 p.m.]: On behalf of the Christian Democratic Party, it is my great pleasure to support the motion, as this House pays tribute to John Evans for his service to the Parliament for more than 35 years. John is a true Christian gentleman. To me, he is more than a Clerk. Obviously I came to know him when I was elected to Parliament in 1981, which means that I have known John for 25 years. He is more than a public servant, more than a Clerk—he has been a friend. I thank God for our association over 25 years.

John has upheld the highest standards of professionalism in carrying out his role. As honourable members know, he has served in a number of important roles. John was originally appointed to the Legislative Council staff on 13 December 1971. He was later pointed as Usher of the Black Rod on 22 June 1977, which is the role he had when I first met him. In 1983 he was appointed as the Clerk Assistant. Later in 1986 he was appointed as the Deputy Clerk and finally on 22 August 1989 was appointed as Clerk of the Parliaments and Clerk of the Legislative Council.

He has had to be a guide, leader and interpreter during many of the changes that have taken place over the 25 years I have been a member of this House, especially since 1989 as he has carried out the role of Clerk of the Parliaments. There have been massive changes to the way in which this House operates, especially after it became a democratically elected House. The development of the original Standing Committees and later the General Purpose Standing Committees meant the development of a series of intensive committees that needed to be staffed, organised and sorted out to ensure that they could continue to operate efficiently, not only to have meetings but also to conduct professional inquiries and to produce excellent reports. And John, assisted by members of his staff, has been the shepherd, shall I say, of that entire process. It has been a great pleasure to have known John for those 25 years. I wish him all the best in his retirement with his wife, Ann, and his two children, Damien and Meegan. I will continue to pray for God's richest blessing on you, John, in your retirement, and God's blessing on your family as well.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [6.10 p.m.]: I support the motion and thank John Evans very much. John has always been extremely helpful to me and to my predecessor, Elisabeth Kirkby. John has been a tireless champion of the strength of Parliament, the use of parliamentary committees and processes to bring democracy to New South Wales and to stand up to the somewhat arbitrary demands of the Executive. John has played an important part in that process and he has acted in a humane, sensible and humble fashion. He has been a friend to us all. Thank you, John.

The Hon. PETER BREEN [6.10 p.m.]: I also support the motion. The Clerk of the Parliaments, John Evans, has served this House for more than 30 years. It is a fine innings on a sticky wicket. I cannot imagine how he has balanced the competing interests and demands of so many political egos over such a long time, but balance them he has. I cannot recall one word of criticism of John Evans in my term in this House. John Evans has the remarkable ability to convince people that his ideas are their own. He has a gift for subtle persuasion. Perhaps I have had more to do with John Evans than most members because of the ICAC investigation into my use of parliamentary resources and allowances.

Honourable members would recall that the late John Marsden and I stood toe to toe with the ICAC and argued with it over every allegation. What is not so well known is that John Evans was the sounding board for

all the arguments before they were presented to ICAC. His role in the investigation was to protect the interests of Parliament, but I discovered early in the proceedings that any argument that could not persuade John Evans should be abandoned. Whenever I have had a difficult decision to make as a member of this House, I have always consulted John Evans. I recall approaching him earlier this year about whether I should join the Labor Party. It so happened to be lunchtime and he suggested we take a walk to a produce market in Cook and Phillip Park to discuss the idea.

We looked at tomatoes, cheese, fruit and so on. Whenever I asked John what he thought about the idea of me joining the Labor Party, he pointed to the quality of the produce. Back in my office I realised that John Evans had studiously avoided every question I asked him about my joining the Labor Party. Some precedents he promised to send me about other members changing parties never turned up. Against all the rules I had learned in the ICAC inquiry I went ahead and joined the Labor Party. It was a mistake in hindsight to act precipitously without first hearing the words of the oracle.

Apart from John's gift for subtle persuasion, he is one of the most courteous and attentive people I have had the pleasure to meet. Nothing is too much trouble for him, even in the face of the most appalling distractions. I extend to John Evans my personal thanks for his guidance and advice. It has been a privilege to work with you, John, and I endorse the remarks of other members in wishing you all the best in the future.

Mr IAN COHEN [6.13 p.m.]: On behalf of the Greens I offer my congratulations on the services that John Evans has rendered to this Parliament. The way that you have represented members within the House and at a personal level is really quite remarkable. You have been able to deal with such unwieldy egos and great differences in all aspects of your work both within and outside Parliament with a degree of decorum that is impeccable. I have a degree of sadness in that your retirement is a significant loss of corporate knowledge, something that I personally appreciate. I know that you have been quintessentially and absolutely open in giving your time and energy to me and other Greens members of the House, as you have to every other member.

When I walk into your office, whether having been summoned or seeking advice, I always have the feeling that there is an air of order and grandeur in your suite in Parliament House—everything is in significant order, well laid out. That is quite the opposite of the environs that I tend to create. I appreciate that you always give a warm and friendly "G'day Ian, how are you?", regardless of any questions that I may ask. At only one time I attempted, in a rather feeble way, to challenge your decision, and that was the first time we met. You were giving a briefing to new members of Parliament, post-March 1995. You informed all who were gathered, most pointedly at me, that the House required we wear a jacket and tie. At that point I challenged you and said, "Well, I don't think it is actually a rule, it is —"

Reverend the Hon. Fred Nile: It is a convention.

Mr IAN COHEN: Yes, "a convention", and I thank Reverend the Hon. Fred Nile for that assistance. You gently, responsibly and reasonably were assertive to the point when I said, "Well, I will just have to wear a dress." That was the end of the matter. And you were truly magnanimous in that small loss, despite that early clash of culture. You have treated me as you have treated every other member, which I greatly appreciate. On behalf of the Greens I know I share the same sentiments of Ms Lee Rhiannon and Ms Sylvia Hale in wishing you the best in retirement. We thank you very much from the bottom of our hearts for the work you have done over the years since we came to Parliament.

The Hon. Dr PETER WONG [6.17 p.m.]: As someone who arrived here almost eight years ago with no party structure to support me, no understanding of parliamentary procedure and absolutely no idea of what legislation was all about, I consulted John Evans frequently, especially during my early days. He has rescued me from many sins. John Evans introduced me to the beauty of calligraphy, and I mean Chinese calligraphy. Thank you, John Evans. Have a happy retirement. I am sure we will meet again at the next Chinese calligraphy exhibition.

The Hon. ROBERT BROWN [6.18 p.m.]: I am one of newer members of the House. I came to this place with a great deal of trepidation. I support the motion. John, on my behalf, and on behalf of my predecessor, thanks very much.

The Hon. AMANDA FAZIO [6.18 p.m.]: I support the motion. The Hon. Rick Colless and I first encountered John Evans when we came in for our one-day induction program as new members who were sworn in on casual vacancies on the same day. The advice I received and the information I was given on the one day

has held me in good stead in my time here. Since that day, whenever I have sought advice from the Clerk, he has been forthcoming with appropriate advice.

It is a sad day that John Evans is leaving, not just because we are losing the Clerk but because we are losing someone who represents something that we are losing generally in the community—that is, professional public servants who serve no matter who their masters are, of whatever political persuasion, in a fair, impartial and very professional way. We are losing those public servants from the Commonwealth public service and, to a certain extent, from the State public service. I wish John and his family all the best in his retirement. I hope that his retirement is a very long, happy and healthy one.

The PRESIDENT: John was born in Murwillumbah on 18 May 1947, the eldest child of Jess and Reg Evans. John has four sisters—Ellen, Ruth, Beth and Anne. John lived in Murwillumbah where his father was in the Ambulance Service and later was a cabinetmaker. John was five when the family moved to the nearby locality of Doon Doon, where his father commenced a banana plantation. John's primary schooling was at Doon Doon Public School, which was a one-teacher school with about 30 pupils. At the age of 12, and as there was no bus transport to attend high school in Murwillumbah, John went to the boys boarding hostel in Lismore where he attended Lismore High School.

During his high school days John was an accomplished hockey, cricket and tennis player and also enjoyed weekend soccer and cycling. He was also a member of the school cadet unit, achieving the rank of lance corporal. John also regularly attended Lismore Baptist Church. John completed the Intermediate Certificate at Lismore High School in 1962 and was dux of the school in woodwork, metalwork and technical drawing. In April 1963 John left school to join the public service in Sydney where he was employed in the police department. When he first moved to Sydney, John lived with his aunt and uncle, Joy and Peter Wilkinson at Frenchs Forest, before moving to live in Lewisham, New South Wales, at Petersham Baptist Church Boys Hostel. During his time at Petersham hostel, John was a regular worshipper at the Baptist Church, where he also became a deacon and Sunday schoolteacher.

It was while living at the hostel that John met Ann, through one of the fellow boarders who worked with Ann at the then Companies Office. During his early years in the police department, John worked at the head office in Phillip Street in Sydney and afterwards at the traffic infringement section in Redfern. It was while working here that John undertook studies in typing and shorthand to further his career. In 1969 John moved to board with a family in Bankstown while working as an inspector's clerk at the local police station. After training as an organisation and methods analyst with the Public Service Board, John was employed as a systems analyst in the administration and management research branch of the police department.

John commenced studies in 1970 for the Public Administration Certificate at Sydney Technical College and graduated in 1974. In December 1971 John resigned from the police department to commence employment with the Legislative Council as the office junior in the grandly titled position Clerk of Printed Papers. From there, with considerable talent but also a degree of luck as his senior officers either retired or, in one case, died in office, John rose through the ranks. He was appointed to the position of Usher of the Black Rod in August 1977, the youngest ever appointed to the position. He also held the positions of Clerk Assistant and later Deputy Clerk and was appointed Clerk of the Parliaments and Clerk of the Legislative Council in May 1989.

During his time here John has served under five Presidents—Sir Harry Budd, Johnno Johnson, Max Willis, Virginia Chadwick and me. All the former Presiding Officers, except for Harry Budd, are in the President's gallery as is a former Leader of the House, Ted Pickering. I extend a welcome to them all. Both as an officer and as the Clerk, John has achieved and been involved in some remarkable milestones in the history of this noble House. In 1977 he clerked the select committee on the bill to reform the Legislative Council, and organised and clerked the Free Conference of Managers held in 1978 under the deadlock provisions of the Constitution Act. He oversaw the establishment of the Council's committee system in 1988, and has been active in the ongoing development of the committee process, which has seen the growth of a strong estimates process and the advent of general purpose standing committees.

John is a staunch supporter of this House's powers and privileges, and its role in superintending the Executive Government. He was a key adviser to the then President when the power of this House to order the production of documents was challenged by the executive, resulting in legal battles in both the Supreme Court and the High Court of Australia. As we all know, the Council triumphed on both occasions. The past 10 years have seen far-reaching changes to the way in which the Council does its business, and this has resulted in a significant increase in the workload and complexity of the role of Clerk of the Parliaments.

Throughout this period John has provided strong leadership and professional management to a highly skilled and competent staff, achieving the first major revision of the standing orders in over 100 years, and the drafting of a major work on upper House practice in New South Wales, due for publication in 2007, which draws together in one scholarly volume the history and procedures of the Council since its inception as an appointed Council in 1824. In addition to his services as Clerk of the Parliaments, we are all aware of John's outstanding skills in the fields of calligraphy and woodworking. Many of us here have benefited from his expertise in these areas, not least the office of President, where John's ability to craft magnificent inscriptions in the official Visitors Book has been truly appreciated. Such is his skill in calligraphy he has been called upon on numerous occasions to write inscriptions on behalf of Her Excellency the Governor.

John has a Bachelor of Legal Studies from Macquarie University. In 2002 John was awarded the Public Service Medal in the Australian honours system for services to the Parliament of New South Wales. John is an extraordinarily knowledgeable Clerk. His professionalism and commitment to the institution of Parliament and to the Council in particular are acknowledged by his colleagues, both here and throughout the Commonwealth. He will be remembered well by all who have worked with him and his presence will be sadly missed by members and staff alike. I wish John and his wife Ann, who is here in my gallery with their daughter Meegan, all the very best in the coming years. I am told that his son Damien is in the air on his way back to Australia. Enjoy your retirement John. You deserve it.

Members and officers stood in acclamation.

Motion agreed to.

SPECIAL ADJOURNMENT

Seasonal Felicitations and Valedictory Speeches

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [6.28 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday 27 February 2007 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Chair of Committees, prior to that date by communication addressed to each member of the House fixes an alternative day or hour of the meeting.

On behalf of my ministerial and government colleagues I take this opportunity to offer my thanks to everyone in the Parliament who has contributed to the successful operation of the House throughout the year. I thank you, Madam President, as you have allowed this Chamber to undertake its important work and to debate the day-to-day issues before us. You have maintained order and dignity in the Chamber and have kept the House focused on its proper business. I thank you and your staff. Madam President, as I know you are retiring at the coming election I congratulate you on your distinguished contribution to the New South Wales Parliament. You have served 15 years as a member of the Legislative Council of New South Wales, the last seven as its President, the first woman President from the nation's oldest political party and the longest-serving woman President of this place. Prior to that you distinguished yourself in committee work, with a thorough knowledge of the House and its procedures that marks your most competent role as President. You have been, and remain, a distinguished academic and a public intellectual. Of course, as was referred to in previous contributions, you were also a student activist of some notoriety.

Madam President, you entered State Parliament as a well-known activist not only in the Australian Labor Party and the trade union movement but also in the broader community. You were part of what we called the "progressive movement" during simpler times. Your strong stand on many controversial issues in which you believed and for which you were an outspoken and intelligent advocate is known and respected, even by those who have opposed some of the positions you have taken. None were more marked than your well-known stands on East Timor, apartheid, the Vietnam War, your general activism against all war, your commitment to the cause of peace and your campaign for justice in both the Australian and global contexts.

You are of course a staunch feminist, and exquisitely feminine. You are a supporter of many, many important causes that have stood you and your reputation as both a radical thinker and a radical political activist in good stead. I congratulate you on being a person who has managed to uphold the dignity of a very important traditional institution as President of the Legislative Council but who has not once comprised her beliefs or her principles throughout what I believe has been a very successful parliamentary career.

I acknowledge the presence in the public gallery of the Parliamentary Counsel, Don Colagiuri, and his staff. Their work is very much evident in all we do. The Office of the Parliamentary Counsel always produces bills in a timely and patient manner. In the past couple of weeks the efficiency, hard work and good humour of the Parliamentary Counsel has been very much appreciated, as I am sure it is also appreciated by the Opposition and other members who have produced amendments to legislation. I extend my gratitude and that of all honourable members to the attendants in the House for the excellent service they provide. They are, without exception, a pleasant and courteous group. I thank the Hansard staff, who work long hours to record our words accurately and promptly and who must make sense of perhaps ungrammatical and unsyntactical statements. They always make us sound far more eloquent and informed than perhaps we are.

I thank the staff of the Legislative Council Procedure Office and Corporate Support, and the Legislative Council committee staff. I acknowledge the work of the Parliamentary Library staff, who render an essential and excellent service to all honourable members. The resource they manage is one of the most important tools for all of us, especially those who are not members of the Government. I acknowledge the work of the Parliamentary Archives, the staff of Building Services, Information Technology Services, the Parliamentary Dining Room, Printing Services, and the Security Services, and the cleaners and outdoor staff. They all make an important contribution to the proper working of this place. I again thank the Clerk of the Parliaments, John Evans, and the Clerks and their staff, and the table officers, including Legislative Council Procedure Office and committee staff.

I would also like to thank the Whips, particularly the Government Whips, the Hon. Peter Primrose and his deputy, the Hon. Ian West. As we know, Peter does a superb job. He obviously offers wise and important counsel to the Government and to Government members in this place. Through his dedicated service and wise counsel, Peter, like John Evans and other distinguished people we have mentioned today—although Peter is not retiring—has made a great contribution to this place. I also thank my friend and colleague the Hon. Tony Kelly and my great friend the Hon. Michael Costa, Deputy Leader of the Government. I thank my other ministerial colleagues, who have worked hard. We have tried to make ourselves as accountable as possible to this place, sometimes under difficult circumstances—talk about sticky wickets!

I thank all Government members for their loyalty and their hard work during what has been, on occasions, a very difficult year. To the members who are retiring at the end of this term, I wish them all the best and thank them for their contribution to the work of the House. I particularly extend my best wishes to my colleague the Hon. Jan Burnswoods, who is retiring after 15 years in this Chamber. Before entering Parliament Jan was an active trade unionist and a very involved and committed member of the Australian Labor Party at local branch, State administrative and national levels. Her invaluable contribution and experience in committee work in this place—she is a stickler for detail yet can always grasp the big picture—will be greatly missed, particularly by members of the Government. I have appreciated her keen interest in a wide range of social justice issues, particularly industrial relations. Jan has been keenly involved in three tiers of politics: local level, State administrative level and here with us at the parliamentary level. Jan is a person of strong opinions—in case no-one has noticed—and a great deal of determination. Her advocacy on behalf of the vulnerable and less fortunate in this community can never be doubted.

Turning to the other side of the Chamber, I extend my best wishes to the Hon. John Ryan, a political opponent who has been my shadow for a considerable part of my time as a Minister. He is loyal to his party and totally committed to his work, especially the issues involved in his shadow portfolio. He has done a fantastic job in this Chamber. On the crossbenches, I note that the terms of the Hon. Dr Peter Wong, the Hon. Jon Jenkins, the Hon. Peter Breen, the Hon. David Oldfield and the Hon. Arthur Chesterfield-Evans are expiring. As honourable members will be aware, the Hon. David Oldfield, who is retiring, has established a name for himself on the television show *Celebrity Survivor*. While it cannot be said that he is being voted off the island, he will be leaving this place, and I wish him all the best. I wish the Hon. Jon Jenkins well in his retirement and regret that in recent times he has been dogged by ill health. Jon has earnestly represented the views of his supporters.

