

LEGISLATIVE COUNCIL

Thursday 9 September 2010

The Deputy President (The Hon. Kayee Frances Griffin) took the chair at 11.00 a.m.

The Deputy President read the Prayers.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): I report the receipt of the following message from Her Excellency the Governor:

Marie Bashir
GOVERNOR

Office of the Governor
Sydney 2000

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State, at 5:15 am, on 9 September 2010.

9 September 2010

BURMA

Dr JOHN KAYE [11.02 a.m.]: I seek leave to amend Private Members' Business item No. 256 outside the Order of Precedence for today of which I have given notice in the following terms:

1. In paragraph 2 omit "to" and insert instead "to give consideration to".
2. In paragraph 2 (a) omit "immediately place" and insert instead "placing",
3. In paragraph 2 (b) omit "impose" and insert instead "imposing".

Leave granted.

Motion by Dr John Kaye agreed to:

1. That this House notes that the March 2010 report of the UN Special Rapporteur on human rights to Burma, Tomas Quintana, raises serious human rights concerns in relation to the military regime's development of the nation's oil and gas resources and, in particular, states that:
 - (a) "the depletion of natural resources is of concern, as is the relationship between extractive industries and a vast array of human rights violations",
 - (b) "... extraction activities have directly resulted in an increase in human rights and environmental abuses committed by the military against the people living along PTT Exploration and Production Public Company's Yadana and Yetagun gas pipeline project in the Tenasserim region of Myanmar. Reports highlight the close relationship between the extraction companies and the armed forces. The companies rely on the Myanmar military to provide security for their projects",
 - (c) "similar negative impact is caused in the context of the Kanbawk to Myaing Kalay gas pipeline project, operated by the Myanmar Oil and Gas Enterprise, and the Shwe gas pipeline project", and
 - (d) "Myanmar's earnings from natural gas are recorded at the official exchange rate for the kyat which over-values the currency by 150-200 times its market value ... Since 2000, \$4.8 billion of \$4.83 of the Government's revenues on the Yadana Project appears not to have been included in the national budget".
2. That this House calls on the Federal Government to give consideration to:
 - (a) placing the Myanmar Oil and Gas Enterprise on Australia's financial sanctions list, and
 - (b) imposing targeted trade and investment sanctions on Burma's oil and gas industry.

BUSINESS OF THE HOUSE

Formal Business Notices of Motion

Private Members' Business item No. 257 outside the Order of Precedence objected to as being taken as formal business.

COMMITTEE MEMBERSHIP**Motion by the Hon. Tony Kelly agreed to:**

1. That Dr Kaye be appointed as a member of the Joint Standing Committee on Electoral Matters in place of Ms Rhiannon, resigned.
2. That Mr Shoebridge be appointed as a member of the Committee on the Office of the Ombudsman and the Police Integrity Commission in place of Ms Hale, resigned.
3. That Mr Shoebridge be appointed as a member of the Legislation Review Committee in place of Ms Hale, resigned.

Message forwarded to the Legislative Assembly advising it of the resolution.**GENERAL PURPOSE STANDING COMMITTEE NO. 5****Report: Inquiry into the RSPCA Raid on the Waterways Wildlife Park**

The Hon. Ian Cohen, as Chair, tabled report No. 32, entitled "Inquiry into the RSPCA Raid on the Waterways Wildlife Park", dated September 2010, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Ian Cohen.

The Hon. IAN COHEN [11.06 a.m.]: I move:

That the House take note of the report.

This was a very tense and interesting inquiry involving local communities and government instrumentalities. Both the community and government agencies have taken a great interest in the capture and care of our native fauna. It was a controversial inquiry, and I hope that the 10 recommendations in the report will bring some balance to, and throw some light on, a rather vexatious issue for the local community, for all members involved and for Parliament in dealing with it. The removal of the animals from the park attracted considerable media attention and caused a great deal of concern in the local community. The park owners, Mr Colin Small and Mrs Nancy Small, are longstanding Gunnedah residents who have operated the park and cared for injured animals for many years. On behalf of General Purpose Standing Committee No. 5, I acknowledge the continuing contribution by the Smalls to the community. I also acknowledge the assistance provided to the Smalls by the Gunnedah Shire Council and the Gunnedah community since the removal of the animals. I hope that this translates to continuing support for the benefit and welfare of those animals in captivity.

I believe this inquiry sheds a significant amount of light on such situations, particularly the politics involved, to clarify who is responsible. It is a timely report. I am satisfied that we have investigated the situation clearly without fear or favour, and I am proud of the report that has been produced. I thank all participants in the inquiry: those who made written submissions and those who gave their valuable time to talk to the committee during its public hearings and site visit. I am also grateful to my fellow committee members for their contribution to the inquiry. In particular, I thank Beverly Duffy, Abigail Groves and Shu-Fang Wei from the committee secretariat for their consistent and highly professional support.

Debate adjourned on motion by the Hon. Ian Cohen and set down as an order of the day for a future day.

PETITIONS**Coogee Bay Hotel Site**

Petition opposing any redevelopment of the site bounded by Coogee Bay Road and Arden and Vicar Streets under part 3A of the Environmental Planning and Assessment Act 1979, received from the **Hon. Don Harwin**.

Hurstville Precinct Project

Petition opposing the changes proposed in the Hurstville Precinct Project and calling for increased investment and consultation in relation to planning for Hurstville Public School and Hurstville Boys High School, received from **Dr John Kaye**.

BUSINESS OF THE HOUSE**Postponement of Business**

Private Members' Business item No. 1 in the Order of Precedence postponed on motion by the Hon. Duncan Gay on behalf of the Hon. Charlie Lynn.

COMMITTEE MEMBERSHIP

The DEPUTY PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of committees from the crossbench members:

General Purpose Standing Committee No. 2

Ms Faehrmann be appointed in place of Dr Kaye.

General Purpose Standing Committee No. 3

Mr Borsak be appointed in place of the Mr Brown.
Ms Faehrmann be appointed in place of Dr Kaye.

General Purpose Standing Committee No. 4

Mr Borsak be appointed in place of the Mr Brown.
Mr Shoebridge be appointed in place of Dr Kaye.

Standing Committee on Law and Justice

Mr Shoebridge be appointed in place of Ms Hale, resigned.

DEATH OF CONSTABLE WILLIAM CREWS**Ministerial Statement**

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice-President of the Executive Council) [11.17 a.m.]: It is with profound sadness today that we reflect on the death of Constable William Crews in the line of duty. Constable Crews was a member of the Middle Eastern Organised Crime Squad. The Commissioner of Police has advised that Constable Crews was shot during an operation targeting the supply of drugs. Police and ambulance officers made every effort to save his life, but his injuries were so severe that he passed away in Liverpool Hospital. I understand that this is now a critical incident investigation.

The commissioner has spoken most highly of Constable Crews' colleagues who were under unimaginable pressure and who were able to give first aid to Constable Crews, arrest people and secure a crime scene. On behalf of the New South Wales Government, and I am sure all members of this House, I extend my condolences to Constable Crews' family, friends and colleagues during this time of mourning. Constable Crews died serving and protecting the people of New South Wales. His death renders all the more poignant the day-to-day risks that police officers face and the quiet burden that the families of these serving officers must carry every day.

Police officers are the custodians of the safety and security of our community. They deal with issues and dangers today that would have been unthought-of of generations ago. Officers like Constable Crews join the force to be part of something of the utmost importance, to work and to protect the very structures of society we all rely upon. As I indicated earlier, the grief experienced by the family of a murder victim is incredible. The Government conveys its deepest sympathy and compassion to the family of the victim of this terrible crime. We express our appreciation to all those officers who provided assistance and to the relevant emergency services and hospital staff who tried to save Constable Crews' life.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.19 a.m.]: I thank the Attorney General, by making a ministerial statement at this early stage, for giving the House an opportunity to express to Constable Crews' family, to his work colleagues and to the community of New South Wales our sympathy and condolences on the loss of this fine officer. Policing—there is no other job like it. It is often said of many occupations that they are different, but in policing the most simple of tasks can often turn out to be the most dangerous—indeed, occasionally the most tragic. Simply stopping a motorist for a minor traffic indiscretion or

checking the bona fides of someone who is acting suspiciously as they move around our community—day-to-day tasks that police officers perform in the normal course of their duties—can have the most serious and tragic consequences.

The circumstances as we know them thus far are that this incident came about as a result of a forced entry on a home, which is an incredibly dangerous situation for all involved. Imagine what it is like to go through a front door not knowing whether the people behind the door know you are coming. You do not know what they have inside the place and you are trying to effect an arrest, preserve a crime scene and look after your workmates. It is incredibly stressful and things happen very quickly. Far too often we take for granted the work of our New South Wales police. The chilling point for us all to consider is that at 9 o'clock last night, when this officer was fighting for his life, we were in the Chamber talking about the Police Death and Disability Scheme and what we can do to protect our police. I was recounting my recent visit to the Wall of Remembrance in Canberra. Little did I know that by morning we would have another name to add to that wall.

CRIMES AMENDMENT (GRIEVOUS BODILY HARM) BILL 2010

Second Reading

Debate called on, and adjourned on motion by The Hon. Lynda Voltz.

CHAFFEY DAM

Debate resumed from 2 September 2010.

The Hon. TREVOR KHAN [11.22 a.m.]: On the last occasion I spoke, I referred to the fact that only a couple of months ago the Leader of The Nationals, Andrew Stoner, was in Tamworth committing the Coalition, should we win government in March next year, to resolving the funding formula and moving forward as soon as possible on the augmentation of Chaffey Dam. Members may well ask where the member for Tamworth stands on this issue. The member for Tamworth, Peter Draper, has seized every opportunity to have his picture taken with State Labor Ministers and to issue countless media releases. But despite all the photos and all his talk, we have seen only a constant failure to deliver the infrastructure needed in this region, including Chaffey Dam.

Kevin Anderson, The Nationals candidate for Tamworth, has been working tirelessly with me and with the Leader of The Nationals on this issue. I know that he is working already for the people of Tamworth, advocating for some real action on the augmentation of the dam. I am sure that if he were to enter the other place in March next year he would not stop until he got this project delivered for the people of Tamworth. If it were not for the New South Wales Coalition's constant attention to this issue, as well as the attention of the local media, the Minister for Water, Phil Costa, would have let this issue fall off his agenda completely.

The augmentation of Chaffey Dam to a capacity of 100 gigalitres is vital to the continued success and growth of Tamworth. As one of the larger regional centres—indeed, one of the larger regional centres with one of the highest growth rates of any such centre in the State—the growth of Tamworth is much needed to take pressure off other cities such as Sydney. Without the augmentation of Chaffey Dam, people will suffer, jobs will be lost and the future prosperity of the region cannot be assured. If the augmentation and safety upgrades had taken place soon after the announcements in 2007, construction would be approaching completion—and at a far cheaper cost to the taxpayer than is currently envisaged. I am pleased that the Hon. Christine Robertson has finally decided to come into the Chamber. Hopefully she will have some words of comfort for us.

The fact that nothing has been done on this project since it was announced three years ago is a sad indictment on the Keneally Labor Government. Indeed, it is a sad indictment on every Labor member who sits in this Chamber, particularly any member who has a passing connection with the city of Tamworth. On this issue, as on so many others, Labor has proven itself unworthy to govern. I call on the Keneally Labor Government to act on the Federal Government announcement made during the recent election campaign and start the project without further delay. It is essential to finally bring all parties on board—Tamworth Regional Council, the Federal Government, the irrigators and the citizens of Tamworth—to get this done. This project is too important for further delay. I commend the motion to the House.

The Hon. LYNDIA VOLTZ [11.26 a.m.]: I am pleased to inform the House that State Water is proceeding with stage one of the safety upgrade works on Chaffey Dam near Tamworth. The works will

enhance the structure's flood capacity and bring it into line with contemporary standards. The Government is committed to funding 100 per cent of the stage one safety works, with construction due to start shortly. The contract for detailed design is nearing completion. Preselection of tenders for stage one of the safety upgrade is completed and tenders for the construction of these works will be called for within the next month.

This is a \$13 million upgrade, and it is one of seven that State Water is in the process of completing at major dams in regional New South Wales. It is important to note that these dams complied with the engineering standards of the day when they were built decades ago and are safe for day-to-day operations and can easily handle large floods. However, as our ability to predict rainfall and extreme weather patterns and events has improved, new dam safety standards and guidelines for extreme floods and earthquakes have developed. In order to comply with the current requirements of the New South Wales Dams Safety Committee, State Water has embarked on this upgrade program. The safety upgrade of Chaffey Dam will enhance the already high level of safety for those who live downstream of the dam in the Peel Valley, the general public visiting the area and the dam itself.

State Water has awarded the contract for the detailed design of the fuse plug auxiliary spillway component of the dam's safety upgrade to URS Australia Pty Ltd. The \$13 million project will provide major economic benefits to surrounding communities during the three-year construction phase. The stage one works involve construction of a 35 metre wide spillway with a 4.5 metre high fuse plug wall. Subsequent safety upgrade works will raise the height of the dam wall by approximately 4.5 metres. Planning for stage one of the upgrade has also allowed for a proposed augmentation of the structure, should Federal Government funding required for augmentation be forthcoming. At this stage progressing with the stage one safety works does not threaten the augmentation plans. The final level of the fuse plug spillway may be varied, even after excavation work commences, allowing ample time for funding arrangements for the augmentation of the storage to 100 gegalitres capacity without any significant increase in cost.

Augmentation of the storage will require raising the height of the wall by approximately eight metres instead of 4.5 metres, and raising the height of the spillway. Land acquisition and some realignment of roads will also be required. As it stands, the Chaffey Dam upgrade will bring tremendous benefit to regional centres by way of job creation and economic benefits. Estimates from contractors undertaking a similar project in the State's far south indicate that 60 per cent of the money invested in the project will be spent locally on labour, materials and associated requirements such as accommodation and fuel. The Government's program is not only providing a safer and better dam to the region but we are investing in and supporting local economies in rural and regional New South Wales. The Federal Government's commitment to contribute to funding for the augmentation is conditional on implementation of a water sharing plan for the Peel Valley. The draft water sharing plan was on public exhibition from 6 October and submissions were received until 18 December 2009.

The Hon. Trevor Khan: It is gazetted. We are passed that.

The Hon. LYNDIA VOLTZ: It is gazetted, and it came into effect on 1 July. I wish you would wait, and listen to the speech. The Minister for Water has advised the Commonwealth of developments to the Peel water sharing plan and the Commonwealth has confirmed that the extended public consultation will have no effect on its funding commitment to Chaffey Dam. The New South Wales Government is committed to funding the safety upgrade of Chaffey Dam. Stage one of the safety upgrade is on schedule and proceeding as planned. Discussions will continue with stakeholders concerning progress on the proposed augmentation.

The Hon. DON HARWIN [11.31 a.m.]: The reply from the Deputy Government Whip speaks volumes about the attitude of this Labor Government to the augmentation of Chaffey Dam.

Dr John Kaye: Eloquent in its silence.

The Hon. DON HARWIN: I acknowledge my colleague Dr John Kaye: It is indeed eloquent in its silence. I do not want to speak at length but I do want to tidy up the motion, given the length of time since notice was given before this matter was called on for debate. It is necessary to catch up with the comings and goings in this State Labor Government. I move:

That the motion be amended by omitting the name "Rees" where ever occurring and inserting instead "Keneally".

This amendment again underlines the problem we have with private members' business in this House, which is something I have spoken about frequently. I commend the amendment to the House.

Dr JOHN KAYE [11.33 a.m.]: I have listened to the debate with great interest and I congratulate the member on raising the issue, which has been around for a long time. Without casting aspersions on the individual, I was a little disappointed with the Government's response. It seems to me that the Government's response was, "We really haven't made any commitment for or against the capacity upgrade." The safety upgrade is clearly welcome; no member of this House would argue against that. The gazettement of the Peel River Water Sharing Plan is important and a positive step towards a more rational use of water in the Peel and Namoi rivers.

What remains undetermined by the response of the Deputy Government Whip is the Government's position on the upgrade. It would have been helpful if the Government had indicated its opposition and given reasons or indicated its support and reasons for that support. However, the House has not been given any such indication. I have two key questions for the mover of the motion which will determine how we vote on the issue. The first relates to paragraph (c) where the mover assures members that the augmentation of Chaffey Dam will have little or no effect on the rate of discharge of water from the Peel River to the Namoi River system.

My question is twofold: first, what is the evidence that that is the case? Would the Hon. Trevor Khan in reply consider tabling or allowing the House access to the evidence to demonstrate that fact? Secondly, is that statement true always or is it only true at times when the dam is being operated in what I would call a steady state? To my recollection this is a 40 per cent upgrade of Chaffey Dam's capacity, so presumably, all things being equal and there being no drought or a breaking of the drought and no excessive water use, the dam will fill up by about 40 per cent worth of capacity. During that period, will there be an impact on the discharge of water from the Peel River to the Namoi?

The second issue relates to the operation of the dam during drought periods. Obviously, we consider continued water supply to Tamworth as a very high priority, but what impact during a drought period will the increased augmentation have? A further set of questions relates to water efficiency and water recycling in Tamworth. It is a modern principle of least cost planning of water supply that one always looks for those projects that are lowest cost. That cost is not just in dollars but also environmental cost. Almost always, deep water efficiency programs are lower cost than any supply at any site augmentation. In his speech the Hon. Trevor Khan referred to 15 per cent water efficiency savings, which I presume have already occurred. What is the potential for further water savings through water efficiency and would they offset the need for the Chaffey Dam capacity augmentation? Let us be clear: We are talking about capacity not safety works. Another question relates to water recycling. I know that in this State and this nation we seem to be concerned about water recycling, although it is worth pointing out that Sydney water contains a component that has already been through several sets of kidneys and other bodily components before it gets to the tap.

Reverend the Hon. Dr Gordon Moyes: Including bulls and cows.

Dr JOHN KAYE: Including agricultural mammals, non-agricultural mammals and also the human mammal, so we ought to be not too fussy about that. I would like the Hon. Trevor Khan to address those matters in reply.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I call the Hon. Christine Robertson.

The Hon. Trevor Khan: Is this the first time you have ever spoken about Chaffey?

The Hon. CHRISTINE ROBERTSON [11.38 a.m.]: No, it is not. Do a search. In speaking against this typically destructive motion from The Nationals, I refer first to the comment from Opposition members during the Brighter Futures debate last week, not to leave the issue that we are debating now, but to reinforce the futility of this particular motion. Last week Opposition members took the opportunity to bag out a wonderful early intervention program for children and, despite amendments to the contrary, accused the Government of wasting private members' time with congratulations to the Government—which, I might add, is doing an excellent job. This motion is a disgusting waste of time and emphasises the difficulties in country New South Wales of important basic infrastructure issues becoming The Nationals political footballs. The Nationals have a pretty long history of playing with the people of Tamworth. The equine centre is a good example, and I will come to that later.

The damming of water has been an essential part of the growth and maintenance of Tamworth as a major regional centre in north-western New South Wales, given the inconsistent and often seasonal rainfall in the area. We started with the Peel River, and then bores were added. In 1898 Moore Creek Dam was opened.

Then came Dungowan Dam in 1957. Dungowan Dam is still used as an adjunct water supply. I might add, it is a particularly beautiful place to visit and I commend it to members. In 1979 Chaffey Dam was built by the Tamworth Regional Council and the Wran State Labor Government to ensure the future of Tamworth industries and urban communities—a visionary piece of infrastructure. Since the early 1990s the need for augmentation of the Chaffey Dam has been recognised, an issue that has been further reinforced by the past 10 years of drought, which forced considerable water rationing on the city and cut available water to irrigators.

I will now deal with recycling and water saving. Tamworth has been extremely innovative in that regard. The city has major abattoir industries that have total recycling plants within them. The recycling plants have been built in conjunction with Tamworth City Council. Indeed, a lot of work has been done with recycling in Tamworth. Currently there is no recycling for drinking water, but new estates are working hard to develop that process, in conjunction with the developers and the council. Tamworth's water-saving plans and the work done by the council in relation to encouraging people to embrace water-saving initiatives have made a big difference to the consumption of water in the town. Massive changes have been made to gardens to reduce water wastage. Major work has been done throughout Tamworth to embrace recycling and water saving.

I guess Tamworth has grown even further than the vision allowed for, which is great. Despite the facts about the process, the Hon. Trevor Khan has chosen to run a long-term, negative campaign. An excellent committee process run by the department put together safety audits and proposals for the dam wall with community users, local government, irrigators, and industry and expert advice. This was done for dams across the State. The Chaffey Dam Upgrade and Community Reference Panel Augmentation Sub-Committee group recognised the opportunity for augmentation of the dam at the same time, and it put forward this proposal. The issue to be addressed then became funding. As we have heard, stage one of the safety upgrade program is underway. The program in no way interferes with or detracts from the proposed augmentation of the dam, which is part of stage two of the upgrade. Stage one has commenced, and stage two includes the augmentation process. The Water Sharing Plan issue came later. Somebody whose identity I have never been able to ascertain was involved in a very interesting piece of skulduggery.

[Interruption]

It was really strange. When I came to Sydney I started to hear that the Peel Valley was not part of the Murray-Darling catchment. I replied, "I beg your pardon? It is part of the Murray-Darling catchment." I tried to find out where that suggestion had come from, but I was never able to do so. People stopped saying that for a while, but not quite in time to get the Water Sharing Plan done as quickly as it should have been.

The Hon. Trevor Khan: That's your government—

The Hon. CHRISTINE ROBERTSON: It had nothing to do with the Government; it came from our wonderful city. I was able to interfere with the process a little, and to make sure that people knew that the Peel River does not flow eastwards, that it flows westwards. As I said, there was some bizarre local information that the Peel River was not part of the Murray-Darling Basin. There was then debate about whether the plan should be done in conjunction with the Namoi plan. My belief is that these two rivers feed two different communities of interest. The irrigation, industrial, environmental and urban patterns of each of these rivers are decidedly different. These groups were represented on the Water Sharing Plan. I never found out who made the claim that the Peel River was outside the Murray-Darling Basin.

[Interruption]

The Hon. CHRISTINE ROBERTSON: It was someone from there, an individual. The Namoi Valley irrigation industry is basically cotton, whereas the Peel Valley serves both secondary industries, and irrigation relates mainly to lucerne with some dairy industry. The Namoi and Peel valleys are two very different valleys. Apart from two meetings, I was not part of the Water Sharing Plan process. However, it was resolved and the plan was gazetted to formally commence on 1 July 2010, as we have heard. There are still some issues, not the least being the Independent Pricing and Regulatory Tribunal recommendations in regard to water charging, which is different across the State depending on which valley one lives and works in. Three river systems had the water charges capped as the proposed charges were very high—indeed, they would have destroyed our industries—when compared with irrigators in the rest of the State. It would appear that I do not have agreement from any member of this House or from the lobby groups, except the Peel Valley Water Users Association, regarding a standard water price across the Murray-Darling catchment.

The Federal Government has recently committed additional funding to contribute to the augmentation of Chaffey Dam to 100 gegalitres. The Commonwealth's original commitment was conditional on New South Wales gazetted and implementing a Water Sharing Plan for the Peel Valley. The plan strikes a balance between all users, such as urban, irrigation and the environment. I do not have the facts about the spillway and the Namoi River specifically, but I understand that within the process consideration had to be given to the water flowing down the river. Later I will refer to Menindee Lakes. The Peel River is at the top of those lakes and therefore consideration must be given to that matter.

As part of the process of completing the plan, the Minister for Water, the Hon. Philip Costa, established the ministerial advisory group, chaired and led by the member for Tamworth, to provide direct advice on the many complex issues associated with developing this plan. The Government thanks the members of the advisory group, including representatives of the Coburn Water Users Association, the Namoi Catchment Management Authority, Namoi Water, Tamworth Regional Council, local indigenous and environmental groups, local residents, and the Tamworth Chamber of Commerce. The advisory group members worked collaboratively and all made valuable contributions. Minister Costa made it known as far back as early 2009 that completion of the Peel Water Sharing Plan was a priority for the Government. However, this was never going to be at the expense of ensuring complete coverage of all issues raised by stakeholders and the broader community.

The plan involved an extended 2½ month public consultation period, resulting in some 100 submissions being received. All the issues raised were considered and, where justified, suggested changes were incorporated in the final plan. It was important to get the plan right, to balance the needs of the local and downstream communities and the environment. The Peel River provides water to a very diverse district. Issues including water source extraction limits, trading rules, and cease-to-pump rules were all fully and carefully considered. It should be noted that the plan will allow irrigators to continue to operate at their current levels of extraction; it will mean business as usual. I had a handle on the matters being discussed. During the consultation process some very technical papers came my way. I did my very best to understand the issues being addressed, but I had to seek the advice of the group because they were extremely complicated.

Paragraph (d) of the Hon. Trevor Khan's motion requires deletion as it is irrelevant and insulting to the wonderful people of the Tamworth electorate who put so much work into the Peel Valley Water Sharing Plan—which did not include the Hon. Trevor Khan and me, which is the reason he included the paragraph. The Water Sharing Plan is part of the consideration for dam augmentation; it is an essential component of working through the issues faced by the Murray-Darling Basin. Despite the fact that the Hon. Trevor Khan perceives that somehow we on the Peel have no connection with the Menindee Lakes system, we are an integral part of the same water collection system. Any decision on one part of that system affects the rest. Our water actually goes to Menindee Lakes from the Peel River when it runs into the Namoi, and I have heard the people of the Namoi grizzling because they would prefer the water going to Menindee Lakes to be used on some of their crops. This issue is incredibly important.

In a press release dated Tuesday 17 August the Hon. Trevor Khan said, "The people of Tamworth shouldn't be reliant on events a thousand kilometres away at Menindee Lakes." He should not put everything on his computer. We now know that the current State and Federal Labor governments have given solid financial assistance to the augmentation of Chaffey Dam. The New South Wales Government welcomes the additional \$10.4 million dollars announced by the Commonwealth, on top of its existing \$6.5 million commitment towards the Chaffey Dam augmentation—stage two of the upgrade. They are not to be disconnected.

The Hon. Trevor Khan: That is so wrong.

The Hon. CHRISTINE ROBERTSON: I have the technical paper with me. This additional funding comes as part of a memorandum of understanding between the New South Wales Government and the Commonwealth on the future management of Menindee Lakes, whereby the Commonwealth has agreed to make available up to \$300 million to fund regional water security projects in New South Wales—it is connected, like the water. The additional Commonwealth funding for Chaffey Dam augmentation is subject to a final feasibility assessment on the Menindee Lakes agreement, and New South Wales is submitting a fully costed proposal, which is currently underway.

Dr John Kaye: Sorry, are you saying that the proposal for stage two is currently being developed or—

The Hon. CHRISTINE ROBERTSON: It is currently being developed as a result of the water sharing plan of the Menindee Lakes and the Murray-Darling Basin agreement. It is all coming together at this time.

Dr John Kaye: It cannot be developed until the Murray-Darling Basin agreement is finalised?

The Hon. CHRISTINE ROBERTSON: It will be part of the Murray-Darling Basin agreement. The Menindee Lakes section of the Murray-Darling Basin agreement has already been—

Dr John Kaye: I now understand what you are saying.

The Hon. CHRISTINE ROBERTSON: Every item in this disruptive motion has been addressed. The motion should be withdrawn. I turn now to the political footballs launched by The Nationals. State Labor has provided a long-term solid commitment to consultative processes based on the needs of industry, farming, the community, safety and the environment—but not necessarily in that order. The Nationals have indulged in blatant political opportunism during both State and Federal election campaigns. That is when they come out of the woodwork.

Federally, the 2007 election had The Nationals candidate Phil Betts and the then Nationals Deputy Prime Minister Mark Vaile telling us the funding for the augmentation was a done deal—I found those facts. In the election before that we had a done deal too, but there was lots of skulduggery surrounding that—I cannot find these facts. But there was a bit of a problem this time round. When Penny Wong came along we actually had a properly integrated and thought-out process, not just some opportunistic one-off television or newspaper visit at election time. We also had some commitment this time round, although there was a problem with the Coalition arrangements—The Nationals made a commitment without Liberal Party endorsement. The Coalition has a bit of a problem there.

