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LEGISLATIVE COUNCIL

Thursday 22 August 2013

The President (The Hon. Donald Thomas Harwin) took the chair at 9.30 a.m.

The President read the Prayers.

Pursuant to sessional orders Formal Business Notices of Motions proceeded with.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 1249 and 1417 outside the Order of Precedence objected to as being taken as formal business.

SELECT COMMITTEE INTO MINISTERIAL PROPRIETY IN NEW SOUTH WALES

Establishment and Membership

Motion by the Hon. LUKE FOLEY agreed to:

- (1) That a select committee be appointed to inquire into and report on ministerial propriety in New South Wales, including but not limited to:
 - (a) ministerial responsibility to Parliament, including the doctrine of individual ministerial responsibility;
 - (b) measures to reduce potential conflicts of interest between a Minister's public duties, private interests and membership of a political party, particularly in relation to financial and commercial activities;
 - (c) the operation and enforcement of the Lobbying of Government Officials Act 2011, and any associated codes of conduct, registers or administrative arrangements;
 - (d) the interaction and appropriate relationship between the Code of Conduct for members of Parliament, the lobbyist Code of Conduct, and the current Code of Conduct for Ministers of the Crown;
 - (e) whether the current Code of Conduct for Ministers of the Crown should be adopted as an applicable code for the purposes of section 9 (1) (d) of the Independent Commission Against Corruption Act 1988; and
 - (f) any other relevant matters.
- (2) That notwithstanding anything to the contrary in the standing orders, the committee consist of six members comprising:
 - (a) two Government members;
 - (b) two Opposition members, being the Hon. Luke Foley and the Hon. Adam Searle; and
 - (c) two crossbench members, being the Hon. Robert Borsak and Dr John Kaye.
- (3) That the Chair of the Committee be the Hon. Robert Borsak and the Deputy Chair, the Hon. Luke Foley.
- (4) That at any meeting of the committee, any three members of the committee will constitute a quorum.
- (5) That a committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
 - (a) the Chair is present in the meeting room;
 - (b) all members are able to speak and hear each other at all times; and
 - (c) a member may not participate by electronic communication in a meeting to consider a draft report.
- (6) That the committee report by the last sitting day in October 2014.

BATTLE OF FROMELLES NINETY-SEVENTH COMMEMORATION SERVICE**Motion by the Hon. LUKE FOLEY agreed to:**

That this House acknowledges that:

- (1) On Friday 19 July 2013, the ninety-seventh anniversary Commemoration Service for the Battle of Fromelles was held at Anzac Memorial.
- (2) The Battle of Fromelles was fought on 19 July 1916.
- (3) It was planned as a diversionary attack to prevent German troops moving from this, a relatively quiet area, to the large battle being fought in the valley of the Somme.
- (4) Fromelles was a disaster.
- (5) The attack by brave men from the largely untried 5th Australian Division was utterly destroyed by determined Bavarian troops who were well dug in and with large numbers of machine guns.
- (6) It remains the single bloodiest 24 hours in Australian history.
- (7) By the morning of 20 July 1916, Australia had suffered an incredible 5,522 killed, wounded, missing or taken prisoner.
- (8) The setting and service was most appropriate to ensure they are not forgotten. Lest We Forget.

MR STEPHEN BERGMAN**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes that:
 - (a) Mr Stephen Bergman, at age 80 years, a long-time resident of Sydney's Sutherland shire, has been acknowledged by football's world governing body, the Fédération Internationale de Football Association [FIFA], as the oldest active A-grade football player currently playing with the Sans Souci Football Club in the Sutherland Shire Football Association's district competition; and
 - (b) over many years, Mr Bergman has made a significant selfless contribution to the Illawarra community through his years of volunteer service in coaching and refereeing football.
- (2) That this House commends and congratulates Mr Stephen Bergman for his achievement of being the world's oldest active A-grade football player and for his outstanding service to football in the Sutherland shire.

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

Private Members' Business items No 1425 outside the Order of Precedence objected to as being taken as formal business.