Of course, a number of us are seeking re-election—or perhaps still deciding whether to do so. I shall not be so presumptuous as to farewell the Hon. Dr Arthur Chesterfield-Evans. I simply note that I think he has a very tough job ahead of him—and he knows it. I have been here for eight years and it would be difficult to imagine this place without him. So I simply wish you good luck, Arthur, no matter what happens. While we trust that the electors will return us to this Chamber, I take this opportunity to wish all members the best in 2007, regardless of the outcome of the March poll. Despite many divergent views, occasional cynicism and the great and diverse passions that conflict across the Chamber, it is important that we, as holders of public office and

regardless of our political persuasions, put our positions as earnestly and as honestly as we can. We must be proud of our debates and the contributions we make and work hard to represent the people who elect us.

Despite occasional cynicism on the part of some, I believe there is not a person in this Chamber who does not do his or her best every day. There is often great passion and conviction behind what we do, as well as a lot of hard work. Many people outside the Chamber do not get to see that. As Leader of the Government, I acknowledge that fact. It is especially true of my Government colleagues and crossbench members, and even the Opposition. Everybody in this place works hard and is dedicated to his or her view as to what should happen in the interests of the welfare of the people of New South Wales and Australia. Whilst I often do not agree with my opponents, I acknowledge their sincerity and dedication. I wish all members the best for 2007.

When I was speaking to the motion about John Evans I neglected to mention that the former Leader of the Government in this place, Michael Egan, had a commitment tonight that he could not break. He very much wanted to be here to farewell the members who are retiring and John Evans. I place on record the fact that Mike wanted to be here. On behalf of the Government, I wish all members of the House, their families and their staff a safe and happy Christmas, and all the best for the holiday season and 2007.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [6.38 p.m.]: As Leader of the House, I, too, place on record my thanks to all members—Government, Opposition and crossbench—and particularly all staff. Even at 3.00 a.m., when tempers can fray, we try to work together to ensure the smooth functioning of the House. We forget that, while we are doing our business and making tactical moves for various reasons, the staff of the Parliament bear the brunt of our actions. They work long hours. As the Leader of the Government said earlier, when we leave, the staff continue to work for several hours, producing *Hansard*, tidying the papers and preparing for the next sitting day. I particularly want to thank the Clerks, the attendants, the Legislative Council office staff and the staff of the library, dining room and the other services, all of whom do an enormously great job for us.

To members who are retiring I wish to make a couple of comments. Firstly, Meredith Burgmann I thank you for your support. When you became President I became Chairman of Committees. I was your deputy for a number of years, and we enjoyed a great relationship until I became a Minister. I thank you for those times. Reference was made by the Leader of the Government to Michael Egan. I recall Michael saying that there were four doctors in the House—Dr Peter Wong, Dr Arthur Chesterfield-Evans, Dr Brian Pezzutti and Dr Meredith Burgmann—and that if ever he got sick, he would go to Dr Meredith Burgmann. I am not sure whether that was meant as a compliment to you or as an insult to the others. I will miss you, Meredith, you have done an excellent job in this House. As usual, you will probably get the last word when we adjourn tonight, and as your last comments in our caucus were a vicious attack on the Right, I expect your last words in this Chamber to be in the same vein.

The Hon. Jan Burnswoods has always kept her eye very much on the operations of the House. She always provided most helpful tactical advice to me and others, like Peter Primrose, to keep the Opposition at bay. On quite a number of occasions she was able to reel off a speech whenever we wanted to delay matters. Jan knows exactly what I am talking about, and for that I thank her. We will all miss her, and will have to train someone else to do the things she used to do in that regard.

John Ryan is a very dedicated member of the House and is very committed to his ideals. He too will be missed. I wish him the best for the future. I wish Jon Jenkins the best for the future also and I hope that his health improves. I thank him for his support for quite a number of issues. Dr Peter Wong: what can I say about him? When he asked questions of me as a Minister he often spoke very fast. I used to think: I can't understand what he just asked me. Peter then got into the habit of giving me his question on paper so that I could understand him. Unfortunately I found his handwriting to be that of the typical doctor, and I could not read it! Lastly, David Oldfield has obviously been a very astute member of this House, knowing what to say and when to say it, and knowing when and how to vote. Is David not in the Chamber?

The Hon. Michael Gallacher: He is behind you, sitting with the Greens!

The Hon. TONY KELLY: He is sitting with the Greens, taking the last opportunity. I see he is now not sitting with the Greens! A last minute jump to the other side! I thank David very much for his support over the years and wish him the best of luck for the future. I wish all members the very best in the upcoming elections. Obviously I hope that the forces against us do not do any better than we do. I want to see all members

who want to come back, in fact come back, but to those who contest the election and do not get elected, I wish you all the best and I hope to see you again in the future.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [6.43 p.m.]: As the parliamentary year and the term of the Fifty-third Parliament draws to a close I take this opportunity to place on record my thanks to all those who have assisted in the conduct of both this House and the parliamentary precinct, giving us as legislators the means to perform our role. Firstly, I thank the Deputy Leader of the Opposition in this House, Duncan Gay, for his continued support, advice and friendship over the years, and this year has been no exception. I thank my colleagues in the Liberal Party and The Nationals for their hard work and commitment. An election year is always particularly draining on all members and those around them, and I ask them to convey my thanks and well wishes to their families and loved ones for the support and encouragement provided by them over the past year.

I thank our parliamentary staff for their blood, sweat and tears, given without question over the past 12 months. I personally thank my own staff, Suzanne Fosbery and Clint McGilvray, for everything they have done this year, together with Froydis Twist, who recently left my office to return to the United Kingdom to complete her studies. I thank the Hon. John Ryan, the Deputy Leader of the Liberal Party in this House, for the work he has performed as a member of this House representing our great party. I highlight the work he has done over the years, advocating on behalf of those who are disenfranchised from the parliamentary system and those, who through disability, have often fallen between the cracks.

Whether it has been members of the Building Action Review Group, people from the Disability sector or the homeless, just to name a few, John Ryan pursued their issues with a personal commitment and enthusiasm rarely seen in any Parliament, and that is why so many members of our community owe such a strong vote of thanks for the time John has unselfishly given. I take this opportunity to wish him well for the future. I have no doubt that although John will not be pursuing the issues of the vulnerable and defenceless within these four walls, he will not be far away from the development of good policy, as I believe he will continue to play a strong role serving the public.

From a personal perspective I will forever remember the day we elected Virginia Chadwick as President. It was an absolutely fantastic day and I continue to be suspiciously thankful of Peter Primrose, who conveniently missed that vote. Madam President, I wish you well for the future. I have got to be honest: there was some initial consternation when you took on the role of President, given the circumstances surrounding the staffing agreement reached with the crossbench that secured your election. Although there have been times since when this side of the Chamber has been left bemused by some of your rulings, I feel you have performed a fair job in presiding over the House, and for that I thank you.

This election sees some of the unique characters for which this House has become renowned leaving the red benches. Others will recontest the election. David Oldfield, our very own survivor: You were ripped off mate; you should have won! I have no doubt that he will not drop off the radar, and I wait to see the next instalment of his remarkable career. Who will ever forget the wrath of Peter Wong when the Premier announced his attack on monosodium glutamate? Whenever Peter spoke passionately about an issue he would speak so fast that sometimes it was difficult to keep track of what he was saying. I vividly remember one such debate when Peter Wong was berating the Government. Peter had been speaking for about five minutes, and Michael Egan and I looked at one another, both of us realising that he was speaking to the wrong bill. Peter, of course, was the first to laugh at his mistake; that is the mark of the man. He will be sorely missed.

I will long remember Arthur Chesterfield Evans for many things, particularly his unending supply of yellow shirts, which have become the foundation of his wardrobe over the past six months. He tells us he has a few of them. Arthur is best described as a zealot on the issues of parliamentary accountability and transparency, and we rarely saw eye to eye on other policy issues, particularly law and order, the economy and the role of Government. Who will ever forget ACE's heartfelt and emotional contribution following the tragic death of Keith Enderbury, which fortunately or unfortunately was not reported in *Hansard*. Despite the confusion, his short contribution gave us all an insight into the character of Arthur. He is a decent bloke, and I wish him all the very best for the future.

Peter Breen: So many parties, so little time! I thank him for his contribution. I will not repeat the comments I made to Fred Nile when he stood for the Senate. Needless to say, I wish him and Elaine all the best for the future. I also offer best wishes to Jon Jenkins. I thank the Clerks and attendants so much for their support, patience and advice over the past 12 months. To the long-suffering *Hansard* staff, who continue to

make silk purses from sows ears, best wishes to them and their families over the festive season. To the remaining parliamentary staff—we on this side recognise it has been a tough year for many of them—I say: Enjoy the break, and I hope that 2007 will be a better one with Santa fulfilling all your Christmas wishes.

To the Leader of the Government, the Leader of the House and all members opposite, I wish you all an enjoyable Christmas and New Year with your families and friends. We look forward to the contest of ideas, belief and future direction that 2007 represents.

The Hon. JOHN HATZISTERGOS (Minister for Health) [6.49 p.m.]: I echo the remarks of other members in relation to the staff of the Parliament—John Evans and his staff, the Hansard staff, the Library staff and all others who have helped us over the course of this term. I will be relatively brief as I have another function to attend and will not be in the Chamber to hear many of the speeches that will follow.

I want to take this opportunity particularly to extend my thanks and appreciation to all those members who will not be with us after the next election, commencing with you, Madam President. A lot has been said, and a lot will be said, about your career. I am sure there is a book, which will no doubt come out at some point in time, that will inform us all the better of the time that you have been here and of course of your activism outside. But can I take this opportunity to thank you for your input to this place while I have been here.

I think, as the Hon. Michael Gallacher indicated, a number of members were somewhat circumspect about how you would handle the position. I said to you the other day that I did not know how you would handle going to the funerals of persons that you had previously protested about, and you informed me that there was only one of those. In any event, you have handled the job with remarkable dignity. I think all honourable members would wish you well in the career that lies ahead.

Regarding the Hon. Jan Burnswoods, I want to say that although Jan has had her critics from within here, I have had the opportunity of serving with her on a number of parliamentary committees. Jan never became a Minister; I am not sure that she ever really aspired to that. But she has certainly spent a lot of time on a lot of different committees. I think it is appropriate to note that a number of members make their mark in this Parliament by their contribution in committee work. Sometimes that effort is not given the acknowledgment it deserves, simply because a committee room is not regarded as aspirational as a ministerial office.

Jan has served on countless committees—I could go on and on about them—making recommendations that ultimately have been reflected in legislation. Her legacy to this place will be that work. There are reports of so many more to come. I know she was passionately following the inquiry into the Inebriates Act. Appropriate legislation will be introduced shortly, after Cabinet has considered it. Hopefully, she can put her mark on the future as far as those developments are concerned. In the dental inquiry she and her committee colleagues handed down recommendations, which she has passionately pursued in advocacy with me and my office.

Jan has been involved with a large number of other committees—estimates committees and so on. Frankly, her contribution to committee work has not had the acknowledgment that it probably deserves. I certainly think this place is the better for her being here. I extend to Jan my appreciation and my thanks, having served on some of those committees to which she has had input. I wish her all the best for the future.

John Ryan is leaving us. As the Leader of the Opposition said, John has been a passionate advocate for the underprivileged and the vulnerable. In many ways, he has been an unconventional member of the Liberal Party given his advocacy in those areas. Two people in the Liberal Party have, I think, moved the Liberal Party considerably in terms of its approach to policy issues. The Hon. James Samios was certainly one. In his time here, the Hon. James Samios made an impact on the Liberal Party in terms of ensuring that it addressed multiculturalism and issues of concerns for persons from diverse backgrounds. He certainly made a big impact in that regard. John Ryan is the other. His presence in Parliament has certainly had its impact in ensuring that the Liberal Party is a little more broad-church in its approach to those very important social issues that we on this side of the House take as part of our core business but which members of the Liberal Party and the Opposition did not, until John's presence, consider in the way they do now.

There are a number of things I could say about a number of members of the crossbench, but first I want to say something to the Hon. Peter Breen. In your book, which attracted so much controversy, you at least had the decency to remark about me that I was hardline but competent. Having said that after you were refused access to a prison I think showed tremendous grace. I do thank you for your insight and for your contribution in

this House. I have always found you fairly reasonable, although I have not always agreed with you. In fact, very often I have not agreed with you.

The Hon. Peter Breen: Mostly you haven't.

The Hon. JOHN HATZISTERGOS: Most of the time I haven't. I wear that as a bit of a badge of honour. Nevertheless, I do acknowledge that there are alternative points of view to mine. Yes, there are! But not very often. My advocacy is often sharpened because of people such as yourself advocating the alternative perspective, particularly in those areas—which, unfortunately, I will never agree with you on—that nevertheless represent some views in our community, in relation particularly justice.

I wish David Oldfield, Arthur Chesterfield-Evans and Peter Wong all the best. In consideration of legislation affecting the portfolios that I have had the privilege of administering, you have all approached issues with an open mind. I sincerely thank you for doing so and for allowing us to persuade you in many cases of the benefits of what we have been advocating, and to have your views incorporated in amendments, ultimately benefiting legislation under consideration.

In the short time that John Jenkins he has been here he has been a passionate advocate for his constituency. I wish him and all the other members of the crossbench all the best for the future. For those other members who at this stage are undecided about whether they will run for re-election, or who are expecting to run but may not be here, I wish you all the best for the future.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [6.55 p.m.]: As I will be back, I will be very brief because there are those who will not be back and deserve their chance to speak tonight. I indicate that I support the comments of all previous speakers, particularly those made about departing members. I single out for comment John Ryan, who is such a decent bloke that we sometimes underestimate the decency and sincerity of the service he has given to the Liberal Party over a long time, commencing with his time working for the Hon. Ted Pickering, who is present in the gallery.

I pay tribute to my own staff and to the great members of the National Party. We are a fabulous, but small, team. Everyone envies us; everyone wants to be part of our team. A couple of our members are retiring this time, but we will be back, and there will be more of us. We are going to liven up the next Parliament. We are going to keep this place hopping.

I pay tribute to the staff of the Parliament, who have worked so diligently this year. I have got to say this has been a really tough year. The cuts to the resources of this Parliament have created a mess—not the least of which has been in Food and Beverages—that has affected not just every member of this Parliament. The Hansard and Library staffs have had to endure the mess also, but throughout they have been terrific and have worked their way through it. Let us hope that next year things are at least better in that particular aspect.

I wish everyone all the best, and a happy Christmas. Please be careful during the holiday period, and we will see those of you who are coming back in the New Year.

Reverend the Hon. FRED NILE [6.57 p.m.]: I too will be brief. On behalf of the Christian Democratic Party and Reverend the Hon. Dr Gordon Moyes, who cannot be with us at the moment, I support the remarks of the Leader of the Government and those of others who have shared their thoughts in supporting the motion. I would like in particular to thank the President, Meredith Burgmann, who will be leaving us, for her role here in the Parliament.

I have probably had more differences than others with the President on policies and various issues, but I acknowledge her zeal and the sincerity and consistency of her beliefs—for which she was at one time arrested. I am probably the only member of the House who has given notice of a censure motion against the President for her enthusiastic support for Cuba and North Korea. Madam President, I remember my days at Macquarie University in the 1980s attending your MA in Politics class, in which I learnt some strategies from you. I hope I have been able to apply those successfully. And I mean your socialist policies, not your feminist policies! I will continue to pray for you in your retirement. I have been pleased to have been able to support you as Deputy-President on a number of occasions when you needed that assistance. I was pleased to be able to do that as friends, perhaps, in this place. I appreciated that.

I thank all members of the staff of the Parliament for their help and co-operation. I say farewell to Peter Wong, Jon Jenkins, David Oldfield and Peter Breen. I have had good relations with, and co-operation from,

most of them. I have had a lot of differences with Peter Breen on various matters, and those differences will probably continue. But he has always been someone with whom you could have a friendly and respectful relationship while holding strong and differing views. I have sat on a number of committees with Jan Burnswoods. We may differ in ideology, but she has always been someone with whom you could work and co-operate. As other honourable members said, she was always a very hard worker who did her job consistently on all committees. It is a pity that John Ryan is not continuing in the House with his skills and abilities, but that is one of the things that happens in major parties. Thankfully, I have not experienced that in our party—and I hope I will not. Perhaps smaller is better. I respect him for his Christian beliefs and his consistency. I will conclude with a Christian greeting as we move closer to Christmas. It is a favourite of mine, Isaiah 9:6, which was written 700 years before Christ was born:

For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace.

I pray for God's richest blessing on everyone as they celebrate Christmas with their families. God bless you all.