The events surrounding the Tamworth Equine Centre were even more bizarre. A committee, chaired by Tony Windsor, was comprised by a real cross-section of people. Labor people and even some members of The Nationals were on it. In 2003-04 the Carr Labor Government committed some millions of dollars on the condition that the Federal Government kicked in. Lots of hard work and concept plans were put together, an on-and-off Federal commitment from the Howard Government—all related to election and who you voted for—and, finally, they came good, but there were conditions. Tony Windsor had to stand down as chair of the committee so that he could be replaced with one of the Coalition's little favourites to make it look like it belonged to the national government. We got it. It took a few elections. It was about political advantage. It did not consider the outcome for the people of Tamworth.

With such a history who is surprised that Labor had the credentials to prove its commitment to country Australia in the recent Federal election negotiations? Destructive political opportunism is not the solution for Country New South Wales. We need long-term planning that delivers an outcome, which the New South Wales Labor Government process for Chaffey dam demonstrates. I have heard nothing from The Nationals or the Liberal Party that indicate anything like this for country New South Wales in policy areas. The Hon. Trevor Khan should withdraw his motion. It is a perfect example of destruction and serves no useful purpose.

The Hon. TREVOR KHAN [11.55 p.m.], in reply: It is just extraordinary that one has to deal with the way in which this motion has been debated by members opposite. We failed to hear any explanation from them as to why it has taken so long to. The Hon. Lynda Voltz, who chose to advance to the lectern first, plainly had no idea what she was talking about. In fact, she was out by a factor of 10 as to the size of the augmentation.

Dr John Kaye: She corrected that.

The Hon. TREVOR KHAN: She corrected that when Dr John Kaye was kind enough to point out that it was not 1,000 gegalitres, it was 100 gegalitres, and that is demonstrative of Labor's interest in this project from the get-go. The Labor Party has been prepared to look at this matter during election campaigns and then forget it. Whilst the Hon. Christine Robertson spoke of various commitments made at a Federal level, she failed to point out the commitments made by Labor prior to the last State election. At that time Labor appeared to embrace this process and the necessity for augmentation with great enthusiasm, only to find when the election campaign was over that it wandered back to looking at various infrastructure projects it had failed to deliver for over a decade in Sydney. It then muddled around with those.

What the Hon. Christine Robertson is talking about is Federal money that can now be accessed—she referred to an amount of \$300 million being accessed from the Federal Government—but she failed to point out that up to now about \$500 million has been wasted on the miserable Metro project. A politicisation of a project, worked out on the back of a coaster, and nothing delivered. It is appalling that that money has been frittered

away, poured down the drain. If that money had been appropriately used for the people of New South Wales we would have had our dam four years ago. Instead, with no embarrassment at all, the Hon. Christine Robertson wanders around the Chamber with typical disinterest and tries as much as she can to talk about proper process. We saw Labor's commitment to proper process with the Metro. Spin and nothing else! We heard that again today in the Hon. Christine Robertson's approach to this matter. It is a sad reflection on members opposite that they entered this Chamber knowing that this motion has been on for so long—we have even gone through a Premier in the time it has been hanging around.

The Hon. MICHAEL GALLACHER: For weeks.

The Hon. TREVOR KHAN: Of course, we do not know how long the current Premier is going to last. But what we have seen is the opportunity for one of the members opposite to come forward and say: "This is how we are going to fix this problem. This is what we are going to do." But what do we get? We get the Hon. Lynda Voltz, who plainly had a speech that was more than nine months old and did not produce anything at the end of that time, and the Hon. Christine Robertson who gave us nothing more than an historical reflection on delay and fiddling around. It is typical of this Government that they are unable to deliver anything to regional New South Wales. Listen to them—they are cackling chooks with no substance. All they do is carp and make excuses and nothing more.

Pursuant to sessional orders business interrupted at 12 noon for questions.

QUESTIONS WITHOUT NOTICE

WICKHAM TO NEWCASTLE RAIL PLANS

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Transport in relation to the GPT Group development in Newcastle and the Government's proposed light rail for the area. Was light rail the Minister's first preference for public transport upgrades to Newcastle in the wake of the announcement by the Minister for the Hunter, Jodi McKay, that heavy rail was no longer an option? When did he come to the conclusion that light rail was the way forward? When did he come to the conclusion, as Jodi McKay indicated at her public meeting last Friday, that heavy rail between Wickham and Newcastle was untenable for urban renewal in Newcastle to go ahead?

The Hon. JOHN ROBERTSON: I thank the Leader of the Opposition for his question and ongoing interest in the revitalisation of the Newcastle CBD.

The Hon. Michael Gallacher: A beautiful city.

The Hon. JOHN ROBERTSON: It is a beautiful city. I have had the pleasure of visiting Newcastle on a number of occasions. The New South Wales Government recognises the importance of Newcastle as the second largest city in New South Wales and is committed to its growth and development for the benefit of the entire region. Despite what the Opposition would have us believe, the New South Wales Government is taking decisive action to ensure the right outcome. The hardworking Minister for the Hunter, Jodi McKay, has directed the Newcastle City Centre Renewal Committee to work with Newcastle City Council to compose an Infrastructure Australia submission for the revitalisation of the Newcastle CBD. Currently, Transport NSW and RailCorp are conducting two key studies that will feed directly into the submission. The Hunter Street revitalisation work currently undertaken by Newcastle City Council will also contribute directly. Once this important work is completed, the committee will be able to craft a submission that looks at the CBD revitalisation in the context of the entire region. This work shows the New South Wales Government's commitment to delivering the right outcome for the people of Newcastle and the Hunter region.

The Hon. MICHAEL GALLACHER: I ask a supplementary question. What is the Minister's response to the comment by the Minister for the Hunter last Friday that heavy rail between Wickham and Newcastle is untenable?

The Hon. JOHN ROBERTSON: I was not at the meeting last Friday. I refer to my earlier answer.

JUSTICES OF THE PEACE

The Hon. CHRISTINE ROBERTSON: My question without notice is addressed to the Attorney General. What is the latest information on Justices of the Peace?

The Hon. JOHN HATZISTERGOS: I thank the Hon. Christine Robertson for her question and interest in this important area of public service. Justices of the Peace are an essential aspect of our community life, including the efficient functioning of our legal system. Justices of the Peace can be found in courts and workplaces all over New South Wales where they are constantly on hand to certify documents and act as witnesses. Although it is difficult to estimate how many Justice of the Peace services are provided in the State every year, a recent survey indicated that it might be in excess of five million services. Justices of the Peace voluntarily provide an important service to the community. The Government has implemented reforms to ensure that life as a Justice of the Peace in New South Wales does not become onerous.

One challenge we have, however, is communicating with in excess of 90,000 Justices of the Peace. To address this, we are making better use of technology. Amongst other things, Justices of the Peace now can quickly update their contact details over the Internet. They are now sent text messages, not just emails, to remind them to update their details. These small yet significant changes have helped ensure that Justices of the Peace receive their reappointment reminders well in time to apply for reappointment. We also have been working to ensure that the process of applying for reappointment is as simple as possible. For example, there is now no need to seek the nomination of a member of Parliament or to attach new character references. Every Justice of the Peace will receive a reminder at least three months before the expiry of his or her appointment.

Another new initiative is online reappointments. Going online is now the quickest and easiest way to apply for reappointment. Online reappointments can save up to eight weeks processing time. I am pleased to be able to report to the House that in the past 18 months 22,000 Justices of the Peace have been reappointed much more efficiently than ever before. This is timely because, as members would know, prior to the reforms engendered by the former Attorney General, Justices of the Peace were appointed for life. The current Justices of the Peace Act 2002 provides for the appointment of Justices of the Peace and renewal of their appointment every five years.

Justices of the Peace hold a very privileged office. The Government has introduced a new Justices of the Peace code of conduct to uphold the integrity of the office. The code of conduct, which was developed in consultation with the New South Wales Justices Association, seeks to reflect community expectations of the behaviour of Justices of the Peace. The code of conduct reminds Justices of the Peace of the need to behave courteously and to maintain confidentiality. They must not charge fees for their services and they are obliged to notify the Attorney General's Department of certain information, such as if they have been convicted of an offence or declared bankrupt. The code not only has clarified standards for Justices of the Peace who are uncertain of their obligations but it also has been useful for members of the public who may be unsure as to what to expect when they seek the services of a Justice of the Peace.

The code of conduct is supported by a new set of guidelines for the appointment and reappointment of Justices of the Peace. These guidelines cover the assessment of eligibility and good character, as well as the handling of complaints and reviews of appointments. Together, the guidelines and the code work to ensure the integrity of the office of the Justice of the Peace remains at its highest. Beyond standards of conduct, new Justices of the Peace require clear guidance about how to perform their duties. To assist with this, I recently launched the third edition of "A handbook for Justices of the Peace in New South Wales". The handbook addresses the frequently asked questions that the Department of Justice and Attorney General has received over the years. Its new format provides more detailed, step-by-step procedures for every key duty of a Justice of the Peace and it is written in plain language. The Government has undertaken this extensive set of reforms because it recognises the valuable service that Justices of the Peace provide to our community.

DUBBO HOSPITAL REDEVELOPMENT

The Hon. DUNCAN GAY: My question without notice is directed to the Attorney General, representing the Minister for Health. Is the Minister aware that representatives from the Government's Health Infrastructure team finally met with local health stakeholders in Dubbo yesterday? Can he explain why the people directing and managing the preparation of the master plan and stage one redevelopment of the hospital deliberately avoided the media spotlight? Is this part of the Government's openness and accountability? Can the

Minister provide assurance to the Dubbo community that the Government is 100 per cent committed to the project, given the Greater Western Area Health Service chief, Danny O'Connor, said that the \$22.7 million "is certainly not the full parcel of redevelopment required for the hospital and the health service"?

The Hon. JOHN HATZISTERGOS: I will refer the question to the Minister for Health.

TILLEGRA DAM

Dr JOHN KAYE: My question without notice is directed to the Minister for Planning. Is the Minister aware that a freedom of information request by the Hunter Environment Lobby revealed that Tillegra Dam will produce only five long-term jobs? With a loss of 30 jobs from the Boral timber mill closure yesterday and, as a result of Tillegra Dam, the cumulative loss of 90 farms, the people employed on them and the rate base of these properties to the Hunter, will the Minister for Planning now admit that Tillegra Dam has been an economic disaster, cancel the project and allow the community to get on with—

The Hon. Greg Donnelly: Point of order—

The Hon. Michael Gallacher: Hopefully you can get one right.

The Hon. Greg Donnelly: I have been working up to this; I will do my best. The question contains argument. Dr John Kaye referred to redundancies or loss of jobs. That is argument. Clearly, argument cannot be contained within a question. I ask that the question be ruled out of order.

Dr JOHN KAYE: To the point of order: It appears to me that the Hon. Greg Donnelly may have misheard what I was saying. There was no argument in my question at all.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Having been given a copy of the question and read it, I will allow it.

The Hon. Tony Kelly: Madam Deputy-President, the member's time has expired.

Dr JOHN KAYE: Madam Deputy-President, I request the opportunity to put the question again, as I was interrupted.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! With all the background noise, I cannot hear what Dr John Kaye is saying.

Dr JOHN KAYE: Madam Deputy-President, I request the opportunity to put the question again and that the clock be restarted.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Dr John Kaye may ask his question again.

Dr JOHN KAYE: My question is directed to the Minister for Planning. Is the Minister aware of a freedom of information request by the Hunter Environment Lobby that has revealed that Tillegra Dam will produce only five long-term jobs? With the loss of 30 jobs because of the Boral timber mill closure yesterday and the cumulative loss of 90 farms, the people they employ and the rate base for these properties to Hunter Water from Tillegra Dam, will the Minister for Planning now admit that Tillegra Dam has been an economic disaster, cancel the project and allow the community to get on with a plan for sustainable job creation?

The Hon. TONY KELLY: My answers to Dr John Kaye's specific questions are no and no. He knows that I will not pre-empt my decision, which will be made based on merit when my department provides me with the relevant information.

SOUTH WEST RAIL LINK

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Transport. Will the Minister please update the House on the South West Rail Link project and how it is progressing?

The Hon. JOHN ROBERTSON: I thank the honourable member for her question and interest in this important infrastructure project for south-western Sydney. I suggest the Hon. Charlie Lynn listens to my answer.

The New South Wales Government is building the \$2.1 billion South West Rail Link. It is being delivered right now as part of the Government's \$50.2 billion Metropolitan Transport Plan. Construction is happening, workers are on site—

The Hon. Duncan Gay: Is this another shovel-ready one?

The Hon. JOHN ROBERTSON: The workers are actually on site. The Deputy Leader of the Opposition should listen. They are there. In fact, they have been there since August 2009, and since then excellent progress has been made. The extension of the Seddon Park commuter car park was completed last year, providing 112 new parking spaces for commuters. In June work commenced on the northern and southern rail flyovers. Last month the Glenfield station ticket office was temporarily relocated, allowing for the upgrade of Glenfield station to begin. Each and every day workers are out there on the new rail line working on rail connections and installing overhead wires, signals and communications.

The South West Rail Link is no small project: it includes 11.4 kilometres of new rail line from Glenfield to Leppington; new stations at Leppington and Edmondson Park, including commuter car parks; a new train stabling facility; flyovers; and other works I have already mentioned today. It will bring rail to a new part of Sydney and provide essential infrastructure for future population increases in Sydney's South West Growth Centre. I am pleased to inform the House that commuters in Glenfield are already benefiting from the work the Government is doing on the South West Rail Link.

Last week the Premier, the fantastic member for Macquarie Fields Dr Andrew McDonald and I opened a new 700-space multistorey car park at Glenfield. It is a fantastic car park. As well as the 700 new parking spaces, there is disabled parking, lifts, closed-circuit television camera surveillance and security lighting. The \$12 million investment in Glenfield will make it easier for hundreds of people a day to park and ride the train to work. This is one of the many milestones on the South West Rail Link project that the New South Wales Government is delivering right now. The South West Rail Link is a tricky one for the Opposition. They heckle and they interject because they do not like to acknowledge that we are building it.

The Hon. Charlie Lynn: We've been asking for it for 15 years!

The Hon. JOHN ROBERTSON: And it's being delivered. Last week the Hon. Charlie Lynn attacked the Government for acquiring properties needed to build the rail link.

The Hon. Charlie Lynn: Point of order: I have been misrepresented. Last week I asked a question relating to the fact that the Government was short-changing local residents in its compulsory procurement of land.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! There is no point of order.

The Hon. JOHN ROBERTSON: We were attacked last week for buying property to build the South West Rail Link in the same way that the member for Hawkesbury attacks us for buying property to build the North West Rail Link. [*Time expired.*]

The Hon. LYNDIA VOLTZ: I ask a supplementary question. Can the Minister elucidate his answer?

The Hon. JOHN ROBERTSON: Hypocrisy knows no bounds on the other side of the Chamber. They say that we are not building the South West Rail Link but we are building it right now. They attack us for buying property to build the very thing the people in the south-west want. They attack us about the North West Rail Link and when we buy property for the North West Rail Link they do not like it. They do not like it because this Government is delivering rail projects in the north-west and rail projects in the south-west. The Leader of the Opposition is supposed to have a policy platform on this, but the Opposition keeps saying, "We will build it. We will be the ones who build it." They are obviously blind to what is going on out there. They cannot see it is being built.

The Leader of the Opposition proposes to start construction in his first term of office. The only thing is that train has left the station. The South West Rail Link is being built right now. I invite those cackling on the other side, who are embarrassed by the fact that we are building it and they say they will build it, to come out from the leafy suburbs that they live in and come to south-west Sydney.

The Hon. Charlie Lynn: Point of order: I advise the Minister that I have lived in that area for the last 30 years. I am well aware of the shortcomings.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! There is no point of order.

The Hon. JOHN ROBERTSON: If the Hon. Charlie Lynn was aware of it, then he would have seen it being built and he would know that it is being built. I invite everyone on the other side to come with me and I will walk them along the South West Rail Link, I will take them to the flyovers and the car parks, and I will show them what is going on. *[Time expired.]*

MONA VALE HOSPITAL AUXILIARY FUNDS

Reverend the Hon. Dr GORDON MOYES: I direct my question to the Hon. John Hatzistergos, on behalf of the Minister for Health. Is the Minister aware that Mona Vale Hospital auxiliary has raised about \$150,000 through its community fundraisers and raffles, and with interest that is now worth about \$236,000? Is the Minister aware that the money that was raised was to fund an extension to its palliative care cottage? Is the Minister aware that the State Government has now locked these funds into a trust fund and they will only be released upon giving the Government 5 per cent, which is about \$13,000? Will the Minister indicate why it has been decided to take 5 per cent of the Mona Vale Hospital Auxiliary's hard-earned funds? Will the Minister indicate how and when the money will be returned to the Mona Vale Hospital Auxiliary?

The Hon. JOHN HATZISTERGOS: I thank the member for his question and his interest in this issue. In September 2008, the Department of Justice and Attorney General received a request from the Northern Sydney Central Coast Area Health Service for variation of a trust under the provisions of the Charitable Trusts Act 1993. My delegate in Charitable Trusts Act matters, the Solicitor General, did not consider that I should establish a *cy prè*s scheme under that Act in respect of these trust funds. Instead, he considered it appropriate that the applicant refer the matter to the Commissioner of Dormant Funds for consideration.

The Commissioner of Dormant Funds applied on 17 June 2010 for approval of her proposal for use of the funds under the Dormant Funds Act 1942. On 25 August 2010, the Solicitor General approved the Commissioner's proposal that the Northern Sydney Central Coast Area Health Service, Hope Health Care, Pittwater Council and Mona Vale Hospital Auxiliary should be the trustees of the fund. This will now pave the way for the application of the funds towards the physical extension of the Palliative Care Day Hospital that is located in the Palliative Care Cottage in the grounds of Mona Vale Hospital. I understand that this has been a highly complex legal matter and I acknowledge that delays in accessing the moneys have been most frustrating for all parties. However, the good news is that the funds will now be directed to this important project.

The Commissioner's fee is set in statute; namely, the Dormant Funds Act 1942 and its attendant regulation. The fee charged by the commissioner is a reflection of the time and work required to resolve the matter in compliance with the legislation. The resolution of this matter involved extensive consultation with all of the interested parties and expert advice from solicitors employed by the Commissioner of Dormant Funds, the Attorney General and the Crown Solicitor's Office. The Department of Justice and Attorney General is investigating the question of whether the fee can be waived.

RESIDENTIAL BUILDING ACTIVITY

The Hon. GREG PEARCE: My question is directed to the Minister for Planning. Is the Minister aware of the recommendations contained in the May 2010 Applied Economics Report on Sydney Residential Building Activity prepared for Treasury that State agencies need to be coordinated for a consistent whole-of-government review; that rezoning must be more efficient, faster and more certain, with provision for independent review if councils disagree with proposals; that precinct acceleration plans need to be reviewed; that given the problem with fractured land ownership the consolidation of key sites may require compulsory acquisition and master planning; and that the Government may have to be prepared to allow strata plans to be demolished within established areas with a 75 per cent to 80 per cent agreement of the owners? What action will the Minister take to implement these recommendations?

The Hon. TONY KELLY: A number of the issues raised by the member are obviously impediments to development in the Sydney metropolitan area and in other areas. In relation to a better coordinated approach, the Government has announced the establishment of the Sydney Metropolitan Development Authority, which will be up and running in the near future. The authority is charged with taking a coordinated approach to generating development, particularly around transport nodes in Sydney.

As I have said previously, a number of the growth centres already face significant issues, particularly with regard to land occupied by market gardeners. As much as I love market gardeners—and I am one—large areas of the land required for growth in western Sydney is held by them and, understandably, they do not want to sell it for development. The Government will be looking at a number of issues, including accelerating development in other areas as suggested in the report. The section 94 changes that the Treasurer introduced in the budget included a \$198-million package aimed at stimulating housing construction. The measures that the Government announced this week provide for 2,000 building blocks to come on stream straightaway.

I have met with councils that have expressed concerns since that announcement. Holroyd Council, in particular, is now very happy with the Government's transitional arrangements. As far as I am aware, the council no longer has any problems with the proposal subsequent to the meeting. The Government has also announced a stimulus package of some \$50 million to assist with infrastructure and it will review the need to purchase extensive tracts of land, although other innovative solutions could be implemented to address these issues. Other suggestions have been made, but I do not know whether the Government would consider the suggestion that the member raised with regard to strata titles. New South Wales is unique in that that situation does not occur in Melbourne to the same extent and that city does not have a significant number of 1960s, three-storey, walk-up blocks of units. Many of those buildings are close to development areas and transport nodes. However, the Government is not considering compulsory acquisition of those sites. We believe there are many other ways to free up those sites and to get these projects moving.

COASTAL WATERWAYS

The Hon. LUKE FOLEY: My question is directed to the Minister for Planning. Can the Minister update the House on the New South Wales Government's work to maintain the access and health of New South Wales coastal waterways?

The Hon. TONY KELLY: During the Sydney International Boat Show in August—

The Hon. Duncan Gay: It was great.

The Hon. TONY KELLY: It was a great boat show, and what a perfect venue. I was pleased to announce a \$500,000 funding package to help councils pay for dredging projects. I note that a number of members attended the show, but I do not think any of them bought a boat.

The Hon. Duncan Gay: I already have a tinny.

The Hon. TONY KELLY: With Bogong Dam at 80 per cent capacity, I will probably get my boat out this year. This money represents a further round of funding under the Waterways Program for navigation dredging projects on the State's waterways. Projects implemented under the Waterways Program are a great example of how the Keneally Government is strengthening its partnership with local government to improve access to local waterways for recreational boat users. The \$500,000 funding package is in addition to the \$1 million package announced in August 2008. As was the case previously, this latest funding package is available on a dollar-for-dollar basis. That means \$1 million is now effectively available for the Government's ongoing investment in our State's waterways. I urge all councils with an interest in recreational boating to consider the benefits of this opportunity.

The Land and Property Management Authority has now invited all councils to apply for a share of this funding package. Councils have until 15 October—about one month—to submit their dredging proposals. Further details of the Waterways Program, including funding guidelines, can be found on the authority's website. This is a particularly important initiative for regional areas given the growth in recreational boating in recent years and its importance to local economies and communities.

[Interruption]

The Hon. Ian Cohen has interjected. If I am asked a supplementary question I may have an opportunity to respond to it. So far eight projects proposed by six councils have received funding from the package that I announced in August 2008. Those projects are all either underway or have been completed. They include a project at the Brisbane Water entrance, where major dredging has been completed and minor additional dredging will be carried out prior to the boating season to ensure that the channel is deep enough at a total

estimated cost of \$363,000. Dredging on the Summerland Point boat harbour entrance was completed by June 2010 at an estimated total cost of \$187,000. That work restored safe access to the boat harbour at the southern end of Lake Macquarie for local boat users.

Dredging work also started in late June 2010 in the existing marked navigation channel on the Myall River to the north of Corrie Island. This work will help maintain access for vessels travelling between Tea Gardens and Port Stephens, and the estimated total cost of the project is \$210,000. In the Greater Taree City Council area, works funded under the program include the Manning River rowing course at Taree, at an estimated total cost of \$66,000. Improvement works have also been completed at the southern entrance to the Manning River near Old Bar.

This dredging initiative not only promotes maritime safety but also delivers on a number of important platforms in the New South Wales State Plan. These include encouraging regional economic growth, promoting tourism and enhanced community recreation. The Waterways Program is delivering real results for the benefit of New South Wales and recreational boat users by ensuring that our waterways are fully accessible for everyone to enjoy. It is also valuable in strengthening partnerships between State and local government. The Keneally Government is committed to working with local communities to improve navigation of our waterways. By working together we can achieve much better health for our lakes and rivers, driving coastal economies and maintaining safer waterways.

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

The Hon. TONY KELLY: I would like to do so. If the Hon. Ian Cohen knew about the Farquhar Inlet, he would know that, prior to its reopening and the dredging work there, the health of the river was atrocious. All the fish and oysters were dying. We visited the place with the then local mayor and a number of water users. That river has now been reopened because its health has been so much better since the dredging was done in conjunction with not only the council and the State Government, but also the local community.

WORONORA LODGE MASONIC TEMPLE, MORTDALE

Reverend the Hon. FRED NILE: I ask the Minister for Planning a question without notice. Is it a fact that Hurstville City Council has declared the Mortdale Masonic Hall, which it owns, a heritage site? Is it a fact that the council has now voted to act as both owner and consent authority to approve the demolition of this heritage building? Is this an abuse of power? Will the Minister for Planning review, and if necessary reverse, the decision in view of the widespread opposition by Hurstville city ratepayers?

The Hon. TONY KELLY: The Masonic Temple at Mortdale was purchased by Hurstville City Council in 2000. In 2001 an interim heritage order was made over the temple, its internal fixtures and movable heritage to allow time to assess the potential heritage significance of the site. I am advised that, following this assessment, listing on the State Heritage Register did not proceed. However, the temple was listed by the council on the local environmental plan as an item of local heritage significance in 2002. Hurstville City Council is now proposing to demolish the Woronora Lodge Masonic Temple. The Heritage Branch of the Department of Planning inspected the building and recommended to the Minister that the site has local heritage significance only. Inspectors have been out to the site, have had a look and have suggested that it has only local significance, not State heritage significance. As it is on that local environmental plan, it has that local heritage listing already.

I am advised that we had concerns about the demolition of this local heritage item and the Heritage Branch wrote to the Hurstville City Council requesting it to investigate all prudent and feasible alternatives to adaptively re-use the building before resolving to demolish it. However, I understand that Hurstville City Council engaged independent heritage and planning consultants to assess the development application for the proposed demolition and that these findings were considered by council at its meeting on 7 July 2010. Hurstville council then resolved to approve the demolition.

WINDSOR BRIDGE REPLACEMENT

The Hon. MARIE FICARRA: My question is directed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. Is the Minister aware that the member for Riverstone, John Aquilina, said that the Roads and Traffic Authority would meet with the Heritage Branch of the Department of Planning in

June this year to finalise the assessment of important heritage issues associated with the proposed options for the long-promised replacement of the Windsor Bridge? Will the Minister advise which option the Department of Planning has recommended and when construction will commence?

The Hon. TONY KELLY: I undertake to get a detailed answer to the honourable member's question.

RICHMOND RAILWAY LINE DUPLICATION

The Hon. SHAOQUETT MOSELMANE: My question is addressed to the Minister for Transport. Will the Minister update the House on the progress of the Richmond line duplication?

The Hon. JOHN ROBERTSON: This is another great project for the north-west. A key component of the New South Wales Government's plan for improving public transport in Sydney's north-west is the Richmond line duplication. The project is delivering an additional track between Quakers Hill and Vineyard, servicing the existing communities in the region as well as supporting development in the North West Growth Centre. Stage one of the project, worth approximately \$230 million, is under construction right now between Quakers Hill and Schofields. Construction of the duplication project began in December last year, and I can advise that works are progressing well. Over the parliamentary break I inspected the first section of the new track being laid with the member for Riverstone, John Aquilina.

The Hon. Michael Gallacher: Why didn't you go with the local member?

The Hon. Greg Pearce: Is Riverstone on your target list too?

The Hon. JOHN ROBERTSON: I acknowledge the interjections from those on the other side who do not know where western Sydney is and, more importantly, do not know where the north-west Richmond line runs.

The Hon. Charlie Lynn: You'll go blind if you keep talking like that.

The Hon. JOHN ROBERTSON: Is the member speaking from personal experience? The laying of the new track follows preparatory work over the past six months, including major earthworks, service relocations, electrical and signalling works, and drainage and culvert construction. As of today, more than 95 per cent of track has been laid. The new track, signalling and electrical systems will improve service reliability and add capacity for commuters on the Richmond line. In addition to the duplicated track, the project involves upgrading facilities along the line, including a new station at Schofields. Construction of the new station at Schofields began earlier this year, and local residents can see it taking shape, with stairs and pillars already rising out of the ground. The station will improve commuter facilities and access, providing commuter car parking on both sides of the rail line, lifts, a bus interchange, taxi zones and kiss-and-ride passenger drop-off facilities.

Earlier this week, a section of footbridge was lifted into place at the new Schofields station. The footbridge connects the newly built stairs on the western side of the station to the island platform over the new Richmond-bound track. The new station is strategically located to take advantage of the road infrastructure and transport links being constructed and planned in the north-west, including the Schofields Road upgrade, which was recently placed on public exhibition by the Roads and Traffic Authority. Local residents are able to see firsthand the significant progress being made on this project and they will soon be able to benefit directly from the new public transport facilities being delivered. This weekend will see the latest milestone in the project, with the installation of 10 new rail line signalling bungalows. The new bungalows will be installed using cranes along the five kilometres of track between Quakers Hill and Riverstone stations. The bungalows will provide the systems to power the new track signals along the duplicated Richmond line. A further eight precast bungalows will be installed over the coming four weeks.