DIABETES AWARENESS WEEK**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes:
 - (a) the work of the Australia Diabetes Council for its coordination of the Diabetes Awareness Week campaign which was held between 14 and 20 July 2013 with this year's focus advocating preventive lifestyle strategies for reducing type 2 diabetes in the Australian community;
 - (b) that this year marks the Australia Diabetes Council's seventy-fifth anniversary and that it is the oldest diabetes charity in Australia with its ongoing mission to reduce diabetes incidence in the Australian community by supporting and educating the public on preventative measures; and
 - (c) that type 2 diabetes is the fastest growing chronic disease in Australia and impacts on all age groups and demographics, with 1.15 million Australian adults diagnosed with type 2 diabetes, with a projected increase to 3.6 million people by 2017, which represents a rate of one person every five minutes being diagnosed with the condition.
- (2) That this House acknowledges and congratulates the Australia Diabetes Council on its seventy-fifth anniversary and its outstanding service to the community and particularly the welfare of those with diabetes.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES ERNST AND YOUNG REPORT

Production of Documents: Order

The Hon. LUKE FOLEY (Leader of the Opposition) [9.35 a.m.]: I seek leave to amend Private Members' Business item No. 1428 outside the Order of Precedence for today of which I have given notice by omitting paragraph (d).

Leave granted.

Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2013, in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Family and Community Services, the Department of Family and Community Services:

- (1) All documents, including but not limited to tender documentation, letters of engagement, briefing notes, minutes of meetings, reports, emails and records of phone conversations relating to the Ernst and Young report "Department of Family and Community Services, Human resources capacity calculation and reporting".
- (2) All documents created as part of the preparation of the Ernst and Young report "Department of Family and Community Services, Human resources capacity calculation and reporting" and associated drafts.
- (3) Any departmental advice provided to the Minister for Family and Community Services or the Premier or the Department of Premier and Cabinet relating to the Ernst and Young report "Department of Family and Community Services, Human resources capacity calculation and reporting".
- (4) Any document which records or refers to the production of documents as a result of this order of the House.

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

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by the Hon. DUNCAN GAY agreed to:

That this House at its rising today do adjourn until Tuesday 27 August 2013 at 2.30 p.m.

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975: DISALLOWANCE OF STATUTORY AND OTHER OFFICES REMUNERATION (JUDICIAL AND OTHER OFFICE HOLDERS) REGULATION 2013

The PRESIDENT: Pursuant to standing orders the question is: That Business of the House Notice of Motion No. 1 proceed as business of the House.

Question put.

The House divided.

Ayes, 22

Ms Barham
Mr Borsak
Mr Brown
Mr Buckingham
Ms Cotsis
Dr Faruqi
Mr Foley
Mr Green

Dr Kaye
Mr Moselmane
Reverend Nile
Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge

Mr Veitch
Ms Westwood
Mr Whan
Mr Wong
Tellers,
Ms Fazio
Ms Voltz

Noes, 17

Mr Ajaka	Miss Gardiner	Mr Mason-Cox
Mr Blair	Mr Gay	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Ms Cusack	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mr Colless
Mr Gallacher	Mrs Maclaren-Jones	Dr Phelps

Pair

Mr Donnelly

Mrs Mitchell

Question resolved in the affirmative.**Motion agreed to.****Motion by the Hon. Adam Searle agreed to:**

That the matter proceed forthwith.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.47 a.m.]: I move:

That under section 41 of the Interpretation Act 1987 this House disallows the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 published on the New South Wales Legislation website on 21 June 2013.

The Opposition moves this disallowance principally for the reasons for which we opposed the legislation in this place on 22 May this year. It seeks to implement for judicial and other officers the Government's public sector wages cap. It applies not only to judges, who are the independent third arm of government, but also to the Director of Public Prosecutions, Crown prosecutors, public defenders, the Clerks of this Parliament, as well as to members of independent tribunals. Labor opposes the capping of the remuneration of these classes of person for two reasons. First, we support all persons having access to independent wage fixing by an independent and impartial umpire. I will not repeat the reasons for that because they are well known in this place. Secondly, we think it is bad policy. It is as wrong for judges as it is for—

The Hon. Duncan Gay: A special law for judges and another one for the rest of us.