The Hon. JOHN RYAN [7.01 p.m.] (Valedictory Speech): All good things come to an end. If I get a bit teary, I want to make it absolutely clear that it is not because I am disappointed about the decision last Saturday. Frankly, I am the sort of person who cries at supermarket openings. This will be a sentimental occasion. This House has been the focus of my working life for nearly 20 years, from 1988, when I joined the staff of the Hon. Ted Pickering, the then Minister for Police, who, to my enormous pleasure, is here this evening—thank you very much for the time I had working for you, Ted. Recently I was involuntarily retired in a well-publicised Liberal Party preselection. Obviously, I was hoping to continue to serve into the future, but it was not to be. Perhaps I should point out that one of the reasons I went to work in the office of the Hon. Ted Pickering and eventually came to be elected to this House was that I was defeated by the Hon. Peter Primrose by just 32 votes in a contest for the electorate of Camden in 1988.

I believe that I have faithfully represented the high principles of liberalism in the time that I have served in this House. Those principles involve many things, such as the primacy of the individual, legislating in a fashion that fosters creativity, risk taking in industry, building a strong economy and respecting the contestability of ideas. Just as humans are both glorious and imperfect, all political ideologies, and even parties, have strengths and imperfections. The Left has the strength of seeking to build a decent society, and it sifts and refines everything we have in the present with the aim of correcting injustice and striving for all to obtain an equitable share. They are worthy aims, but they have a tendency to fixate on what we have now. The Liberal Party's constituency is the risk takers. Society's risk takers are those who can appreciate what we have now, but who look into the distance for something greater, something stronger, something more fulfilling. But they also recognise that that accomplishment necessarily involves a sacrifice, and sometimes involves tearing down what we have to rebuild.

Driving liberalism is the wonderment in what humans are and what they can achieve in all of their adversity. For me, this wonder derives from my belief that we have been created by an almighty, intelligent God, expressed in ancient times in the primal cry of the psalmist, who said, "I am fearfully and wonderfully made." It was rediscovered, captured and celebrated in the art of the Renaissance—captured visually, in its male form at least, in art works such as Michelangelo's *David* and celebrated by Shakespeare in works such as *Hamlet*:

What a piece of work is man! How noble in reason! How infinite in faculties! In form and moving, how express and how admirable! In action how like an angel! In apprehension how like a god! The beauty of the world! The paragon of animals!

Those lofty ideals have motivated my image of liberalism. In current times the debate, if it can be dignified with the word "debate", within the New South Wales Liberal Party has been about liberalism and conservatism. I am concerned that some are so fixated with being one or the other that they are missing the point. The point is that our party was designed to be a broad church. As Sir Robert Menzies said, "We took the name Liberal because we are determined to be a progressive party, willing to make experiments, in no sense reactionary." That was the very reason I supported something as controversial as the trial of injecting rooms during the Drug Summit. It was a worthy experiment. It was designed by good people as a means of saving lives. Of course, there were legitimate concerns that it would lead some astray, and I respect the concerns of those people. But the facts are that the injecting room saved lives, it cleaned up Kings Cross and it did no harm. I was glad that I was able to confront my prejudices, my fears and concerns, and vote according to my conscience.

Today is not a day to lecture anyone, but those in the Liberal Party who have embarked on trying to make our party a monoculture of conservatism run the very real risk that they will deprive our party of its

energy and separate it from its history and exciting philosophical essence that I outlined and tried to describe earlier. My term here has been an amazing journey by any estimation. As I told my preselection panel the other day, albeit unsuccessfully, I came from a very disadvantaged background. I was a client of the Department of Community Services at age 11, and I lived in an Anglican boys' home from the age of 15. It is an enormous miracle how I came to complete high school, become the only person in my family to attend university, then become a schoolteacher and, finally, elected to Parliament. I should point out that when I was a schoolteacher, one of my students was the Hon. Cherie Burton, now Minister for Housing. Obviously I failed—at least in her political education!

It has been an eventful 16 years, and none for me can top the almost constant drama of the forty-ninth Parliament between 1991 and 1995, the one term when I got to experience sitting on the Treasury benches. The Greiner Government won the 1991 election, for those of you who are a little younger, but, as a result of a decision by the Court of Disputed Returns, it became dependant upon the votes of three Independents in another place. I can remember the resignation of the Premier, Nick Greiner, as if it were yesterday. Our party was beset by a series of spectacular scandals that hardly need recounting here. We won the Olympic Games, but we lost the 1995 election. The honourable member for Cabramatta, John Newman, was tragically assassinated and the honourable member for Blue Mountains, the late Barry Morris, was arrested for threatening to blow up his local newspaper. In fact, my part in the Barry Morris saga was to make sure it did not get worse. I can remember the day the matter was raised in the House during question time. I figured that Barry would be feeling a bit miserable, so I thought I would go downstairs to cheer him up.

Barry's office was immediately beneath mine, on level 10. When I got down to his office I was just in time to help two other Liberal colleagues restrain him to a chair. Clutched in his hands was an empty soft drink bottle that he planned to use as a weapon on the then Leader of the Opposition, Bob Carr, after storming his office. The day had other funnier moments. After disclosing the incident, the Labor Party released a tape of Barry's phone message to the media. The tape featured the voice of a man doing an Italian accent. Even though many of us thought it sounded like an impersonation of a character that we had heard Barry Morris doing, Barry flatly denied that the voice on the tape was his. But ominously, later that day I can remember Mrs Fahey, the wife of the then Premier, naively questioning John in the lift, "Why did I hear Barry Morris doing that Tony the Wheel voice on the four a clock radio news this afternoon?" Our political fortunes went downward after that, and we lost the 1995 election—despite the best efforts of a great Premier, John Fahey.

The remainder of my term in Parliament, from 1995 to the present time, has been spent in Opposition. However, despite the challenge of spending most of my time in Opposition, I believe that I have been able to make an impression on public policy. Very little of it will have my name on it, but like a surfer who catches the perfect wave while alone in a remote location—I am the only person who needs to know. My first success occurred before I was actually elected to Parliament when I managed to convince the Greiner Opposition to promise \$100 million in funding for additional special education programs, an initiative that obviously stemmed from my teaching background in Sydney's outer west. As a backbencher in the Greiner Government and then the Fahey Government, I acquired a real interest in helping people with disabilities.

I remember vividly the incident that educated me about the problems faced by families who care for children with disabilities. A couple from Wollongong visited my office and brought their primary school aged son who had autism. They left him in my office for a while as they spoke to me and just let him demolish my office slightly while they told me about their concerns. To test my nerves to the extreme, they allowed him to explore the door to my balcony on the twelfth floor of the building. After that, I planned and plotted an attack on the Government in the party room by gearing up a few of my colleagues to speak about disability services during the general business segment of a party room meeting.

I found out later that the then Treasurer, Peter Collins, was absolutely furious because he believed that the then Minister who was responsible for disability services, Jim Longley, had organised a conspiracy to force Treasury to agree to a submission that was at a critical stage of consideration. Jim knew absolutely nothing about my strategy, nor did I know anything about his submission that was before Treasury. But the plan bore wonderful fruit. Shortly afterwards the Fahey Government announced a wonderful package of measures for people with disabilities, including 300 additional group homes and the post school training program we now refer to as Community Participation. It was a valuable lesson to me in how to manipulate the levers of government, even if I was not in control—a strategy I have tried with mixed results a number of times since while in Opposition.

I am sure many honourable members recall my efforts, and were probably bored by them, when I pressed, by relentless speeches about shonky builders, for consumer protection in the residential home building

industry. I was privileged that the Labor Government introduced special powers to rescind building licences of unscrupulous operators who posed an immediate threat to consumers. I achieved a complete rewriting of the Home Building Act. With a bit more lobbying, a select committee recommended reforms, including an early intervention procedure, and the abolition of the much-hated and inefficient Fair Trading Tribunal. I must add that a couple of years later the judge of that tribunal sorted me out at the St Patrick's Day luncheon at Darling Harbour when he gave me a piece of his mind. Obviously he was not pleased with what I had done, so I simply explained, "Well, if I hadn't got the agreement of a Labor Government, it wouldn't have happened!"

I played some part in persuading a Labor Government to strengthen child protection laws by introducing a private member's bill to create an offence for serious acts of neglect and mistreatment that could be punishable by a gaol sentence. I also have been a strong advocate for the powers of Parliament in scrutinising the actions of Executive Government. I played some role in preventing a former Treasurer, Michael Egan, from severely restricting the powers of the Auditor-General from assessing the effectiveness of Government programs. But, without doubt, the highlight of my time in Parliament has been the work I have been able to do, as the shadow Minister for Disability Services, for people with disabilities. Standing up for social justice is a fundamental ingredient of liberalism and I have been proud to pursue that cause in Parliament. Sadly, I believe that some in the Liberal Party have not valued that as much as I have. If they had done so, I am sure that I would not be concluding my career in public life so soon.

The founder of the Liberal Party, Sir Robert Menzies, regarded social justice as an issue of rights, rather than charity. He said, "The purpose of all measures of social security is not only to provide citizens with some reasonable protection against misfortune, but also to reconcile that provision with their proud independence and dignity as democratic citizens." Menzies was committed to an active and progressive role for government. He said that government had "great functions to perform which are far beyond the scope of private enterprise". No group in our community is more worthy of this mission than are people with disabilities who are frequently disadvantaged, through no fault of their own. I will be forever proud that I had the privilege of speaking in support of the introduction of the Disability Services Act 1993 on behalf of the Minister, Jim Longley, and the Fahey Government. This Act outlines the principles and applications of principles that have revolutionised how we provide disability services. Those principles established the client's freedom of choice as supreme and ensured that people with disabilities have the same rights as do other members of society in attaining a reasonable quality of life.

Disability services will become increasingly important as our population ages. One in 10 Australians either has a disability or is caring for someone with one. I have bad news for honourable members: one in every three of us will acquire a disability in our lifetime. Had I been allowed to continue in public life, I would have been determined to chart a new course for disability services. Currently in New South Wales government-owned services dominate the provision of disability services. More often than not, clients are asked to accept positions in a government-controlled service that has been designed more to fit the needs of the agency rather than to meet the individual needs of clients. Armies of expensive bureaucrats tell people with disabilities where they will live, who their friends will be, what work they will do and what recreations they will enjoy.

I look forward to the establishment of a disability service system that makes maximum use of a well-regulated non-government sector, that is more flexible and client centred in the way in which services are provided, similar to the manner in which they are provided in States such as Western Australia, and through which clients frequently are funded directly and are allowed to construct a service system of their own. While this is a vision of the future that I hope a future Coalition government will be able to realise, I am satisfied that in recent times I have been successful in pressuring the Government to reverse the cuts it made to post school programs in July 2004, in directing attention to improving standards in boarding houses, in supporting the national campaign to get young people out of nursing homes, and in reversing the Government's decision to cut community participation services at outlets, such as Sylvanvale disability service, and in funding early intervention services, such as the Lifestart Program on the northern beaches.

I wish to pay tribute to some of the people I have worked with over the past 16 years. I have been lucky enough to hire and, in some cases, train staff that are now holding important roles throughout the world with such distinction that they make me feel as though my life has been a waste of time. They include Lila Fisher, who worked with me for most of the time I have been in Parliament; Miss Nina Blackwell, who started in my office as an intern before working for me part time, went on to be head of the Australian Republican Movement and now works for Senator Hillary Rodham Clinton; Andrew Ethell, who has worked for The Nationals leader, Mark Vaile, and who worked on the Free Trade Agreement with the United States of America and now works

with Mr Vaile in his new role as the Minister for Transport and Regional Services; and Josh Greenberg, who is a partner in a merchant bank in New York.

Finally, I pay tribute to my current media and policy adviser who is known to many honourable members who are present in the Chamber, Mr Simon Schwab. I owe the world to Simon, who has worked so faithfully for me under very difficult circumstances. He has fulfilled the multitasking role of managing the media, my portfolio, and even the logistics of handling Liberal Party branches and a preselection better than I ever could have asked. I so much wish for him a wonderful future. I can only say that today: Simon, that you have gone beyond being a staff member—you have become a true friend. It won't be as well remunerated, but I hope it will be more valuable.

This is not an audience where I need to explain the sacrifices that are made by members' families. A wonderful family has supported me. Let me put on the record an incident that happened to me that illustrates the point I am making. I had to go for some counselling for a personal problem. I outlined my usual weekly program to the counsellor, and I can still remember his reaction. He said to me that he could not believe the ridiculous expectations that the community makes of politicians. And I agree—he was right. Alexandra, my wife, has supported me to the hilt in the task of being a member of Parliament. I cannot be more proud of recent support she gave to me while I was the shadow Minister for Disability Services. Alexandra has worked for nearly 30 years in the disability sector. Whenever she accompanied me on various visits to disability services, she was something of a secret weapon. Her knowledge and experience increased my credibility no end.

My daughter, Elizabeth, has been a great supporter and I am now in a position to admire her work within the Young Liberals with great pride. My son, Nicholas, has also played his part. More recently, I experienced enormous pride as he returned as a mentor and a participant in this Parliament's regular annual Constitution convention. I am sure members will be enormously amused that he chose an interesting subject for his soapbox address to the convention—why politicians should be better paid. I thank my family for your support over so many years. Now you will probably have me back. I pay tribute to my father-in-law, Mr Gordon Schofield, for being an inspiration to me, enabling me to stretch my boundaries.

I did not get the chance to pay tribute to the Governor, Marie Bashir, in our recent speech in reply. I first met Her Excellency when I was in high school as a resident of Charlton Homes. She was a child psychologist. I was not a patient, but my house parent introduced me to her to as not only a fine professional but as Lady Mayoress of the City of Sydney. She serves us with great distinction as the Governor of New South Wales and sets a brilliant standard of public service. I have been told a great story about her, and this is an appropriate time to put it on the record. I am told that one night as she and Sir Nicholas were homeward bound in her official car she noticed a young man who was looking a bit worse for wear, dangerously teetering on the roadside. Concerned for this young man, she ordered her car to stop and she picked him up and conveyed him home. She noticed that he had no adult supervision, so she called back to his house on the next day to ensure that he was safe. This is the stuff of legend and it tells us how privileged we are to have her as our Governor.

I pay tribute also to Liberal leader Peter Debnam. In my recent trials I could not have asked for any more from a leader. I have enjoyed working with him and I wish all the best for him in the forthcoming State election. There was another occasion when he successfully saved me from a close shave. We joined a number of members in a trip to Tahiti to protest French nuclear testing in the Pacific. We spent a day in various protest marches and meetings, and I nearly got myself arrested for carrying an Australian flag in the office of the French Government administrator. After an active day, I was getting a bit homesick and feeling a bit depressed about the expense of the place. I was sitting in a foyer of our hotel, and Peter passed me by. I asked him what he was doing. He said that he was about to catch a plane that was due to leave at about midnight. I made a spur-of-the-minute decision to grab my bag and join him, even though I had been in Tahiti for less than 24 hours. It was just as well, because shortly after we left, just after dawn on the next day, a group of rioters attacked the airport and burned it to the ground. Had we not left at that moment we would have been stuck there for weeks.

While on the subject of tours, I cannot help but recall another trip I made with a number of members of this Parliament in 1992, headed by then President Max Willis, as young political leaders visiting China. The list of dates proved to be more prescient than you might expect. There were only five spaces for political figures and four of the people chosen were Peter Debnam, Morris Iemma, Eric Roozendaal and me. Most of the people on that list, perhaps except me, have gone on to have stellar careers. I should tell the House about one of the highlights of that trip. We were invited to inspect what they called a species recovery centre for the Australian ostrich. I was filled with images of exotic birds, but the secret came out when they presented us with a brochure

that portrayed emus in the wild on the front and, when I opened it, inside they were portrayed roasted with a side salad and chips!

It has been my privilege to work with many other talented members of Parliament. I will not damage the career prospects of Labor members by naming them in this speech—after the fashion of my colleague Peta Seaton in another place. But let me say that the Coalition ones include Liberal Party legends such as Liberal leaders Nick Greiner, John Fahey and Peter Collins, Ministers from the past such as Ted Pickering, Virginia Chadwick and John Hannaford. I am enormously grateful that two of them are present in the gallery at this time. As happens in this place, in recent days I have been rung by nearly as many Labor luminaries, including that rascal the former Treasurer, Michael Egan, and wished well as I have been by my fellow colleagues. We are lucky in this House to enjoy an entirely different working relationship, notwithstanding heated political debate.

Contemporaries I will never forget include Patricia Forsythe, Peta Seaton, Catherine Cusack, Robyn Parker, Gladys Berejiklian, Don Harwin, Daryl Maguire, Melinda Pavey and Jenny Gardiner. In regard to Jenny Gardiner, I must thank her for her patience in the infamous Orange Grove inquiry. It is an ill wind that blows no-one any good. I congratulate the two new shadow Ministers who have been appointed to replace preselection casualties in the Liberal Party, Judy Hopwood and my successor in the Disability portfolio, Andrew Constance.

But I cannot calculate the inspiration and encouragement I received from my friend John Brogden, a mate of mine from the days of working in the office of Ted Pickering. He has done me many favours, including giving me the chance to join a shadow ministry. He was easily the most talented individual I have ever had the pleasure to work with in public life. One of the things I will never forget was his advice when I read him the speech I had intended to give at my upper House preselection. He told me to scrap it entirely, gave me a few dot points as to where I should go, I rewrote the speech and it was clearly one of the things that was most responsible for my most unexpected win in that preselection in 1991. I see the Hon. Ted Pickering grinning. I think he knows what I am talking about.