In addition to the works underway on the rail line and at Schofields station, Quakers Hill commuters will have noticed a flurry of construction activity over recent months. Local rail passengers are benefiting from a \$17 million upgrade to Quakers Hill station, which started in May this year, as well as construction of a new 200-space commuter car park at the station. The upgrade of Quakers Hill station—scheduled to be completed mid next year—includes the installation of three lifts, a new footbridge, and three new sets of stairs. [*Time expired.*]

SENTENCES FOR OFFENCES AGAINST VULNERABLE PERSONS

The Hon. ROBERT BROWN: My question is directed to the Attorney General. Is the Attorney General aware of the provisions of the Crimes (Sentencing Procedure) Amendment (General Sentencing Procedures) Bill 2001, which was assented to in the same year? Is it a fact that the object of the bill was to increase the maximum penalty that may be imposed for an offence involving assault or any other offence against the person in circumstances where the victim is a vulnerable person, especially the very young or the elderly? Will the Minister cause inquiries to be made so that he can provide the House with details of the number of times this provision has been used by the courts in cases where it was applicable?

The Hon. JOHN HATZISTERGOS: I will take the question on notice.

FENCING OF TONGARRA ROAD, ALBION PARK

The Hon. JOHN AJAKA: My question without notice is directed to the Minister for Planning. Is the Minister aware of the negative impact the recently erected Tongarra Road fence is having on Albion Park businesses? Will he commit to Shellharbour City Council's position on this matter and remove the fence and widen the lanes?

The Hon. Christine Robertson: You know exactly which section, don't you?

The Hon. TONY KELLY: Actually a Shellharbour councillor came to see me yesterday. I undertake to obtain an answer to the member's question and pass it on to him.

EARLY INTERVENTION PROGRAMS

The Hon. HELEN WESTWOOD: My question is addressed to the Minister for Disability Services. Will the Minister update the House on how the New South Wales Government is providing better early intervention services for New South Wales?

The Hon. PETER PRIMROSE: I thank the honourable member for her question and acknowledge that early intervention is an important issue for all families with children with a disability living in New South Wales. The Keneally Government is committed to taking an early intervention approach to supporting children with a disability or developmental delay and their families. On 25 August this year the Premier announced an additional \$1 million funding for early intervention, including \$690,000 over three years for Lifestart, a not-for-profit organisation that provides early childhood intervention services for children with a disability and their families; an additional \$300,000 for an autism awareness documentary that will increase the understanding of autism among young people in our schools; and the Play for Kids project, which will raise awareness of the importance of play in the lives of children with a developmental delay or disability.

Two days later, the member for Liverpool and Minister for Aboriginal Affairs, Paul Lynch, and I announced another \$2 million for a new Aboriginal early intervention project. This project will enhance the capacity of the early childhood sector to identify at an early stage Aboriginal children with a disability or developmental delay, allowing supports to be put in place sooner, and increasing awareness of disability within Aboriginal communities on the far North Coast and in south-west and northern metropolitan Sydney. These announcements are in addition to the substantial investment in early intervention services in recent years, including services for children and young people with autism.

In 2007-08, \$8 million was allocated over four years for the extended early childhood intervention initiative, which provided for an extension to the existing early childhood intervention services across New South Wales. In 2009-10, \$2 million was allocated for early childhood intervention, enhancing recurrent funding expenditure for EarlyStart program initiatives and supporting an additional 244 children and families across the State. In 2010-11 the Government will provide more than \$41 million to support children and young people with a disability, including children with autism, to have the best quality of life through targeted early intervention and support initiatives.

Some of these initiatives include more than \$18 million for early childhood intervention services throughout New South Wales to support children with a disability, their families and carers to be resilient and maintain access to mainstream services by providing therapy-based, educational and other development interventions; \$12 million for the Intensive Family Support Program, which provides intense early intervention

to reduce instances of out-of-home care; and to provide assistance to help families at risk of relinquishing care of their child—the Family Choices Program provides two alternative care family-based services in rural New South Wales, recognising the need for families to have options in caring arrangements for their child in unique circumstances; \$900,000 for support networks and information kits for parents, siblings and peers of children with a disability; and \$4.8 million for the EarlyStart program initiatives. The initiatives include 20 full-time equivalent diagnosis support positions to support families at the time of their child's diagnosis; eight full-time equivalent Aboriginal targeted positions to be integrated within Aboriginal communities; and \$3 million to expand early childhood intervention services to enhance developmental milestones of children early by focusing on the importance of mainstream service provision in the development of a child with a disability. The New South Wales Government will continue to support children and young people with a disability.

CITYRAIL EASY ACCESS PROGRAM AND ACCIDENTS

Mr IAN COHEN: My question is directed to the Minister for Transport. Will the Minister advise the House of the number of accidents and injuries sustained at CityRail stations with full easy access upgrades and those at CityRail stations without full easy access upgrades in the past two years? Will the Minister advise the House whether there is a correlation between lower accident levels at CityRail stations and accessibility upgrades?

The Hon. JOHN ROBERTSON: That is a detailed question so I will take it on notice.

GOSFORD HOSPITAL CUBBYHOUSE LEASE

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for the Central Coast. Will he intervene to extend the Cubbyhouse peppercorn lease at Gosford Hospital beyond 2012 to save up to eight Central Coast jobs and allow up to 50 families access to local child care? Was the Government's commitment a genuine one?

The Hon. JOHN ROBERTSON: I think this is my first question in the House as Minister for the Central Coast. I stand to be corrected, but I think that is the case. It is a privilege to be Minister for the Central Coast and represent such a fantastic area.

The Hon. Catherine Cusack: Central Coast Ministers last about six months.

The Hon. JOHN ROBERTSON: I acknowledge the interjection from the Hon. Catherine Cusack and point out that a local paper made that point to me on my first trip up there—a trip, I might add, that I took by public transport; I went by train. Every time I go to Gosford I use the rail services. I purchase my ticket and talk to people on the trains and the platforms about the services. One of the things that strikes me when talking to commuters about these rail services—

The Hon. Robyn Parker: Point of order: The question was clearly about jobs at the Cubbyhouse childcare centre at Gosford Hospital, not about trains.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The Minister's answer will be generally relevant.

The Hon. JOHN ROBERTSON: My comments are about the Central Coast. I simply say that I take the opportunity to talk to people about rail services while I commute to the Central Coast, and I have discovered that they are pleased with them. The passengers talk to me about minor things that might be improved but they are pleased with the rail services. I have been meeting with a whole bunch of people on the Central Coast, talking to them about issues of concern. In regard to the member's question, I will take it on notice and obtain an answer.

PLANNING AND CLIMATE CHANGE

The Hon. IAN WEST: My question is addressed to the Minister for Planning. Will the Minister outline the steps the Government is taking to ensure that sea-level change benchmarks are considered in planning?

The Hon. Duncan Gay: Was that the Holy See?

The Hon. TONY KELLY: Well done. At a time when the vagaries of climate change are having a dramatic effect on our coastlines, the Keneally Government has been looking at strategies to ensure the safety of our coastal communities and property. The planning department has developed the "New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise" to help councils and State agencies consider the impact of sea-level rise when they are planning for the New South Wales coast's expected 600,000 new residents by 2036. The New South Wales Coastal Planning Guideline, which I announced in late August, provides advice to councils on how sea-level rise planning benchmarks should be considered when they are preparing land use strategies and local environmental plans, and in development assessments.

It is vital to plan properly for sea-level rise, so that homes are not built too close to hazard areas. The draft Coastal Planning Guideline was released on 5 November 2009 for public consultation until 11 December 2009. This was extended to the end of February 2010, to give councils additional time to make submissions. More than 90 submissions were received and considered in finalising the guideline. The Coastal Planning Guideline provides advice to councils, developers and others on how to implement the New South Wales Sea Level Rise Policy Statement, which was released on 4 November 2009 following extensive public consultation. This is a landmark moment because it now ensures that specific sea-level rise figures are now written into the State's planning system.

To support the New South Wales Sea Level Rise Policy Statement two guides have also been prepared by the Department of Environment, Climate Change and Water, so now all councils can incorporate sea-level rise planning benchmarks when preparing coastal hazard and flood studies. These guides are the Coastal Risk Management Guide and the Draft Flood Risk Management Guide. The Coastal Planning Guideline encourages a risk-based approach to strategic land use planning and development assessment. It will help councils to minimise the social disruption, economic costs and environmental impacts resulting from long-term sea-level rise. It is underpinned by the New South Wales Coastal Policy and the Regional Strategies, as well as the Standard Instrument Local Environmental Plan, all of which require consideration of sea-level rise.

I am pleased to report that there has been a positive response to these significant initiatives. Eurobodalla Shire Council congratulated the Government on its leadership on the issue. Byron Shire Council's Executive Manager of Planning, Ray Darney—who was born in the great western town of Wellington and used to work with me at Wellington Council—said these guidelines "support sustainable development practices that balance social, economic and environmental considerations". The Australian Coastal Society President and University of Sydney Emeritus Professor Bruce Thom applauded the announcement. Professor Thom said:

The guidelines offer landowners greater clarity in making decisions about future developments in areas at risk to sea level rise under climate change conditions.

The Government will continue to work on ways to secure the safety of coastal property and communities.

SCHOOLS FUNDING

Dr JOHN KAYE: My question is directed to the Minister representing the Minister for Education and Training. Is the Minister aware of the OECD report "Education at a Glance", which rates Australia 26 out of 28 in terms of the proportion of funding that goes to public schools compared with non-government schools? What steps will the Government take to address the unfair funding bias towards private schools?

The Hon. JOHN HATZISTERGOS: I will take the question on notice.

AFFORDABLE HOUSING POLICY

The Hon. DON HARWIN: My question without notice is directed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. With respect to the three affordable rental housing State environmental planning policy developments in Bomaderry, can the Minister explain, first, why the New South Wales Government did not make section 94 development contributions to two of the three developments in question; secondly, why the New South Wales Government did not adhere to the Shoalhaven City Council car parking code, just like any other developer would have been required to do; and, thirdly, why the New South Wales Government did not consult affected residents in the local area?

The Hon. TONY KELLY: I understand why members of the Opposition are concerned about the implementation of an affordable housing policy in New South Wales and, for that matter, the very successful

implementation by the State Government of the Federal Government's stimulus package. In fact, I think New South Wales led Australia in relation to ensuring that these developments were fast-tracked. It saved hundreds of thousands of jobs in this State because we got that stimulus package moving quicker than any other State.

[*Interruption*]

New South Wales was the only State that did it on time. I make no apology for the New South Wales Government ensuring that we have affordable housing in this State and for the Government continuing to drive down the cost of housing.

RAIL SERVICES

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Transport. Will the Minister inform the House about improvements to services on the Eastern Suburbs-Illawarra line and the South Coast line from next month?

The Hon. JOHN ROBERTSON: I thank the Hon. Tony Catanzariti for his question and his interest in rail services for commuters. We are now just one month away from the start of the new and improved CityRail timetable. It is one month until thousands of commuters begin to reap the benefits of this Government's recent investments in rail infrastructure and our commitment to improving rail services for the people of Sydney. This new timetable is the direct result of a \$436 million project to duplicate the Cronulla branch line and install new signalling at Oatley, Loftus and Sutherland. This investment will enable us to deliver hundreds of new train services for commuters each week—

The Hon. Robyn Parker: Alan Jones is saying Gladys Berejiklian is the next transport Minister.

The Hon. JOHN ROBERTSON: I acknowledge the Hon. Robyn Parker's interjection. I make one point to her: That is not my advice. As I was saying, this investment will enable us to deliver hundreds of new train services for commuters each week, making it easier and faster for mums and dads and others to get to work and for students to get to school. The new timetabled services will commence on 10 October 2010, so it is time for commuters to look into how the changes will affect them. The new timetable is available at CityRail stations and online at 131500.com.au.

The majority of changes under the new timetable are for commuters using the Eastern Suburbs-Illawarra line and the South Coast line. For South Coast passengers, the new timetable will mean the extension of 16 weekday electric services operating between Wollongong-Dapto and the city to Kiama, delivering more seats and greater comfort for commuters; faster weekend services between Kiama and Sydney; direct weekend South Coast line services extending through to Bondi Junction; and improvements to late-night services from the city to the South Coast, including service frequency improvements and direct services from Bondi Junction to the South Coast.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I call the Hon. Trevor Khan to order for the first time.

The Hon. JOHN ROBERTSON: Commuters will also notice a change as the next batch of brand-new outer suburban trains, known as OSCars, begin transporting passengers on intercity trips. Commuters from Cronulla and the Sutherland shire are the other group of big winners, with an additional 42 weekday services and 52 weekend services delivered under the new timetable. This will mean more services between Cronulla and the city during the peak and off-peak periods and on weekends; and four new express morning peak services stopping at all stations from Cronulla to Sutherland, then Hurstville, Redfern, and all stations to Bondi Junction. The new services will also include a new express afternoon peak service from Bondi Junction to Cronulla, departing Bondi Junction at 5.02 p.m., Town Hall at 5.13 p.m., and then stopping at Redfern, Hurstville, Sutherland and all stations to Cronulla—

The Hon. Greg Pearce: Are you practising for a different job as a train announcer?

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I call the Hon. Greg Pearce to order for the first time.

The Hon. Michael Gallacher: Robbo the "fit" controller!

The Hon. JOHN ROBERTSON: There is no second prize for that, mate; the ABC has already pulled that one.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! If the Leader of the Opposition continues to interject, he will be called to order.

The Hon. JOHN ROBERTSON: The new services will also include a new afternoon peak service from Bondi Junction to Waterfall, departing Bondi Junction at 5.58 p.m., Town Hall at 6.09 p.m., and arriving at Waterfall at 7.06 p.m.; a new all-stations afternoon peak service from Bondi Junction to Hurstville, departing Bondi Junction at 6.18 p.m., Town Hall at 6.29 p.m.— [*Time expired.*]

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

The Hon. JOHN ROBERTSON: I thank the honourable member because I have more good news to share with the House about these weekly train services.

The Hon. Duncan Gay: Will you give us the stations on the Bankstown line as well? I have a trivia night coming up.

The Hon. JOHN ROBERTSON: Absolutely, if you want them. Ask me the question and I will give you the answer. There are more weekend services on the Eastern Suburbs and Illawarra line, with 10-minute service frequency for trains arriving to and from Bondi Junction.

The Hon. Melinda Pavey: Trevor, if you were to travel up on the trains, they would think it was you.

The Hon. JOHN ROBERTSON: As soon as he opened his mouth, Melinda, they would know it was not me. As I have discussed on many occasions in this House, it is important that we continue to provide public transport services that match customer demand. That is one of the reasons the development of the new timetable included extensive community consultation, with more than 700 submissions received from members of the public. A number of changes were made as a result of this feedback to ensure that the new timetable delivers the best outcome for CityRail users. After all, these timetable changes are about making public transport work better for the people. More frequent train services means less time waiting at stations and more time with friends and family. The New South Wales Government will continue to invest in our rail infrastructure and rolling stock to deliver improved rail services for the people of New South Wales.

The Hon. JOHN HATZISTERGOS: If members have further questions, I suggest that they place them on notice.

WINDSOR BRIDGE REPLACEMENT

The Hon. TONY KELLY: Earlier in question time the Hon. Marie Ficarra asked a question about Windsor Bridge. The Roads and Traffic Authority is scheduled to brief the Heritage Council regarding options for a proposed new bridge at Windsor at its special meeting to be held on 16 September 2010—next week. The Heritage Council was briefed previously about the six options initially put forward by the Roads and Traffic Authority for the relocation of the bridge. The most appropriate way forward is still under consideration.

FENCING OF TONGARRA ROAD, ALBION PARK

The Hon. TONY KELLY: Earlier in question time the Hon. John Ajaka asked about a pedestrian fence in Albion Park. In June this year the Roads and Traffic Authority installed a fence on Tongarra Road on the Illawarra Highway at Albion Park. This measure was in response to the tragic death of a pedestrian in December last year. This action was about improving road safety and, particularly in this location, pedestrian safety. Members will agree that any death on our roads is a tragedy, and even one death is one too many. As I have already stated, the Government's priority is to provide the community with the greatest pedestrian safety possible.

I understand that the community has expressed concern about reduced accessibility. I am advised that the local member for Kiama, Mr Matt Brown, the Albion Park Business Chamber and Shellharbour council are working with the community to find a solution that meets everyone's needs, without compromising safety. I am

not going to apologise for the Government protecting members of the public. While Mr Barry O'Farrell and Liberal candidate Gareth Ward petition against the fence, they are petitioning against safer roads and safety for our pedestrians. The Keneally Government stands by its decision to ensure the greatest safety measures possible.

Real solutions are being assessed through a task force, which has been established by the Minister for Roads, Mr David Borger. The task force includes representatives from the business chamber, the Shellharbour council and the Roads and Traffic Authority, and is chaired by local member Mr Matt Brown. Minister Borger has mandated that weekly meetings be held until a solution is achieved. Meetings were held on 16 August and 23 August. Two options have been drafted, and the preferred option has been identified by the Shellharbour council. They are in consultation with the Roads and Traffic Authority to find the best solution for the residents of Albion Park.

Questions without notice concluded.

[The Deputy-President left the chair at 1.03 p.m. The House resumed at 2.35 p.m.]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Dr JOHN KAYE [2.35 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. 248 outside the Order of Precedence, relating to an order for papers regarding water storage, be called on forthwith.

This matter is urgent because it relates to the 2010 Metropolitan Water Plan, which was released on 2 September 2010, announcing the operating rules for the Sydney desalination plant and the pumping rules for Tallowa Dam on the Shoalhaven. The report, which was released without justification, contains the pump marks, the switch on and switch off points, for these two important sources of water. The high level set within the document means that the plants will run while water storage levels are up to 80 per cent full and could result in overflow. Up to \$210 million worth of pumped water could spill over Warragamba Dam spillway and other dam spillways. This matter is extremely urgent because Sydney, Blue Mountains and Illawarra households and businesses are at risk of losing a substantial amount of money on an unnecessary operation of the Tallowa Dam pumps and the desalination plant. This matter is also urgent because these operating rules are being cemented into place as we speak. The rules have been announced as concrete rules, not draft rules. Unless we move quickly, these rules will be implemented. That may be good news for the owners of the Sydney desalination plant, but it is exceptionally bad news for the people of Sydney. As a community we have a right to view those documents to see how the Government reached this conclusion. This motion must be before the House so that these documents are put in the public domain and we can have informed debate about these operating rules.

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

Motion agreed to.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 248 outside the Order of Precedence be called on forthwith.

WATER STORAGE AND DESALINATION PLANT OPERATION

Production of Documents: Order

Dr JOHN KAYE [2.38 p.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 following documents in the possession, custody or control of Sydney Water Corporation, the NSW Office of Water or the Minister for Water:

- (a) any studies, or documents referring to studies, relating to the decision to operate or cease operating Sydney's desalination plant, including the setting of the levels of total water storage for the on and off decisions,

- (b) any studies or documents referring to studies, relating to the decision to transfer or cease transferring water from Tallowa Dam and the Shoalhaven scheme, including the setting of the levels of total water storage for the pump and cease pumping decisions, and
- (c) any document which records or refers to the production of documents as a result of this order of the House.

I have circulated a document explaining why this matter is important. I will briefly outline the reasons. One week ago, on 2 September 2010, the New South Wales Office of Water and Sydney Water Corporation released the 2010 Metropolitan Water Plan. That plan contained two startling revelations. The Sydney desalination plant is to be turned on when storage levels across all of the Sydney catchment fall below 70 per cent and will continue to run until the storage levels reach 80 per cent. That could result in the absurd position where both the desalination plant and the Tallowa Dam pumps are running with 80 per cent storage levels. If the storage levels are pumped up to 80 per cent using the desalination plant and we experience a repeat of the climatic events that occurred between June 2007 and February 2008, approximately 800 gigalitres, or 800 billion litres, of water will flow into the catchment from natural causes.

Reverend the Hon. Dr Gordon Moyes: Environmental flows. It is 200 million.

Dr JOHN KAYE: I will get to that. If storage levels had been at 80 per cent at the time of the climatic events I referred to, 500 billion litres would have been used to fill the dams and the remaining 300 billion litres, about 11.6 per cent of all of Sydney's storage, would have gone over the spillways at Warragamba Dam and other dams. At about 70¢ per kilolitre, that means that \$210 million of water would go over the spillways. That is \$210 million of pumped water and desalination water, an unnecessary cost on Sydney, Blue Mountains and Illawarra households and businesses. Members might say that my analysis is fanciful. My analysis is supported by a number of Sydney water experts, including Professor Stuart White from the University of Technology, Sydney. Members might say that both Professor White and I have got it wrong.

The Hon. Trevor Khan: Never make that concession.

Reverend the Hon. Fred Nile: Even when you are wrong.

Dr JOHN KAYE: I acknowledge the interjections from the Hon. Trevor Khan and Reverend the Hon. Fred Nile. However, we do not know what the reality is. How did we end up with an outrageously high pump mark at 80 per cent? To run the desalination plant and the pumps at Tallowa Dam at 80 per cent storage levels is absurd. Let us go back to the history of the desalination plant. It was supposed to be built when Sydney's water levels fell to 30 per cent, which meant that, with about a 10 per cent leeway for the time taken for it to be built, the plant would be operated when the levels were at about 20 per cent. According to the Metropolitan Water Plan 2006, if it were operated when Sydney's water levels fell to 20 per cent, we would not run out of water. Yet now we are saying the pump mark is not 20 per cent, it is all the way up to 70 and 80 per cent. Something dramatic has happened between 2006 and 2010.

The Hon. Greg Donnelly: It has rained!

Dr JOHN KAYE: Unfortunately, I cannot acknowledge the gesture of the Hon. Rick Colless, but I certainly will acknowledge the interjection from the always helpful Government Whip, who says it has rained. That is my point exactly. I referred earlier to a rain event similar to the one referred to by the Government Whip—the rain event last February. The bigger rain event was in June and the levels were topped up all the way through to February. As I said before, and I say again for the benefit for the Government Whip, If that event had occurred when storage was at 80 per cent—and bear in mind the storage level is now about 57 per cent—300 gigalitres of water would have flowed over the spillways and been wasted. Yet every resident in New South Wales has paid up to \$210 million to get the water level increased. If it were true that in 2006 we only needed to operate the desalination plant when we got down to 20 per cent storage, why now, in September 2010, after we have had rain—so helpfully illustrated by the Government Whip—do we need to operate the desalination plant all the way up to 80 per cent?

The Hon. IAN COHEN: It proves that God is against the Government.

Dr JOHN KAYE: I do not acknowledge that interjection. The Hon. Rick Colless made a hand gesture earlier which probably best describes what is really going on. About \$210 million goes into the pockets of the Blue Water Joint Venture, which operates the desalination plant, out of which it will make a healthy profit. But that \$210 million comes out of the budgets of households and businesses, small and large, around Sydney, the Illawarra and the Blue Mountains.

[Interruption]

The PRESIDENT: Order! Nobody can hear Dr John Kaye's contribution, and that is unacceptable.

Dr JOHN KAYE: Thank you for that irony-free remark and ruling, Madam President. This is actually a very serious matter. There is \$210 million at risk. If the rain event that occurred in mid-1998 were repeated, when storage was 80 per cent full, at which point 1,000 billion litres—or 1,000 giganlitres—flowed into storage in the space of one week—

Reverend the Hon. Fred Nile: We may have a drought.

Dr JOHN KAYE: Reverend the Hon. Fred Nile is correct; we may well have a drought. But we also know from events of two years ago—

The Hon. Penny Sharpe: You opposed the desalination plant.

Dr JOHN KAYE: I will get to you in a minute. The events of two years ago show that even when there is a drought, there is still these inflow events. Therefore, if the 1998 event had occurred then, 1,000 billion litres would have flowed in—500 billion tonnes to top up the dam and 500 billion tonnes spilt, and that means that at 70¢ a litre, \$350 million would have been paid to pump the dam up, and it would have all disappeared over the spillway.

I will address the interjection from the Hon. Penny Sharpe. Yes, we opposed the desalination plant being built because it was not being built according to the 2006 Metropolitan Water Plan. But that is history; the plant is there. This is not about whether the plant is there or not, and we are not proposing to get rid of it at this point in time. This is all about when we operate the plant and it is all about the fact that the Metropolitan Water Plan sets ridiculously high levels of storage at which it operates, and it is operated when Sydney has a 79 per cent water storage level.

The Hon. Trevor Khan: Bucketloads.

Dr JOHN KAYE: There are bucketloads of water in storage. The Greens argue that it is time now for the Government to explain why it set those levels so high. The only way it can do that is by releasing the risk analysis studies that show how it traded off the risk of running out of water, which we argue does not kick in until you get down to about 20 per cent of water storage, against the enormous cost of running the desalination plant—a cost to households and businesses—particularly when we are at high levels of storage.

I hope members understand that this is about accountability and about making sure we have a full understanding of why the plant is operated at 80 per cent. To repeat a statement that was made last night in another context: If the Government has done the right thing in planning these pump mark levels, it has nothing to fear and it should publish the documents. We should not have to argue for their publication. Those documents should be in the public domain. If the Government has done the right thing, it has nothing to fear. The point is that possibly the Government has not done the right thing and it is trying to cover up. I commend the motion to the House.

The Hon. PENNY SHARPE (Parliamentary Secretary) [2.48 p.m.]: The Government does not support the motion. Today we have heard Dr John Kaye argue the importance of obtaining technical data relating to the preparation of the Metropolitan Water Plan. Through the Metropolitan Water Plan greater Sydney's water supplies are well secured through dams, recycling, desalination and water efficiency. The starting point of Dr John Kaye's contribution is incorrect. The community has been involved throughout the development of the Metropolitan Water Plan. The plan has also been reviewed by a panel of independent experts.

The New South Wales Government's Metropolitan Water Plan outlines the mix of measures that ensure that Sydney, the Illawarra and the Blue Mountains have enough water now and for the future. In the face of severe drought, which affected at least 80 per cent of the State between 2002 and mid 2007, the Government developed the 2004 Metropolitan Water Plan. The plan was designed to be flexible and has since undergone two major reviews.

The new 2010 Metropolitan Water Plan shows that greater Sydney's water supply is secure to at least 2025. While we need to maintain our focus on achieving water efficiency and recycling targets, there are now

further opportunities to ensure that river health is protected. The 2010 plan sets out how the New South Wales Government will provide a secure supply of water to meet the medium-term needs of a growing city while keeping long-term goals in mind, to help protect the health of our precious rivers, to ensure our water supplies are adequate during drought, and to minimise costs to the community. We are on target to ensure that by 2015 recycling will meet 12 per cent of Sydney's needs, desalination will meet up to 15 per cent of Sydney's water needs and water efficiency will reduce our overall water needs by 24 per cent.

The Government's robust strategy was reviewed by a panel of independent experts who confirmed that these sound investments have provided a strong foundation and that the Metropolitan Water Plan builds on these significant achievements. At every stage in preparing the plan the Government has ensured that openness and transparency would be the hallmarks of the process. Community consultation was a key input to developing the plan. Two phases of community consultation were undertaken as part of the review of the 2006 Metropolitan Water Plan to ensure that community participation in developing the new plan was meaningful.

Phase one of the consultation included a public online survey hosted on the Water for Life website and designed to identify community priorities in respect of water supply and security values. The survey provided an opportunity for everyone to have their say on water issues related to the review of the plan. Eight structured workshops for community and business owners and operators were held across greater Sydney and the catchment areas. Workshops were held in Blacktown, Wollongong, Parramatta, Menai, Campbelltown, Katoomba, Redfern and Epping. Stakeholder workshops were also held in Parramatta and the Sydney central business district. The report of the consultation is publicly available.

Phase two of the community input phase was run in late 2009. The aim was to involve the community in discussion about the proposed supply and demand management options for the 2010 plan, including consideration of the community planning principles developed from the findings of phase one. Phase two involved three one-day workshops—two attended by community representatives and one with stakeholders and opinion leaders. Participants from phase one were invited to participate in phase two. The findings from public consultation were considered in conjunction with economic and environmental analyses of options to develop the most appropriate and balanced mix of measures for securing Sydney's water supply for the long term.