The Hon. ADAM SEARLE: No, we think it is as wrong for judges and the other groups affected as it is for schoolteachers, ambulance drivers, nurses or any other public sector worker—

Mr David Shoebridge: Point of order: I genuinely cannot hear the Deputy Leader of the Opposition.

The PRESIDENT: Order! I remind members to take their seats as quickly and as quietly as possible. The Deputy Leader of the Opposition has the call.

The Hon. ADAM SEARLE: As I was saying, it is as wrong for judges and the other groups affected as it is for schoolteachers, ambulance drivers, nurses or any other public sector worker to have their remuneration arbitrarily or capriciously capped by Executive Government irrespective of the merits of the case. That is why we have opposed the placing of legislated pay caps for anyone in the public sector. We have an utterly consistent position.

The Hon. Dr Peter Phelps: Including politicians?

The Hon. ADAM SEARLE: Including politicians, but the point is that in this case insofar as this regulation affects judges they are not employees of the Government or any other person. They are independent adjudicators of legal rights between citizens and between citizens and government agencies, the State—and, of course, the State in its various manifestations is the single biggest litigator in the court system. It is not just that the Parliament has sought to cap the remuneration of judges and the other groups affected; the Executive

Government, the political Government, has taken to itself the ability to set, influence or cap the remuneration of judges and the other officers affected. That is a fundamental interference with the separation of powers and is corrosive of public confidence in the independence of the judiciary, which is why it should be opposed.

For the other groups, such as those persons who are importantly and intimately engaged with the administration of justice, those persons who have to make difficult decisions about criminal prosecutions—both on the prosecution side as well as on the defence side—giving the political Government the ability to directly set or cap their pay is also a troubling, unwarranted and potentially very dangerous interference in the administration of criminal justice in this State. We do not believe this is an appropriate way to proceed.

The Hon. Dr Peter Phelps: That is nonsense. That is absolute rot and you know it.

The Hon. ADAM SEARLE: I acknowledge the interjection from the Government Whip, the man who likes to pride himself on being against government regulation—except, of course, when it suits him. He does not even have the benefit of intellectual consistency.

The Hon. Dr Peter Phelps: Are you saying that governments don't have the right to set their budgetary constraints, their fiscal parameters?

The Hon. ADAM SEARLE: No. There is an enormous difference—and the honourable member should know this very well—between the Parliament, on the one hand, making a decision about such matters and, on the other hand, giving Executive Government the direct power to do it. That is a very different proposition. The fact that the honourable member cannot grasp that difference and does not seem to grasp or even understand the separation of powers, a matter on which he will obviously need some significant education, is why this disallowance should be carried. I will not labour the point further. Those are our principal reasons for the disallowance being moved.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [9.53 a.m.]: Another day, another disallowance motion. What can I say? Here we have the campaign of civil disobedience gaining momentum on the other side of the House. The economic recklessness continues—it is just sensational stuff! The absolute rank hypocrisy of members opposite continues unabated. It is indeed groundhog day in the Legislative Council. Let us have a closer look at what the Opposition is proposing. I reiterate the key points I made in the debate yesterday.

Mr Scot MacDonald: Point of order: I cannot hear the wise words of the Parliamentary Secretary.

The PRESIDENT: Order! There is far too much interjection from members. The Hon. Matthew Mason-Cox will be heard in silence, just as the Deputy Leader of the Opposition was heard in relative silence.

The Hon. MATTHEW MASON-COX: Members opposite do not like hearing the truth, particularly the Hon. Walt Secord. The New South Wales wages policy is about delivering fair wage increases to the public sector that the State can afford. That is the heart of this issue. Given infrastructure and service needs across the State the Government considers it fair to extend the wages policy to judicial officers. All people who receive a stipend, wages or salaries from this Government should be considered in the same way. To do otherwise creates inequities and inconsistencies. This strikes at the heart of this Government's budget diligence; we want to ensure that all public officials are treated equally under our policy.