I would have been nothing, as we all would, without rank and file members of the Liberal Party. I have many to thank for their loyalty, help and support, particularly in recent times. They include good people such as Mark Coure, Tom Glavich, Sam Witheridge, Gareth Ward, Michael Photios and Trent Zimmerman. My supports include a couple called Byron and Shirley Photios who have been constant supporters from the branch level. I suppose that the biggest surprise to me is that it has all passed so quickly. I want to thank other members who are retiring, and I thank other members who have been so kind to me in their remarks around the House, and even in this Chamber. I will not go into that.

I have been enormously blessed in life. I have had the privilege of serving in this Parliament. I have two fascinating children, who are doing well. I have enjoyed the constant support of my wonderful wife, Alexandra. I have many great friends. And we are all in good health. I really do feel like the Psalmist who wrote, "What can I return to the Lord for all of His benefits to me?" The last few years have had their challenges and the last week has been a trial indeed. But I know where my strength comes from, and just as my first comments in this House was a passage of scripture, I would like my last words in *Hansard* to be the same. They are words that have been a frequent comfort to me, none more than in recently. They come from Isaiah 40:28-31:

Have you not known? Have you not heard?
The Lord is the everlasting God,
the Creator of the ends of the earth.
He does not faint or grow weary,
his understanding is unsearchable.
He gives power to the faint,
and to him who has no might he increases strength.
Even youths shall faint and be weary,
and young men shall fall exhausted;
but they who wait for the Lord shall renew their strength,
they shall mount up with wings like eagles,
they shall run and not be weary;
they shall walk and not faint.

The Hon. DAVID OLDFIELD [7.27 p.m.] (Valedictory Speech): Madam President, I apologise in advance for having a fair bit to say, but I guarantee that I will speed through elements of it so as to minimise my speech as much as possible, given the time and the length of speeches. Having recently finished filming *Celebrity Survivor*, there is irony that where politics is concerned I regard myself as having survived rather than flourished. Although I leave this place with mixed emotions, and part of me is sorry to go, the time for my

departure has come. I believe that largely to be a good thing. I have not enjoyed being in politics, though that will come as a surprise to virtually all who know me. I have always regarded politics as being a kind of war. In that sense I have been engaged in battle for about 15 years, the last eight of which have been in this place.

I am grateful for what politics has taught me, although I believe I learned the bulk of what was valuable from my experiences in local government and my work as an advisor prior to being elected to Parliament. Much of the time I have spent here since 1999 has been marked by isolation and frustration. Although I am comfortable that I have been responsible for or assisted in the advancement of a great many good things, they came at considerable personal expense. I once read that to make an omelette you have to break a few eggs. Certainly over the last 15 years many of my enemies have gone into my omelettes. I have always been outspoken and always appropriately offended those deserving of such treatment. That is unusual in politics, the nature of which is to generally never do anything that will upset anyone. Unfortunately, that tends to mean never getting anything done.

By the time I arrived here in March 1999 I was a nationally known political figure and had been extensively covered by the media. However, when you are not connected to a major party and you rock the boat on a daily basis, as I did, people come after you. The threats were varied and included violence. I have never been a faceless politician and hence I have not been able to go unnoticed like so many who are not publicly recognisable. I pretty much said what I thought, said what I believed, and stood by what I said. In military terms it could be said that I always ran to the sound of the guns, never away from them.

People who have approached me in bars, in supermarkets, in restaurants and on the street, in clubs, at functions and even at the beach in the vast majority of cases were overwhelmingly positive about what I was doing. However, behind the scenes, false and baseless allegations, as well as political agendas, have involved me in numerous investigations, audits and court cases. Few in politics have had their lives so thoroughly raked through with a fine toothcomb, all leading to nothing but taking their toll along the way. These assaults, combined with One Nation's self-imposed collapse and my strongly held concerns for our country's direction, caused me and those close to me a great deal of anguish and distress.

Whilst at the time it was not apparent, the fact is I became considerably unwell. However, all those bad things are behind me. In the last couple of years I have resurrected my health, renewed my youthfulness, and I am fortunate to be able to say that when I leave this place I will leave it fitter, stronger and healthier than when I arrived. When you are in government you are formulating and passing legislation on an ongoing basis. Outside government, whether in opposition as an Independent or in minor party, you sometimes succeed in tinkering with government initiatives and perhaps have a hand in improving the Government's legislative agenda. If you are very fortunate there is a chance to be successful with a private member's bill. However, that is rare and extraordinarily difficult to negotiate.

The one opportunity I had for this was my Public Health Amendment (Juvenile Smoking) Bill (No 2), for which I appreciate the Government's co-operation in passing. Essentially, the bill brought smoking laws in line with underage drinking laws and, among other things, allowed police to confiscate cigarettes from children. There was no good reason to vote against the bill but, of course, votes are often cast for no good reason and, despite irrational opposition, my initiatives in this area became law. Most notable, though perhaps not most noticed, has been my successful work in moving others toward the light of commonsense. Much of what I formulated and One Nation espoused, whilst initially ridiculed, was later adopted as policy by both major parties.

In June 1998, as recorded by the *Sydney Morning Herald*, One Nation announced its plans for an English test for new migrants. In his response the Federal Government's Minister for Immigration, Philip Ruddock, amongst varying nonsense included, "these propositions are absurd in the least". Yet in September 2006 the same Federal Government announced that it was considering compulsory English tests to gain citizenship. Prime Minister John Howard was quoted as saying:

I am keen on everybody learning the English language as soon as possible. It is absolutely essential.

One Nation was the first to move for appropriate resurrection of government-based assistance apprenticeship programs, and these policies were further stated in 1999 in the party's policy blue book. The same One Nation policy booklet of 1999 refers to "the need for all young Australians to be taught Australian history" and, sure enough, in Prime Minister John Howard's 2006 Australia Day speech he said:

... the time has come for root and branch renewal of the teaching of Australian history in our schools.

Hansard records many similar matters of fact and, as an example, I point to my initiative in 2001 to attempt to create a form of mandatory sentencing during the debate on the sexual assault in company bill. While the Coalition voted against my idea, within weeks it adopted the approach as policy, an initiative foreseen by me and noted in an adjournment speech on 26 September 2001. In 1999 One Nation's policy blue book stated:

... the need for legislation that prevents criminals from collecting damages from private citizens for injuries sustained during a criminal act, including injuries resulting from a victim's attempt at self-defence.

On 23 October 2002 Premier Bob Carr introduced precisely that policy as his Labor Government's initiative, when in fact it was simply more material acquired from One Nation. In general, One Nation and I have consistently spoken against the policy of multiculturalism as it is currently implemented. We have always spoken of the need for integration and assimilation and this year the Prime Minister was on the front foot with the same language. Mr Howard has been urging integration and the adoption of Australian values, and his various quotes of this kind include:

... fully integrating means accepting Australian values, it means learning as rapidly as you can the English language if you don't already speak it.

The Prime Minister reaffirmed his commitment to racial equality by adding:

... coupled with an absolute determination to ensure that all sections of the Australian community are fully integrated into the mainstream of our national life.

There is a long way to go, but the Prime Minister is certainly on the right track, albeit many years after One Nation. I wish John Howard well in this continuing work.

Real truth in sentencing began with One Nation and year upon year we have pushed for improved water infrastructure, including the need for more dams. Finally, the New South Wales Government is planning to build a new dam and I congratulate it on that. One Nation has certainly been the inspiration for many national policy initiatives. There are too many examples to list, but I will briefly run through just a few more honourable mentions.

I refer to border security and its relationship to dealing with illegal immigrants and the Liberal's One Nationesque statement, "We will decide who comes to this country and the circumstances in which they come." One Nation policy, as stated in the blue book, is as follows:

... that with all due fairness, we must have an approach to immigration that will benefit not burden the existing population. In particular it must be imparted to, and accepted by, immigration applicants, that if they wish to migrate to Australia, they must want to be Australians, and not simply people from somewhere else who now live in Australia.

Federal Treasurer Peter Costello has taken up the One Nation mantle of concern for simply importing unacceptable cultural aspects and beliefs to Australia. This year the Treasurer publicly stated:

Before becoming an Australian you will be asked to subscribe to certain values, if you have a strong objection to those values don't come to Australia.

The *Sydney Morning Herald* reported that New South Wales Premier Morris Iemma backed the Treasurer's comments. One of my all-time favourites is the long-time and well-understood policy of One Nation to abolish that terribly corrupt organisation the Aboriginal and Torres Strait Islander Commission [ATSIC]. In the late 1990s every adjective associated with being racist was heaped on One Nation for even suggesting that ATSIC was a broken down and corrupt organisation, let alone that it should be abolished. Yet in 2004 the Federal Liberal Government announced the abolition of ATSIC. Even the Labor Opposition announced that, if it were elected, it would also abolish ATSIC. It is amazing how One Nation policy suggesting the abolition of ATSIC was apparently racist, but it seemed thoroughly acceptable when put forward by Liberal and Labor only a few years later.

I am a firearm owner and have been fortunate for many years to have known and represented other decent law-abiding firearm owners. This group of Australians has arguably been amongst the most persecuted in recent times. Firearms may be used to commit violent acts, just as virtually any implement can, but it is what is in the mind of a person that should be judged and not simply the fact that he or she owns a firearm. Australians skilled with the use of firearms have given good account of themselves in defence of our country. It is a mistake to think that such people will not one day be needed again. People who have unlicensed firearms or who use

firearms for illegal purposes and/or endanger public safety should be dealt with appropriately under the law, but law-abiding hunters, shooters and farmers should not be confused or in any way associated with criminals who illegally possess firearms.

Australian governments, State and Federal, have spent vast amounts of money in gun buybacks, yet it still does not seem to dawn on people that criminals do not participate in gun buybacks—they keep their guns. Further to this, there is not a statistic available anywhere in the world that in any way sustains the notion that the level of gun ownership is related to the level of violence within a community. Even the Australian experience shows that access to firearms and the types of firearms that are available bears no relationship to the level of crime committed with firearms, and that is simply because the impact of gun laws is felt by the law-abiding rather than criminals.

Around the world we can find various related examples. In Switzerland, for example, there are more gun ranges than golf courses. Shooting is a national pastime. There are more firearms, including military-style firearms, per capita than in any other nation. In Switzerland it is common to see people walking down the street with rifles slung over their shoulders, yet Switzerland has very little violent crime. The recent Brazilian experience is worth noting, as is the work in particular of Professor John Lott of Chicago University and author of the book *More Guns Less Crime*—a conclusive work showing that areas of America with the highest legal gun ownership were also the areas with the least crime.

Without question the best example is the British experience where in 1997 all handguns were outlawed and confiscated, yet within two years murder with the use of a handgun had increased 40 per cent and other crimes committed with the use of a handgun had risen over 100 per cent—all in a country with no legal handguns. The British Government's assault on legal gun ownership disarmed law-abiding shooters and proved conclusively that "if you outlaw guns, only outlaws will have them". There may be exceptions, though I am yet to see them, but essentially the hysteria over supposed gun control is the product of ignorance and the highly contagious disease known as fear.

There are many people to whom I owe thanks for their ongoing support over a very long period. It is impossible to name all of these people, especially those hundreds of thousands who gave One Nation and me the support of their vote. Over the years I have written to those with whom I was in personal contact, and I have been fortunate to have met a good number of those supporters at functions and meetings throughout Australia. While I cannot mention everyone by name, I will identify at least some and hope they, along with all the unnamed, will accept my ongoing gratitude for their commitment, dedication, loyalty and friendship.

My staff, some of who originally worked with me in Canberra, have, for the most part, been very competent and accepting of difficult conditions. Joanne May, Chris Spence, John Morgans and Col Easton all worked tirelessly and did more than was expected because they believed in the importance of the work we were doing. The members of One Nation—a group that at one time numbered in the many thousands—often, as individuals, courageously spoke of their membership and the issues that mattered to them. This group of Australians were unique in politics in that they were often publicly ridiculed and vilified simply for what they believed. It is ironic that One Nation members were, in essence, treated in the same way as they were falsely accused of treating others.

It is appropriate that I acknowledge by name some friends, members and former members whose efforts particularly stand out: Rod Ayres, Brian Burston, Christine Ferguson, Laurence Capper, John Webeck, Tom Kennedy, Darryl Mullens, George Grivas, John Cantwell, Graham Burston, Estelle and Dennis O'Brien, Lex Stewart, the entire Chermak family, Judy Bergin, Bruce White, Helen Fearn, Don Tarlinton, Wilf Reid, David Barton, Shane and Kane O'Connor, Brian Zahner, Nathan McDonald, Susie Stott and my wife, Lisa. I came into serious conflict with a couple of those I have named, but any differences they had with me or others should not preclude them from mention—to do so would be grossly unfair.

Equally, it would be inappropriate for me not to acknowledge Pauline Hanson and David Ettridge for, despite the magnitude of our differences, there was a time when we worked together well, meant well and were friends. I also acknowledge the current President of One Nation New South Wales, and long-time party member, Ian Hale. Ian often did valuable volunteer work in my office. I also make mention of Miss Katherine Blowen, who unfortunately died of cancer earlier this year. Miss Blowen was my elocution teacher when I was eight years old—she taught me a great deal. She continued her interest in me, attended my Maiden Speech in 1999, and is very much missed by many, especially those connected with numerous eisteddfods, including the Warringah Eisteddfod.

Here in the Parliament, John Evans, who himself will shortly go to a well-earned retirement, and other current and former officers of the House, including Mike Wilkinson, Warren Cahill, Lynn Lovelock, David Blunt and Stuart Lowe; as well as Legislative Council attendants Ian, Maurice, Mike, Charles, Lucy, Erin and John; and the procedural and Hansard staff—who, in my experience, have always displayed courtesy, competence and efficiency—all have my gratitude. I also thank Virginia Knox, whom I saw here earlier tonight. Virginia leaves very large shoes to fill but I acknowledge that Julie Sibraa seems to be doing that with a great deal of competence. I wish Virginia, in particular, the very best for the future.

Those who provide security for the Parliament, and indeed all other staff—from cleaners to maintenance people—have, in my view, done a great job. I have not had cause to complain about anyone in the eight years that I have been here. I note also the terrific work done by the catering staff, particularly David and Maureen. I am not comprehensively briefed on what happened with David Draper so, while I make no judgment of the situation, I am compelled to note that he was always a gentleman and, like Maureen, made my life here easier on many occasions. As for the members, there are some here whom I have become friendly with, and of course there are also those whose abilities I respect despite any ideological differences. My thanks to fellow members for your co-operation over the past eight years.

At the end of my giving thanks comes those to whom I owe the most, and that is of course my family. It has been said there is nothing more important than family and, for those like me who are lucky to come from a good family, that is certainly true. Bill and June, my father and mother, have been mentioned by me on other occasions and it is clear that I am immensely proud of them—not because they are my parents, but because of their amazing achievements and because they are wonderful, honest and decent people. I am extraordinarily fortunate to be their son, and I have benefited from their help all my life.

Since being elected in 1999 I met and married Lisa and, through that, my close family has extended to include my in-laws, Lisa's parents, Richard and Christine Johnston—good and successful people who have also been very personally supportive over the past six years. I feel quite positive about the future—not Anthony Robbins-type positive, as I consider that form of positive thinking to be somewhat delusion based. But I know I am a fortunate person, even if it did take me a while to accept my good fortune. I have marvellous parents who have spent their lives supporting me in whatever undertaking I chose. My mother, June, just turned 83 and my father, Bill, recently turned 88. They are close to celebrating 50 years of marriage. I am enormously proud of them. They are still independent, and the people I look up to the most. I love my horses and my parrots. I have good friends. I am building a new home, and next year my wife, Lisa, and I expect to finally get serious about having children.

Lisa, in particular, deserves much of the credit for improving the way I look at life these days. She, above all others, helped me come to terms with the fact that my life is mostly filled with good things and that I should focus on those good things. As I leave politics and look back on all the ill will and undeserved treatment that has been shuffled my way, just meeting Lisa is enough to overshadow all of the bad and make me feel good about the future. Regardless of all the other things that have happened to me in politics, without politics I would never have met Lisa and so, if nothing else, I have being in politics to thank for making that meeting possible.

The Hon. JAN BURNSWOODS [7.46 p.m.] (Valedictory Speech): I guess it is true that when leaving any workplace, particularly one where one has been for 15 years or more, there will be many people to thank for assistance and comradeship. I pay tribute to Andrew Refshauge and Sandra Nori, who were here when I was elected in 1991, for their friendships and guidance; to comrades such as Bryce Gaudry from the class of '91; to the honourable member for Ryde, now Deputy Premier, John Watkins; and to many other Labor colleagues in both Houses. In the Legislative Council I acknowledge especially our leader for many years, Michael Egan, who taught us so much about dealing with the Opposition and, even more importantly, about never letting them understand what was being done to them. He and we were very fortunate to have a special person in Michael's office from 1991 in Virginia Knox, to whom all of us—not only those in the Labor Party—owe so much for keeping this place working, and for doing so with patience, humour and intelligence.

There are also many people outside Parliament to whom I would like to express my thanks. They include unionists such as Andrew Ferguson from the Construction, Forestry, Mining and Energy Union and many in unions such as the Teachers Federation, and the Liquor, Hospitality and Miscellaneous Union; members of the Labor Left—there are too many to count—and Labor women over many decades. It is noteworthy that when Meredith and I were elected in 1991 the Legislative Council had the greatest number of women members—15 out of 42—of any House of Parliament in Australia. We have dropped a little since—the

figure now stands at 12—but fortunately in the interim the number of women, particularly the number of Labor women, in the Legislative Assembly has improved greatly.