In addition, an independent expert panel provided advice on how community views could best be integrated into ongoing planning for the supply and demand balance. Independent expert panel members also attended community engagement workshops to provide insight, expert knowledge and oversight in the consultation process. The panel was chaired by Professor Peter Cullen until he passed away in March 2008. The panel brings together people with a wide range of expertise and is now chaired by Mr Chris Davis. The panel members are Mr Chris Davis, the Sustainability Partnership Development Manager at the Institute for Sustainable Futures at the University of Technology Sydney and a National Water Commissioner; Professor John Langford, former Executive Director of the Water Services Association of Australia; Dr Ronnie Harding, former chair of the New South Wales Council on Environmental Education and an academic expert in the field of environmental management; Mr Ross Chapman, an economist formerly with the Centre for International Economics; and Ms Blair Nancarrow, an expert in social research and the former director of the Australian Research Centre for Water in Society at the CSIRO. The Government urges members to reject this motion.

The Hon. RICK COLLESS [2.55 p.m.]: It never ceases to amaze me that Ministers repeatedly step up to the plate in these debates and argue that the mover of the motion is simply wasting the time of the House. However, they then proceed, as the Hon. Penny Sharpe has done, to indulge in an extended diatribe that has no relevance to the motion before the House. A member opposite said that this Government is about accountability and transparency. If it is so accountable and transparent, why does it not simply support this motion and make the papers available? Dr Kaye's request is reasonable and the Coalition will support the motion.

Dr JOHN KAYE [2.56 p.m.], in reply: I thank members of the Opposition for their support. This is a great opportunity for members to prove me wrong. I am sure that many members will support the motion simply because it presents them with that opportunity. If I am wrong, so be it. I challenge Government members, who have on many occasions said that I am wrong, to prove it. I could well be incorrect on this occasion and I do not dismiss the possibility that the planning documents will demonstrate that the Greens analysis is wrong.

The Hon. Robert Brown: You are not wrong; you are just a hypocrite.

Dr JOHN KAYE: Whatever! I mean absolutely no disrespect to the independent panel. In fact, I know two of its members and I have very high regard for them. However, independent panels are not the public.

Having an independent panel does not ensure public consultation and it does not represent an open and accountable process. Time and again governments tell us that we do not need to see documents because they have been made available to an independent panel. If the Government is confident about the content of those documents, it should allow them to be in the public domain.

Penny Sharpe also spoke about public consultation. Indeed, there was public consultation, but it was an input not an output. It was simply designed to assess community attitudes. That is a good thing and the Greens support it. However, those involved in that community consultation never saw the studies dealing with the 70 per cent and 80 per cent pump marks that are the subject of this motion. The first time anyone saw them was when the 2010 Metropolitan Water Plan was published. The Greens want those documents to be made publicly available and this Parliament should demand that. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 16

Mr Ajaka	Mr Gay	Ms Parker
Mr Clarke	Dr Kaye	Mrs Pavey
Mr Cohen	Mr Khan	
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr Mason-Cox	Mr Colless
Miss Gardiner	Reverend Dr Moyes	Mr Harwin

Noes, 17

Mr Brown	Mr Moselmane	Ms Sharpe
Mr Catanzariti	Reverend Nile	Mr Veitch
Mr Foley	Mr Obeid	Ms Westwood
Ms Griffin	Mr Primrose	<i>Tellers,</i>
Mr Hatzistergos	Mr Robertson	Mr Donnelly
Mr Kelly	Ms Robertson	Ms Voltz

Pairs

Mr Gallacher	Mr Roozendaal
Mr Pearce	Mr West

Question resolved in the negative.

Motion negatived.

CHAFFEY DAM

Debate called on, and adjourned on motion by the Hon. Trevor Khan and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. HELEN WESTWOOD [3.05 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 241 outside the Order of Precedence, relating to Equal Pay Day, be called on forthwith.

I seek urgency on this matter because equal pay is a matter of urgency and importance to all people of New South Wales, particularly the women of New South Wales. It is urgent because Equal Pay Day aims to focus attention on the pay equity debate within the community as well as to educate business about the benefits of pay equity, conducting pay audits and maintaining fair and equitable workplaces. This matter is urgent because in

February 2010 the gender pay gap was 18 per cent. It is urgent because now the gap is at its highest level since August 1994. The matter is urgent because this pay gap means that women have less ability to accumulate adequate superannuation and are more likely to require government care. It is urgent because this pay gap means women are accumulating poverty. It is urgent because this results in inequality over women's life cycles. The matter is urgent because the gender pay gap is not only an issue of fairness but a critical economic issue, with recent research by the National Centre for Social and Economic Modelling finding that pay inequity costs the Australian economy an estimated \$93 billion per year. I urge members to support my motion for urgency.

The Hon. CATHERINE CUSACK [3.07 p.m.]: The Liberal Party and The Nationals support the motion.

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

Motion agreed to.

Order of Business

Motion by the Hon. Helen Westwood agreed to:

That Private Member's Business item No. 241 outside the Order of Precedence be called on forthwith.

EQUAL PAY DAY

The Hon. HELEN WESTWOOD [3.07 p.m.]: I move:

1. That this House notes that:
 - (a) Equal Pay Day is marked each year by the Equal Opportunity for Women in the Workplace Agency, on the day at which women's annual earnings reach the same level as those of men in the previous financial year,
 - (b) this year Equal Pay Day will fall on Saturday 4 September 2010, which marks the extra 66 days women have to work after the end of the financial year to earn the same as men,
 - (c) recent Australian Bureau of Statistics figures reveal that Australian women, on average, still earn 18 per cent less than men, and last year the gap was 17 per cent, meaning the gap has increased to the point that it is now at its highest level since 2004,
 - (d) estimates from the National Centre for Social and Economic Modelling reveal that a 17 per cent pay gap costs the Australian economy \$93 billion each year, which equates to 8.5 per cent of gross domestic product, and as such the current gap of 18 per cent will now cost even more,
 - (e) over a lifetime, the pay gap can add up to a difference of as much as \$1 million, and
 - (f) a lifetime of lower wages leads to lower levels of savings and less superannuation at retirement.
2. That this House calls on members of Parliament to let this Equal Pay Day be an opportunity to consider further action to close this particular inequality between women and men in Australia.

Equal Pay Day is a matter of great importance to the people of this State, but particularly to the women of this State. Equal Pay Day fell on 4 September this year, and I am pleased that the House has supported urgency because this is the first opportunity we have had since then to debate this important issue. Equal Pay Day is a national initiative that illustrates the number of extra days that women have to work after the end of the financial year to earn as much as men. The latest Australian Bureau of Statistics trend data from May 2010 shows that the national gender pay gap for full-time workers before overtime and bonuses were taken into account is 17.6 per cent. This is an increase of 1.4 percentage points over the past 12 months. While these figures change from quarter to quarter, the gender pay gap in Australia has persisted at between about 15 per cent and 18 per cent for over a decade. The Equal Opportunity for Women in the Workplace Agency has calculated that in order to match the average earnings received by men in the previous financial year, a woman would be required to work for an extra 66 days—until, as I said, 4 September 2010.

Equal Pay Day aims to focus attention on the pay equity debate within the community. It also aims to educate business about the benefits of pay equity and the role that business can play by conducting pay audits and maintaining fair and equitable workplaces. Thankfully, women today do not face blatant discrimination, having entered higher education and employment in record numbers in recent years. Having said that, many challenges remain, and one of them is certainly achieving equal pay. The reasons that the gender pay gap is

complex include factors such as occupational and industrial segregation, insufficient flexibility in the labour market to allow women to combine paid work with child rearing, and direct and indirect discrimination. At a national level the gender pay gap between men's and women's earnings has not improved over the past decade.

I am pleased to say that in New South Wales we are doing better. The comparable gender pay gap for full-time earnings is 15.4 per cent. It is one of the lowest amongst the States and Territories, but clearly it is just not good enough. Not only is the gender pay gap an issue of fairness but it is also a critical economic issue. As I mentioned earlier, some recent research from March 2010 by the National Centre for Social and Economic Modelling found that pay inequity costs an estimated \$93 billion per year to the Australian economy, which is equivalent to 8.5 per cent of gross domestic product. I encourage members to take a moment to reflect upon the remarkable gains that women have made in employment. However, I acknowledge that much work still needs to be done if we are to achieve genuine equality for women at work. The gender pay gap is about fairness and is a matter of critical economic significance.

Some practical steps are available to organisations and businesses that want to address pay equity. Statistics show that women in the workforce earn substantially less than their male counterparts. As stated, there have been many gains for women in the workplace, most notably the equal pay for equal work case in 1969, which established the principle that women doing the same work as men must receive the same pay; and the equal pay for work of equal value case in 1972 that established the concept of equal pay for work of equal value—that is, different jobs that are of the same worth warrant the same minimum wage. Despite both these cases leading to Commonwealth equal pay legality, data shows that in order to match the average earnings received by men in the previous financial year a woman has to work a lot harder—in fact, a woman is required to work for an extra 66 days, until 4 September 2010. As the first female Justice of the High Court of Australia, Mary Gaudron, said in 1998:

We got equal pay once, then we got it again, then we got it again, and now we still don't have it.

There are several reasons why the gender pay gap continues to exist. Research undertaken by the National Centre for Social and Economic Modelling gives a number of them. They include gender discrimination; industrial and occupational segregation, including the increasing number of feminised jobs in the low-paying education, care, health and personal services sector being matched by increasing numbers of jobs available in mining, which is typically a high-paying masculinised industry; labour force history and the concept of women's work being an extension of household duties; the underrepresentation of women with qualifications in the workforce; and a general underrepresentation of women in large firms.

As a State and as a nation we really must do better in order to address this unacceptable and inequitable reality of women's working lives. I, for one, believe the mark of a mature, progressive and forward-looking society is its record on taking action to address inequity and social injustice. What does it say about our values as a society when women workers continue to be underpaid, undervalued and not fairly represented in leadership positions in the workforce? While women represent 51 per cent of the New South Wales population, only 56.1 per cent are in paid employment compared with 76.1 per cent of men. Women make up 45.5 per cent of the New South Wales workforce, however there are significantly more women than men working in part-time roles. More than two-thirds of part-time positions are filled by women. Much of this work is clustered in lower-paid occupations, such as nursing, cleaning, teaching and child care.

Recent research undertaken by the Diversity Council of Australia and the Equal Opportunity for Women in the Workplace Agency shows that the majority of Australians agree that steps must be taken to close the pay gap between men and women. From the evidence gathered by the Diversity Council of Australia and the Equal Opportunity for Women in the Workplace Agency, it is clear that there is firm public support to achieve gender pay equity. I believe this support provides the base from which people in positions of leadership, responsibility and authority—both in the private and public sectors—can use their influence to help finally turn the notion of equal pay into a reality for the betterment of the entire community. Here in New South Wales we are taking action to address this issue. One of the key principles of the New South Wales Government is its commitment to fairness and, as such, we are a Government that is working towards narrowing the gender pay gap and achieving women's equality in the workplace.

I am both extremely proud and pleased by the work we have been doing in this area. The former New South Wales Premier's Council for Women conducted a survey entitled "A conversation with NSW Women about paid work", which attracted responses from more than 1,600 women across the State. In response to the survey report's recommendations, the New South Wales Government is conducting a pay equity audit report of

the New South Wales public service. The audit will identify and provide a detailed analysis of the gender pay gap between men and women public service employees. In addition, we are making good progress in ensuring that the public sector will work better for women. That is the New South Wales Government's five-year strategy to improve women's recruitment, development and retention across the New South Wales public sector. As part of this plan, the Government has committed to work with agencies to reduce the sector level gender pay gap.

The Government is also implementing initiatives to help achieve the following sector-level benchmarks by 2012. These benchmarks are: to increase women's representation in non-traditional occupations from 16 per cent to 20 per cent; to increase women's representation in senior positions—that is, grade 12 and above or equivalent—from 28 per cent to 35 per cent; and, finally, to maintain women's representation at a minimum of 60 per cent. It is promising to see that since the launch of the strategy we have already seen women's representation in senior positions increase by 2.5 percentage points, to 30.5 per cent. We are well on the way to achieving—and I hope exceeding—our benchmark of 35 per cent by 2012. I remind the House that the New South Wales Government also welcomes the national attention that has been given to pay equity through the Commonwealth House of Representatives inquiry into pay equity and associated issues related to increasing female participation in the workforce. The New South Wales Government contributed to the inquiry's investigations to show our strong support for this issue.

Pay equity is not simply a matter of fairness for women; it makes good business sense for all employers. The gender pay gap can provide disincentives to women participating in the workforce. Improving pay equity is likely to increase women's workforce participation rates, which in turn creates a larger pool of available workers. Addressing the gender pay gap and achieving gender diversity within organisations more broadly not only increases the number of workers available but can lead to improved financial performance. A 2007 report undertaken by Catalyst, a leading global advocacy organisation for women in the workplace, found that, on average, Fortune 500 companies with more women on their boards turned in better financial performances than those with fewer female directors. Similarly, a 2007 McKinsey study showed that companies with three or more women in senior management functions performed better than rival companies with no women at the top in terms of return on equity, operating result and stock price growth.

Research shows that diverse groups outperform homogenous groups in the workplace, with diversity promoting creativity and innovation, as well as encouraging greater diligence in decision-making and risk management. A number of organisations have realised the value of improving pay equity and gender diversity more broadly. Addressing pay equity within organisations is concerned with identifying and removing barriers to workforce participation and career progression for female employees. In practice, addressing pay equity involves undertaking a pay equity audit, which is a detailed analysis of payroll and employment data undertaken to determine areas and occupations where gender pay differentials may exist; reviewing human resource policies and practices to ensure they do not directly or indirectly hinder career progression for female employees; and making flexible working arrangements available for all employees and promoting a workplace culture that supports their use.

Ultimately, the gender pay gap is an issue for all of us; it is a shared responsibility on the part of government, business and the community. Equal Pay Day plays a critical role in informing more people about the social justice and financial consequences of inequality in the workforce. As I said, in New South Wales we are taking pay equity seriously. As a result of the survey to which I referred earlier, the New South Wales Government has announced some very important initiatives. The first has regard to flexible workplaces. We will also prepare a best-practice principles document that promotes good-quality, flexible work for New South Wales employees in public and private sector jobs. As I said, these initiatives have come about as a result of the survey responses that the former Premier's Council for Women conducted.

The situation for women at work can be more complicated if women have parenting responsibilities. The New South Wales Government has also recently varied the Crown Employees (Public Service Conditions of Employment) Award 2009 to allow women to breastfeed and express milk in the workplace. Following consultation with the unions and relevant stakeholders, we applied to the Industrial Relations Commission to vary this award. The result is that in the New South Wales public sector new mothers who either work full time or more than four hours per day part time are entitled to a maximum of two 30-minute paid lactation breaks per day. Mothers who are part time and work for only four hours or less on any one day are entitled to one 30-minute paid lactation break. I believe this is a fantastic step forward for women's rights and it will encourage mothers back to the workplace. It is just one example of how far we have come even in a decade. Certainly in the past two decades there have been very significant changes that encourage women to remain in the

workforce. I am also very pleased that the Department of Premier and Cabinet recently issued a breastfeeding policy to support this change, which is compulsory for the public service and will be available as guidance to other public sector agencies.

Whilst it is estimated that less than half of all female employees in Australia have access to paid maternity leave, I am pleased that this will soon change with the introduction of the Commonwealth Government's paid parental leave scheme from 1 January 2011. This scheme will ensure that eligible parents receive up to 18 weeks Commonwealth Government funded paid parental leave, paid at the Federal adult minimum wage rate. New South Wales first introduced paid maternity leave for permanent employees in 1957, and today New South Wales public sector employees with 40 weeks continuous service are entitled to 14 weeks paid maternity, adoption or other primary carer leave and one week's paid other parent leave, which can be taken at full or half pay and can be packaged with other accrued leave entitlements.

I understand that the new Commonwealth scheme means eligible public service workers will still be able to access 14 weeks paid leave at their ordinary pay rate and an additional 18 weeks at the Federal adult minimum wage rate. In addition, up to 12 months unpaid leave is available, and parents have the right to request parental leave to be extended for two years after childbirth and to work part time until their child reaches school age. These initiatives will help to lessen the barriers that women face in attaining economic security for themselves and their families, and will work towards narrowing, if not eliminating, the gender pay gap.

Through a series of childcare reforms we are not only ensuring better care and services for children but also providing support for women who continue to be the principal carers of children. These reforms are vital for assisting women to participate more actively in the workplace and in the community. In 2006 we launched the \$85.2 million Preschool Investment and Reform Plan, guaranteeing an extra 10,500 children subsidised preschool places. To allow parents greater peace of mind when they leave their children in care, we have introduced better regulations to enhance protection and safety for children in all licensed children's services, and introduced regulated standards for childminding in shopping centres and out-of-school-hours care. We are a Government that cares about women; a Government that wants to see women succeed. We will continue to build on our achievements and continue to create opportunities for women to reach their full potential and to participate fully in society. We will also continue to ensure that we do all we can to close the gender pay gap.

I will provide the House with a few key statistics regarding equal pay. As I said earlier, in February 2010 the gender pay gap was 18 per cent. The data shows a widening of the gender pay gap in Australia, with the gap increasing by 0.5 per cent per annum over the quarter, from 17.5 per cent, and by 1.5 per cent per annum over the year, from 16.5 per cent. The average weekly ordinary time earnings of females working full time were \$1,091.30 per week, or \$239.30 per week less than their male counterparts, who earned an average of \$1,330.60 per week in February 2010. The gap is higher in the private sector, at 21.7 per cent, compared with 12.1 per cent in the public sector. I think members would agree that that is indicative of the very successful programs that governments, particularly the New South Wales Government, are implementing in the public sector to ensure that there is equity in public sector workplaces and that women have the opportunity to participate equally in public sector workplaces.

The gap is at its highest level since August 1994. As at February 2010, industries with the highest pay gap were: financial and insurance services, 29.3 per cent; healthcare and social assistance, 29 per cent; rental, hiring and real estate services, 28.3 per cent; and professional, scientific and technical services, 27.6 per cent. I hope that on hearing these figures those sectors are willing to take action to address this shameful gender pay gap. Industries with the lowest gender pay gap were: transport, post and warehousing, 6.5 per cent; public administration and safety, 8.6 per cent; and education and training, 9.8 per cent. The pay gap is higher for employees on unregistered collective agreements, 32.3 per cent; registered collective agreements, 29.8 per cent; registered individual agreements at 30.3 per cent; unregistered individual agreements at 29.8 per cent; and when pay is set by award only, 16.7 per cent.

A report released in March 2010 shows that simply being a woman accounts for 60 per cent of the difference between the earnings of men and women. That gap impacts negatively on women's participation in the labour force—that is, women earning less than men acts as a disincentive for women to get into paid work or to work more hours. A decrease in the average gender pay gap by one percentage point, from 17 per cent to 16 per cent, would increase gross domestic product per capita by approximately \$260, which equates to approximately \$5,497 million, or 0.5 per cent of gross domestic product, assuming that the population is held constant. It is estimated that a 17 per cent pay gap between men and women workers costs the Australian economy \$93 billion each year, which equates to—and I have mentioned this statistic before—8.5 per cent of gross domestic product. As such, the current gap of 18 per cent will now cost the economy even more.

A recent KPMG report shows that an indirect cost to the Australian economy from the gender pay gap includes potentially higher unemployment and underemployment. This means women have less ability to accumulate adequate superannuation and are more likely to require government care. Women are 2½ times more likely to live in poverty in their old age than are men. By 2019, on average, women will have half the amount of superannuation that men have. In 2009 the starting salaries of female graduates were, on average, \$3,000 less per year than that of their male equivalents. In some industries female graduates are severely disadvantaged. The average gender pay gap for graduates in architecture and building is \$6,800 per year. The culture and practices of that sector need serious reform to address that difference. The gender pay gap for female executive managers is significant. In some positions, such as chief financial officers, women earn less than half of their male counterparts. Even in positions where women are more likely to work, they earn significantly less than their male counterparts. If current earning patterns were to continue, the average 25-year-old male would earn \$2.5 million over the next 40 years, while the average female would earn \$1.5 million.

Equal Pay Day makes us aware of this serious gender pay gap. As was said earlier, so often we have believed that we have achieved equal pay. We have thought we have achieved it time and time again, but the facts tell another story. I am most concerned that women are accumulating poverty. This must be changed for future generations of women. It is not acceptable for women to experience inequality in their entire life cycle, and I ask members to support my motion.

The Hon. CATHERINE CUSACK [3.35 p.m.]: The Liberals-Nationals Coalition thanks the Hon. Helen Westwood for moving this motion, and we will support it. For a country that was one of the earliest supporters of women's rights in international terms, I find myself asking: Why are women not being paid the same as men for work of equal value? Why has this problem persisted in our pay rates for so long? The principles of equal pay for equal work were established in the Federal pay case of 1969, and again reaffirmed in 1972. But as Equal Pay Day notes, women are still paid less than their male counterparts. Women have had to overcome a long history of discrimination in the workplace. Much of that discrimination has stemmed from the failed centralised wage-fixing system that has been so much loved by Labor and its union friends. For example, the famous Federal Harvester case of 1907, presided over by Justice Higgins, established a basic wage for males on the basis of their family breadwinner status. It fixed pay discrimination against women into law, and for more than 60 years employers were legally obliged to pay women less than their male counterparts.

In the 1912 fruit-picker's case the Commonwealth Conciliation and Arbitration Commission specifically rejected the argument that the male and female basic wage should be the same. In 1919 the basic woman's wage was just 54 per cent of the basic man's wage. Even under the emergency conditions of the Second World War, when women stepped up for their country to keep our industries going as men left their civilian jobs to join the armed forces, female wages rose to only 75 per cent of a male's pay. In 1958 this Parliament was the first in Australia to legislate for equal pay for women. The legislation was called the Female Rates (Amendment) Act 1958, but it seems it had little effect.

A vignette appearing on the website of the Australian Council of Trade Unions depicts the year 1959. Picture, if you will, Bob Heffron has just become Premier following the death of Joe Cahill. Two newly qualified teachers have been posted to their first school in the then thriving town of Grafton—let us call them John and Amanda. They are the same age, they have the same education, they are in the same town and they are doing the same job. At the end of their first week of work they receive their first pay packet, which would have been delivered in cash at that time. John received the equivalent of \$27.30 and Amanda received the equivalent of \$20.45. That was the year after this State Parliament had legislated for equal pay for men and women. In 1973, the New South Wales Industrial Relations Commission handed down the State Equal Pay decision. Interestingly, the first big push for equal pay determination by the Industrial Relations Commission, both Federal and State, occurred under Liberal-National governments.

Let us now look at the current performance of this State Labor Government. In 1996, not long after being elected, the Carr Labor Government introduced the Industrial Relations Bill 1996, which was duly enacted by this Parliament. The main outcome of that Act was to update a previous definition of "equal pay" to "equal remuneration for men and women doing work of equal or comparable value". Again, what has the impact been? Not a great deal. In May 2010 Australian Bureau of Statistics research showed that the gender pay gap is still 17.3 per cent. The average weekly ordinary time earnings of women in full-time jobs were \$231.40 lower than their male counterparts. Sadly, the data shows that the gender pay gap has been stuck between 18 per cent and 18.5 per cent for well over a decade. Even worse, since February 2009 the gender pay gap has widened. Under the policies of Federal and State Labor governments, women are predominately stranded in jobs that have lower wage growth prospects. As is often the case with this Government, its actions—which Premier Keneally continues to ask us to judge her on—do not match its rhetoric.

The Government should encourage women, through information and training, to follow careers in fields where there is strong wages growth. This includes the trades, such as electrical, plumbing and carpentry, where there has been strong wages growth. The information technology field, where the gender gap has grown to rival that of the medical profession, is another industry that has seen rapid wages growth. Much more needs to be done to improve the rate of female participation in this industry. The New South Wales public sector is a substantial part of our State workforce. When Labor was a brand-new young Government in 1995, it promised a comprehensive policy of initiatives to deal with the imbalance in pay.

The Hon. Rick Colless: Now they are old and tired.

The Hon. Christine Robertson: Only some of us are old.

The Hon. CATHERINE CUSACK: You are all tired though. The Industrial Relations Commission itself needed an improved level of female participation. Labor gave a commitment that by 2000, 40 per cent of Industrial Relations Commissioners would be female. However, this figure has never been achieved. In 2000 only 29 per cent of the commissioners were female. In 2004 the percentage of female commissioners decreased to 25 per cent. At that time I raised the problem with the Government. Today the rate has increased slightly to 31 per cent, but it is still well short of the 40 per cent target. The Government has had 15 years to achieve this target, which it promised would be reached by 2000. It is an example of another empty and abandoned promise.

The Industrial Relations Commission sets pay for all male and female public servants and for other industries. The persistent inequity in the commission is not only in the number of female commissioners but also in the seniority of its members. The wage for female commissioners is 88.6 per cent of the wage of their male counterparts. When the Industrial Relations Commission, which sets the salaries for other employees, has a problem with pay equity, it is disingenuous for the Labor Party to shake its head sadly about the persistent and, indeed, increasing gender gap in salaries. I remind the Government that its empty promises feed into the problem and send a poor message to those industries that the Government singles out as needing a change of attitude. The Government would do well to add its own name to that list.

The 2008 workforce statistics show that of the 5,456 full-time employees earning under \$36,677, 4,088, or 75 per cent, were female. Of the 85,476 people earning in the second-lowest pay band, between \$36,677 and \$53,855, or 62 per cent, were women. But when we look at the 4,207 public servants earning more than \$149,425, we find that 74 per cent of them are men. When women constitute only 26 per cent of employees in the top 4,207 positions, it deflates the female share of salaries not only in the public sector but also in the whole workforce. It also sends the wrong message to the private sector. It is wrong for the Government to lecture other industries when these problems have been allowed not only to persist but also to deepen in the Government's own workforce. As I said, 75 per cent of our lowest paid public servants are female and 74 per cent of our highest paid public servants are men. I emphasise that these are full-time equivalent salary statistics. They are like-with-like, apples-with-apples statistics. The Government ought to be ashamed.

Female participation in the workforce is not continuous, for many reasons. This has an impact on the seniority level of women—although it should not impact to the extent that the figures suggest. Women will enter, exit and re-enter the workforce as a result of childbirth and child rearing. Our industrial relations system, which has been institutionalised in many of the Government's policies, has mitigated against women. I refer to policies such as the last-on first-off retrenchment policy, which devastated the female workforce during the restructuring that took place in the 1980s. It continues to characterise policies when firms are required to reduce their workforce. In the New South Wales workforce, women average at least one year length of service less than men. Too often, women are caught in the net of being the last one on and therefore bear the brunt of a reduction in the employer's budget.

I remind the Government that it abolished the Department of Women. At one stage the chief executive officer of the downgraded Office of Women, which was established in the Department of Premier and Cabinet, was a man. As far as I am aware, that was the first time in Australia that a man had been appointed by a government to head an Office of Women. The Government abolished funding to the Working Women's Centre. That was a painful period because in its representation of women the centre took on battles in the private sector and undertook a great deal of research. I would have liked such research today, but since Labor ceased funding for that organisation that research and those statistics have not been produced. These actions have fed into the wider problem of the growing pay gap.

I applaud the Hon. Helen Westwood for raising this important issue in the House. She listed industries that the Labor Party considered needed to reform their attitudes. I point out that the New South Wales trade

union movement has supported gender discrimination in salaries and through its union muscle has negotiated workplace practices that mitigate against women. In towns such as Broken Hill women were forced to leave the workforce for no other reason than they got married. When I was in Broken Hill some years ago I met with the lady who stood up to the Barrier Industrial Council, basically all her local trade unions, to assert the right of women to continue to work after marriage.

The Hon. Christine Robertson: They were extraordinary circumstances.

The Hon. CATHERINE CUSACK: Her name was Janine White, but that is not her name anymore. She lives very quietly. She was not at all interested in becoming famous or to be an emblem for the women's movement. She just wanted to keep her job. I have always felt that her accomplishment on behalf of women was a wonderful one. It was a great privilege for me to meet her. She told me about the party that was thrown after she won the case and asserted her right to continue to work. At the party she and her family were shocked at the number of women who produced wedding rings and announced that they had been married in the last five years. It was a coming-out celebration for all these married couples in Broken Hill who had told no-one, not even their own families, that they had been married in order that these women could continue in the workforce. That happened not that long ago.