As I stated yesterday, the Government's policy is the wages policy that has existed in this State for many years, both under this Government and the previous Government, despite protestations from members opposite. Wages comprise almost half of the State's budget so it is critical that they are controlled. The annual wage increase is set at 2.5 per cent as it is the inflation target for the Reserve Bank and also the average inflation rate over the past 16 years. Members would be aware that at this point in time the inflation rate is about 2 per cent, so we are actually talking about a real increase in wages in this State, which is a generous position the Government has put to the public services of the State.

As members opposite have contended in the past, the regulation does not affect the independence of the New South Wales judiciary. It simply seeks to ensure that all employees funded by the State are covered by the same wages policy. It is not complicated. Members opposite rail against a very simple proposition today, as they railed yesterday and no doubt will do so in the future. The New South Wales wages policy that Labor introduced in 2007 defined "superannuation" as an employee-related cost and within the 2.5 per cent cap. That is the reality

and I spoke about this yesterday. I remind members opposite what they are doing here today. We clarified that the regulation was linked to the wages policy, otherwise the equivalent of 8,000 public service jobs in this State will be put at risk.

The Government has made its position abundantly clear. It is self-evident that there will be ramifications for the budget of this State from this reckless economic act from members opposite—a figure of about \$800 million and \$758 million a year recurrent expenditure that members opposite recklessly throw in the face of this Government. They take a reckless indifferent attitude with their reckless campaign of civil disobedience, which moves ahead without care or responsibility for the outcome. I note that while the Industrial Relations Commission upheld a submission by unions on the wages policy, as mentioned yesterday, it also agreed that superannuation is an employee-related cost and is therefore within the 2.5 per cent cap.

The Industrial Relations Commission suggested ways in which the regulation could be reworded to ensure that it had the scope to take superannuation into account. That is all the Government has tried to do. The Government has tried to act responsibly and with the integrity of its budget at the heart of its actions while members opposite continue to act in an economically irresponsible way. I could go through the Labor icons, as I did yesterday, and the comments made time and again about superannuation being employee-related expenditure, but it is self-evident. Despite its hypocrisy and many examples, Labor does not care. This is all about civil disobedience. We know where it is all going. This is just another groundhog day and another disallowance motion in the Legislative Council. Members opposite are an absolute disgrace. They put at risk the State's budget and the jobs of the people they pretend to represent. The Government opposes the disallowance motion.

Mr DAVID SHOEBRIDGE [9.59 a.m.]: On behalf of The Greens I speak to the Opposition's disallowance motion under section 41 of the Interpretation Act 1987. The Greens did not oppose the legislation that enabled this regulation to be produced. It was not that we did not believe it was wrong in principle—and it is—but allowing the Executive, through the Minister for Finance, to cap the wages, salaries and remuneration of public sector employees and judicial officers is also wrong in principle. I repeat: seeking to have executive control over the wages, remuneration and salaries of judges, crown prosecutors and others is wrong in principle. I fully understand why the Opposition has moved this disallowance motion on the basis of that principle.

The Greens agree with the principles that are the basis of the Opposition's disallowance motion. However, we will not support the motion because we wish to demonstrate solidarity. If some of the most influential public servants in New South Wales—that is, judges, crown prosecutors and senior members of the public service—are exempted from the wage cap while nurses, clerks, firefighters and other public servants are caught under the wages cap, that will remove some of the pressure from the Government's grossly unfair wages policy and wages capping legislation.

The Greens believe that the entire edifice that the Government has built is fundamentally wrong. It is fundamentally wrong in principle for the Finance Minister, as an instrument of the Executive, to be able to cap public sector wages, to ignore the decisions of the independent Industrial Relations Commission and, under this regulation, to ignore or bind the determinations of the Statutory and Other Offices Remuneration Tribunal. The Greens are committed, in either the next Parliament or the Parliament after that, to moving and supporting any legislation that tears down the Government's grossly inappropriate overreach of executive power by ignoring independent tribunals—the Statutory and Other Offices Remuneration Tribunal and the Industrial Relations Commission—and directing by fiat the wages and conditions of public sector workers.