A few months after we took our seats in 1991 Legislative Council backbenchers were given their own staff for the first time. I have been extremely fortunate in my staff: Kim, Nic, Elizabeth, Emma, Vanessa, Melanie, Louise, Michael, Melissa and now Rachel. I have also been fortunate to have some great casual or short-term staff, including Antony, Tim and Kate. I thank them all for the quality of their work, and the dedication and patience with which they have done it. I am conscious that the one-on-one arrangement involves a number of stresses, particularly for them.

It has been a privilege for me to chair the Standing Committee on Social Issues since 1998. The committee has produced a number of fine reports, culminating in the tabling this morning of the report on the impact of WorkChoices on the people of New South Wales—a warning, if one were needed, about the damage being done to our country by the ideologues of the Liberal Party.

I thank the directors and staff, who have been the strength of the committee over the past eight years, and the numerous members of the committee. I particularly mention Arthur Chesterfield-Evans, who, although he has probably driven us mad on numerous occasions, has been one of the hardest working and most creative members of the social issues committee. He frequently boasts that almost every inquiry we have conducted has come from him and while, of course, that boast has its habitual exaggeration, certainly he has had a huge input to the social issues committee. I thank him and all the others, both Government and non-government, who have been members of that committee for so long. I also thank all the workers in this building, from the catering and cleaning staff to the attendants and Clerks, who have assisted me and other members over the years.

I have been committed to the abolition of the Legislative Council for as long as I can remember. That is certainly so since the time I was on the Australian Labor Party electorate policy committee and it was actually Labor policy to abolish the Legislative Council. There was a period when that cause could muster a bit of support here—myself, Michael Egan and, as he used to tell us, there was about half of John Tingle. I do not know that we ever got any further, although Michael Costa made noises at one stage. But in recent decades most people have ignored the wisdom of our Queensland and New Zealand cousins. Despite those beliefs I have enjoyed my time here and the interaction with present and previous colleagues. They include, amongst many others, those often unsung heroes, the Whips. I particularly thank Dorothy and Peter. My best wishes go to all who are leaving voluntarily, and even more to those who may find in March that they have left involuntarily.

It is not my intention to spend long on the issues and campaigns in which I have been involved, but I would like to say that I am proud of my role in bringing forward private member's bills to equalise the age of consent and continuing the fight until the Carr Government introduced and passed the necessary legislation. In the light of very recent events two things about that campaign have kept coming back to my mind. One is the comment that Patricia Forsythe made to me a year or two ago when she said that whenever she went to a Liberal Party branch meeting the first question she was asked was how she voted on the age of consent. After that, of course, she was asked about abortion.

The other thing that keeps coming back to me is the phone call I received years ago from Senator Bill Heffernan, spewing out his filth. Of all the things for which John Howard is responsible, surely amongst the worst is the aid, comfort and protection he has given to Heffernan, this bigoted, repressed purveyor of slime and sleaze. Two of our colleagues, Patricia Forsythe and John Ryan, have been the victims of the takeover of the Liberal Party by the zealots and extremists of the so-called religious right. Never will I understand why the God that these people worship is obsessed with sex, sexuality and the human body, and has apparently no interest in social justice or the general good.

The events of the past fortnight have brought into sharp focus much that is wrong with politics and media in this country and this State. How could we have sunk to the level of the vicious campaign against Milton Orkopoulos, to the destruction of the principles of the presumption of innocence and the right to a fair trial? Almost more corrosive than that has been the fear that has cowed previously decent people into silence. The behaviour of Peter Debnam has been disgraceful and sickening. For that, and for many other reasons, I look forward to the people of New South Wales showing their usual good sense and re-electing the Iemma-Watkins Government. Anyone who has been in politics for quite a while knows that there is almost nothing one can say that has not been said better before. So I will conclude by quoting the words addressed in 1654 to the Rump Parliament by Oliver Cromwell:

You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go!

Cromwell, like the present day religious right, invoked a Christian God who lacked charity.

Mr IAN COHEN [7.54 p.m.]: On behalf of my fellow Greens I present our felicitations to the Parliament, and I hope to be brief. I would like to start with you, Madam President. You have maintained the dignity of the House, without the trappings, and that is certainly something the Greens have appreciated. I first knew of you as one of those three magnificent women in the anti-apartheid and Vietnam moratorium actions back in the early 1970s. Certainly your good works then have had an impact on me, as they do now. In those days they helped steer me on a course of believing in what is very close to the ideal that you expressed then, and that you continue to represent now in your role as President. I certainly wish you well in your retirement.

I thank the Clerks, who have made this House work so well. The fact that they have always been here for we Greens and for every other member is most appreciated. Parliamentary Counsel has always got the amendments through on time, and it is that work behind the scenes that makes the Parliament tick and keeps us as members of Parliament looking far better than our actual capabilities. Similarly, I thank Hansard for their corrective skills. They reflect us in print in a turn of phrase that we certainly do not always deserve. I thank them for their hard work, late nights and diligence to our collective cause. The attendants are always here and are always friendly. I thank those workers in and around the House, those in security and particularly those in catering, who often do their jobs under trying circumstances and who have faced difficulties with job losses. They work under great stress, but they always work with us in a spirit of support, which has been, and continues to be, fantastic.

I have enjoyed and appreciated the time that Peter Wong and I have spent together in this House, most notably sharing our concerns and commitment about the Government's changing the name of the Ethnic Affairs Commission to the Community Relations Commission. His anger was justified. I supported him and shared his anger and enjoyed working with him on those issues. Peter Wong turned me around on the monosodium glutamate issue from someone who was quite anti and a cynic. His perseverance certainly taught me a thing or two about food additives and cultural cooking. In general, I think we shared a certain camaraderie of those in minority. Arthur Chesterfield-Evans is the last surviving Democrat. He has had a tough job in the House, similar to my first four years in this place, and it will certainly be a tougher job getting back. One never knows, the media might recognise the bright yellow of his democratic shirts, and perhaps he can get some support from the Philippines.

The Hon. Don Harwin: Is that why you started to wear them?

Mr IAN COHEN: I did not wear a yellow one today because I realised that it was perhaps Arthur's last day. It is likely that the media will recognise his role as a champion of democracy, grasping the balance of power away from the powers of darkness, be they majority party members or their agents in this House. We Greens wish him well. I would certainly welcome Arthur back if he is successful. Let us not sell this man short. We may well find that he will be back on the benches in the next Parliament, which will certainly help with the balance of power on what I would call the progressive side of politics. The thoughtful delivery of Peter Breen was always a pleasure to listen to. His chameleon party changes never interfered with our friendship and real communication, which I have appreciated over the years. Lee Rhiannon will be back with extra Greens and extra energy, flushed with the success of Greens at the next election, so to all I say "Watch out!"

I salute John Ryan for his stand on the safe injecting room, and his championing in this House of disability issues, those in great need and victims of a rapacious building industry. The honourable member has been eloquent, consistent and fair—a true liberal Liberal. I believe the Parliament and the party will be less well off when he leaves this House. I wish him well. He has always treated me with great respect, and I have enjoyed a semblance of what it was like when I first entered the House—I have mentioned this before—with Jeff Shaw and John Hannaford. I appreciated the elevation of the quality of speech that accompanied John Ryan when he spoke in the House.

I pay tribute to the Hon. Jan Burnswoods. I often disagree with her on some levels, but I respect her role in terms of gender politics. Our constituents in the gay and lesbian community owe the honourable member a great debt for her efforts. Whenever I see the honourable member coming into a committee, some of which I chair, there is always a shudder of "Here's a problem". But I think that is reflected in the honourable member's absolute tenacity and skill, and her allegiance to her party, which I sometimes feel might be somewhat

misplaced. Nevertheless, the honourable member has been consistent and a performer in this House who must be respected. I wish the honourable member well in her life after this Parliament.

I believe that Greens' representation in this House will increase at the next election. I look forward to sharing robust politics with them. I look forward to returning after March simply to see the lay of the land. Despite the fact that I often feel—I do not know whether I have said this in the House before—like a round peg in a square hole, I have certainly learnt a lot along the way. I look forward to robust politics and adventure in this House in the next four years. To those who are leaving, the Greens wish you well, with all the goodwill we have, and hope that your future is similarly successful to the years I have spent here.

The Hon. PETER BREEN [8.02 p.m.]: I am pleased to join in the valedictions for retiring members. Of those members who qualify for valedictions, I single out the Hon. John Ryan, who will be a significant loss to the House. I first encountered the Hon. John Ryan shortly after my election in 1999, when we shared a speaking platform at a function hosted by a Christian church at Campbelltown. Immediately I realised that we were kindred spirits, seeking to follow the practical teachings of Christianity in preference to its institutional and hierarchical representations. I find it ironic that John Ryan has been excluded from the Coalition ticket by religious forces that are the very antithesis of the compassion and tolerance the honourable member exemplifies. Might I say that Marie Ficarra, who until tonight was a friend of mine, will never fill the Hon. John Ryan's shoes, in my opinion, no matter how far she now distances herself from Sam Witheridge and regardless of how many rosaries she has shared with the Hon. David Clarke.

On the Government benches the Hon. Dr Meredith Burgmann and the Hon. Jan Burnswoods represent considerable corporate knowledge that will be lost to the House. Like the Hon. John Ryan, they represent the Left of politics, or what might be called the thinning edge of the political spectrum. The Hon. Dr Meredith Burgmann will be a particular loss as President. I always enjoyed her style, her fair and balanced rulings and the generosity with which she administered her office. I have fond memories of many interesting and diverse functions in the President's Dining Room. In the eight years of her reign I had just one falling out with her, although it happened at a time that I was under considerable pressure from the ICAC investigation. During my brief stint in the Labor Party no-one made me more welcome, and I sincerely wish Madam President every success in the future.

The Hon. Jan Burnswoods will be remembered for her hard work on Legislative Council committees and the numerous reports that bear her name as committee chair. Committee work is often the interface between the Legislative Council and citizens, and the work is frequently controversial with so many different points of view to accommodate. The Hon. Jan Burnswoods has always given everybody the opportunity to have their say, and I always found her willing to be persuaded by a reasonable argument. She has made a fine contribution to the work of the House, and she will be difficult to replace. As Mr Ian Cohen pointed out, the Hon. Jan Burnswoods' allegiance to the Labor Party is greatly admired.

In addition to the three Left-leaning major party representatives I have mentioned, the House will also be losing at least three crossbench members at the end of the current session—perhaps more, depending on the electors of New South Wales. I refer to the Hon. Jon Jenkins, the Hon. Dr Peter Wong and the Hon. David Oldfield. The Hon. David Oldfield was the third person elected in 1999 on the tablecloth ballot paper, after Jeff Shaw and Patricia Forsythe. His One Nation Party received an extraordinary 225,000 primary votes in the election. It was an extraordinary time in Australian politics. The high point in our relationship was when he was voted off *Celebrity Survivor*. The low point in our relationship was when I was the subject of anonymous allegations to the ICAC about my use of parliamentary resources and allowances. Over the years the Hon. David Oldfield and I have had numerous discussions, not all of them friendly, but today I honestly believe that he is more thoughtful and, dare I say, more tolerant than the person who was elected in 1999, although Hon. Dr Peter Wong might not agree with that. I wish the Hon. David Oldfield every success and prosperity in the future.

Another crossbench member who is officially leaving Parliament is the Hon. Jon Jenkins, a fellow traveller on the North Coast and the current representative of the Outdoor Recreation Party. He articulates the minority view on climate change, and is arguably the last research scientist in Australia who believes that the current period of global warming is a natural phenomenon. For all that, he is a good bloke and he has been known to listen to a good argument. His sister, Terry, is an old friend of mine from Byron Bay and I know how concerned his family is about his health. While the rest of us are celebrating Christmas, he will be deciding what treatment he receives for a brain tumour. John, you have my best wishes, and I will be anxiously following the progress of your medical care.

The Hon. Dr Peter Wong was elected in 1999 as a kind of counter-check on the mandate of the Hon. David Oldfield. The Hon. Dr Peter Wong will be resuming medical practice and continuing his work for China Vision, an ambitious program to restore the sight of indigent people of the Indo-China region of Asia. I am a great admirer of Dr Wong and his work. He is an extraordinary fundraiser, apart from anything else. Once I attended a charity function at his request. I was astounded to see him raise more than \$160,000 at the function simply by passing around a few plastic buckets and exhorting people, in Mandarin I guess, that they had to pay up or else. His fundraising capacity, which he devotes to charitable works, is extraordinary and he is to be greatly admired for that. During the past eight years we shared staff, jokes, meals and advice. I was his doctor and he was my lawyer. It has been a great privilege to work with Hon. Dr Peter Wong and to share adjoining offices with him.

I do not know what the future holds for other crossbench members leaving today. No doubt they will accept the decisions of the New South Wales voters with good grace. They will demonstrate the usual appropriate measure of humility for those in political life and gratitude for the friendships and experiences and privileges of serving the people of New South Wales in this House. Finally, I am grateful to my secretary and personal assistant, Adriana Sammartano, who survived Franca Arena, an ICAC investigation, indecent exposure in the *Daily Telegraph* and a demanding workload with a demanding constituency.

The Hon. Dr PETER WONG [8.10 p.m.] (Valedictory Speech): I acknowledge the presence in the gallery of my wife, Cathy, Councillor Lee Lam, the Mayor of Auburn, Councillor Amy Tang, Cherie Kam, George Chang and Eric Hund. It was also good to see Johnno Johnson, Max Willis and Virginia Chadwick.

Einstein is right: The concept of time is only a matter of relativity. It is time for me to reflect and to thank the many people who have encouraged and supported me during my term as a member of Parliament. My term in Parliament has at times felt like a never-ending story. However, as I look back now I am surprised how quickly eight years have passed. I will depart from this place with the fondest memories, and your friendship has made my time here all the more enjoyable.

Vivid in my memory is my first visit to the Clerk's office to sign some documents following my election to this Parliament as a new member of the Legislative Council of New South Wales. Reverend the Hon. Fred Nile was among us. One of us asked him as to what we could expect during our next eight years. He said with a smile, "Do not expect you will do great things just because you're in Parliament". He also said, "Wait and listen before you speak. You have plenty of time." How true his advice was, except that from time to time I contravened this prudent advice, to my own regret.

As I was sitting in my office just after midnight, tired and slowly working through my draft notes for today, I pondered over and over the words I spoke in my inaugural speech. A flood of memories returned. I can see the pictures of Andrew Su, Mathew Wong, Kieran Ginges, Adriana Hassapis, my brother Professor Cyril Wong and his wife Cheryl, Dr Bill Cope, Ariel Marquin, Alan Jacobs, Sam McGuid, May Kong, Stanley Chu, Sarah Kemp, Dr Vo, Dr Vu, Mr Su, Nelson Wong, Stephanie Chan, Pinkie Leung, Cherie Kam, Mr Mack, James and Angela Tong and many, many others right in front of me. While I remain very close with most of them, I have unfortunately lost contact with others. Sadly, one or two are no longer friends. I thank them all. They were the visionaries longing for a party that would uphold freedom, democracy, equality and cultural diversity. If there were any failings, it would be those of the executives and those of us who were successfully elected at State and local government elections who did not uphold the aspirations they had in us. I stated in my inauguration speech:

The foundations of Unity are not only opposition to destructive social forces, racism and bigotry—they extend much further than that.

Unity was based on the spirit of embracing diversity, respect for human dignity and rights, belief in justice for all people and the right of people to participate in the making of their future. Unity was born and cradled on the principles of multiculturalism. Unity takes pride in our cultural diversity and in Australia as a country of extraordinary achievements and extraordinary potential.

It is an ambitious vision. It is a difficult mission. I hope that in my eight years in this House, together with many of our councillors and members, we have shown with our stand on the Iraq war, being the first party that helped to produce a brochure on the Islamic faith and our stand for the people under care of the State and in juvenile justice that we have captured some of the spirit of our dream.

As I ventured into the speeches made by other honourable members on that day for the first time I read them all and relished the wisdom of Jim Samios, Ian Macdonald, Dr Brian Pezzutti, Ian Cohen, Dr Arthur

Chesterfield-Evans and Helen Sham-Ho. There were many interjections with a great sense of humour displayed by many members. Among them were Richard Jones and the inimitable Johnno Johnson. It is a skill that I would love to have.

It became quickly apparent to me that as a member of Parliament, whether sitting in the House or attending functions, family life suffers. I pay special tribute to my wife Cathy for her unwavering support during my eight years as a member of this place. I am grateful for the patience and understanding she has shown, and for allowing our home to be used as a meeting place for the Unity Party. I thank her for her love and her unreserved passion for and belief in our cause. I thank her for looking after our children, who have now all completed their university education. I must also thank her for her financial management skills. Without her constant reminders I would have been bankrupt years ago! Our daughter, Michelle, an architect, was also our media manager at the beginning of Unity. Christopher, our eldest son, now married to Elly, stood as a Unity candidate on a number of occasions. Simon and Timothy, my other two sons, have helped us in many campaigns.

I wish to also thank Unity councillors Le Lam, Annie Tang, Jack Au, Sylvia Chao, Thang Ngo and Joshua Nam, all of whom, apart from being very active in their councils, have also helped me greatly during my term as a member of Parliament. Le Lam is currently Mayor of Auburn Council and No. 1 candidate on the Unity ticket in the upcoming State election. I wish her all the best. Annie Tang and her husband are well known in Hurstville and Kogarah, and they provide outstanding service to their community.