I suggest that the trade unions be added to the list of people who need to think more carefully about their attitudes and reform. The Government should reflect, with some sadness, on its inability to meet any of its commitments to women, bravely given back in 1995, and how it has contributed in so many ways to the problem. It is time for a fresh approach. It is time to make New South Wales number one again with new policies that will recognise and support women, particularly on pay equity and also on female savings and superannuation, which are such a problem because of our inability to address the pay discrimination situation. It is with great pleasure that I say on behalf of the Liberal and National parties that we will support the member's motion.

The Hon. CHRISTINE ROBERTSON [3.50 p.m.]: I thank the Hon. Helen Westwood for bringing forward this motion, which I support. I reiterate what the Hon. Helen Westwood and my colleagues have already stated that whilst, over the past few decades, women have made remarkable gains in paid employment, it is an unfortunate and inequitable reality that the rewards are not filtering through to their pay packets. At a national level the gender pay gap between men's and women's earnings has not improved over the past decade. The latest May 2010 Australian Bureau of Statistics average weekly earnings trend data shows that the national gender pay gap for full-time workers, before overtime and bonuses were taken into account, is 17.6 per cent—an increase of 1.4 percentage points over the past 12 months. In New South Wales we are doing better—the gap is 15.4 per cent, which has remained relatively steady over recent years. I will have more to say about that when I come to areas of employment in which there are more women, particularly nursing. I started nursing in 1966 and I earned \$14.40 a fortnight, plus food and board. That wage was enough to buy lollies and, if you were hooked on cigarettes, enough for an occasional packet of cigarettes. But that was the world.

The Hon. Rick Colless: You should have given them up.

The Hon. CHRISTINE ROBERTSON: In 1966 I was not a nicotine addict. I will talk about the reasons why the situation in New South Wales looks a bit better. It is not because of government action. In the past 10 years nurses, as a group in the community, have obtained equitable wage for the amount of work that they do. They are quite an extraordinary group. I remember when I was in the New South Wales Nurses Association and it was taking on wage equity as a major issue. The rhetoric was very powerful and I thought it was very exciting that this issue was being taken on by a group that was working for all women in the workforce and I got sucked into it. As the Hon. Catherine Cusack said, the union was working for the nurses, and the union quite firmly said, "No, this is about us." It is extraordinary that a union took on this issue for a group of women. It was not working for the State and equity; it was working for equity within the nursing profession and it has done a very good job. Women would not wash bedpans for \$14.40 a fortnight these days. That was a fair reflection of where women were at in the late 1960s.

The Hon. Catherine Cusack spoke about women being forced to leave employment when they became pregnant. When I started nursing we were not permitted to be married, and if we got pregnant we would not be forced to leave, we would be sacked. In those days, the minute any woman who worked in the banks, even if she was the best worker the bank ever had, got married she was asked to leave. It was not all that long ago that that situation changed. It would be nice to say it was changed by the government but no government did it; it was individual women and the work of women who delivered this outcome, with government support and the

support of certain politicians. I would argue that the union had nothing to do with it. I think some unions had a lot to do with it and perhaps some had a lot to do with maintaining the status quo, because the unions, employers and government reflect community attitudes and culture. After listening to the last two days debate it is obvious that many sectors of our community perceive that there are things that women should do and things that women should not do. Unfortunately, equitable wages are part of that perception.

Currently, I am reading a very interesting book—I cannot remember the name of it or the author—which was written in the late 1930s. It is about why we go to war and whether women can assist in changing people's attitudes about international aggression and aggression generally. The book works through the process of how some of us step out of our cultural boundaries and move towards aggressive or other behaviours in our culture in order to cope; how we counteract the namby-pamby stuff that women are supposed to be able to do—negotiate and work in the middle—how we defeat that in order to survive outside our boundaries. It is an interesting concept from the 1930s, and things have not changed much.

A recent KPMG report on economic implications of the gender pay gap in Australia points out that the persistence of the gender pay gap may restrict opportunities for growth and have serious implications for the nation's competitiveness. In addition, research undertaken by the National Centre for Social and Economic Modelling has found that pay inequity costs the Australian economy \$93 billion per year, or 8.5 per cent of gross domestic product. The New South Wales Government welcomes these reports and understands why attention to pay equity and how women participate in the workforce really matter for women and for our State as a whole.

I am not sure that I am comfortable with the debate about how women participate in the workforce. It seems to be redefining the way we are supposed to behave in order to conform and be accepted by other women and men in the workforce. I am not sure that we are not placing ourselves in a corner again—but we are good at doing that. When I was a women's health education officer it did not take me too long—about a year I think—to discover that what we had managed to do with all our power, work and rights was to tread on a lot of other women's heads. Women's rights had not hit the people I was working for in country New South Wales so I was working for the organisation and not for the people who had got me my job as a women's health education officer.

We know that the difference between men's and women's earnings has important short-term and long-term consequences, not only for individual women but also for our economy and society. Pay disparities affect women's workforce participation and the choices that families make about work and care, with long-term impacts on the financial independence of women in their retirement years. It is a bit hard to make choices about going to work when almost your whole wage is taken up with childcare costs because you are paid so little. With the long march to pay equity still progressing inch by inch, it is apt to mark the 2010 Equal Pay Day by reminding the House about one of the key New South Wales contributions to improving pay equity both in Australia and New South Wales.

It is important to recognise what individual governments have done and are doing. I am not one to say how wonderful the Greiner Government was because I was in country New South Wales and I know what happened, but I know that the Greiner Government did a lot for women's equity in its time. I acknowledge the work that the Labor Government has done and I acknowledge the work that has been done at a Federal level on both sides. We are in the process of achieving equity because it has been recognised that our skills are needed. I am in no way negating the work done by any government in this regard. Given that, I do expect some recognition of the work that is now being done.

The New South Wales Equal Remuneration Principle owes its creation to the work of the Pay Equity Taskforce, which was established in 1996 by the then Minister for Industrial Relations, the late Hon. Jeff Shaw, QC, to consider the undervaluation of women's skills and ways of dealing with pay equity in New South Wales as part of the Carr Labor Government's Pay Equity Strategy. Having investigated the reasons for the undervaluation of women's skills in the workplace—I bet they did not talk about the entrenched cultural requirement that we stay where we are put—and considered potential strategies for addressing pay inequity in New South Wales workplaces, the taskforce recommended that a pay equity inquiry be undertaken by the Industrial Relations Commission of New South Wales to establish principles for pay equity in industrial instruments. The Carr Labor Government agreed to the recommendation, and in 1998 an inquiry was undertaken that compared seven female-dominated industries and occupations with male-dominated industries and occupations.

The chosen occupations and industries provided a cross-section of professional and paraprofessional, skilled and unskilled, trades and non-trades positions in both the public and private sectors. All of the areas and occupations examined in the inquiry raised significant issues about the undervaluation of female occupations and industries. I remind members that I am talking about the mid- to late-1990s. One of the inquiry's key findings was that undervaluation of women's work may arise for a number of reasons, including gendered assumptions in work value assessments, occupational segregation, which may cause feminised industries to be undervalued simply because they are female dominated—I spoke about that in relation to nurses—and a number of other factors related to the poor bargaining position of feminised occupations and industries. The inquiry's report noted that the combination of these factors contributed to the undervaluation of women's work, both historically and under the then New South Wales wage fixing processes.

The inquiry concluded that the concept of gender-related undervaluation of work is central to any equal remuneration mechanism, that comparisons between feminised occupations and industries and male-dominated occupations and industries are not and should not be prerequisites for equal remuneration claims and that the Industrial Relations Commission of New South Wales should have a central role in guarding against pay inequity and in developing forward-thinking strategies to pre-empt the development of pay inequities.

The New South Wales pay equity inquiry represented a significant advance for women. It resulted in the Industrial Relations Commission of New South Wales identifying barriers to making equitable and fair decisions about the valuation of work, and it identified strategies to address these barriers. Undoubtedly the inquiry's key achievement was its recommendation that new equal remuneration and work value principles be established in New South Wales. In 1999 the Labor Council of New South Wales—now Unions NSW—made an application to the Industrial Relations Commission of New South Wales for the establishment of a new equal remuneration principle based, in part, on the findings of the inquiry. In 2000 the Equal Remuneration and Other Conditions Principle—known as the Equal Remuneration Principle—was established to address applications of pay undervaluation on a gender basis.

The Equal Remuneration Principle, which still applies today and covers organisations for which the New South Wales Government has industrial relations jurisdiction, allows applications to be made to the Industrial Relations Commission of New South Wales to reassess work and re-evaluate the work value of an award on the basis that the rate of pay does not represent a proper value of the work under traditional work value criteria and that undervaluation is in relation to the sex of those performing the work. The principle provides a broad range of remedies to address pay inequity, including increasing rates, changes to conditions of employment, new career paths or changes in incremental scales.

Under the principle, successful applications have been made to the Industrial Relations Commission to remedy the gender-related undervaluation of the work of State government workers employed as librarians, library officers and archivists—known as the Crown librarians case—and in kindergartens and childcare centres—known as the New South Wales child care case. The successful Crown librarians case and the child care case led to significant wages increases for workers in those respective sectors. The positive outcome for workers demonstrated the type of wage adjustment that can flow from the application of the Equal Remuneration Principle where a gender-based undervaluation of relevant work has been established on available evidence. It is another reason that the figures are a little better in New South Wales than they are in the rest of the country.

As often has been the case in the pay equity journey, New South Wales has led the way and others have followed. The development of the New South Wales Equal Remuneration Principle was groundbreaking. It led to other similar mechanisms being adopted in Queensland, Western Australia and South Australia. Through the Fair Work Act 2009, the Commonwealth Government has also committed to developing an equal remuneration principle. In 2010, as we continue to work towards achieving pay equity for women, I believe it is important that we look back on the journey to date. An annual Equal Pay Day gives us an opportunity to reflect on the gains that have been made as well as to consider the challenges still facing women in New South Wales. We undoubtedly have much work to do if we are to achieve genuine equality for women at work. But rest assured, if we take stock of previous gains and let ourselves be inspired by what the Government has achieved so far we can make genuine equality for women in the workforce a reality in New South Wales.

The Hon. MARIE FICARRA [4.07 p.m.]: The Coalition offers bipartisan support for this motion dealing with equal pay and I congratulate the Hon. Helen Westwood on moving it. Australia has come a long way since the great Dame Mary Gilmore became the face of female member of the Australian Workers Union and commenced campaigning for, among other important issues, the rights of women, and especially equal pay.

Dame Mary's long connection with the *Australian Worker* began in 1908 when, in response to her request for a special page for women, the editor, Hector Lamond, invited her to write it herself. She went on to edit the women's page until 11 February 1931.

Unfortunately, since then developments in ensuring equality have been slow and there is still great inequity in our society that should be addressed. The October 2006 edition of the *International Journal of Employment Studies* contains an article by Meg Smith and Michael Lyons of the University of Western Sydney in which they state that since the 1970s Australia has been one of the few countries to progressively advance pay equity reform. Advances in women's pay were initially progressed by the passage of two industrial developments: the 1969 equal pay for equal work case and the 1972 equal pay for work of equal value case heard by the Conciliation and Arbitration Commission. However, Natasha Cortis of the University of Sydney wrote in the *Australian Journal of Political Science* in 2000 that, whilst advances in the gender-pay gap narrowed after the historic wages cases in 1969 and 1972, the relative growth in women's earnings in Australia slowed in the 1980s and the gap again widened after 1991.

Smith and Lyons have documented that with regard to non-managerial employees in the private sector the gender-pay equity ratio increased from 60.6 per cent in 1970 to 74.6 per cent in 1981, an increase of 14 percentage points over 11 years. In the period 1981-2004 the ratio increased 7.4 percentage points from 74.6 per cent to 82 per cent. During this period the continuation of gender-pay inequity and the failure of the comparable worth proceedings in 1986 resulted in Federal industrial relations law being amended in 1993 to enshrine the objective of equal remuneration for men and women, and those provisions have continued to this day.

Following pay equity inquiries New South Wales and Queensland developed new equal remuneration principles that have been used to obtain award-based wage increases for child care workers, library workers and dental assistants. The New South Wales pay equity inquiry in 1998 provided for the submission of evidence that explored all potential determinants of the undervaluation of women's work. The inquiry found that there were limitations in the application of both the Federal and State equal pay principles to dissimilar work. The inquiry's conclusions, as reflected in its recommendations on a new principle and legislative amendments, placed emphasis on undervaluation as the threshold to establishing whether there is the basis for an equal remuneration claim. The inquiry identified the characterisation of work as women's work, the undervaluation of the skills of women workers per se and occupational segmentation and segregation as relevant factors. The inquiry also identified the contribution of the wider dimensions of undervaluation.

The decision of the Full Bench of the Industrial Relations Commission of New South Wales provided for a new equal remuneration principle that provided for the pursuit of claims of gender-based undervaluation. It established the test of undervaluation, rather than discrimination, as the basis of equal remuneration applications to the commission. The New South Wales equal remuneration principle has been the basis of successful claims to remedy the gender-related undervaluation of the work of State government employed librarians, library officers and archivists and staff employed in long day childcare centres.

We now fast forward to current times, and sadly inequality still exists. It disturbs me greatly that on 1 September 2010 Guy Healy reported in the *Australian* that the wage gap between male and female graduates widened in the three years to last year, with women earning \$7,200 less a year than their male counterparts. The Graduate Careers Australia report surveyed almost 8,000 graduates from 23 universities in Australia. Three years after leaving university, the average male graduate was earning \$65,000 compared with \$58,000 for his female counterpart. Mr David Carroll, the Senior Research Associate from Graduate Careers Australia, stated:

It definitely shows that there remains some form of labour market discrimination in terms of earnings of average for women.

Even when factors such as choice of discipline—and thus later earnings potential—were factored out, the gender pay gap was still about 7 per cent.

Male graduates also did better in the full-time employment stakes. Ninety-one per cent of male graduates were in full-time employment three years out of university, compared with 84 per cent of females.

Female bachelor graduates were also consistently more likely to be in part-time employment.

A study by the Diversity Council of Australia and Federal Equal Opportunity for Women in the Workplace Agency found that women earn 18 per cent less than men on average for doing work of equal value. Acting Director of the Diversity Council Australia, Lisa Annese, has stated, "We need to be focussing our efforts on

achieving pay equity for women who are doing work of equal value to men, not necessarily the exact same job." Sex Discrimination Commissioner, Elizabeth Broderick, who this year has launched the Gender Equality Blueprint, stated:

Women suffer pay discrimination from the moment they enter the workforce. The figures are quite shocking. Many people might have believed that senior women are able to negotiate so they are comparable with their male counterparts but that's not the case. This is a systemic problem. It goes from the most senior women in the workforce right throughout the labour market. It's not an isolated problem based on negotiating power.

Associate Professor Peter McGraw of Macquarie University's Labour Studies Foundation found that very few women reach senior levels, and those numbers are in decline. In the Australian Securities Exchange's top 200 companies, only 9 per cent of directors are female. While women make up half the population, this is not represented in the board rooms of Australia. Indeed, more than half of the top 200 Australian Securities Exchange companies have no women at all on their boards. I congratulate Pacific Brands, Westpac, QBE Insurance and Aristocrat Leisure, who have the largest proportion of women on their respective boards compared to any other company on the Australian Securities Exchange. Frank O'Halloran, Chief Executive Officer of QBE Insurance, stated on 18 May 2010:

I think it's fantastic having three women on the board, primarily because there's a different approach to the questioning, a different experience on the board, and I only hope that we can replicate throughout the organisations at senior management level what we've done at board level.

Belinda Hutchinson, Chairperson-elect of QBE Insurance, stated on 18 May 2010:

We've got to develop cultures within organisations and programs where we encourage women to come back into the workforce after they've had children, and we provide an environment which is flexible enough for them.

Unfortunately, the statistics documented by Women on Boards, show that the lack of equal representation on boards is not limited to the corporate world. The majority of Federal and New South Wales government boards have limited female representation. In New South Wales 2009 figures show that only Landcom had gender equality on its board—of the six directors, three were women. Sydney Water has the second-highest amount of female representation with three females being directors on a board of eight. Sadly, the Rail Infrastructure Corporation had no women on its board. Clearly, there is much this Government—its members and its Ministers—can be looking at in their own portfolios, as the Hon. Catherine Cusack mentioned in her speech.

The Transport Infrastructure Development Corporation, WSN Environmental Solutions, Integral Energy, Newcastle Port, Sydney Ports, TransGrid, Delta Electricity, Eraring Energy and Port Kembla Port have only one woman on their respective boards. Country Energy, EnergyAustralia, Macquarie Generation, the Superannuation Administration Corporation, NSW Lotteries, Hunter Water and Sydney Water have two women on their boards. Research indicates that in the New South Wales Public Service a majority of females stay in lower-graded clerk positions rather than senior officer and senior executive positions. Clearly, there is a lot to do in our own backyards.

I congratulate the Hon. Helen Westwood. She served with distinction while mayor of Bankstown City. As a result of her long and dedicated service in local government and to other community service organisations she was appointed a Member of the Order of Australia in 2006. We have similar backgrounds in that we have both worked in women's health and have served in local government for many years—the Hon. Helen Westwood was mayor of Bankstown and I was mayor of Hurstville. In that position the member would have observed the same proportion of inequities in local government. This is what led me to work for the promotion of women in local government and to become the President of the Australian Local Government Women's Association, of which I am a proud life member.

The 2009 national remuneration survey of local government revealed that only 11 per cent of chief executive officer and general manager positions in local government are held by women. At the second level—that is, senior managers and directors—only 20 per cent of these positions were held by women. There was an increased percentage occurring at lower managerial levels—31 per cent in level 3 manager positions and 41 per cent in level 4 team leader roles. Close evaluation found that males generally in the corporate services areas are being paid up to 15 per cent more than women. The data also showed significant disparities in the number of females filling specialist positions. Really much more needs to be done at all levels of government as well as in private enterprise.

It is clear that there is a great deal of inequality between men and women in the Australian workplace. We as legislators in this State must seek to overcome the hurdles that women face in workplaces, such as harassment and discrimination. We must always strive to ensure healthy workplaces that will encourage and ensure equality of remuneration and work conditions. I commend the motion to the House.

The Hon. HELEN WESTWOOD [4.20 p.m.], in reply: I begin by thanking all members, first, for their support for the urgency motion and, second, for their contributions to this debate. I am delighted but not surprised that there is bipartisan support for the motion. In particular, I thank the Hon. Catherine Cusack and the Hon. Marie Ficarra for their contributions. I thank also my Labor colleague the Hon. Christine Robertson for her contribution to this very important issue. I have no doubt that our male colleagues are as supportive and concerned about this issue as we are. I know that all of us do not want our daughters and grand-daughters to face pay inequity in another generation or so. We want them to be paid what our sons and grandsons are paid.

This issue affects the entire community—government, business and the economy. I note the comments of the Hon. Marie Ficarra about board membership. The evidence is there. Companies and corporations that have women on their boards and in decision-making roles have made a difference to pay equity outcomes and for women in those workplaces. Clearly, women will seek to work in such places. If women have the assurance that they will be working in a supportive workplace where their contribution is equal to that of their male counterparts and where they will receive pay equal to that being paid to men doing the same or similar work, they will be attracted to such workplaces.

It is worth noting that we expect a favourable outcome for community and social workers from the national pay test case that is currently underway. As someone who has worked in that sector and who is familiar with the very poor pay that the feminised workforce experience I look forward to that outcome. Many of us believe it could address the massive imbalance in pay rates in male and female dominated industries where work could be judged as equal in value. Hopefully, next year on Equal Pay Day we will have better outcomes, that we will have this debate much later in the year because the gap will have narrowed.

We all agree it is unacceptable that there is still such a significant gap between what is paid to men and what is paid to women. Women now make up half the workforce and are more skilled and educated than at any other time in the history of our country, yet men are still paid more because of overtime, penalty rates and bonuses. What is of greatest concern about pay inequity is what it means for women as they get older. Women do not have the same levels of superannuation as men, and often they end up living in poverty or have a lifetime of inequity. That is not acceptable. We all want social justice and fairness. Again I thank members for their contributions and I commend the motion to the House.

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

Motion agreed to.

FIREARMS LEGISLATION AMENDMENT BILL 2010

Second Reading

Debate called on, and adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. KAYEE GRIFFIN [4.27 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. 244 outside the Order of Precedence, relating to National Stroke Week, be called on forthwith.

I move this motion as a matter of urgency because National Stroke Week commences on Monday 13 September 2010 and it is appropriate that the House debate this very important issue. I am sure all members have many concerns about the prevalence of stroke and wish to support Tartan Ribbon Day, which will be observed on Wednesday 15 September.

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

Motion agreed to.

Order of Business

Motion by the Hon. Kayee Griffin agreed to:

That Private Members' Business item No. 244 outside the Order of Precedence be called on forthwith.

NATIONAL STROKE WEEK

The Hon. KAYEE GRIFFIN [4.27 p.m.]: I move:

That this House notes:

- (a) National Stroke Week commences on Monday 13 September 2010,
- (b) stroke is Australia's second single greatest killer after coronary heart disease and a leading cause of disability, and
- (c) people can show their support through the purchase of a tartan ribbon on Wednesday 15 September 2010 to support the Stroke Recovery Association, which is a not-for-profit organisation that has been providing support services to stroke survivors and their families since 1977.

The Government acknowledges the importance of National Stroke Week, which commences on Monday 13 September. As part of National Stroke Week it is important to raise awareness of the early warning signs of stroke, which include numbness or paralysis, blurring or loss of vision and dizziness or a sudden blinding headache. A minor stroke is a significant predictor of a major stroke and many people either ignore the symptoms or do not realise the significance of those symptoms and place themselves at risk. It should be noted that preventative measures are key to reducing the incidence of stroke. These include a proper low fat diet and regular exercise, reducing high blood pressure and cholesterol, eliminating stress, viewing diabetes and heartbeat irregularities as high risks, ending a smoking habit, never neglecting stroke warning signs, and taking medication as prescribed by a physician.

The most common form of a stroke is the result of a sudden disruption of the flow of blood to parts of the brain. When blood cannot reach parts of the brain, the oxygen supply to those areas is cut off and the brain cells die. Less frequently, blood vessels burst and blood spreads into nearby brain areas, thereby causing a haemorrhage. The result of these processes is a stroke. This week draws people's awareness not only to these symptoms and the effects of stroke but also to the complexity of stroke-related illnesses. The Government has made it a priority to ensure that public health funding is used to provide a range of services for stroke patients, and it is such initiatives that should also be celebrated during National Stroke Week. In particular, it is acknowledged that the provision of stroke services in both metropolitan and rural areas is key to addressing this issue.

Tartan Ribbon Day will be held on Wednesday 15 September, during National Stroke Week. The Stroke Recovery Association NSW, in close collaboration with the Agency for Clinical Innovation Stroke Network, is reprising a fundraising campaign featuring a tartan ribbon—an idea similar to the pink ribbon concept for breast cancer. Tartan was chosen in order to convey the complexity of signs and symptoms of stroke and its long-term effects on people's lives. A ribbon was chosen to represent the collaboration-partnership between stroke survivors and the stroke services accessed during an individual's recovery.

In support of the campaign, clinicians from area health services across the State will hold activities to raise awareness about stroke. The tartan ribbons, which cost \$2 each, are sold attached to a card that also serves as a receipt for the purchaser. They have been assembled from scratch by a dedicated team of volunteers from stroke recovery clubs, NSW Health and staff of the association. This shows the tremendously hard work that our community groups and our staff are prepared to put in to this important cause. Tartan Ribbon Day provides an opportunity for us to acknowledge the complexity of health issues associated with strokes, but also to send a positive message that strokes can be prevented, that this is a priority for the Government, and that the provision of stroke services in both metropolitan and rural areas is key to addressing this issue.

With the House's indulgence, I will relate my personal experience with my father, who suffered a very severe stroke. His first stroke did not seem to do a great deal of damage, but he had another very severe stroke in the following 72 hours. It was very distressing for me, having recently lost my mother and being an only child. As I said in my inaugural speech, for a couple of years our lives were simply a revolving door of doctors and hospitals. When my father suffered his second stroke unfortunately there was no way back from it. He lived for about six weeks after that stroke, and it was very distressing to visit him. The stroke affected one side of my father's body. If we stood next to him on the side affected by the stroke he could not hear or see us. He did not

know that people were speaking to him. However, if we walked to the other side of the bed—to his side that was not affected by the stroke—looked directly at him and spoke to him, he recognised us. His brain was totally active but he had lost his speech, and unfortunately there was not a lot we could do.

In hindsight, it would have been wonderful if perhaps we had been more vigilant about some of the significant predictors of stroke. I refer to things such as smoking—a habit my dad had for many years—and eliminating stress. Our family situation was very stressful when my mother had terminal cancer, and my father was not in the best of health leading up to my mother's death. I totally applaud Tartan Ribbon Day because it is extremely important for people like me, for all in this Chamber, and indeed for everyone else, to be more aware of the signs and symptoms of stroke. It is important that people are aware of the preventative measures available. They should also be aware that wonderful rehabilitation enables many stroke victims to return to their normal daily routine. It is important that people know about the support measures that are available for those who have suffered a stroke, including many hours of rehabilitation and the great assistance they receive through our health services.

I would like to think that if my father had not been so badly affected by stroke perhaps we would have been able to work through some of his problems and have him at home with us, living a more fulfilled life because he had more time with his family. That was not to be. But it does not mean that other people will not have the opportunity to become more aware of the issues regarding strokes. It is important that people know the significant predictors of a major stroke and the wonderful services that our health system provides for people who are recovering from a stroke, including rehabilitation services. I am very pleased to move this motion today.

Reverend the Hon. Dr GORDON MOYES [4.35 p.m.]: I am pleased to speak to the motion, which asks the House to note that National Stroke Week commences next Monday, 13 September, that stroke is Australia's second single greatest killer after coronary heart disease and a leading cause of disability, and that people can show their support through the purchase of a tartan ribbon. I have gathered a collection of ribbons over the past few weeks, for many good causes. Every day this week I have been using Twitter to remind people that it is National Meals on Wheels Week. It is also International Literacy Week, which acknowledges people who cannot read or write. There are 750 million illiterate adults in the world, mainly women. But in Australia one in every seven children cannot read or write adequately because they suffer from dyslexia.

It is also Suicide Prevention Week internationally. Tomorrow at the Sydney Opera House the Wesley Mission will hold its annual memorial service—which I established probably 25 years ago—for people who have committed suicide. It is one of the great, truly moving events. Anyone who attends the service, which will be held at noon tomorrow, will understand exactly what I mean. This week is also Prostate Cancer Week, which one of our good members brought to the attention of the House through a motion on the *Notice Paper*. Around 20,000 men are diagnosed with prostate cancer every year, and the death rate for prostate cancer is similar to that for breast cancer—of which we are very much aware and which we support. It has also been a week in which we have supported indigenous activities. In addition, 4 September was Equal Pay Day, and we were very pleased to support it. Somewhere on my person I have a white balloon to remind me of Child Abuse Week. Indeed, last night there was a fundraising event for Bravehearts. Every day I have been putting another special day or special week on Twitter, simply to remind people of these very important issues.

I am pleased to speak about stroke, for the simple reason that stroke is Australia's second single greatest killer after coronary heart disease—and I have been fortunate enough to survive both. I survived five heart attacks in the 1990s, at which time I required a quintuple bypass. That was a great experience, indeed one of the greatest experiences of my life—I only wish I had had it earlier because I would have acted more sensibly afterwards. In my earlier life I was always extremely active in sport—I played football regularly until I was 38 and was active in athletics into my twenties—so I never thought I would have a heart problem. For the same reason I never thought I would have a stroke problem. This just goes to show how stupid one can be.

I woke one night to find my left side not working, my speech slurred and my eyesight impaired. I am aware of the relationship between coronary heart disease and stroke. It has to do with the vascular supply of blood, particularly to the brain. But it was an intriguing experience to lose my mobility and my balance. I thank God that I recovered remarkably quickly. Obviously, I was taken to hospital but the thing that made a great difference to me was the fact that my daughter-in-law is an occupational therapist. She did her master's degree in stroke therapy and works full time in the field. She came to see me as soon as she heard of my admission and told me that my recovery would largely depend on my immediate response to physiotherapy—she meant immediately.

She told me that her research indicated that it is absolutely essential for therapy to commence within the first 12 hours of a stroke, and that within the first 24 hours of a stroke patients must be put on a very strict regime of movement and therapy. I had private health insurance, which provided for physiotherapy, but my daughter-in-law took a week off work. In that week she got me to do a series of hand movements and exercises. As a result of that very intensive physiotherapy program—particularly in the week immediately following my stroke—I improved. I had no continuing problems with my vision, my mobility or with my left side. Thankfully, I have not had any continuing problems with mobility or movement in my hands.