My baptism of fire in this House came much sooner than expected. It arrived with the imperial Premier and politician extraordinaire, Bob Carr, introducing his Community Relations Commission and Principles of Multiculturalism Bill 1999. My inaugural speech was made during a motion moved by the Hon. James Samios condemning former Premier Carr for changing the name of the Ethnic Affairs Commission to the Community Relations Commission. What followed was a chain of events, from an upper House inquiry into multiculturalism and lobbying community organisations for submissions to holding a Multiculturalism Summit. Finally, Carr won the day after Helen Sham-Ho agreed to the addition of a misnomer term by-line beneath the name of the Community Relations Commission of New South Wales. Through months of excitement, confusion, disillusion and finally depression, I was guided by my most capable advisor, Violetta Brdaroska, and later on by my very talented researchers Paul Mortimer and Thang Ngo.

Indeed the battle for the name change was a bitter one. The *Daily Telegraph* reported that the mild-mannered and well-respected Attorney General, Jeff Shaw, was booed and hissed when he addressed the New South Wales Ethnic Community Council's annual general meeting at Ashfield on 23 August 1999. The President of the Ethnic Community Council, Mr Paul Nicolau, had to interrupt his speech and plead with the crowd of 200 representatives to let him finish, reminding them that a senior State Minister was present as their guest. Similarly, the *Sydney Morning Herald* reported:

As he delivered the justification for the ethnic cleansing of the term ethnic Shaw was heckled and jeered and laughed at by the Ashfield Town Hall crowd. So bad was it that the Communities Council president was forced to beg that Shaw be allowed to continue. Not surprisingly, Shaw did a Harold Holt and was out of the door as soon as he finished. Chika Boom, glad to finally find an audience which wasn't blaming her for anything (yet) told the audience that she wasn't afraid to use the word "ethnic", earning her the biggest cheer for the day.

Throughout this period, Jim Samios and I worked very closely. Indeed, some of the media releases for the Coalition on this issue were generated from my office by my researchers, Thang Ngo and Paul Mortimer. Thang Ngo is now the National Media Director of SBS Radio. As fate would have it, our path with the former Premier would cross again, two years later, on the issue of monosodium glutamate [MSG]. New South Wales would have been the first government in the world to require restaurants and clubs to label MSG in foods. It would have contravened the rulings of Food Standards Australia New Zealand and universal scientific advice on the issue, including that by Dr Lenoid Tarasoff, professor in chemistry, who had published numerous research and articles on MSG, and Connie Katelaris, allergy professor at Westmead hospital. I thank Dr Brian Pezzutti for his scientific and political skills. With the help of the Opposition, including the reluctant but absolutely honourable Duncan Gay, and nearly all of the crossbench members, we finally disallowed Bob Carr's regulation. I also thank some Government members, but I will not mention their names. Next day, one of the daily newspapers reported the event as: "MSG 1, Carr 0".

During my time here I have been involved in many policy and legislative changes. Cabramatta means a lot to recent migrants and Unity. Today it is a booming suburb with a new and modern police station, while businesses continue to grow. This was the result of the Cabramatta policing inquiry, conducted at the urging of

Councillor Thang Ngo and the Cabramatta community. The inquiry led to noticeable reforms and more State Government funding. The drug problems are on the way down and the streets are much safer than before. Cabramatta is now again an excellent example of the successes in cultural diversity.

As a result of my time in Parliament, I am pleased to say that traditional Chinese medicines are now seriously considered for registration. This was achieved through the recommendations of the parliamentary joint committee, chaired by a very capable chairperson, Jeff Hunter. Before his departure from this House, Dr Pezzutti and I worked closely as parliamentary committee members on the Committee on the Health Care Complaints Commission of New South Wales. It was Adriana Sammartano from Peter Breen's office who brought to our attention the case of Dr Sabag, a Spanish doctor, after noisy demonstrations were held outside this Parliament. His patients were demonstrating against the Health Care Complaints Commission of New South Wales discriminating against their general practitioner, leading to his deregistration. Through the good work of a barrister friend, John Young, who was also an adviser to a former Federal Labor Attorney General, the decision in Dr Sabag's case was overturned. The committee, which was chaired by Jeff Hunter and assisted by its director, Kathleen Watson, recognised the gross deficiencies in the commission. The subsequent inquiry into the commission led to significant reforms.

The same John Young also introduced me to John Della Bosca many years before. Della Bosca was then Secretary of the New South Wales branch of the Australian Labor Party [ALP], and when I lobbied the Federal Labor Government for the settlement of Chinese students following the incident in Tiananmen Square the New South Wales ALP and unions provided enormous support for those students, who were at that time, very confused, very poor and spoke little English. Their settlement has helped our country enormously—just ask John Howard about natural gas or Ian Macdonald about mining—and not to forget that many of their children have embraced the Australian way of life and excelled in their Higher School Certificate examinations.

In early 2004 Si Bank, the President of the Pharmacy Guild, paid me a visit at my office in the Parliament. He informed me of the impending deregulation legislation to be introduced in the Parliament. Such legislation, if passed, would have allowed supermarket chains to take over family chemists, leading to the eventual disappearance of the friendly family chemists. I suggested to Si Bank that he lobby the Federal Government and simultaneously run a petition against the deregulation of pharmacies in New South Wales. It was to everyone's surprise that half a million signatures were collected over four weeks. This is a record, not only in the history of the New South Wales Parliament but also in all Parliaments throughout Australia. Subsequently, both Federal and State governments took the pragmatic approach and called off the deregulation of pharmacies.

Recently my researcher, John Murray, alerted me to the plight of the commercial fishermen and the presence of unacceptable levels of the highly toxic chemical dioxin in the waters of Sydney Harbour. While I believe we achieved some success for the fishermen, I believe more can be done for them, particularly regarding their future livelihood and long-term health care. Indeed, my heart goes out to the fishermen and their families. They are by and large an honourable and decent bunch of hardworking people, and I respect them a great deal.

If there is one project that gives me great pride, it is the setting up of the Youth Leadership Training Program. Out of a conversation with my adviser, John Murray, who has a passion for the future of our youth, came our decision to run the program in Parliament. After all, it is not too often that our future leaders can come and see, or indeed attend seminars, in this place. We should do our utmost to give everyone the opportunity to learn and engage in our democratic institutions.

Over the past few years we have provided a one-day training course to over 500 young people, covering issues in organisation, public speaking, leadership, democracy and the media. The biggest training day we held was in December 2005, with over 130 Muslim and Christian Arabic youth attending. It was held at a time of heightened tensions in our society. It proved to be a valuable exercise by bringing these young people and their various community leaders together. Apart from the teaching them leadership skills, we impressed upon them that they are all valuable members of our community—regardless of their colour or religious background! I thank my good friend Dr Fred Nasser, Bishop Darwish and Kayser Trad for bringing everyone together.

I am also proud that on that day, the Jubilee room and room 814-815 took on a new role as a prayer ground for young Muslim boys and girls as they periodically faced Mecca in their devotions. At the invitation of

the Venerable Man Chien, we also held a seminar for the students of Indo-Chinese and Taiwanese background at the Buddhist Nan Tien Temple in Wollongong, which was attended by about 120 participants.

I have maintained from the beginning that our youth training program would not be used as a political training camp, and I am proud that we have succeeded in this. Guest speakers have included Benjamin Chow, the Chairman of the Commonwealth Multicultural Affairs Commission, who is a Liberal; the Mayor of Canterbury Council, Robert Furulo, who is an ALP member; Ms Sylvia Hale from the Greens; Angus Young, who is a lecturer from the University of Technology, Sydney, and many others.

Special appreciation must go, however, to Pamella Vernon, our key presenter at every training session, and a person who has had a profound influence on our youth. As a woman who grew up and had a terrible time in orphanages, Pamella was clearly aware of the importance of imparting skills to young people, and she excelled in her enthusiasm to do so.

My previous involvements in community work and government departments had provided me with an invaluable preparation to come to this House. I was, for eight years, a Commissioner for the Ethnic Affairs Commission of New South Wales, a position that I was recommended by Helen Sham-Ho and Jim Samios. I was also a member of the Medical Board of New South Wales, appointed by Ron Phillips, and the Founding Chairman of the Ethnic Schools Board of New South Wales, appointed by the Virginia Chadwick. In all sincerity, Virginia Chadwick was by far the best education Minister in recent times. She was intelligent, knowledgeable, considerate and hard working, and totally committed to, and passionate about, her portfolio. Despite her very busy schedule, she attended many activities and met thousands of ethnic schoolteachers.

In the earlier part of my term in this place I often sought the advice of John Jobling. His advice was always accurate and objective, and you could be assured that any inquiry was held in the strictest confidence and would not be used for political purposes. I am also indebted to Richard Jones. Apart from being a good friend and colleague, he would provide me with excellent answers to most of my questions—often mixed with good humour. It is of regret that he is no longer a member of this House. John Hannaford was another great Minister in the Greiner Government. I met him when he was the Attorney General. His sincerity, friendliness and intellectual excellence and oratory skills impressed me greatly.

I wish also to thank all the current members of the Opposition for their support, particularly Michael Gallacher and Duncan Gay. Michael is a person I have always felt free to approach whenever I have needed to discuss matters or to seek advice and support, while Duncan Gay must be one of the most down-to-earth people in this House—what you see is what you get. He is the perfect gentleman, even when we do not see eye to eye on certain issues. Despite our political differences, I am also pleased to have very cordial relations with many members of the Labor Party. Henry Tsang and I did not quite see eye to eye in our early days in this Parliament.

The Hon. Henry Tsang: Yes—and still don't occasionally.

The Hon. Dr PETER WONG: And still don't. I have come to realise that differences in views and opinions do not necessarily make me a better person, and I appreciate the advice he has given me in recent time. In fact, Henry and I have our cup of coffee together from time to time. So far, he has paid for all my coffees—I think because he is richer than I am!

I thank the Hon. Eddie Obeid, who for many years faithfully and loyally lobbied me to be nice to the former Premier. There is a marked philosophical difference between us, but he worked closely with the crossbench during his years as a Minister and proved to be very competent. In 1998, during the mad period of the "table cloth" ballot paper for the upper House, despite my total naivety in understanding preference deals, it was he who kept reminding me that political success needs to be translated into parliamentary representation, otherwise it is just hot air.

Representing the other end of the political spectrum of Labor party is the Hon. Ian Macdonald. I get along very well with him despite the fact that from time to time we fought over issues. We vigorously fought about a GM-crop trial, leading to the final withdrawal of Bayer and Monsanto from New South Wales. This was achieved with the great help of many others, of course, including farmers at Young, not just by my efforts. As for our most recent battle, dioxin is the name, and hopefully he will continue to provide help to the Port Jackson fishermen and their families.

During the past eight years I have also received a lot of help and advice from Tony Kelly and his office. He is another true gentleman. In my eight years here I have never seen him raise his voice once. To Peter

Primrose and Ian West, I thank you for keeping this House in proper order and for providing me with your invaluable advice and help. And not forgetting Tony Catanzariti. Even though I have known Tony for only a short time, we have become good friends. I was to visit him in Griffith, had it not been for the recall of the Parliament following the Cronulla riot. I still have my airline ticket!

To John Della Bosca, I thank you for all the advice you have given me. I do apologise for asking some very difficult and nasty questions during the past few weeks. I thank you for your patience and well-mannered nature in answering them. I can assure Della that I do have a sense of humour, but it is hard to reflect that when you are asking a serious question. I applaud the work of the President and thank her for her patience and advice. I do not believe I have ever been named in the House. I apologise for my occasional bad manner, which did not reflect well on this House. In doing so, I wish Meredith all the best as she too leaves this place. I want to particularly thank all her staff, and Jason in particular, for they have always expediently assisted us in many of our demanding requests.

I will particularly miss working with the crossbenchers. Without exception, I have high respect for each honourable member. My parliamentary record would testify that I often supported the Greens and Democrats on most environmental issues. Ian Cohen, I believe by public acclaim, must be one of the most honourable members in this House, and I admire the Greens members for their total commitment and loyalty to the party. I wish each of the crossbench members all the best in the upcoming election. I truly believe that all eleven crossbench members have been a positive voice for the citizens of this State.

Two months ago my speech would have included my best wishes to Arthur Chesterfield-Evans on his timely retirement. Lo and behold, thanks to the two major parties, I see a Christmas star leading him to a new salvation. Arthur, I hope your multifaceted, multi-edged, slow-releasing political Osmocote will continue to upset the government of day and the Opposition for the next eight years.

I have always had a high regard for Peter Breen, particularly for his well articulated English skills and his legal knowledge. On the occasional weekend I work in the Parliament. So does he. I cannot forget that one occasion when, in darkness as I opened the washroom door, there was this man standing in front of me in silence. It was the best test of my cardiac fitness and mental status.

The environment has always been a passionate issue, often involving scientific study and scientific evidence. It has always been pleasing to hear the arguments on each side, and I commend Jon Jenkins for bringing his balance to many debates. It was with sadness that I heard of Jon's illness, and I wish him the best in the future and a speedy recovery.

I would also like to thank a former honourable member, John Tingle. In fact, I was elected on the back of preferences from the Shooters Party and the Labor Party. To this day I do not know why John Tingle gave me his preferences. I can only assume that the honourable member directed those preferences in the spirit of democracy and because he wanted other minor party representation.

As for John Ryan, I wish you all the best. I think it is sad that you have not been preselected and therefore will not be back here again. The loss is not only the loss of this House; indeed, as other members said, it is a sad loss for the Liberal Party.

I must also pay tribute to Reverend Fred Nile. I do believe you are one of the best performers in this House and are sincere in your belief. I apologise if I have offended you in the past because of a lack of tolerance or ill manner on my part. There is nothing worse than self-righteousness, especially when articulated in public.

To Reverend Gordon Moyes, even though I only closely worked with him on one occasion, during the Juvenile Justice inquiry, he showed his excellent chairmanship ability, impartially and a broad range of knowledge far beyond many I have seen both inside and outside this Parliament. I wish him well and all the very best in the future.

In thanking the two reverends I am reminded of my own Christian community. I thank the Sydney Archdiocese for its support for the lay organisation I helped establish 24 years ago, the Chinese Catholic Community Incorporated. For the past 14 years I have conducted the choir at Sunday mass at St. Josephs Camperdown. Our members have always been a loving and caring community, and our current parish priest, Father John Speedmen, has been most helpful. On the medical side, thousands of my patients voted for me to become a member of this House. My patients frequently remind me that this was one of their worst decisions

ever. They gained a politician but lost a family doctor. Hopefully I can repent my sins with actions in the future. I thank Dr Alvin Goh and our nursing sister, Ping Wang, who are currently leading China Vision, a free cataract surgery team in Guangdong.

I thank John Evans and his team on level 8 for many years of unbiased advice. I have no doubt I would have got myself into trouble on many occasions had I acted without his advice. I also wish John Evans all the best in his retirement. I particularly thank all the Legislative Council attendants—Ian, Maurice, Charles, Michael, Lucy, John and Erin—who do an extraordinary job. They have helped facilitate hundreds of delegations I have received in Parliament.

To all parliamentary workers—catering staff, security, building services, ITS, library, accounts and anyone else I have missed—I thank you for making me feel at home away from home for the last eight years. Of course I must thank Hansard for putting up with me all these years. I am aware of how difficult it has been to record my speeches. I know that the media in this place does not receive the recognition they deserve. However, on my major campaigns I have always found the media to be professional and diligent. I take this opportunity to give a special thanks to David Fisher, who was with the *Daily Telegraph* but is now editor of the *Mackay Daily Mercury*. His coverage of the Sydney Harbour dioxin scandal was exemplary. I wish him and his family the best of luck in Mackay.

I also take this opportunity to thank all the Asian press media for the extensive coverage they have provided me during my time in Parliament. Through my work in the Parliament people like Wilson Ng, Tommy Tong, Simon Ko, Roger Huang, Patrick Wong and Patrick Poon have provided me with great coverage. I now consider them as dear and personal friends. I thank my staffer, Mr Phil Tian, who has been with me for many years. He also happens to be a famous Chinese literature critic and playwright. For the past six years, with his help, I wrote a weekly column for many newspapers. I also thank Nicki Zhang, who comes in every Wednesday and helps out in the office. Before her were Alison Wang, Ling Kong, Amanda Hu and many others. I pay special tribute to Young Unity, in particular its President, Willis Phong, who has brought renewed energy and dedication to the party, and who, I have no doubt, will one day make a fine leader.

Last but not least, I thank my parliamentary researchers, John Murray and Robert Despotoski. Many fruitful discussions and arguments have kept me sharp and on my toes. Their healthy scepticism about politics is being reflected in the wider community: it now appears that one in four voters will not vote for the major parties. We have bonded well as a team and I am proud of them. Despite their considerable efforts, I can assure them once and for all that I have no intention of seeking another term in this Parliament. Time does not permit me to name all members of the Government and Opposition who will leave, but I appreciate their friendship and wish them and each of their families best wishes, continued success and longevity.

As I leave this place, I feel that I have kept my principles and integrity as a parliamentarian. I will walk out of this Parliament much wiser, but the same Peter Wong, and the same way I walked in. Hopefully, I will be more humble after learning so much from all of you. How much have I achieved? No, I have not changed the world. But as Mahatma Gandhi said, "There are many things we do in life that will not make much difference at all, but it is important that we do them." I thank God for His blessing for sending me to the Parliament of New South Wales. As this chapter of my life closes, I pray that His blessings will be forever with you and your families.

The Hon. HENRY TSANG (Parliamentary Secretary) [8.44 p.m.]: I pay tribute to the Hon. Dr Peter Wong. It is quite true that Peter and I often do not see eye to eye. It is only on those occasions when he abuses former Premier Bob Carr and when I read articles about his attack on the Iemma Government. However, I recognise Peter Wong's stand on anti-racism and his support for multicultural Australia, which is appreciated by Australians of all backgrounds. We recognise that he is a good man: He is a good family man, a good husband, and a good son. Most of all, he is a good community leader through his work in the Australian Chinese Community Association and, of course, China Vision. It is not true that I am richer than he is. Yes, I can afford to buy the coffee, but I cannot afford a brand new Mercedes convertible, as he has. Enjoy your family and your car in your retirement. Good luck.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.46 p.m.]: My eight years in this Parliament have been an education. I came into this place as a tobacco campaigner with low expectations of the political system, and I think those expectations have largely been met. However, I have a better understanding than I had before and I will ask the brief indulgence of the House to express some of those conclusions. If honourable

members wish to leave, I will not be at all offended. I recognise the lateness of the hour. Although I have not yet been preselected, I have some hope of winning my preselection.

I am proud of my committee work, especially with the mental health inquiry, the funeral inquiry, the Campbelltown inquiry, and the dental inquiry. Some of them have been very successful, although the frustration of the tobacco committee and the Joint Standing Committee on Electoral Matters has been extremely depressing. The committee system within this House is extremely important in its ability to embarrass the Government to vary its spending. I thank the staff of the committees of which I am a member—Simon Johnston, Stephen Frappell, Madeleine Foley, Julie Langsworth, Annie Marshall, Beverly Duffy, Les Gönye and Stephanie Hesford.

Jan Burnswoods was with me on a lot of committees, and she did a very good job. The course she steered was extremely astute. She set a fine line between the reality and what the Labor Party would accept. It was a difficult line to take. If any of her committees were too radical they would have been ignored. If they were too mild they would have been a long way from reality. She set that line and maintained it very well. Her infighting in committees is legendary in this House. She was extraordinarily loyal to the Labor Party, despite having to defend what some of us would think were frequently indefensible positions. I wish her well. I am sure the net result of her efforts is highly beneficial.

I have been a great admirer of John Evans since he rang me, before I entered this House, to facilitate my inauguration. I have always felt he was a champion of Parliament against the other forces in society that would move to undermine it. A short time ago I introduced a bill to bring electoral reform to New South Wales, and, of course, it was totally unsupported. It proposed a referendum that would reconstitute the present two Houses of Parliament into one Chamber, and elect 50 members from 10 State electorates.

The 50-member House would be elected by proportional representation, unlike the present system where the lower House delivers 100 per cent of the power for 43 per cent of the vote. I always felt that John Evans would have supported that plan, although, I must confess, I never asked his advice on it. I would not say for a moment that he gave an opinion on this subject. I recently attended a Vietnamese human rights day where I heard of the evils of a one-party State where a small clique runs the country. Here in Australia we have a two-parties State where two small cliques do the bidding of those with money. The two parties interchange every election or two and the Executive dictates what the Parliament does between elections. Sadly enough, Parliament plays a minimal part in what happens.

Government in Australia does not work. The Constitution was a compromise 100 years ago and is now hopelessly out of date. I do not believe that State Parliament works well on a global level. Global factors—such as too much technology, the mobility of capital and labour, and now services—mean that parliaments that deal with small areas face problems such as we do. The Executive wants the rubber stamp of the lower House and then in the upper House splits the crossbench. It gets its progressive legislation through with the assistance of the Greens and me, and the conservative legislation through with the assistance of the Christian Democratic Party. The Government pulls bills if they are going to be defeated, lest the upper House is seen to have any power. Even if the legislation goes through, the Government does not proclaim clauses that are inconvenient.

Sadly, the Opposition does not make the most of the upper House, perhaps because of the difference in culture between upper House and lower House members. Even at times a bill is introduced into this House, the Opposition does not consider crossbench amendments because they have made an agreement with the Government in the lower House. The fact that the Government and the Opposition hold the same position 90 per cent of the time considerably undermines the workings of Parliament. If that were not enough, the High Court decision in the WorkChoices case has made it very difficult for State parliaments to continue their work. It is more or less the situation now that the Federal Government can override the State whenever it likes. The Council of Australian Governments process means that much of our legislation is simply a rubber stamp of an outside agreement.

Although it is a sad state of affairs, we must continue. Our efforts in research and legislation echo elsewhere. I thank the Clerks for their assistance with procedural matters, the Parliamentary Library staff who research projects, and the catering and cleaning staff. The security staff have been most helpful to me when I have come to Parliament on weekends. I offer my best wishes to Eugene on his recovery. I thank Isaac, who looks after the gymnasium and squash courts so diligently. Council attendants Ian, Lucy, Erin, John, Mike and Charles do a sterling job and have the place running smoothly. I was very disappointed at the treatment of the staff of Parliament House, which was brought on by the Treasurer's mean-spirited budget cuts. His actions resulted in many good people leaving the employ of the Parliament. It is important that what we do we do well.

I thank my office staff for their very hard work. They have done a sterling job. People ask me how did I get such good staff. I give the simple answer that I advertise and select the best people. Other members are not so lucky and do not have that luxury. I thank Guy Ellicott and Paul Corben for their good work. I just walk into the Chamber and use their research. They make me look better than I am. I have also been lucky to have very good volunteers and students from political internship programs, most recently James Dickinson who originally studied at Oxford and Daniel Freidman from Columbia University in the United States of America, who did the wonderful research on the voting patterns of major parties.

I want to say a fond farewell to members who are in the Chamber for the last time. In particular, John Ryan stands out for his tireless work in his portfolio and his credibility with the disability sector, people who have been badly wronged by poor regulation in the building industry, the Building Action Review Group and the homeless. It is frankly a disgrace that he was not preselected. If his party thinks that it can replace him and his credibility with those sectors, they are sadly mistaken. They have knifed a very good man and they will have a lot of work to do to gain that credibility again. Pat Forsythe was similarly poorly treated. She had a great deal of credibility with those sectors. If liberalism—although I think it is conservatism—is to have a human face, it needs people such as John Ryan and Pat Forsythe. Their removal will adversely affect the Liberal's fortunes in future polls.

I commend Meredith Burgmann for her good work. She has been very fair and I have always admired her intellect. The thing I really admire about her in a strange sort of way is that when the Special Branch files were released she had a 56-page file whereas my file had only three pages. In a sense, that established her credibility with me and I could not compete. Peter Wong has done fine work in Parliament. I admired the eye operations work he did in China and his work on eliminating MSG. I am sure he was right, but his fighting on that particular issue was a most interesting campaign. I wish David Oldfield well in his new career, although I am not sure what that will be. I also want to say goodbye to Jon Jenkins and hope that he goes well on the hard road he has to hoe. It is a road we will all walk down, but it is better to walk down it later than have to face it in the short term. I think I have covered all the members who are leaving or intend to leave.

I believe that I will be back. The polls are up. One must always look at the doughnut and not at the hole. The Parliament, for all its faults that I have outlined, still spends \$43 billion and the redirection of this money is done through the committees. They are one of the few levers available to upper House members. I believe the job is still worth doing. The Australian Democrats' values must be upheld and the party must be rebuilt. At times we have to step down from lofty rhetoric and cultivate our own gardens. Certainly that challenge lies before me between now and the election. The problems of the world must be tackled and I will work here and in the broader context with the good people who try to serve their State and mankind. There are certainly people like that here. It has been good to work among you and hopefully I can continue to do so.

The Hon. AMANDA FAZIO [8.57 p.m.]: I thank all the staff of the Parliament from the Clerks, to Hansard, to Building Services. The work of all the staff is of equal value. They all make sure that this place operates effectively and efficiently. I thank you, Madam President, for the advice you have given me since I have been in the position of Chairman of Committees. I wish you well in your post-parliamentary life. I would also like to thank and acknowledge the Hon. Jan Burnswoods for the work she does in here both for the party, the Standing Committee on Social Issues and other committees. Given that Jan and I did not have a track record of working harmoniously in the Australian Labor Party, people are continually surprised that we have been able to work harmoniously in this place for the betterment of the Government and good social policy.

I acknowledge the members of the House who are retiring—the Hon. John Ryan; the Hon. Peter Breen, whose speeches I have always enjoyed; the Hon. Jon Jenkins, who was here only for a short while; and the Hon. Dr Peter Wong. Since virtually I came here he and I have been saying we must go for yum cha one day. We still have not managed it. Perhaps we can do so before March. I also acknowledge the Hon. David Oldfield, who has made some interesting contributions in the House. I wish everyone a very safe and happy Christmas. For those retiring, I wish that you have long, healthy and happy retirements and time to spend with your families. I hope that I see all the people who think they are returning back here next year. To those who think they are returning and do not make it, I wish you well.

The PRESIDENT: I also wish the House the best for the holiday season. I would like to thank most of the members for being reasonable most of the time. Those who have not been reasonable know who they are, so I will not name them! I would just like to mention two items of unfinished business that are personally important to me but have not been dealt with. The first is to do with this House acknowledging Aboriginal ownership of country. As members know, at the beginning of every week since I became President in 1999, I have

acknowledged that we are meeting on Eora land. The other place recently included in its standing orders an acknowledgment of country, which is:

We acknowledge the Traditional Owners, the Gadigal people of the Eora Nation. We also acknowledge the Traditional Owners of the lands we represent and thank them for their custodianship of country.

I very much urge members of the new Parliament to include those words in their formal business. The second piece of unfinished business is a piece of legislation that I have been urging within the community and within my political party for a very long time—that is, that legislation be enacted to ban any political party from receiving donations from developers. It is an issue that the public feels very strongly about and it is an issue that I feel very strongly about. I have moved the "No Developer Donations" motion at my own party's conference over many years. While I do not believe that individual planning Ministers or shadow planning Ministers have in fact been corrupted by the process, it is quite clear that the potential is there, and justice must not only be done, but must be seen to be done. I understand that there is a need for this legislation to be enacted at the Federal level, but certainly a start could be made at the State level.

On a happier note, I would like to thank all the wonderful staff of this Parliament who work so hard, often under difficult circumstances. I thank my staff: Lesley Gruit, Zoe Backes, Helen Randerson, Jason Stewart, Sid Oliver and, particularly, my chief of staff, Yvette Andrews, who has dealt brilliantly with every difficult and bizarre event that has come her way in the past 12 years. They will be in the book! I have just been sent a note from Yvette telling me that, in the spirit of tonight's speeches, I have to quote someone. She suggests either Karl Marx or Paul Roos. So here goes:

For everyone who's waited 72 years for the Swans to win the Premiership ... here it is—

Go the Swannies!

I wish all members well for the future, particularly those who are leaving this Chamber.

Motion agreed to.

HEALTH LEGISLATION AMENDMENT (UNREGISTERED HEALTH PRACTITIONERS) BILL

TREES (DISPUTES BETWEEN NEIGHBOURS) BILL

Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.

ADJOURNMENT

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [9.03 p.m.]: I move:

That this House do now adjourn.

ITALIAN-AUSTRALIAN COMMUNITY CULTURAL EVENTS

ITALIAN PARLIAMENTARY FRIENDSHIP GROUP

The Hon. AMANDA FAZIO [9.02 p.m.]: On Friday 3 November I represented the Premier, the Hon. Morris Iemma, at the thirty-sixth annual ball in honour of Sant' Antonio Da Padova, the protector of Poggioreale in Sicily, which was held at Le Montage at Leichhardt. I had the honour of attending this event in 2004 and enjoyed the proceedings very much. I congratulate the organisers for their commendable efforts in hosting the event as part of the fundraising activities of the association which are earmarked for providing aged care to benefit the Italian-Australian community in Sydney, especially the frail aged and dementia sufferers. The association has been hosting this annual ball in Sydney for 36 years, which is a remarkable achievement, and continues the ancient religious tradition, dating back to the thirteenth century, to benefit those in need of help.

The New South Wales Government commends the excellent work performed for decades by the Sant' Antonio da Padova Association and is proud to support its efforts to care for ageing Italian people, who form an increasingly large component of the Italian-Australian community. These projects and activities are just a further good example of the significant contribution that the Italian community has made to the social,

economic and cultural development of our multicultural New South Wales. On 26 October I attended the opening of the Lavazza Italian Film Festival at the Palace Cinema in Norton Street, Leichhardt. The festival was opened by the Hon. Sandra Nori, MP, who will be retiring at the next State election, and whom I have known and worked with since the days when we were both in Young Labor—when we were fighting against each other for our respective groups. This is the seventh year that the Italian Film Festival has been staged. It goes from strength to strength. Academy Award-winning director Gabriele Salvatores and producer Maurizio Totti were special guests of the 2006 festival. Palace Films managing director, Antonio Zeccola, said:

Each year we look forward to sharing the magical warmth and passion of Italian cinema with Australian audiences, so I am therefore truly honoured that this year's Festival will be enriched by the presence of two of Italy's foremost contemporary filmmakers".

The 2006 Lavazza Italian Film Festival was a resounding success. The great work of Antonio Zeccola in promoting Italian cinema deserves recognition. On Saturday 11 November I represented the Premier at the Italian Chamber of Commerce and Industry's twenty-eighth gala ball, which was held at the Hilton Hotel. The Italian Chamber of Commerce and Industry in Australia Inc. was established in 1922 with the stated objective to promote trade and commerce between Italy and New South Wales and, more widely, with Australia. The chamber in Sydney is the oldest and largest Italian chamber of commerce in Australia and is part of a worldwide network of similar organisations that are located both in Italy and internationally. These organisations are supported by the Italian Government to combine local resources and international networks with a view to developing viable and effective commercial contacts of mutual benefit to business communities both locally and in Italy. The chamber achieves its mission by providing services and facilities to its members and the public.

The gala ball is an occasion to celebrate another year in the life of the chamber and is the most important social event that the chamber holds each year. It is also a time for the Italian-Australian community to come together and celebrate the numerous achievements that such integration has fostered in the Italian community of New South Wales. The ball raised funds for phenylketonuria [PKU] research at the Children's Hospital, Westmead. More than \$150,000 has been raised in previous years and this has allowed the Children's Hospital to conduct research, employ a post-doctoral researcher and purchase laboratory consumables that are being focused on research into a new therapy. The evening also featured the presentation of the 2006 Italian Awards for Excellence to the leading Italian-Australian companies.

At a function to be held on 8 December, the long-awaited opening of the Cultural Centre of the Italian Forum will come closer to fruition. At this event the directors of the Italian Forum Limited will see the culmination of their efforts materialise and the dream of the Italian community to proceed with the fit-out of the cultural centre become a reality. The fit-out work will commence shortly and is scheduled to be completed in spring 2007. This will mark an exciting and positive time for the Leichhardt area as well as the Italian community. The cultural centre will include an auditorium, a multimedia centre, function-conference rooms and an exhibition gallery. Once completed, this community space will embrace a melange of cultures through fine arts and performing arts.

Italians not only form the third-largest non-English speaking community in New South Wales but also are arguably one of the most influential groups in changing Australia's lifestyle and culture. They are also very active politically. In the New South Wales Parliament we have an Italian-Australian Premier, four Ministers, one shadow Minister and three backbenchers. Integral to one of the most culturally diverse societies in the world, the Italian-Australian community has served the wider community with great distinction and has made an enormous contribution to the social, cultural and economic development of this State. Italian-Australians are represented in all areas of the professions, industry, commerce and the arts in New South Wales where their valuable contributions are strongly felt. Italian-Australians are equally active in philanthropic and voluntary community activities. Links between Australia and Italy have never been stronger.

In March the Premier launched the Italian Parliamentary Friendship Group, which is an acknowledgement of the importance that this State places on the relationship with the great Republic of Italy. As I stated earlier, the Italian community has made many significant contributions to the social, economic and cultural development of New South Wales. For all of these reasons I say to the Leader of the Opposition, the honourable member for Vacluse, that he should stop denigrating members of the Italian-Australian community and he should stop playing the race card.

GUNNEDAH SESQUICENTENARY

The Hon. CHRISTINE ROBERTSON [9.08 p.m.]: This year the town of Gunnedah celebrates the sesquicentenary of its founding and proclamation in 1856. It was my great pleasure to attend some of the many

celebrations that took place over the October long weekend. Gunnedah has a rich history and is at the centre of a district that plays a crucial role in the primary production of New South Wales. The Gamillaroi people are the original owners of the land on which Gunnedah is situated. Their community plays an important role in Gunnedah's past and present. One of the most famous icons of indigenous Gunnedah is the legendary Gambo Gunera, also known as Red Kangaroo, whose story was told in the book, *The Red Chief*. Red Kangaroo is thought to have lived from some time in the late seventeenth century through to the eighteenth century and defended the community from attacks by tribes from as far away as the Hunter Valley.

To have this kind of knowledge of indigenous history dating from before European settlement is unique indeed. In the past I have been honoured to attend a dance presentation of the Red Kangaroo by the Gamillaroi people from the Gunnedah area. The first white people arrived in the Gunnedah area in 1833 or 1834 as the first farms were established along the Namoi River, not long after the explorer John Oxley passed through the area. As the area east of the Great Dividing Range became increasingly crowded and farming land became scarce, the first farmers began to move into the area. By the time Gunnedah was gazetted as a town in 1856, it had a population of around 300.