The Hon. Kayee Griffin outlined some of the reasons why people suffer strokes. She mentioned vascular disease caused by smoking. That has never been my habit, and I am glad about that. However, over the years I made up for it with overwork and being overweight. I was advised to lose weight, which I did; to exercise, which I still do; and to try to keep fit. I have not tried to reduce stress greatly. I have always felt that I could cope with quite a bit of stress, working every week nationally on television and radio, preaching to very large crowds of people in Wesley Theatre each week, travelling constantly to other countries lecturing as a professor, and providing a great number of public speeches. It was not unusual in my life through the 1980s and 1990s to speak publicly 14 times in a weekend. I also had the pressures of staff—4,600 full-time staff plus another 5,000 volunteers—and fundraising of \$157 million per year. All of that puts a stress on the body and on the brain. Even though I have not set out to remove all stress from my life, I have discovered that it is easy to become distressed, which can impact on your health. If one can keep one's weight down, not smoke, remove as much stress as possible and keep active then one has less chance of coronary heart disease and the disabilities that can result from a stroke. National Stroke Week commences next week and people will be reminded of the need to take good care of their health. I wish everyone who suffers a stroke the kind of recovery and the happiness that I have had.

Finally, the advantage of having serious heart disease and then a stroke and being admitted to intensive care for a period is that you receive messages of support, friendship and encouragement, flowers and fruit, and goodness knows what else. It is very life affirming. I remember as a child reading the story of Tom Sawyer. Tom and his friends Jim and Huck Finn were thought to be drowned but they had only run away and gone down the river on a raft. They eventually returned home to find the whole township steeped in great sadness. Everyone was in the church attending the funerals of the drowned boys. Huck Finn and Tom Sawyer crept into the church and climbed onto the church balcony to look at the crowd of people, who were distraught because they thought the young boys were dead. I have had the privilege of listening in at my own funeral. No-one needs to say anything in future; it has all been written. I have received the letters. I have received the flowers and gifts. Do not bother coming to my funeral because it has all been said. It has all been done, and I have appreciated it immensely. What was the result? I felt on top of the world and I decided to retire. I came to the Legislative Council where, for the past nine years, life has been so enjoyable, so free and so relaxed. There is nothing much for me to do in this place but enjoy my good health. I commend the motion.

The Hon. LYNDIA VOLTZ [4.46 p.m.]: I support the motion. Reverend the Hon. Dr Gordon Moyes mentioned Huckleberry Finn. Reading *Adventures of Huckleberry Finn* as a child changed my life. I had no concept of what tarring and feathering meant until Mark Twain so vividly described the horror and torture of it. As a small child I remember not being able to sleep for nights when I finally understood about tarring and feathering and the inhumanity of man.

National Stroke Week commences on Monday 13 September 2010. Strokes are the second single greatest killer of people in Australia. According to parliamentary statistics, stroke is the third main cause of death in New South Wales. Fortunately the statistics on cancer, heart attack and strokes are decreasing, but the statistics on dementia and Alzheimer's are increasing. Significantly, it is a similar story in our indigenous community. The statistics also indicate that diabetes is the fourth-biggest killer, which is a very serious issue in indigenous communities. When people are asked to support National Stroke Week they should remember two things: first, the carers who look after stroke victims and who have one of the hardest jobs we could ever imagine because the victims are often trapped in their own bodies; and, secondly, smoking puts people at extreme risk of stroke.

Smoking is the greatest cause of illness and death in Australia. The number of adults who smoke in New South Wales continues to fall. In New South Wales in 2001, 27 per cent of adult males and 21 per cent of adult females were smokers. In 2008 this fell to 23 per cent and 19 per cent respectively. The number of adult smokers in New South Wales in 2008 was very similar to the Australian average. Looking at a breakdown of those figures, one can see a couple of very surprising statistics. The most surprising is the extraordinarily high

level of smoking amongst males in south-west Sydney. That statistic stands out way and above the numbers for the rest of the State, and it sends a strong message about where anti-smoking campaigns should be targeted. Those are the people at greatest risk.

Reverend the Hon. Dr Gordon Moyes: Female nurses.

The Hon. LYNDIA VOLTZ: I acknowledge the interjection by Reverend the Hon. Dr Gordon Moyes about female workers. Most shift workers smoke. When I was in the military police on 24-hour patrols late at night there was a tendency to smoke to stay awake. Shift workers must be targeted in this regard. We must also get the message out to pregnant women who smoke in the second half of their pregnancy, which poses a risk not only to the mother but also to the unborn child. The regions with the highest statistics in this regard are the Hunter, New England and North Coast, and the greater southern and greater western regions. So there are areas where we need to do a lot more work. It is important that we reaffirm the message about stroke prevention. It is also important that the community gets the message about the serious risk of smoking, which can lead to heart attack, cancer and stroke—the three biggest killers in New South Wales. I commend the motion to the House.

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [4.50 p.m.]: I congratulate the Hon. Kayee Griffin on moving this important motion. I wholeheartedly support it. It is important that we acknowledge National Stroke Week, and I look forward to purchasing my tartan ribbon on 15 September. As Reverend the Hon. Dr Gordon Moyes said, Australia has a lot of ribbon days. But it is a very important mechanism for raising essential funds for organisations such as the Stroke Recovery Association. We often joke about the damage the ribbons do to our lapels.

The Hon. John Ajaka: It is well worth it.

The Hon. MICHAEL VEITCH: It is well worth it. The ribbons are very important for fundraising. We should all wear them with pride. All members take their health seriously but, as an athlete, I can take the high moral ground on health issues such as stroke awareness. My lifestyle has led me to have an annual medical check-up. It is important that everyone has an annual check-up, particularly people over the age of 40 years. Annual medical check-ups are essential in monitoring for illnesses such as stroke, diabetes and other lifestyle illnesses. At my annual check-up my doctor takes the opportunity to reinforce the health management strategies that we put in place the previous year and which I, as members would appreciate, follow diligently. These annual check-ups are an essential part of my management plan to protect my health and wellbeing. One main strategy in the prevention of stroke, which my doctor speaks to me about at every annual check-up, is exercise. I walk to control my weight. Some members have driven past me as I walked to Parliament House during sitting weeks. I find walking a great way to relieve tension and stress. Plugged in to my iPod, I cut a fine figure strutting along the roadside.

The Hon. Melinda Pavey: Whose view is that?

The Hon. MICHAEL VEITCH: Mine. Walking is an important element in any exercise regime. Everyone should follow an exercise regime. A number of members have told me that they go to the parliamentary gymnasium during sitting weeks. I believe the Hon. Lynda Voltz spends a fair bit of time there. Exercise is beneficial because we can become locked up in Parliament House during sitting weeks, not going anywhere and not doing anything other than sitting. We need to exercise and we need to examine our lifestyle and work ethic. Diet is another important factor in controlling and managing coronary disease and stroke. As all honourable members know, I watch my diet closely. However, I love my food and dieting is a real problem for me. Members would have noticed that I returned from the winter recess eight kilograms lighter. The first sitting week I whacked on two kilograms. As I said, I love my food but I also enjoy good company. Members meet in the dining room or in the cafe on level 6, have a cup of coffee and some fine food and enjoy each other's company.

My annual medical check-ups are important because I have a family history on my mother's side of coronary disease. National Stroke Week and other such events help us focus on our personal health and wellbeing. National Stroke Week and ribbon day on 15 September not only raise funds but also draw our attention to important issues such as the fact that stroke is the second-highest killer in this country. I commend the Hon. Kayee Griffin for moving this motion. I support the motion strongly and I urge all members to ensure they have an annual medical check-up.

The Hon. MELINDA PAVEY [4.55 p.m.]: I speak on behalf of the Liberal Party and The Nationals to concur with this important motion that has been brought on by the Hon. Kayee Griffin. Strokes

are a major killer in Australian society, costing us around \$2.14 billion a year. We think we are invincible when we are young, but we are not. Close to 20 per cent of all strokes occur to people under 55 years of age. About 88 per cent of stroke survivors live at home and most have a disability. Stroke has a profound impact not only on the stroke victim but also on their families. As friends or family, we should support stroke victims and their immediate families by providing some respite and assistance. It is a sobering fact that in the next 10 years more than half a million people throughout Australia will suffer a stroke. The number of strokes will increase each year due to our ageing population unless something is done to reduce the incidence rate. One in five people dies within one month of having their first stroke and one in three dies within a year.

We can do many things to prevent stroke. I concur with previous speakers in this regard—and I agree that the Hon. Michael Veitch cuts a fine figure when he is walking along the roadside. Exercise is a good health strategy. We should all throw away the car keys and try to fit in half an hour of exercise every day. It is one of the best things we can do. Other strategies are a healthy diet and lack of stress. Some people are inclined to stress and not having stress in their lives may create tension for them. Diet and exercise are important for good health. We have a personal responsibility to look at our lifestyles and put in place strategies to limit the chances of stroke affecting us and our families.

I will refer to information prepared by the Hon. Jennifer Gardiner, the shadow Parliamentary Secretary for Health. One way that we can get involved in National Stroke Week from 13 to 19 September is to go to www.strokefoundation.com.au and do the FAST—or face, arms, speech and time—test. The test poses three simple questions to check for signs of stroke: Has the mouth drooped? Can the person lift both arms? Is the speech slurred? If any of these signs are apparent the person may have had a stroke. It is important that we highlight National Stroke Week in this Chamber. I congratulate the Hon. Kayee Griffin on moving this motion. We must encourage people throughout New South Wales and Australia to look after themselves so they do not become one of these terrible statistics.

Reverend the Hon. FRED NILE [4.58 p.m.]: I indicate my total support for the motion.

The Hon. HELEN WESTWOOD [4.58 p.m.]: I thank the Hon. Kayee Griffin for bringing this motion before the House. I believe all members are pleased to support it. In speaking to this excellent motion I will talk about some of the Government's initiatives that have been and are being implemented to reduce the prevalence of stroke amongst the New South Wales population.

On 11 January this year an order of establishment came into effect establishing the Agency for Clinical Innovation, a critical component of the Government's response to the Garling inquiry. On 10 August the Minister for Health had the pleasure of formally launching the agency, which is a key component of Caring Together. The launch was held at Westmead Hospital at an event to celebrate and acknowledge the volunteer efforts of the clinician and consumer workforce of the Agency for Clinical Innovation's clinical networks and their achievements to date.

The agency will take a lead role with clinicians and area health services to formulate evidence-based models of care in order to make real improvements in health outcomes. The Agency for Clinical Innovation will involve clinicians and patient representations in continuous clinical redesign to deliver safe and better patient care. Commissioner Garling saw the agency leading the development and supporting area health services and clinicians in the implementation of evidence-based models of care across New South Wales, and in identifying opportunities for improvements in patient outcomes. Consumer involvement is an integral part of the agency's structure. There are currently 43 consumers, individual patients, carers and representatives of non-government organisations that provide services to the New South Wales community who are contributing to the agency's 23 clinician networks.

Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.

The House continued to sit.

Item of business set down as an order of the day for a future day.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (CHILDREN'S SERVICES) BILL 2010**Second Reading****Debate resumed from 8 September 2010.**

The Hon. IAN COHEN [5.01 p.m.]: I will continue from where I was prematurely, but only temporarily, stopped last night. I know that some members may have been impatient, and I can appreciate that because it is a very long speech. Sometimes we have speeches in this House to make a point or to create debate with other members. The preparation of this speech was very ably organised by Scott Hickie, the researcher in my office, with the support of Alice Pryke and Jocelyn Howden, who are other members of staff in my office but who are primarily mothers with a wealth of experience. Jocelyn is a foster mother and carer of many years standing and has given many children the opportunities that they might otherwise have missed out on. With that gathering together of interest, energy and understanding of the issues I ended up with a very significant speech.

For me this speech represents a number of learned points of view on what is an extremely important issue that has impacted on so many, particularly in view of the ABC childcare centres and so on. I regard this as a speech that I put on the record so that it can be viewed by all interested parties, whether advisers, bureaucrats or people who are just interested in this area. I am very proud of the fact that my staff have spent quite a bit of time gathering the information and putting together what I believe is a very succinct statement on what are very important issues. As I was saying last night, new principle (e) seeks to highlight the importance of parents having access to information about a children's service in order to make an informed decision about whether a particular service is providing a safe and positive environment for their child. This principle is reflected in the reform contained in this bill relating to the Children's Services Register.

Currently a licence encompasses approval of a service, a service provider and a service provider's authorised supervisor. Maintaining these different licences as one licence means that any time there is a change of authorised supervisor, for example, a whole new licence must be made. By separating out the different licences there will be greater flexibility in issuing, managing and varying licences. This is a sensible reform to reduce duplication and unnecessary paperwork, freeing up regulatory officers for more important compliance and assessment functions. The licensing changes include new provisions for licence conditions and granting licence variation, and licence revocation and suspension. Unfortunately, there appears to be no explicit provision for using licensing powers to address market concentration concerns, as this would be contrary to the National Competition Policy. Instead, we are left in the hands of the Australian Competition and Consumer Commission to prevent monopolies and an inappropriate concentration of market share in the childcare sector.

In new part 4 the Department of Community Services is given new investigative and compliance powers for the stated purpose of enhancing the effectiveness of regulatory compliance. Currently, sections 235 and 241 of the Act provide powers of entry and inspection in relation to children's services. However, the discussion paper laments the enforcement of compliance is limited to criminal prosecutions and licensing restrictions. Specifically, at page 43 the discussion paper reads:

The current legislation provides few methods for responding appropriately to the different nature and incidence of non-compliance. The only options currently available to the regulator to deal with less serious non-compliance are persuasion and negotiation.

New part 5 sets out some of the new enforcement and compliance options that aim to give the field officers a greater range of powers to secure compliance with the regulation. For example, compliance officers can use compliance notices outlining the nature of non-compliance and actions needed to resolve the problem. This can be done without imposing a fine or the recording of an offence. If the matter identified in the compliance notice is not resolved, a service provider will be guilty of an offence under new section 219V. The department's justification for using compliance notices is to try to secure cooperation in enforcement and compliance without resorting to measures including criminal prosecution. The legislation also provides for the use of enforceable undertakings.

We should be cautious when turning to alternative compliance regimes such as compliance notices and enforceable undertakings, which are used in a range of different regulatory contexts. Legislation administered by the Department of Environment and Climate Change often makes provision for enforceable undertakings as an alternative to court proceedings and litigation. There are instances whereby the flexibility in compliance actions aids long-term sector cooperation and fosters a more collective approach to compliance. However, there

is always a danger that compliance notices and enforceable undertakings will be used in situations whereby prosecution is more appropriate to protect the health and safety of children in care. It leaves a great deal of discretion to field officers and the department to decide on or tailor the appropriate enforcement actions. Other departments in New South Wales have been shown to use alternative compliance measures to give a false impression of high industry or sector compliance. Prosecutions go down and serious problems are swept under the carpet.

These problems are, in part, addressed by the Children's Services Register. New Section 219ZE makes provision for the establishment of a Children's Services Register on which the director general has the discretion to record information about a particular approved children's service. Information that may be recorded on the register includes compliance notices and potentially enforceable undertakings. While this information may be helpful to parents looking for a childcare service in which to place their child, parents with children already attending a childcare service may not check the register as vigilantly. This raises the question of how do we best keep parents up to date with health and safety compliance issues of children's services that their children attend.

It is interesting to note that under new section 219ZB a licensee is not required to provide parents with compliance notices or enforceable undertakings, while the director general does have a power to inform parents that it is inadvisable for children to continue to attend a service due to breaches of the regulations. I doubt that that power would be used to inform parents of compliance notices. Perhaps the register system needs an email alert whereby a parent can provide a children's service operator number and elect to receive emails when details about that service are added to or changed on the register. I encourage the Minister to adopt such a system to make it easier for parents to keep up to date with their childcare service. If the Minister and the director general could commit to working towards establishing a register that proactively keeps parents informed about childcare services as I have outlined, the Greens would be happy support the bill. This legislation is a positive outcome and I am keen to work with the Government on this issue. I wish there were more bills on which we could work so cooperatively.

Reverend the Hon. Dr Gordon Moyes: We could have a rainbow coalition.

The Hon. IAN COHEN: That is the olive branch that I as a Greens member always offer the Government. Of course, members should keep in mind that olives are very deep green. We look forward to being able to continue to work cooperatively with governments of either persuasion. For all the criticism that has been voiced, the recent events in the Federal political sphere have opened the parliamentary institution to an outbreak of democracy and cooperation—although it has been forced on some. It reminds me of the 1995 to 1999 Parliament when I was the only Greens member in this House and there were seven crossbenchers. Our votes were vital and the discussions on most pieces of legislation were earnest and ongoing. I believe that that enhanced the democratic process. I look forward to that occurring in the not-too-distant future. With that, the Greens are very comfortable in supporting this legislation.

Reverend the Hon. FRED NILE [5.12 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill. This bill will amend the Children and Young Persons (Care and Protection) Act 1998 to make further provision in respect of the regulation of children's services in New South Wales. The amendments in the bill arise from the review of the Children's Services Regulation 2004 conducted in 2008 and aim to set the groundwork for the national legislation that will be applied to the majority of children's services in New South Wales in 2012. The key feature of the bill is the introduction of new streamlined licensing and approval processes. I fully support all measures that reduce red tape and unnecessary regulation.

The bill will extend the statement of principles underlying the provision of children's services and replace the licensing system. It will also provide for a more extensive range of investigative and enforcement powers in connection with the regulation of children's services and improve access to information about them. Unfortunately on occasion unsuitable people have owned or managed childcare centres. There must always be strict controls and thorough investigations to ensure that such people—who have a tendency to abuse children either physically or sexually—never get anywhere near a childcare program. They should never work, manage or own a childcare centre.

Members have mentioned recent moves to increase the staff to child ratio. It has been reported to me that that has caused a dramatic increase in fees and that some people can no longer afford to use those facilities. Sometimes idealistic proposals are implemented, but we must be practical and ensure that we have not priced people in great need out of using these services. We should always take a considered approach and not adopt

idealistic strategies without asking whether they are workable and affordable. I am also concerned that many instructions are coming from on high. Childcare centre operators have told me that they regularly receive instructions from some national body. I know that this bill provides the groundwork for national legislation, but we should retain some grassroots decision-making processes. We should not have faceless men or women sending out instructions. Sometimes they are bizarre and it is difficult to identify their source. Operators have complained that they have been instructed not to let children say grace before meals. If the staff have no objection, why would anyone at a national level issue that instruction?

Operators have also complained that they have been told that they can no longer acknowledge Easter or Christmas, even though they are acknowledged in State schools and here in Parliament. I am puzzled by these instructions. It should be made clear that any instructions issued must take into account our Christian culture, heritage and conventions, of which our children are a part. We should not be subjected to social engineering in childcare centres. I am pleased to support this legislation, which increases penalties and provides two new compliance and enforcement mechanisms—compliance notices and enforceable undertakings. I support those measures in ensuring that childcare centres operate efficiently and provide the best possible care for our children. I support the bill.

Reverend the Hon. Dr GORDON MOYES [5.18 p.m.]: As parliamentary leader of the Family First Party in New South Wales I speak to the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill. The objects of the bill are to extend the statement of principles underlying the provision of children's services, to replace the existing licensing system for children's services, to provide for a more extensive range of investigative and enforcement powers in connection with the regulation of children's services and to improve access to information about them. The bill amends the Children and Young Persons (Care and Protection) Act 1998 to make further provisions in respect of the regulation of children's services in New South Wales. The amendments arise from the review of the Children's Services Regulation 2004 conducted in 2008 and aim to set the groundwork for national legislation that will be applied to the majority of children's services in New South Wales in 2012.

The key feature of the bill is the introduction of a new streamlined licensing and approval process. Australia is a signatory to the United Nations Convention on the Rights of the Child, 1989, and many of the principles within the convention are embedded within child protection legislation. In a 2008 study examining similarities and differences in child protection services across Australia, Bromfield and Holzer found that legislation in each State and Territory differed considerably in accordance with local needs. However, legislation across all States and Territories were found to possess similar guiding principles in several key areas. For example, everywhere there is always the best interest principles, early intervention principles, culturally specific responses, the participation of children and young persons in decision-making, out-of-home care, after-care, and permanency planning and stability of care. Those principles are to be found nationally.

I believe it is important to note that this legislation aims to provide a more extensive range of investigative and enforcement powers in regards to regulating children's services than most other States. Children's services are services that care for and educate children in the years before school. In New South Wales, children's services that are regulated by the Department of Community Services include long day care, preschools, mobile services, family day care, home-based services, school-based preschools and occasional care. The New South Wales Children's Services Regulation is reviewed every five years to ensure that the standards it sets best meet community, service providers' and the Government's expectations. Regulation helps make sure children's services meet a minimum quality standard so that children are safe, healthy and can develop while they are in care. The Department of Community Services has responsibility for the safety, welfare and wellbeing of children in New South Wales. The Children and Young Persons (Care and Protection) Act 1998 gives the Department of Community Services the power to license children's services and to administer the Children's Services Regulation 2004.

The standards set by the regulation were developed by research and community consultation to meet the interests of all children and families within the community. Within the Department of Community Services, the Children's Services Directorate provides the framework for regulation, licensing and policy advice for children's services. Department of Community Services Children's Services Officers, known in the industry as CSOs, license and monitor children's services according to the Act and regulation. They are experts in the field of early childhood education and care.

The most important consideration in the provision of children's services is to serve the best interests of children. Children should receive services that meet their individual needs, including the special needs of those

with disabilities. These services should enhance their physical, emotional, cognitive, social and cultural development. Parents have both the right and responsibility to be involved in decisions made by a children's service that impacts upon their children. This legislation aims to make it an offence for a person to provide a prescribed children's service unless the person is a licensed service provider and the children's service is an approved children's service. It will also make it an offence to advertise a children's service without appropriate licence or children's service approval.

As previously stated, licensed childcare services in New South Wales are regulated by the Department of Community Services to make sure children are provided with a safe and appropriate environment for their care and wellbeing. For example, services must provide age-appropriate development activities and employ suitably qualified staff. Licensees need to understand what is involved in providing child care in compliance with the Act and regulation. Under the regulation, licensees of children's services must meet requirements relating to the facilities and equipment provided, staffing, the number of children to whom care is provided, operational matters, and the administration of the children's service.

The current regulation in New South Wales for centre-based and mobile services requires one staff member for every five children under two years, a 1:5 ratio; one staff member for every eight children aged two to three years, a 1:8 ratio; and one staff member for every 10 children. It is of paramount importance that we ensure children placed in children's services are in the best possible hands, and meeting these types of regulations ensure that the children are taken care of to the highest standards.

The legislation will also provide for two new compliance and enforcement mechanisms: compliance notices, and enforceable undertakings. Failure to comply with a compliance notice will attract a penalty of 100 penalty units or \$11,000. Failure to comply with an undertaking will allow the District Court to make orders, including an order requiring a person to pay compensation, in the event that the undertaking is contravened. Penalty notices will also be issued for contravention of the principle Act and regulations. I believe these enforcement mechanisms will aid in making certain we have the best children's services available to parents and children.

I trust one of the most beneficial amendments to this legislation will be the establishment of a children's services register, whereby the public will have internet access to details relating to providers, children's services approvals, authorised supervisors and particulars of enforcement action taken against licensee or authorised supervisor of a children's service. Parents will be able to readily access information about the services their children attend, or intend to attend, which will enable parents to make more informed decisions. I think the suggestion made by the Hon. Ian Cohen concerning emailing parents who register with various centres about any changes in these practices is a good one and would require very little effort. Access to and quality of children's services play a critical role in New South Wales. Parents who work full time, who are in full-time study, or who do not have family assistance or relatives rely heavily on these children's services.

To conclude, this bill is about ensuring that the experience of children attending childcare services in New South Wales is to the highest standard. It is about streamlining services for better administration, about strengthening the system, and about keeping parents in the know, so that they can make more informed decisions about the welfare of their children. It is not surprising at all that, as the parliamentary leader of Family First New South Wales I support this bill.

The Hon. KAYEE GRIFFIN [5.27 p.m.]: I support this important bill. The Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010 clearly shows that the New South Wales Government is committed to quality children's services in New South Wales, providing quality care to children. To summarise, the key features of the bill include an expansion of the principles underlying the provision of children's services to now include a focus on assisting the development and education of children; recognising community diversity as well as ensuring that parents and carers have a right to information about the children's service their child attends.

Other key features include replacing the existing licensing scheme and enabling licences and approvals to be issued for either a fixed term or indefinitely, thus leading to a significant reduction in red tape associated with the licensing of children's services; expanding the investigative powers and enforcement measures available to the director general to ensure that service providers are complying with their regulatory obligations; improving access to information about children's services for parents, carers and the community through the establishment of a children's services register to be published on the Internet; and requiring service providers to provide additional information to parents and carers about matters affecting the wellbeing of children in

individual services. These legislative amendments arise following extensive public consultation. Further, the amendments are consistent with the Council of Australian Governments national quality framework, which will come into effect from 1 January 2012.

Everyone involved in the children's services sector will benefit from the passing of this legislation. Both the industry providers and community services as the regulator will benefit from the new licensing scheme, which will reduce regulatory burden. The improved range of enforcement mechanisms will provide flexibility in addressing a range of compliance issues from the minor to the most serious infringements. So too, the more extensive investigative powers will assist in ensuring service provider compliance in the delivery of children's services.

Parents, carers and their children also benefit through the expansion of the principles underpinning the provision of children's services, the establishment of the children's services register and having the right to information about their local children's service. That is extremely important, given the number of childcare centres over the years that have opened and whether the care and education that those centres provide to the children in their care are the most appropriate. The measures aimed at reducing the regulatory burden for service providers and community services will also benefit parents and children, as less time will be spent filling in forms, thus ensuring service providers can focus on the most important people using the children's services—the children themselves.

A number of members have referred to the child to staff ratio, particularly the ratio for children aged nought to two years. I was formerly in local government dealing with children's services and staffing processes, and I wholeheartedly support the important change in the child to staff ratio for under two-year-olds. For quite some time those working in children's services and childcare centres have called for certainty on this issue. Members may not remember, but during the 1990s the Government introduced an operational subsidy that supported a number of children's services, particularly those in the not-for-profit centres, as there was insufficient childcare for children under the age of two years. Concern was expressed about whether the child to staff ratio was appropriate under the licensing regulations at that time and those employed in children's services were of the view that the ratio was not appropriate. I commend the New South Wales Government, which will change the child to staff ratio next year. I understand also that a consultative process will be undertaken with respect to the regulatory process. In addition, the National Quality Framework for Early Education and Care, agreed to by the Council of Australian Governments, will result in a more consistent framework across Australia and will benefit children being educated and cared for within the childcare sector. I support the bill.

The Hon. SHAOQUETT MOSELMANE [5.32 p.m.]: I am pleased to speak in support of the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010. The measures contained in the bill herald a new framework for children's services in New South Wales. The benefits of these measures will be widespread and will positively impact on service providers, parents and, critically, the children of this State who access children's services. I note that the bill's provisions have been developed in consultation with the sector as part of the recent review of the Children's Services Regulation.

One of the messages to emerge from that process was support from the children's services sector for the streamlining of the current licensing scheme and for a clearer regulation. The Government heard that message and I take this opportunity to lend my support in particular to the aspects of the bill that will result in a more flexible, efficient and effective children's services licensing process for New South Wales. It is important that members and the community note that the proposed amendments contained in this bill will not change the key regulatory standards that apply to licensed children's services. The high expectations we have for the quality of care remain, and indeed are strengthened, by many aspects of the bill—for example, the development of a children's services register and new and improved enforcement powers.

The licensing amendments will achieve a reduction in the administrative burden of licensing for children's services operating in New South Wales. Additionally, changes to the licensing process also serve to align the New South Wales regulatory framework for the provision of childcare services with the National Quality Framework for Early Education and Care. Currently in New South Wales, approval of a licensee, a service and an authorised supervisor occur as a single process. The difficulty with this approach is that amendment of the licence with respect to any one of these aspects—for example, a change in licensee, the name of the service or a change in authorised supervisor—requires the entire licence to be remade.