In the 1850s the courthouse and lock-up were established, as was the first post office, known locally as The Woolshed. In 1879 one of the great landmarks in the development of Gunnedah occurred, as the first train from Werris Creek arrived. To put this in perspective, at that time not even Sydney and Newcastle were connected by rail. It was around this time that coal was discovered in the area, and the importance of that discovery continues to this day. Together with farming, mining is vital as the economic lifeblood of the Gunnedah community and it has played a role in shaping the fabric of the town. A few years ago Gunnedah suffered a big setback when the local abattoir, which opened in 1957, was closed. For many years that abattoir was another key local industry. Together with the Gunnedah Saleyards that are still in operation, it gave Gunnedah a reputation as an important centre for graziers, and one that is vital to the primary production output of New South Wales. Every Tuesday the saleyards echo to the call of the auctioneers, and buyers come from all around eastern Australia to use them.

Gunnedah is the major centre for people on the famous Breeza Plains, once known as the food bowl of New South Wales, although it now has a predominance of cotton crops. One of Gunnedah's claims to fame is the strong connection it has to Dorothea Mackellar, the author of the iconic poem *My Country*, whose family owned several properties in the area. Where this poem was written is a matter of conjecture, with suggestions ranging from New England to the Hunter Valley. But the Gunnedah locals believe that the sweeping plains that Mackellar writes of are those in the Gunnedah area, and I agree with them. Other famous residents of Gunnedah include Harry "Breaker" Morant. Harold Larwood lived there briefly, whilst Dally Messenger, the founder of rugby league, died in Gunnedah in 1959.

The Ag-Quip farm equipment field exhibition is well known to many members of this House. It is now the largest annual exhibition of agricultural equipment in Australia, and, of course, it is where my wonderful walking stick comes from. The natural environment around Gunnedah is also noteworthy. Gunnedah proudly calls itself the koala capital of Australia. There is abundant wildlife in the district, with signs even pointing out local koala populations where they can be seen. Following the closure of the abattoir and some coalmines, the town slowed down for a couple of years. Now, however, through the hard work and positive attitude of the whole community, Gunnedah is celebrating its 150 years with the knowledge that the community and industry is growing and will continue to grow. It was with great pleasure that I shared a special night where the DVD to celebrate Gunnedah's 150 years was shown, and the celebration book was launched with my Country Labor friends Colleen and Ron Fuller, and Mrs Coote from the Historical Society.

Mrs Coote is the mother of Rodger, who, with his wife, Ingrid, were two of the best workers I had in the Division of Population Health and Planning of New England Health in my past. I pay tribute to Gunnedah council, its mayor, Gae Swain, and the general manager, Max Kershaw, for their hard work in ensuring that these celebrations were successful, as they were. The people of Gunnedah are rightly proud of what their community has achieved, and of the mark they have left on New South Wales and Australia through their very important contribution to our primary industries and mining production, whilst retaining the strong pride in their community that makes country New South Wales such a special place. The book and DVD are to be donated to the library, through my office. I do that very proudly. This is a community that deserves to be known, and our library is famous for ensuring that that happens, especially for our regional centres. I was honoured to be able to share in the celebrations in Gunnedah on that weekend.

AUSTRALIAN CAPITAL TERRITORY GOVERNMENT**QUEANBEYAN AND JERRABOMBERRA WATER ACCESS**

The Hon. MATTHEW MASON-COX [9.13 p.m.]: Today I have had the privilege of listening to a wonderful array of valedictory speeches documenting many years of public service in this place. They were most enlightening, entertaining and inspiring. I salute you all, particularly the Hon. John Ryan, for the significant contribution you have made. I wish honourable members who are retiring, whether they know it or not, the best for the future. I also extend my thanks and best wishes to the Clerk of the Parliaments, John Evans, on his well-earned retirement. Tonight I bring to the attention of the House the consequences of a break down in good government in the Australian Capital Territory, and the failure of the honourable Member for Monaro and the New South Wales Government to stand up for the interests of the people of Queanbeyan and Jerrabomberra.

The Australian Capital Territory Government is the worst possible neighbour for adjacent areas of New South Wales, in particular the communities of Queanbeyan and Jerrabomberra. It has a style of government that is more akin to that of a Stalinist regime than that of a democratic, consultative and responsive government. Its leader, Chief Minister John Stanhope, is more concerned with form than substance. He, like the Premier of New South Wales, is the king of spin, using the Australian Capital Territory public service as his personal publicity machine and risk management tool. If there is an issue of concern in the community, dare I say the planet, his response is to establish an inquiry or create a committee or commission to look into it, at great cost to the people of the Australian Capital Territory.

Let me give the House a few examples. We have the Minister's Youth Council, the Office of Multicultural Affairs, the Independent Competition and Regulatory Commission, the Australian Capital Territory Health and Medical Research Council, the Australian Capital Territory Cultural Council, the Australian Capital Territory Bill of Rights Consultative Committee, the Australian Capital Territory Arts Funding Peer Assessment Committee, the Australian Capital Territory Ministerial Advisory Committee on Women, and the Community Inclusion Board—whatever that means! The list goes on and on. The Australian Capital Territory even has a Human Rights Commission that has cost over \$7.5 million to date. Heaven knows what it actually does! The Australian Capital Territory Government has an opinion on anything and a committee on everything, except seemingly how to properly manage its budget and provide the services that the people of the Australian Capital Territory and surrounding region actually need.

It has got to the point that in a community of 325,000 people we have a public service of 15,354 costing over \$445 million per year. The budget deficit is in excess of \$80 million and getting worse. This irresponsible spending is simply not sustainable and is resulting in dysfunctional decision making that is putting the people of Canberra and Queanbeyan-Jerrabomberra last. An example is the Australian Capital Territory Government's decision to close 39 public schools but to open a \$130 million prison on the doorstep to Jerrabomberra. The community outrage has been palpable. In regard to the closure of schools, the Australian Capital Territory Labor Government launched a so-called consultative process to take submissions, but on the unwanted prison it launched its call-in powers to exclude any consultation. The views of residents of Jerrabomberra, just across the border, were not even considered in reaching that decision.

The same goes for access to water for the future development of Queanbeyan and Jerrabomberra. However, in this case an incompetent New South Wales Labor Government and local Labor member have unwittingly assisted a money-hungry, incompetent Australian Capital Territory Labor government by granting the Australian Capital Territory an effective right of veto over any new development in New South Wales. The last thing the Australian Capital Territory wants is competition in land releases. Last year it grossed \$127 million from selling land and expects \$378 million from land-related tax income in 2006-07. So we have not one, but two Labor governments working together to deny the people of Queanbeyan and Jerrabomberra access to water for future developments—development that would otherwise bring vital community facilities, such as a new high school, an indoor swimming centre, a new primary school, a preschool, or new sporting ovals, as well as the long-awaited duplication of Lanyon Drive to the Monaro Highway.

The communities of Queanbeyan-Jerrabomberra have endured six long years of inaction and uncertainty. Labor is culpable and, instead of trying to blame others, the honourable member for Monaro must take responsibility for the fiasco. The Labor member for Monaro has shown he is incapable of standing up to the Labor Australian Capital Territory Government.

The Hon. Jan Burnswoods: Point of order: Madam Deputy-President, I draw your attention to Standing Order 91 (3), which states:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

I have listened to the Hon. Matthew Mason-Cox's speech for some time and have been trying to work out why he would be devoting so much attention to the government of another State or Territory. I still cannot understand why he has been doing that. But, certainly, if he is going to turn his attention to an attack on a member of the other place, I would ask you to remind him that that is disorderly.

The DEPUTY-PRESIDENT (The Hon. Penny Sharpe): Order! I agree with the honourable member that it is disorderly, but the honourable member's time has expired.

CHRISTMAS

Reverend the Hon. FRED NILE [9.18 p.m.]: I wish to speak about the message of Christmas. It is a great privilege to have had the opportunity to serve in this House for 25 years and to have done so as a Christian minister who is also an elected member of the New South Wales Parliament. It is also a great privilege to have been able to bring to the House's attention at various times, particularly opportune times such the adjournment of Parliament for Christmas, the meaning of Christmas as we celebrate the birth of Jesus Christ, the reason for the season. It is not the holiday season; it is the Christmas season. I believe it is important that we retain the word "Christmas", which was originally "Christ's Mass". What is the meaning of Christmas? We have to turn to the holy *Bible*, Luke 1:35, where the angel speaks to the Virgin Mary and says:

The Holy Ghost shall come upon thee, and the power of the Highest shall overshadow thee: therefore also that holy thing which shall be borne of thee shall be called the Son of God.

The message of Christmas is to celebrate the birth of Jesus Christ, the Son of God. When studying the *Bible* it is amazing that the book of Isaiah, which has been proven to have been written 700 years before the birth of Christ, refers to the birth of Christ. Isaiah 9:6 states:

For unto us a child is born, unto us a son is given:
And the government shall be upon his shoulder:
And his name shall be called Wonderful, Counsellor, The Mighty God, The everlasting Father, The Prince of Peace.

They are descriptions of Jesus Christ. However, what is the real meaning of Christmas? What is the spiritual meaning of Christmas? Many passages in the *Bible* refer to Christmas. The passage that sums up the meaning of Christmas in a way we can understand is in II Corinthians 5:17-20. It states:

17 Therefore if any man *be* in Christ, *he is* a new creature:
old things are passed away;
behold, all things are become new.

18 And all things *are* of God,
who hath reconciled us to himself by Jesus Christ,
and hath given to us the ministry of reconciliation;

19 To wit, that God was in Christ,
reconciling the world unto himself,
not imputing their trespasses unto them;
and hath committed unto us the word of reconciliation.

20 Now then we are ambassadors for Christ,
as though God did beseech *you* by us:
we pray *you* in Christ's stead,
be ye reconciled to God.

The simple meaning of Christmas is that God loved us so much. John 3:16 states:

For God so loved the world,
that he gave his only begotten Son,
that whosoever believeth in him should not perish,
but have everlasting life.

Almighty God, the creator, in His love, came down to earth at Christmas time and was born in the womb of the Virgin Mary by the Holy Spirit. We call that the Virgin Birth. It is very important that these facts be retained in our Australian Christian society as the centre of Christmas.

I congratulate the City of Sydney Council on its excellent Christmas decorations that are on display from today. It is important to always uphold the fact that Jesus Christ is the Son of God. I am concerned that pamphlets are being distributed in some Sydney suburbs attacking that doctrine. I understand that the pamphlets are being distributed by some Islamic fundamentalists who quote a section of the *Koran* that states:

The Christians say, 'The Messiah is the Son of God.' ...
How they are perverted!

That is, anyone who says that Jesus Christ is the Son of God is a corrupt or perverted unbeliever. Jesus Christ is the Son of God, and those facts should be upheld and celebrated, as we do, with festivals such as Carols by Candlelight that are held in many suburbs. It has become quite a cultural Christian event in that it is celebrated across Australia, from Bankstown to Perth, from Darwin to Hobart. Tens of thousands of people gather with their families to celebrate Christmas. I pray that they all continue to do that, and enjoy the festival of Christmas on Christmas Eve and on 25 December.

A & G INDUSTRIES LIMITED

The Hon. TONY CATANZARITI [9.23 p.m.]: Invention and innovation have long been an integral part of primary industry. Indeed, there are many successful businesses throughout rural and regional New South Wales whose leading-edge designs have assisted industry throughout the world. One such business is A & G Engineering, which is part of the A & G Industries Group. Established in 1963 by Griffith locals Ron Potter and Lionel Irving, A & G Engineering has grown to become one of the largest manufacturers of stainless steel tanks and equipment for the Australian wine industry. They also manufacture equipment, which they export to France, the United States of America, Portugal, China, Chile, Cyprus, Vietnam, Bulgaria and New Zealand. The company's ability to meet the needs of the wine industry speaks for itself. It has been said that nearly every winery in Australia has a piece of A & G equipment.

A & G's founders, Ron and Lionel, are still actively involved in the business, and their passion for the rural industry and rural communities has not waned in any way. This longstanding business partnership owes its success to the fact that Lionel's and Ron's skills complement each other. From humble beginnings in Griffith, A & G now has branches in the wine grape growing districts of the Sunraysia Valley, the Barossa Valley, and throughout the world. A & G also provides project management services to assist with winery design around the world, designs plant for other rural industries such as dairy and meat processing, and it can supply staff to assist with vintage the world over. Employing more than 200 permanent staff, Ron and Lionel recognise that their most important asset is their employees.

The great thing about living in a rural area is that everyone looks out for each other, and that is the philosophy that the two men apply to their business. During the more than 30 years that A & G has operated, not one person has been retrenched, even through the tougher periods. To say that Lionel and Ron value their employees is an understatement. Their employees are treated like family, and the flow-on effect to the local community is invaluable. The kindness and generosity shown by those two men does not stop there. They have been known to employ workers from businesses experiencing a downturn until the situation improves. They willingly donate their time to act as business mentors and are proponents of the Western Riverina Higher Education Reference Group. Over the years they have given their backing to a number of new businesses in the area.

One such business is Flavourtech. With the backing of Lionel and Ron, an idea that started 25 years ago has created a global leader that supplies processing technology for the production of flavours and concentrates. The spinning cone column was developed and commercialised by Flavourtech and is widely used as an aroma recovery or flavour management device. Spinning cones are now installed in more than 20 countries in a variety of applications. The spinning cone column device is second to none, and it allows aroma profiles to be tailored to suit regional taste differences. A process laboratory for customer trials and Flavourtech research and development is also located at Griffith. Sales offices and other technical facilities for customer trials are available worldwide. Ron and Lionel are held in the highest regard throughout the region, not only for their business skills but also for their commitment to industry and the community. It is people such as Lionel and Ron who have helped make the Murrumbidgee Irrigation Area what it is today. And I wish everyone a merry Christmas.

RETIRING MEMBERS OF PARLIAMENT

The Hon. DON HARWIN [9.28 p.m.]: I have immense respect for and extend my thanks to John Evans. Edmund Burke said, "A State without the means of some change is without the means of its own conservation." In this last week of sitting for the Fifty-third Parliament, change is inevitably on the minds of members. Over the past few days many of us have experienced a sense a loss as we hear from our departing colleagues who will not be with us in the Fifty-fourth Parliament. I am sorry that time prevents me from mentioning them all.

Andrew Tink was one of those who came into the Parliament as part of the great sea change of 1988. He defeated a sitting member at preselection—my vote included—on a difficult Saturday back in 1987. He has been a giant in this Parliament. Outside this place people may know him for his confrontations on the floor in the other place when he was Manager of Opposition Business. I will remember his integrity and always regret that he did not have the opportunity to lead our party. Andrew, though, would be the first to admit that the principal barrier to that achievement was his own unwillingness over many years to put himself forward—much to my disappointment. He leaves the Parliament at a time of his own choosing and is looking forward to writing a book on one of our former members, W. C. Wentworth. It is a retirement aspiration that I can well and truly relate to, having put pen to paper myself a couple of times.

I admit to shedding a few tears after the wonderful speech that Peta Seaton gave last night. Peta and I have had many shared experiences in the 19 years we have been working together. Peta is the truest of true Greiner believers, and my own adoration of the man who inspired me to join the Liberal Party almost 24 years ago pales in comparison. We were part of the crusade back in 1987, working in this place to achieve a change for the better. We got that change, and it certainly was for our State's good. After a long and difficult by-election campaign, I had the pleasure of being Peta's head scrutineer, predicting victory throughout the long slow count that was analysed each afternoon over coffee in the Paragon Cafe in Goulburn and celebrated with much quiet satisfaction in that three-cornered contest. We will miss the searing intellect and policy integrity that she brought to our party room. Last night's succinct statement of her own philosophy is a clarion call to those of us who must continue to stand up for liberalism and liberal principles in the Liberal Party.

I am still coming to terms with the loss of my colleague John Ryan. We have been through so much in the 22 years since we were members of the same Young Liberals branch. I still remember the exhilaration I felt that day back in 1991 at the Masonic Centre when he was preselected. In my first three years in this place, John Ryan was the only person I could turn to in the bad times—and there were plenty. He has lived and breathed his faith in this House and in his service to the people of New South Wales. His witness has been an inspiration to me and to others.

In our democracy the electoral process is the means of change. It is central to our constitutional heritage as a Westminster Parliament and it has, for more than three centuries, involved non-violent transfers of power from one administration to the next. Inevitably in the last week of a parliamentary sitting the spectre of change looms large. After 12 years of Labor our State has had that government for long enough, and it is time for change. Having served eight years in this Chamber, I am more convinced than ever of an observation I made in my maiden speech. I believe our party's two periods in office have truly energised the State and helped New South Wales to be a better place in which to live. When we have been a progressive and dynamic force for change in the politics of this State, our party has received the support of the people at the ballot box.

I thank those who have helped me through my eight years in this place. I thank my family in particular, which has expanded by three—Emma, Daniel and Nathan—since then. I also thank those close supporters in the party. I particularly thank Carl, Scott, Ainslie, Andrew, Brian, Sally and Nathan, without whom I could not achieve anything here. I trust that our third term in office will start in March and continue in the tradition that I mentioned in my maiden speech and tonight. With the support of the people of New South Wales, I look forward to being part of that period as a member of this House. I wish everyone a merry Christmas.

Motion agreed to.

The House adjourned at 9.33 p.m. until Tuesday 27 February 2007 at 2.30 p.m.