The new approach contained in the bill will significantly reduce administrative burdens on both the Department of Community Services as the regulator and the children's services sector. It will allow for variation

of parts of a licence without the applicant or the agency needing to remake the licence in its entirety. Other benefits will include a reduction in the administrative cost of licensing for both licensee and the Department of Community Services, while at the same time ensuring there are sufficient controls to maintain and/or improve minimum standards in the best interests of children; certainty as to who is responsible for the provision of each service—and this will ensure direct, effective enforcement and reassure families who use the services that their children are in good hands; and continuation of the familiar core element of the current scheme, that is, the approval by the regulator of the licence applicant, the children's service and authorised supervisors.

The streamlining of this process complements other proposals—for example, enabling licences to be issued for a fixed period or remain in force until revoked—to provide certainty and clarity for the sector. The new approach to licensing requires changes to the Act that are included in this bill and that will provide greater flexibility in relation to how and when the director general may make approvals and grant licences. Feedback from industry on the new licensing proposals has been very positive, in particular, the extension of the licence period and the streamlining of administrative processes. I congratulate the Minister on the bill and commend it to the House.

The Hon. DON HARWIN [5.37 p.m.]: I am delighted to make a brief contribution on the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010, which has the support of the Opposition. In short, it has a couple of fairly important tasks. First, it extends the statement of principles underlying the provision of children's services. It is important that we have that sort of statement in the Act to guide the way that proceed in this important area. The second and more substantial change is to replace the licensing system for children's services. That will have important ramifications for the way providers of children's services in New South Wales under the new provisions, the director general of the relevant department, which is now the Department of Human Services, will be able to issue a licence to authorise a person to provide a specified type or types of children's services. Obviously that change needs to be noted. The licence that the director general can issue will authorise the licensee to provide any children's services of the specified type—and this is a change worth noting—and it will no longer have to specify the premises on which the services are to be provided or the authorised supervisor.

The director general will be able to issue a separate approval that authorises the operation of a particular children's service. That children's service can then be provided by any licensed service provider that is authorised by a service provider licence to provide that type of children's service. For home-based children's services, however, the children's service approval will apply only to a specific licensed service provider. The bill also provides changes with regard to supervisor approvals. The director general will be able to create a separate approval that authorises a person to supervise the operation of any specified children's service or type of children's service. They are some of the changes to the licensing system provided for in the bill.

The bill makes a third important change, and that is to provide for more extensive powers of investigation and more extensive enforcement powers in connection with children's services. Given that the bill is about the care of young people, this third aspect provides one of the most important changes to the Act. First with regard to investigation powers, the bill enables the director general to require any person involved in the provision of children's services to provide records kept in connection with children's services or other documents to the director general. Secondly with regard to investigation powers, the bill enables the director general to require any person involved in the provision of children's services to answer questions about matters in respect of which information is required for the administration or enforcement of chapter 12 of the principal Act.

The provisions in the bill make it clear that the two aspects of change I have referred to with regard to the director general's powers may be exercised in respect of a person who resides outside the State, if the children's services concerned were provided in this State. For example, if services are provided by a New South Wales-based children's services provider but the person under investigation has moved to another State, the investigations will not simply be restricted to the border but will extend to other jurisdictions. It is very important that we have those sorts of arrangements. I do not know whether we could refer to it as extraterritoriality if the investigation occurs in another State jurisdiction; perhaps that term can be used only with regard to foreign jurisdictions. Perhaps the Attorney General could assist me.

The Hon. John Hatzistergos: We can use it.

The Hon. DON HARWIN: I thank the Attorney for clarifying that matter.

The Hon. Luke Foley: One of the finest legal minds in our State.

The Hon. DON HARWIN: The interjection of the Hon. Luke Foley reminds me that in a previous life the Hon. Luke Foley, the Hon. John Hatzistergos and I were advocates at the Electoral Districts Commission. Indeed, I may have misled the House. I think it might have been at the Augmented Electoral Commission that I was with the Hon. Luke Foley in relation to a Federal—

The Hon. Luke Foley: A State redistribution?

The Hon. DON HARWIN: He is quite right: it was a State redistribution. I think it was in 1998 with the Hon. John Hatzistergos and 2004 with the Hon. Luke Foley, and it was at the Electoral Districts Commission. I divert the House's attention simply because of the Hon. Luke Foley's interjection in relation to the Attorney General's fine legal mind. Funnily enough, I recall a withering cross-examination of the member for Sydney at that hearing, where the Hon. John Hatzistergos was the junior to John McCarthy, SC. In any event, I am getting completely off the track now and I apologise to the House. But on that occasion the Hon. John Hatzistergos certainly demonstrated a capacity for cross-examination. I would have to defer to the Hon. Luke Foley as to whether the Attorney General has one of the finest legal minds in this State. Indeed, I think they were the Attorney's words about himself in question time. However, I will not buy into that.

As I have said, the bill gives the director general more extensive enforcement powers in connection with children's services. Obviously, enforcement powers go hand in hand with investigation powers, so of course if we make changes with regard to investigation powers, we also need to make changes with regard to enforcement powers. Those changes include enabling the director general to require a person who is contravening a provision of chapter 12 of the principal Act to remedy the contravention. It will be an offence to fail to comply with the requirement. The bill also enables the director general to accept a written undertaking given by a person in connection with a matter in relation to which the director general has a function under chapter 12 of the principal Act. The bill also remakes certain existing provisions of chapter 12 of the principal Act. I am sure all members of the House would welcome this legislation. I commend the bill to the House.

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [5.48 p.m.], in reply: I thank honourable members for their contributions to the debate on the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010, which will significantly improve children's services in New South Wales. Access to quality child care is important to children, parents, and the wider community. Quality child care gives our children a solid basis from which to grow, learn and develop in our community. The amendments proposed in this bill have their foundation in the review of the Children's Services Regulation 2004, which was conducted in 2008. They also lay the groundwork for the national legislation that will be implemented in 2012 as a result of the National Partnership Agreement on the National Quality Agenda for Early Education and Care, which was endorsed by the Council of Australian Governments in December 2009. The bill ensures that children's services in New South Wales will be ready and prepared for these changes.

The most important feature of this bill is the introduction of a new, streamlined licensing and approval process. This will have a number of benefits for all childcare centres, including the small not-for-profit and for-profit centres that were referred to in the contribution of the Hon. Robyn Parker. It will reduce red tape for children's services by making the process simpler and more transparent. It will reduce the administrative burden on services by reducing the number and frequency of required licences. For example, the new flexible arrangements would require that a provider needs to be licensed only once, regardless of the number of services that they manage. It will provide families with more access to information and strengthen the system of compliance and enforcement in children's services.

The bill will require that children's services provide better information to parents about matters that directly affect the well-being of children in individual services. This would include matters such as health alerts, works being carried out at the service, or details of an investigation. And it will strengthen the compliance and enforcement system, which also gives parents a greater measure of assurance about the quality of education and care their children are getting. As to the request by the Hon. Robyn Parker for the Government to review this bill within the next 12 months, I am advised there will be ongoing consultation with stakeholders regarding the regulation later this year.

The Hon. Ian Cohen made several comments in his valuable contribution to this debate that I need to be addressed. I acknowledge the reference he made to his staff and researchers. All members acknowledge the contribution made by their staff and researchers to their worthy debates in this House. The Hon. Ian Cohen said

that the bill does not address all issues that were considered in the discussion paper produced for the review of the Children's Services Regulation 2004, including the introduction of a 1:4 staff to child ratio for babies in centre-based care. The bill does not address the issue of staff to child ratios in centre-based care services as the detailed standards that apply to childcare services are set out in the Children's Services Regulation, not the Act.

The New South Wales Government announced previously that it would introduce a 1:4 staff to child ratio for babies in child care from January 2011. The details of how the standard will be implemented will be the subject of consultation on amendments to the regulation later this year. No amendments to the Act are required to progress this important reform. Members will be aware that the Council of Australian Governments has made a decision to move to a national regulatory scheme. In light of this decision, the bill progresses only amendments to this Act that are broadly consistent with a new national model.

The Hon. Ian Cohen commented that the new principles in the Act should be reflected in provisions in the regulation. The principles in the bill guide the administration of the provisions of chapter 12 of the Act, and the regulation made for the purposes of that chapter. Amendments to the regulation will reflect the intent of the principles. For example, regulatory amendments will be required to operationalise the register of children's services, and this will reflect the principle that families have a right to information about the children's service that their children attend.

The Hon. Ian Cohen asked whether the Minister or the department would be willing to consider or commit to an email notification system for the register whereby a parent can elect to receive emails when there is a change or added entry relating to a particular childcare centre. This issue was also raised in the contribution of Reverend the Hon. Dr Gordon Moyes. The Government is committed to transparency and to ensuring that parents have access to information relating to the children's service that their child attends. This register will contain detail on 3,500 children's services, some 2,500 providers and around 5,000 authorised supervisors. Each service caters to many different families, involving around 150,000 children in New South Wales. For this reason a system of email notification tailored to be directed to only those parents whose children attend a particular service would be administratively complex and prohibitively costly to administer.

When parents at any time wish to obtain information about their children's service, they will be easily able to search the register for those details on the website of the Department of Community Services. This can be done by searching the service's name, its location or the name of the provider that is licensed to operate that service. Any system in addition to this would needlessly add complexity and require more staff hours and expense. The Government, in designing this bill, has had regard to not causing an increase in the number of staff required to administer the regulation.

The Hon. Ian Cohen also suggested that compliance notices and enforceable undertakings would reduce prosecutions. The proposed additional enforcement options will ensure that the Department of Community Services can take enforcement action that is proportionate to the circumstances of a breach. A more effective enforcement regime will help the Department of Community Services pursue industry compliance by selecting the most appropriate response from a wider set of enforcement options. The proposal to introduce an additional enforcement option is a result of consultation on the statutory review of the Children's Services Regulation 2004. Where non-compliance is serious, prosecution will continue to be used to make sure children are safe in childcare. The bill is a great step forward for the quality of children's services in New South Wales, and I commend it to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Michael Veitch agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

ADOPTION AMENDMENT (SAME SEX COUPLES) BILL 2010 (NO. 2)

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

MADAM PRESIDENT

The Legislative Assembly, having considered the message dated 8 September 2010 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Adoption Amendment (Same Sex Couples) Bill (No. 2), informs the Legislative Council as follows:

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| Amendment No.1: | the Legislative Assembly agrees to the amendment with an amendment indicated by the accompanying schedule, and requests the concurrence of the Legislative Council in the amendment. |
| Amendment No.2 | the Legislative Assembly agrees to the amendment. |
| Amendment No.3 | the Legislative Assembly agrees to the amendment. |

Legislative Assembly
9 September 2010

RICHARD TORBAY
Speaker

Motion by the Hon. Penny Sharpe agreed to:

That the Legislative Assembly's message be taken into consideration in Committee of the whole forthwith.

In Committee

Consideration of Legislative Assembly amendment.

Schedule of amendment referred to in message of 9 September 2010

Amendment No 1:

Insert at the end of Amendment No. 1 the following matter (for insertion after proposed section 45A):

45B Consideration of wishes of parents consenting to adoption

- (1) A general consent of the parent of a child to the adoption of the child, as referred to in section 53, may express the wishes of the parent as to the preferred background, beliefs or domestic relationship of any prospective adoptive parents of the child.
- (2) Nothing in the *Anti-Discrimination Act 1977* prevents the Director-General or a principal officer of an adoption service provider from identifying (consistently with the best interests of the child) prospective adoptive parents who reflect those wishes in the adoption selection process under this Part.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.57 p.m.]: I move:

That the Committee agrees to the Legislative Assembly's amendment to the Legislative Council's amendment No.1 in the bill.

This is an unusual procedure for this Chamber. I wish to alert members to what has happened in the other place. There was an insertion of an amendment that I believe has just been circulated. That amendment inserts at the end of the Legislative Council's amendment No. 1 a new section 45B. The amendment seeks to spell out clearly the consent of the parent of a child to the adoption of the child. The members of this Chamber debated that issue in great detail yesterday. The right of the birth parent to decide what should happen to the child being given up for adoption is paramount, and well supported. This amendment advances that view and I urge members to support it.

The Hon. ROBERT BROWN [5.59 p.m.]: Once again we race to vote on an amendment, and I guarantee that two-thirds of members do not have a clue what it is about. I listened intently to the debate in the other place and followed it as best I could. It involved a detailed consideration of the Legislative Council amendments to the bill. In relation to the amendment before us, I agree with the view expressed by the Attorney General that it does not damage the amendment that he moved yesterday. It seems to clarify the matter. Without the benefit of more information or advice, I will support the amendment on the basis that it looks all right.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice-President of the Executive Council) [6.00 p.m.]: Members would be aware that

yesterday when this matter was being considered in Committee I sought to amend an amendment that had been moved by the member for Rockdale in another place, which otherwise would have effectively exempted adoption services from the reach of the Anti-Discrimination Act, irrespective of whether the relevant practices and policies were in the best interests of the child. The amendments that I moved were ultimately carried by the Committee, and the Legislative Assembly had cause to consider them. In the course of discussions that have taken place following the resolutions of the House last night, the member for Rockdale has, in my view quite sensibly, chosen to reflect on the concerns that have been outlined by supporters of my amendments and agreed to the amendments that were passed by this Chamber. In order to preserve the substance of his concerns in moving his original amendment, he sought to incorporate as part of amendment No. 1 a new provision, new section 45B, which enables the consent of a parent of a child to an adoption to express the wishes of the parent as to the preferred background, beliefs or domestic relationship of any prospective adoptive parents, and specifying in subsection (2):

Nothing in the Anti-Discrimination Act 1977 prevents the Director-General or a principal officer of an adoption service provider from identifying (consistently with the best interests of the child) prospective adoptive parents who reflect those wishes in the adoption selection process under this Part.

The member for Rockdale made the proposal, in essence, to preserve what he was seeking to achieve in the original amendment that had been moved in the Legislative Assembly, which this Chamber modified yesterday. I do not have an issue with this. I made it clear in discussions that I had with the member for Rockdale that I was in full agreement with giving prospective parents information and avenues for being able to express their particular views. Indeed, the Adoption Act as it currently stands enables that to take place. I did have concerns about broad-based exemptions and the Anti-Discrimination Act. I am pleased that the Legislative Assembly has seen fit to adopt the amendments that were passed in this place. The debate that took place in the other House was an interesting one. I know a number of members followed it. A number of things were said in that Chamber but I will not rehash the details of the debate at this hour.

I want to reflect on two things that I believe are important. The first relates to suggestions that some clandestine strategies were adopted in the course of the discussions relating to this legislation by some persons, presumably including me. I make it perfectly plain that the legislation is a private member's bill moved by the member for Sydney. It sat on the table of the Legislative Assembly for some time for consideration by members. I had concerns about faith-based agencies, which was not in the original bill of the member for Sydney. Ultimately, a second bill was put forward by the member for Sydney that included exemptions in relation to faith-based agencies. Further, suggestions were made about the member for Riverstone and the Minister for Sport and Recreation and the impact of their absence. That was clarified in the House by the member for Riverstone.

The Hon. Robert Brown: Not by the other member.

The Hon. JOHN HATZISTERGOS: The other member, as I understand it, voted contrary to the way that members suggested he would have voted had he been in the Chamber at an earlier time. I believe that clarifies that that particular clandestine strategy suggestion had no substance. The second matter I want to make clear is that I have not deviated from my approach on this issue last week, or indeed this week. I made my position abundantly clear, particularly in relation to the need to protect faith-based agencies and to preserve the substantive effect of the Anti-Discrimination Act. I made that clear to anyone who asked me. I certainly made it clear to the member for Rockdale, and I do not believe he disputes that.

Sometimes amendments are prepared in a short space of time to deal with the dynamics of the debates that are taking place. If we had additional time perhaps we could have resolved some of these issues differently. But there was no strategy on my part, nor do I believe on the part of other members who were supporting me and the amendments I moved in Committee, to get the bill through the Legislative Assembly by a process of subterfuge. I completely reject that suggestion. It would have been remiss of me as the Minister responsible for the Anti-Discrimination Act if I did not bring to the attention of this House the concerns that I had about a broad-based amendment. It is true that we had discussions with the member for Rockdale and he modified his original proposals. I still had those concerns and they were not resolved at the time that the bill went through the other House. In this debate this Chamber has acted as a Chamber of review. It has modified the bill and I believe the ultimate outcome is a good one. It is certainly a much better one than would otherwise have been the case. To the extent that members have joined in the process, I thank them and congratulate them on their participation.

Reverend the Hon. FRED NILE [6.07 p.m.]: Whilst maintaining my opposition to the principal bill, the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2), I believe the amendment improves its

operation. I ask the Attorney General—although it is a conscience vote, he still is the Attorney General—does this amendment, without any shadow of a doubt, provide the protection that the faith-based adoptive organisations wanted? Are the Catholic and Anglican adoptive organisations protected by the amendment, even though they are not mentioned specifically?

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice-President of the Executive Council) [6.08 p.m.]: The amendment we are considering does not relate to the faith-based agencies. The amendments that were passed yesterday by the Committee made that clear. I have been a very strong supporter of the role of faith-based agencies in the provision of services, and I will continue to support them. I will provide them with whatever support I can in the event that any attempt is made to undermine their involvement. As members would be aware, I intervened in a case involving the Wesley Church to uphold the faith-based exemptions in the Anti-Discrimination Act. That case went to the Court of Appeal. I will continue to do so. If it is necessary in the future to reinforce that, I am happy to do it again.

Ultimately, we have worked with what we were provided with. A proposal was put forward in the other House and concerns were raised about it. We have ensured that the faith-based agencies are protected. I have consulted with both Anglicare and CatholicCare. I have held meetings with them. I have made no secret of the fact that I have met with all stakeholders who sought to meet me in relation to these issues in order to address their concerns. They have not come back to me to express any particular concerns with the proposals that have come forward. If at some future time they do so and it is necessary to revisit this area, I am happy to do so.

The Hon. GREG DONNELLY [6.09 p.m.]: I will not delay the Committee unnecessarily this evening. I appreciate that the Committee is dealing with a quite specific matter: the amendment from the other place. However, I will put a few things on record in order to get the full context and gain an appreciation of the positions put by various people and the organisations representing them that got us to this stage. Before I do, I must say that if there were a chance to vote against the bill again this evening I would do so—as I am sure would many members in this place. Nonetheless, the standing orders of the House state that we can deal only with what is before the Committee.

In relation to Clover Moore's bill, which initiated this matter and got us to the point of dealing with the amendment, the upper House committee report specifically contained recommendations about how the interests of faith-based organisations should be protected. The recommendations were very explicit. I do not intend to read them out, but they were clearly endorsed by the committee. I was quite amazed when the bill from the member for Sydney hit the deck as it contained absolutely no provisions to protect faith-based agencies. Notwithstanding her extensive comments about the report and her knowledge of everything in the report, the member for Sydney made no provision in her original bill for faith-based agencies. Ultimately it has taken enormous work and effort on the part of the faith-based agencies even to get Parliament to discuss considering protecting—if I can put it that way—their position. The reality is that there has been very strong resistance from the homosexual community in this State to faith-based organisations and the position they take with respect to the valuable work they do as adoption agencies.

The Hon. Penny Sharpe: Rubbish!

The Hon. GREG DONNELLY: The Hon. Penny Sharpe says that is rubbish. So why was that not in the original bill?

The Hon. Penny Sharpe: Ask the member for Sydney.

The Hon. GREG DONNELLY: You are the one who sponsored the bill in this House.

Dr John Kaye: That is incorrect. The Hon. Penny Sharpe sponsored the No. 2 bill. She never sponsored the No. 1 bill. That is just incorrect.

The Hon. GREG DONNELLY: People are getting uptight about this, but I am going through the history nice and clearly.

The Hon. Penny Sharpe: You should tell the truth.

The Hon. GREG DONNELLY: Where have I deviated from the truth?

Dr John Kaye: Where you suggested that the Hon. Penny Sharpe introduced the No. 1 bill. She didn't.

The Hon. GREG DONNELLY: No, the carriage of the bill in this House yesterday—

Dr John Kaye: It was the No. 2 bill.

The Hon. Don Harwin: The bit that you mentioned had already been amended before it was announced that she was even bringing it into this House as the sponsor.

The Hon. GREG DONNELLY: I am happy for all this to go on the record. I am saying that the starting point is that faith-based organisations were deliberately excluded from protection in the initial bill by the member for Sydney. That is the starting point. Let us move on. There has been a great effort to protect the interests of faith-based organisations in this debate. So we have seen the development of an exemption and the style, form and nature of that exemption. That is why we are here today. With respect to the exemption, a form of words was ultimately put together and nailed down in the other place. It is interesting that in debate in the other place the member of Sydney said—I do not have a copy of the *Hansard*—that she greatly resisted accepting the nature of the exemption, and indeed the exemption itself. However, she believed that for the greater good—in her eyes that meant resolving the issue favourably from the point of view of the same-sex community in Sydney—the amendment should be supported. That is what *Hansard* says. The member for Sydney completely compromised her anti-discrimination instincts to get—

The Hon. Penny Sharpe: Point of order: I take this point of order reluctantly. I believe the Hon. Greg Donnelly is straying well beyond the amendment under consideration. I was willing to allow him to put some things on the record because I know that he feels very strongly about this issue. However, I think he has moved well beyond the amendment that is currently before the Committee, and I ask you to draw him back to it.

The Hon. GREG DONNELLY: To the point of order: I believe I am absolutely entitled to go through the chronology of the exemption issue, which brings us to the amendment before the Committee this afternoon. Just because some people might not like to hear that chronology does not prevent me from having the right to talk about it and put my remarks on the record.

The CHAIR (The Hon. Kayee Griffin): Order! I remind members that they should confine their comments to consideration of the Legislative Assembly's amendment of Legislative Council's amendment No. 1.

The Hon. GREG DONNELLY: That is exactly what I am doing. The matter was dealt with in the other House. The bill was amended in the other place by a Frank Sartor amendment and then made its way to this place. I do not intend to traverse everything we dealt with yesterday in this House. But the Attorney General moved an amendment in Committee—a very considered amendment—that was fully explained, certainly to me as a member of the Labor caucus. I think it was the day before yesterday that the Attorney General systematically explained all the grounds and reasons for his amendment. There is no doubt that that amendment had the effect of very much narrowing the situation before debate on the bill got underway in this House. I do not think there is any debate about that.

The effect of the Attorney General's amendment was to take a very broad—if I may use that word—exemption created by the Sartor amendment and narrow it right down for very specific purposes. And the amendment was carried. The bill, which was amended by the Attorney General's amendment and by Reverend the Hon. Fred Nile's amendment yesterday, returned to the other place today. Tomorrow people will be able to read *Hansard* and see exactly what members in the other House said during the debate. The other House considered the amendments that came from this place yesterday so it was a very narrow debate, but we could still see reflections of the nature of whole debate.

Ultimately the bill was amended in the other House today. To put it rather crudely, a broad exemption provision was narrowed in this place. The bill was returned to the other place, where the provision was broadened somewhat but—as I understand it from the Attorney General's explanation this afternoon—we did not get back to precisely where we were with respect to the Frank Sartor amendment. That is where we find ourselves now. Events have progressed in that fashion. It is quite extraordinary that the issue of the exemption for faith-based agencies was not resolved with the faith-based agencies through proper discussion with the people involved in this debate. I have not spoken to the faith-based agencies, believe it or not. Members may

smile, but I have not spoken to them; I have received all their correspondence. I expect the faith-based agencies have not even seen the words of the amendment that went through the other House today, let alone been able to reflect on them and offer considered comment. Is that not extraordinary?

The Hon. Penny Sharpe: The amendment has nothing to do with the faith-based agencies. That is not what is before the Committee.

The Hon. GREG DONNELLY: I have read the amendment and it relates to the exemption. That is what this is all about—the exemption.

The Hon. John Hatzistergos: The exemptions carried yesterday?

The Hon. GREG DONNELLY: I may have misunderstood. However, it is my understanding that we had the broad Sartor amendment, which was narrowed. It has now been broadened again to some degree, but it is not as broad as it was originally. That is a simple summary of what has happened. Have I misunderstood it?

The Hon. Penny Sharpe: You have the call.

The Hon. GREG DONNELLY: I will continue. My understanding is that the amendment before the Committee will add new section 45B to the Adoption Act. New section 45B (2) provides:

Nothing in the *Anti-Discrimination Act 1977* prevents the Director-General or a principal officer of an adoption service provider from identifying (consistently with the best interests of the child) prospective adoptive parents who reflect those wishes in the adoption selection process under this Part.

That clearly provides for additional scoping out of exemptions that may be in the minds of individuals in terms of adoption arrangements. New section 45B (1) provides:

A general consent of the parent of a child to the adoption of the child, as referred to in section 53, may express the wishes of the parent as to the preferred background, beliefs or domestic relationship of any prospective adoptive parents of the child.

I acknowledge that the amendment has not returned us to the original Frank Sartor amendment. However, this is the best that the Parliament has been able to cobble together this afternoon in the caldron of debate in the other place. That is the reality. No-one is completely happy with this. The reality is that this amendment will be put to a vote—a conscience vote—and carried, but not because there has been proper consultation and reflection. I find it extraordinary that this amendment will be put to a conscience vote, which should involve proper deliberation and reflection and opportunities for parties outside the Parliament who are particularly affected by the legislation to be engaged and to discuss it. But that has not happened. Why? It is because people want to rush this legislation through Parliament.

The Hon. Penny Sharpe: There have been more hours of debate on this bill than any bill I have seen go through this place in the five years that I have been here.

The Hon. GREG DONNELLY: With the greatest respect to the Parliamentary Secretary, this legislation is being pushed through. We will vote on it this evening and there is nothing I can do about that. However, the reality is that people outside this Parliament are not being informed. They would have to be watching the debate via live streaming to know what is going on and to be engaged. This is meant to be a conscience vote. What I am about to say will seriously upset some people, but the Socialist Left of the State parliamentary Labor Party caucused on this legislation and told its members how to vote.

The Hon. Helen Westwood: That is untrue. Just because you say that does not make it true. That is an absolute lie.

The Hon. GREG DONNELLY: I return to the amendment before the Committee.

The Hon. Helen Westwood: Don't let the facts get in the way.

The Hon. GREG DONNELLY: I put that all on the record.

Dr John Kaye: They would not have needed to.

The Hon. GREG DONNELLY: That is correct, and that is the point. It is a policy position and not a conscience vote. That is the very point I am making. I thank Dr John Kaye.

Dr John Kaye: No, that is not the point you are making.

The Hon. GREG DONNELLY: That is exactly the point I am making. It is a policy position, not a conscience vote. That is the reality for some members participating in this debate.

The Hon. Penny Sharpe: You are welcome to come to the Left any time you want to.

The Hon. GREG DONNELLY: I am happy with that invitation. I have been a member of the party since 1986 and I have never been invited to a Left caucus before. The Parliamentary Secretary has got me; I will attend the next meeting if I get an invitation. That is a very precious invitation and I will take it up. But I will not delay the Committee unnecessarily. In my perhaps imperfect way, I have been trying to say—

The Hon. Helen Westwood: He knows it is a lie.

The Hon. GREG DONNELLY: I want that on the record as well. It is not a lie.

The Hon. Helen Westwood: It is a lie.

The Hon. GREG DONNELLY: The Hon. Helen Westwood can participate in the debate if she wishes. Members in this Parliament rarely get the opportunity to participate in a conscience vote, completely free from the influence of their party or faction.

The Hon. Helen Westwood: That is right; that is absolutely correct.

The Hon. GREG DONNELLY: It is a very rare thing. I am sure that all members, like me, believe that that opportunity is precious. It is vital that when a conscience vote occurs in the future—and hopefully we will all be here for a long time—we reflect on the utterly necessary need for individuals to be able to vote according to their conscience. Their conscience may be based on something—natural law, faith or their own thoughts about the dignity of human condition. Whatever informs one's conscience, informs one's conscience. It is very precious and it is personal. We are all called to discover it for ourselves and to use it in debate and when we participate in a conscience vote. We exercise our votes according to those deeply held, intrinsic and personal values.

The Hon. Helen Westwood: You are not special.

The Hon. GREG DONNELLY: No, I am making a general statement. No-one—no party, faction or Minister—should be allowed to interfere in that precious right to exercise a conscience vote.

Dr John Kaye: It is only a conscience vote within your party; it is the two major parties.

The Hon. GREG DONNELLY: I will not discuss any further how things are played out in my party.

The Hon. Peter Primrose: You have already lied about what has happened within your party, Greg. I was upstairs listening to your contribution. We told you a dozen times. You have lied to this Chamber about what happened within the Left. It is not true, and you know that.

The Hon. GREG DONNELLY: No, I do not.

The Hon. Peter Primrose: You have lied. You have misled this Chamber. Everyone has told you.

The Hon. GREG DONNELLY: I have had members of the Left come to me and tell me—

The Hon. Peter Primrose: You have lied.

The Hon. Helen Westwood: Tell us—who?

The Hon. GREG DONNELLY: Do you want me to put that on the record?

The Hon. Peter Primrose: You have already lied once; do it again.

The Hon. GREG DONNELLY: I am not going to put those people at risk by naming them.

The Hon. John Hatzistergos: Just continue.

The Hon. GREG DONNELLY: I will.

The Hon. Robert Brown: Would you guys like a pair of boxing gloves each?

The Hon. GREG DONNELLY: I am happy for members to make contributions because their views should be on the record.

The Hon. Helen Westwood: It helps to be factual.

The Hon. GREG DONNELLY: That is right. I have explained that this amendment does not get us back to the original Sartor amendment, and that is unfortunate. However, it will ultimately be agreed to by the Committee. I have no choice but to accept the reality that the amendment will be passed in this form, although I do not completely accept it or where it takes us. Therefore, I will not oppose the amendment.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice-President of the Executive Council) [6.28 p.m.]: I will make a brief contribution to clarify a number of issues. First, it is not correct that the faith-based agencies have not been consulted about the proposed narrowing of the amendment. I specifically had my office consult with both Anglicare and CatholicCare. Anglicare did not have an issue and CatholicCare expressed no position. In fact, it specifically said that that was its position and indicated no opposition to the legislation. The text of the amendment was brought to their attention. Indeed, if I had been aware that either organisation opposed any aspect of my proposal I would have considered that and modified it accordingly. As I have made clear, I respect and welcome their involvement in the adoption process and I want to see it continue. There is no way that I would have done anything that would have hampered their continued involvement.

In relation to other aspects of the contribution of the Hon. Greg Donnelly, the important thing to recognise is that my opposition to the initial proposal from the member for Rockdale was focused on the fact that I believe it excluded a whole area from the Anti-Discrimination Act, which was inappropriate. I know there was a Western Australian position, but the Western Australian position has to be seen in the Western Australian context where the State is effectively the only provider of adoption services. Here we have non-government providers and we also have religious providers, and it is important to ensure that the Anti-Discrimination Act continue to have some force in relation to a range of areas that do not conflict with faith-based obligations. That was why it was necessary to come to something that suited our local arrangements in New South Wales. I also make the point that the concerns the member for Rockdale had and which resulted in his amendment being brought before the Legislative Assembly did not need to be addressed in that broad exemption that he proposed in that debate. I was working with him to try to address his legitimate concerns. Ultimately an agreement was not able to be reached at the time the amendment was moved, but certainly my views were made quite clear to him and he had modified his initial proposal before he moved the amendment in the Legislative Assembly.

The proposal now before the Committee—new section 45B—is not an exemption from the Anti-Discrimination Act. It confirms existing practices, but it does so in legislation. Therefore, it is not objectionable; it is not bringing us back to the position we were in when the member for Rockdale moved his original proposal. It is not doing that at all. However, it is reflecting the concerns that he had and codifying it in law. I do not have an issue with that. We need to focus on what is before us. It has been a long debate and one involving significant passion and, if I may say so, generally speaking, goodwill on the part of those who have participated and wanted to do the best thing in accordance with their conscience. I have certainly approached this on the basis of my own conscience; no-one has directed me. I sought to give as much information to people who had views differing to mine so they could be across the details of my concerns. I have been open with those persons who came forward. I have given them the benefit of what information I have been able to provide. If that has helped to shape their views, I think that is a good thing.

The Hon. LUKE FOLEY [6.32 p.m.]: I respond to the contribution of the Hon. Greg Donnelly. I utterly refute his contention that some members of the State parliamentary Labor Party—in his words, the members of the Left caucus—were somehow bound to vote in a certain way on this bill. That is completely and

utterly wrong. I sought at all times to inform my conscience on this matter. I met with the Hon. Greg Donnelly about the matter. I spent a great deal of time reading many documents that the Hon. Greg Donnelly provided me. I met with very close colleagues of the Hon. Greg Donnelly on more than one occasion to discuss the pros and cons of the bill. I met with Anglicare. I met with proponents of the bill. I did what I thought was the duty of every member of New South Wales Parliament: to inform my conscience before exercising a vote.

As I said yesterday in the Committee stage, I have a very open and inquiring mind, particularly on the question of unknown adoptions. I made it clear to the Hon. Penny Sharpe on numerous occasions that I was not across the line on the question of unknown adoptions. I mean no disrespect to the mover of the amendment yesterday concerning unknown adoptions because I think he came to the table in good faith, but a series of flaws with that amendment were pointed out in the debate, and some of the remarks of the Hon. Penny Sharpe in the Committee stage got me across the line to not vote for the amendment of the Hon. Matthew Mason-Cox.

The point I make is that I was free at all times to exercise my vote in accordance with my conscience. I am a member of the State parliamentary Labor Party. I am also a member of that group in the Labor Party known as the Left caucus. There was never an attempt by the Left faction of the Labor Party to bind its members on this matter. Many of my closest colleagues in the Left and in the Right of the State parliamentary Labor Party knew that I was vacillating on the question of unknown adoptions. I am the only member of the State parliamentary Labor Party who serves on the National Executive of the Australian Labor Party. As a member of the National Executive of the Australian Labor Party, I have on numerous occasions considered the question of conscience votes in State and Federal Parliaments. I have worked with Joe de Bruyn and John Faulkner in examining those questions.

I am on the record in that forum as a strong supporter of conscience votes for Labor members of Parliament when it comes to questions that concern members of Parliament's personal morality and their religious and doctrinal beliefs—a very strong supporter. I completely and utterly reject the suggestion that the faction of the Labor Party that I belong to bound me and its members to exercise a vote in support of this bill. It is completely untrue, and if my faction did that I would walk out on it.

The Hon. CHRISTINE ROBERTSON [6.36 p.m.]: I support this amendment. I am a very proud member of the Right faction of the New South Wales branch of the Labor Party, and I have been for many years. The conscience vote on this issue is important to me, as it is to everybody within the Labor Party. This issue does not belong to any one faction, whether against it or for it. Each individual came to the table with his or her own view. Such an important issue should never become some terminal issue to prevent us in this House from working together. That is all I want to say, but I want to say it firmly. The issue belongs to no faction; the decision belongs to each of us as individuals.

The Hon. GREG DONNELLY [6.37 p.m.]: I think I should start this contribution by exercising a sincere apology for what I said. I am not backtracking. People would know that I have been intimately involved in this from the start. I suspect I am just running on adrenaline at this stage. In some sense, I said things in my contribution a short time ago that are deeply offensive to people for whom I have some high respect and I had no right to do that. This bill has come across very quickly from the other place and I have been trying to get the budget estimates roster organised—which I still have not done. I had no notes so I winged it. I hope the members of the Socialist Left in this House whom I have offended find the opportunity in due course to forgive me, and to members of the Socialist Left in the other House, I offer that apology as well. I know some people may think this is disingenuous and pragmatic on my part, but it is not. I did not come here with that speech prepared and I am very sorry for that.

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

Motion agreed to.

Legislative Assembly amendment No. 1 agreed to.

Resolution reported from Committee and report adopted.

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

SPECIAL ADJOURNMENT

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [6.43 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday 21 September 2010 at 2.30 p.m.

ADJOURNMENT

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [6.43 p.m.]: I move:

That this House do now adjourn.

LOWER HUNTER REGIONAL STRATEGY

Mr IAN COHEN [6.43 p.m.]: Last Friday the Department of Planning put out a press release titled "Department wins Industrial Court case" in which the department gloats about its technical win in the Industrial Court of New South Wales against former Hunter Regional Director, Steve Brown. In the release Director General Sam Haddad stated:

The allegations that surfaced during this case were distressing for the Department and its staff and we are happy they have been comprehensively dismissed.

With all respect, this disingenuous press release is merely another stage in the Department of Planning's attempt to sweep some very contentious issues pertaining to the Lower Hunter Regional Strategy under the carpet. On 23 November 2006 this House agreed to a call for papers that I moved in relation to the Lower Hunter Regional Strategy. The call for papers requested documents in the possession, custody or control of the Department of Planning relating to the Lower Hunter Regional Strategy and investigations into alleged breaches by Hardie Holdings of the Native Vegetation Act 2003 or the Native Vegetation Conservation Act 1997. The justification for the public release of these papers turned on the reasonable suspicion that Hardie Holdings was trying to control the environmental assessment process in a way that substantially reduced transparency and compromised independence in the interests of furthering its commercial interests.

The relevant government departments turned over a number of boxes of documents. We all assumed that the Department of Planning had abided by and complied with the motion of the House. Unfortunately, more than three years later it has now been revealed that certain individuals within the department omitted documents that were captured in the order. Failure to produce all documents falling within the call for papers is contempt of the House. Some letters written by the then Hunter Regional Office Director, Steve Brown, were not produced when the House requested the Department of Planning to hand over all documents on the strategy.

One such letter was sent to Director General Sam Haddad and Richard Pearson, then Acting Executive Director of Regional and Rural Planning, on 23 March 2006 in which Mr Brown outlined his response to complaints from Hardie Holdings to Ministers and Labor Government members about the way in which Mr Brown was managing the regional strategy process. The complaints came about as a result of Mr Brown's correspondence with local councils in the Hunter region following consultation with their planning staff. In this letter Mr Brown presented his understanding of the interests that Hardie Holdings had in the planning process. He stated:

I understand that their main interests in the Hunter Valley involve speculative land acquisition and resale. Much of the lands involved in these acquisitions to date have been of fringe rural land, usually environmentally sensitive and removed from existing development and infrastructure.

He went on:

The Regional Strategy did not designate any of the sites owned by Hardie Holdings as suitable for urban release—largely because of their locations, and inappropriateness for this purpose.

Mr Brown had consulted extensively with Hardie Holdings during development of the strategy. However, when the regional office delivered an outcome not to its liking Hardie cut off all further communication with him and complained about his conduct to New South Wales Labor members and the director general. Mr Brown made it clear in this letter that he and his team were supportive of development in the Hunter Valley; however, not at all costs. He ended the letter with a request to the department to help re-establish the communication between

Hardie Holdings and him to address their concerns. In an email dated 20 September 2006 from Mr Brown to Mr Pearson, who had recently been appointed, Mr Brown presented his concerns that developers were pressuring the Government for:

... amendments and concessions that ... could put the credibility of the whole exercise at risk unless we reduce the scale of development that is being considered in critical locations.

Mr Brown asks in the email if a cooling-off period can be applied to the negotiations so that the Government could reflect on the outcomes and to put the Government in a stronger bargaining position. He ends by recommending:

... that the Cabinet Minute is strengthened to indicate that we don't need a deal with HH [Hardie Holdings] to deliver a credible strategy for the Lower Hunter.

After raising his concerns, Mr Brown alleges he was continually victimised by the department but remained an employee. Over time his position at the department became so untenable that he made the decision to leave. Subsequent to this, Mr Brown took the department to the Industrial Court seeking damages for unfair contract. It is the judgement in this case that the department's press release referred to earlier addresses. Quite apart from the contemptuous behaviour of the department in not providing all relevant documentation to the House, the way in which Mr Brown has been treated is deplorable. He rightly saw his job as the responsibility of managing the strategic planning of the Hunter region in a manner that best served the interests of the environment and the community, not private developers who hold the Government to ransom. This matter should be referred to the Privileges Committee for a full investigation as we are now left asking: How many more documents on this matter have been hidden from public view? Do we indeed now know the full story or is the department continuing to hold the House in contempt?

RAMADAN

The Hon. SHAOQUETT MOSELMANE [6.48 p.m.]: Unfortunately, the world is witnessing an increasing polarisation between those on the side of peace and unity in humanity and, on the other, the hawkish axis of evil, religious right zealots and so-called left fanatics who, intentionally or otherwise, attack Islam in the name of freedom and justice. Such people are fanatics, extremists, radical and warlike, prepared to advocate for confrontation and to go to great lengths to destroy the radical other. This "other" is, in fact and effect, a mirror image of themselves but, of course, they are naive, engrossed in their self-belief, and fail to see how destructive they are to the cause of peace and justice.

Obviously, there are grades or levels of extremism, or different shades of extremism, but they are all, in one way or another, extremists. Some extremists can be as destructive as those who were responsible for the horrors of 9/11, and some extremists can be just as destructive by a simple act of inciting hatred. This simple but horrifying idea by Pastor Terry Jones from the Florida Evangelical Church to burn the holy *Koran* in memory of those who were brutally murdered on September 11 and to send a warning to the radical elements of Islam is as sick, as twisted and as destructive as the terrorists who perpetrated the horrors of September 11, 2001.

The twisted justification put forward by Pastor Jones is an example of those who, in wanting to fight extremists, are just as dangerous as the terrorists they wish to fight. All they do is fuel hatred and stoke anti-Muslim feelings. They drive a wedge between good and decent people, a move we must all unite against and condemn. The proposed burning of the *Koran* desecrates Islam's holiest book and, in the month of Ramadan, is malicious and insulting. It is an insult to many decent, God-fearing and law-abiding citizens around the globe. This bigotry and hatred is profound, to say the least. The belief that one is simply attacking the extremism of Islamists, without adverse impact on the overall Muslim community, is shallow and misguided as it only plays into the hands of the far right Islamophobes, who would be prepared to go all out to justify a holy war against Islam and other religions or people, if need be.

Such extremists are ready and prepared to manufacture a clash of civilisations and get on the crusading rampage of death and destruction. It is imperative that when referring to extremists we should take care not to attack the decent law-abiding Australians. Such narrow-minded, misdirected and misguided extremists only fuel further anxiety and put fear in the hearts of millions of Muslims around the world, including Australian Muslims. Those anti-Muslim zealots or fanatics must be contained and blocked from taking the centre stage and must never be allowed to take positions of power and authority. I and I believe every member of this House and our society condemn all forms of terrorism, and all forms of hatred and bigotry. Attacking Islam, and by extension Muslims, even if unintended, should not be allowed.

The net effect of this perhaps unintended consequence of one's attack on extreme Islamists, although justified, is that one marginalises and alienates law-abiding Muslims in this State and in this country. Those misguided on the Left or on the Right of our political spectrum are doing Australia a great disservice. Knowingly or unknowingly, they are fuelling, inciting and perpetrating fear and hatred against an innocent Australian community. Thankfully, there are still many decent people in our community and around the world who are genuine in their attempt to ensure peace and harmony in our society. I put on record my gratitude to Premier Kristina Keneally for hosting the Premier's Iftar dinner, which was initiated by a former Premier and Minister for the Arts, and Minister for Citizenship, the Hon. Bob Carr. I quote the Hon. Bob Carr's ministerial statement of 20 October 2004, in which he said:

Respect and understanding are the key to making our multiculturalism work. Tolerance is not enough; it is a grudging concept. Mutual respect is a better way of expressing it.

The New South Wales Islamic community is grateful to the Hon. Bob Carr, as well as to our current Premier, Kristina Keneally. I take this opportunity to thank them both. I also thank my colleague the Hon. Lynda Voltz for her motion in this House acknowledging Ramadan and wishing the Muslim community well in this their holiest month. Australians of Islamic faith have played an important role in pioneering and opening up the nation since settlement 200 years ago. Their rich heritage has made a positive contribution to the social, economic and cultural development of our multicultural society. Let us not insult this community. Let us bring this community into the fold for the betterment of all. The Premier's Iftar dinner builds on a strong record in recent years of promoting community harmony and unity in adversity. The Iftar dinner honours the State's Islamic community, as well as all religions in our society as it promotes interfaith harmony and mutual understanding and respect. Tonight marks the last night of fasting and tomorrow morning all Muslims around the world will celebrate Eid-Al-Adha, the Festival of Personal Sacrifice. I congratulate the Australian community and the Australian Muslim community. [*Time expired.*]

DUNTRIM HOUSE, DARLING POINT

The Hon. GREG PEARCE [6.53 p.m.]: Tonight I draw to the attention of the House a very important issue in relation to one of our important heritage items. I also acknowledge the role of the local community, particularly when it comes to the failings of this Labor State Government. I raise the proposal of the New South Wales Department of Health to sell or demolish Duntrim House at Darling Point. Duntrim House has been used as a facility for the Darling Point-Eastern Suburbs community since the mid 1980s. I ask the question: How can you, the New South Wales Government, try to deprive the local community access to such an important facility? It has been reported that the Department of Health has launched a development application with Woollahra Municipal Council to demolish three buildings on the site, including Duntrim House, which was constructed in around 1911, as well as significant landscape items and trees in the streetscape. That is the core issue I raise, and I will return to it in a moment.

Duntrim House may no longer be required for, or ideal for, dialysis services. However, the Government has not put forward a case to demonstrate this. Indeed, it has been reported in the media that growth in dialysis demand is increasing at the rate of 5 per cent annually. If the facility is to be in any way altered, the Government needs to make a case for that. But that is not the major concern here. It is typical of the New South Wales Government that it seeks to sell heritage properties—very important properties for the community—on the quiet as it desperately tries to fill the black hole in the State's coffers. It is all part of the broader financial mismanagement of the State, as the Government has sunk to new lows in trying to sell property from under the community's nose.

The fact that the Government has sought to raise the property's value by applying to council to have the property either demolished or classified for redevelopment simply confirms that the Government's intention is to move by stealth, without appropriate planning in terms of transport infrastructure, traffic management, and so on. But, most importantly, local residents have again been trampled upon and will be left to deal with the fallout of a potentially large-scale development in the midst of a residential area. There are also significant heritage issues around the property. I will return to that issue in a moment. I applaud the Darling Point Association, which has raised this matter with me. The association, which is spearheaded by founding member Gabrielle Upton and President Charlotte Feldman, is leading the community campaign in defence of keeping the site for use by the community, rather than allowing it to be sold off to developers.

Community members are beginning to ask significant questions of both Woollahra Municipal Council and the State Government as to what they intend to do with this property and what the community's role will be in determining the future of the property as a community asset. I have asked Minister Kelly a question regarding

the property. Interestingly, even though his response noted that the Department of Health had submitted the property to heritage listing, the manner in which this listing works is that there is a gap that enables the department to demolish the property without proceeding further to have its heritage importance assessed and potentially protected. The National Trust has noted this in its submission to council in relation to the matter. The trust states:

Another matter of considerable concern is the proposal by the NSW Department of Health to demolish the buildings on the site prior to disposal of the property. Notwithstanding the heritage listing issue, the demolition of such a substantial dwelling, that together with its mature garden and landscaping has been a feature of Darling Point ridge top for almost 100 years, is deplorable.

This is why the New South Wales Liberal Party and The Nationals have announced their policies to enhance heritage conservation. One of those policies was used to separate the planning and heritage ministries. I applaud that policy. Duntrim House is a property of great heritage significance; it is a community asset. I applaud the community group that has raised this issue with me. I wish them well, and I hope that the Government will enter into an open and transparent process involving community consultation, facilitated by the council, to determine the best use of the site going forward, and to ensure that it remains in community hands.

HURSTVILLE PUBLIC SCHOOL

Dr JOHN KAYE [6.58 p.m.]: On behalf of the Greens and supporters of public education everywhere, I congratulate the teachers and parents who have battled so hard to stop the Department of Education and Training's plans to cut Hurstville Public School in half and force primary school age boys and girls into the neighbouring Hurstville Boys High School, obviously a boys-only institution. Yesterday, according to a report in today's *Sydney Morning Herald*, some progress was achieved in the battle to save the primary school from being sliced in half. It appears that local member, Cherie Burton, who previously had run cover for the department's plan, has finally recognised the problems it poses. Thanks to the pressure applied by parents and the community, Ms Burton has decided to work for a solution that does not involve the splitting up of Hurstville Public School and the moving of years 5 and 6 students to the boys high school.

While we have been publicly critical of Ms Burton's support for the move to date, we congratulate her on seeing reason and working with, rather than against, the local community. With her help, it is now to be hoped that the Minister and her department will see sense and abandon their current plan. It is also to be hoped that they will continue with the much-needed redevelopment of Hurstville Boys High School and also provide the additional capacity at Hurstville Public School that is so sorely needed to accommodate the growing number of children who wish to attend that school. Hurstville Public School is an exceptionally successful school whose success has led to increasing popularity. Along with opportunity classes, the school enjoys excellent staff and leadership, and an active and involved parent body. These are some of the key ingredients for a highly successful school.

Whilst the achievements of Hurstville Public School are to be celebrated, the school is to some extent a victim of its own success. It has long since passed capacity and everyone—parents, teachers and the department—recognise the need for more teaching space to alleviate current and projected future overcrowding. However, the department wants to cut corners and avoid the costs of a new development at the site of Hurstville Public School. Instead, its \$14 million so-called Hurstville Educational Precinct plans to move the years 5 and 6 students to Hurstville Boys High School. The plan is primarily focused on redeveloping the boys school—an outcome the Greens, parents, teachers and the community warmly welcome.

While the department has assured parents that the primary students would be provided with a separate entrance and accommodation that would be fenced off from the boys school, a careful examination of the plans provided to the community clearly shows that the boys would be able to easily access the primary school facilities. Parents, particularly of young girls, are concerned about the implications for their children's safety, welfare and self-confidence in an all-boys environment. Parents are also concerned about the loss of school identity and the loss of leadership opportunities for the senior primary classes. An important part of the development of young people would be lost as the years 5 and 6 students would no longer have the opportunity to demonstrate their leadership potential. Young students would miss out on the benefits of being mentored by their older peers.

These entirely reasonable concerns have been shown to be held by the overwhelming majority of parents. The parents and citizens executive conducted a survey of school parents. From the more than 800 families at the school, 515 responses were received—an outstandingly high response rate. Information about the precinct project was supplied to parents along with a survey questionnaire. Of those parents who

responded, 90 per cent rejected the proposal by the Department of Education and Training. Most of those who did not reject it expressed significant expectations of stringent management controls to protect the children. Teachers are also deeply concerned about the move. The St George Teachers Association condemned the move and criticised the Department of Education and Training and the local member, Cherie Burton. The association also wrote to the parents and citizens executive supporting their campaign to stop the project from going ahead.

It must be understood that at no time has anyone involved in this debate criticised Hurstville Boys High School. The concerns of parents and teachers would apply equally to any all-boys school. Attempts to paint this as an issue with Hurstville Boys High School or its student body are mischievous. Parents have been very constructive in their approach to this problem. A site for a new building to alleviate overcrowding at Hurstville Public School has been identified that would not necessitate the loss of any playing space and would allow for the orderly development of the school. Up to now the parents and citizens executive feels it has been shut out of decision-making. Jason Yeo and other parents had to resort to the media to get the attention of decision-makers. For the first time in this sorry saga it appears that they have been heard, and there is now a sense of optimism that this story might have a positive outcome both for the high school and for the public school.

BOTANIC GARDENS AND DOMAIN

The Hon. LUKE FOLEY [7.03 p.m.]: We are currently experiencing the pleasures and joys that arrive with the advent of spring. One of the finest writers who ever lived was George Orwell. His fame endures today, largely because of the novels *Animal Farm* and *Nineteen Eighty-Four*. Personally, I am drawn to his non-fiction writings, which are invariably lucid, uncompromising and utterly scornful of cant and hypocrisy. He wrote an essay in 1946 titled "Some Thoughts on the Common Toad". When I think of toads, it is usually with the words of the eighteenth century French moralist Nicolas De Chamfort in mind. He advised that a man should swallow a toad every morning to be sure of not meeting with anything more revolting in the day ahead. There were many mornings when I set out for work at Sussex Street that I thought of De Chamfort's maxim. George Orwell, however, noted that while "the toad has never had much of a boost from poets", for him its emergence from underground always heralded the arrival of spring and the pleasures of spring. Those pleasures are free and available to all. To paraphrase Orwell, spring is here and they cannot stop you enjoying it.

There are no finer places to enjoy spring than at the botanic gardens at Sydney, Mount Annan and Mount Tomah. Next week will mark the tenth anniversary of the Sydney Olympic Games. The male and female triathlons took place on the first two days of the Sydney Olympics. I will never forget those events. After the competitors emerged from their swim in Sydney Harbour at the Man O'War Steps, the cycling leg took them through the Royal Botanic Gardens. Our majestic botanic gardens, established in 1816, were on display to the world. I want to pay tribute to the management, staff and volunteers of the gardens and Domain. These are public, not private, gardens.

The three gardens and the Domain are administered by the Royal Botanic Gardens and Domain Trust. One of the principal objects of the trust is to encourage the use and enjoyment of the gardens and Domain by the public. In the late 1990s I served as a trustee of the Botanic Gardens and Domain Trust. I learned much about the passionate commitment of the people at the gardens to the trust lands, the plant life of Australia, and the study of botany and plant conservation. It was the Wran Labor Government that established the Mount Annan Botanic Garden and the Mount Tomah Botanic Garden.

Tim Entwisle is the Executive Director of the Royal Botanic Gardens Trust and Domain and the Government Botanist. He is a distinguished Australian research scientist, a specialist in the systematics and ecology of non-marine algae in this country. I know that Tim Entwisle and his team are now planning the celebration of the bicentenary of the botanic gardens in 2016. The botanic gardens and Domain have immense educational, historical and recreational value. We have much to be thankful for in our State. We are a free, tolerant and harmonious society. Not the least of our many blessings are our sublime botanic gardens, in the heart of our capital city, publicly owned and accessible to all.

NEW ENGLAND POLICING

The Hon. TREVOR KHAN [7.07 p.m.]: Harmonious society is an interesting observation in light of recent events! Tonight I speak on a matter of great importance to my duty electorate of Tamworth. The matters I raise are, in a sense, a reflection of wider issues that are arising across the State. I was recently honoured to have the shadow Minister for Police and the Leader of the Opposition in this place, the Hon. Michael Gallacher, visit Tamworth and Gunnedah to discuss policing issues in the New England region. This is not the first time

that the Hon. Michael Gallacher has visited Tamworth. Indeed, he has shown a great preparedness to travel across regional New South Wales to meet with police officers at local stations, and members of the public, to hear of their concerns about a variety of policing issues.

The most recent attendance by the Hon. Michael Gallacher provided him with a further opportunity to look at policing issues in the Tamworth region. For a long time I have listened to residents, and what I constantly hear is that the police do not have the resources to do their job. Our meetings confirmed residents' worst fears. The Hon. Michael Gallacher, The Nationals candidate for Tamworth, Kevin Anderson, and I met with representatives from the police associations in Tamworth and Gunnedah. The main issues revolved around safety concerns about the use of Ford Ranger vans and insufficient police numbers.

The use of Ford Ranger vans directly affected those we met. As I hope all members would know, there is a serious safety concern with those vehicles. Since the vans were purchased by the force over three years ago, eight have rolled and crashed in the past 18 months. Several officers were injured in those crashes. Safety with respect to the centre of gravity of those vans has been an issue since their introduction. This fact is blindingly obvious when one looks at them.

A question arises as to how it was considered appropriate to place such a significant weight on the back of those vehicles and not expect there to be a problem with braking and cornering. Yet it would seem that those obvious concerns were ignored. On the visit police rightly expressed fears about the safety of the vehicles. As bans have now been placed on the use of the vehicles, it is plain that there are significant limitations to the effective operation of police in their work.

The other issue raised with us concerned the lack of police numbers at Tamworth and Gunnedah police stations. This is not a new issue; it has existed for many years. It is a matter of significant concern that it has remained largely unaddressed for so long. The lack of police numbers is not an esoteric issue that simply involves businesses in main streets or graffiti on fences in middle-class suburbs. The issue of inadequate police numbers was demonstrated to me when I was handing out pamphlets on Federal election day in Coledale, a suburb with a large Aboriginal community. Many of the people with whom I handed out pamphlets—obviously not successfully given the result of the election—I had known for many years in Tamworth. They are people whom I have grown to know very well; I would consider many of them friends, and they would consider me so. The concerns they expressed to me were similar to the concerns voiced in every section of the community. They related to vandalism, street crime and, as we saw in Coledale recently, arson. Those matters need to be addressed.

JEWISH NEW YEAR

The Hon. LYNDIA VOLTZ [7.12 p.m.]: I take this opportunity to acknowledge that today is an important date for the Jewish community. It marks the Jewish New Year. I pass on Shanah Tovah. This is an important holiday for all Jewish people. I trust that they will have a happy and prosperous New Year.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 7.13 p.m. until Tuesday 21 September at 2.30 p.m.