However, The Greens will not support a campaign that carves out some of the most influential people in New South Wales and gives them special protection. It is wrong in principle for the Government to be able to cap the wages, salaries and remuneration of magistrates, Crown prosecutors, District Court judges and Supreme Court judges by executive determination of the Finance Minister. The Greens agree with the Opposition that that should not occur. The Opposition will move two motions today and The Greens will support the second one, which deals with superannuation. The Greens will show solidarity with hundreds of thousands of public sector workers. The clerks working in Roads and Maritime Services offices making sure that licences are properly processed and the people doing the accounts for the public hospitals and making sure that they can operate with sufficient medication and bandages, and the like, are subject to a grossly unfair 2.5 per cent wage cap.

While The Greens strongly oppose the principle of the Government extending that wage cap to judges, magistrates and other influential people, it is wrong to carve them out and give them special protection. If we want to tear down this unfair wage structure, we must ensure that the influential people sitting in darkened clubs

with Government members and having dinner with them at fine restaurants see the effects of that arbitrary and unfair overreach by the Executive. It is for those reasons, not because of some philosophical difference, and because we want to tear down this Government's unfair wage cap that The Greens will not support this motion.

The Hon. Dr PETER PHELPS [10.05 a.m.]: If ever there were a need for evidence of the fiscal insanity and lack of rectitude when it comes to the proper administration of the budget of any government one need look no further than members opposite. We are in the middle of an election campaign that is focusing on whom voters should trust to manage the economy properly. Members of the State Labor Party have shown themselves to be just as incompetent as their Federal colleagues. The issue at hand is this: Does a government have the right to enact a fiscal policy that represents the best interests of the people of New South Wales? If the answer to that is "yes", members opposite should not have moved this disallowance motion today. Nor should they move subsequent disallowance motions, the prime purpose of which is to make us less fiscally responsible in this State.

What are members opposite suggesting? Are they suggesting that judges are not paid out of consolidated revenue? I presume they are not, because that would be patent nonsense on their part. That leads to the next question: Who is responsible for the proper maintenance of consolidated revenue in this State? Of course, it is the Executive Government. If the Executive Government is not responsible for the proper fiscal management of this State then who is? On that basis, the Executive should be able, within the constitutional limits of this place and the other place, to manage the economy and the budget in the way it sees fit. The other thing I find bizarre about the Hon. Adam Searle's statement is that in some way the payment of money from consolidated revenue to judges represents an implied control over those judges in the way they adjudicate cases or handle matters before them.

The Hon. Adam Searle: Do you agree with the principle of the separation of powers?

The Hon. Dr PETER PHELPS: I do agree; I am a very strong proponent of the principle of the separation of powers. However, if this nexus remains a fundamental impediment to the proper separation of powers then why do we have it? I presume that the honourable member opposite is suggesting a return to a pre-revolutionary northern American scenario where the judges were able to extract a proportion of any penalties charged for themselves. Is that what the honourable member is suggesting? I would be interested to hear if he is suggesting a wonderful back-to-the-future arrangement in which judges, in effect, create their own consolidated revenue through the penalties that they impose through the court process.

If the honourable member is not suggesting that and he does not agree with the payment of judges from consolidated revenue then where else will the money come from? If The Greens had proposed this the money might be coming from rainbows, leprechauns and unicorns, because that is where the money comes from for most of their schemes. However, in this instance the Labor Party, which purports to be fiscally conservative in this day and age—Kevin Rudd, "I am a fiscal conservative"—suddenly says that governments do not have the ability to manage their finances or consolidated revenue responsibly, but we are not going to give them any option other than doing what we think is right.

Well, that does not really work. It does not work because if people wanted those opposite to be in government they would have voted for them to be in government. But they do not want them to be in government; they want us to be in government. The reason they want us to be in government is that we are fiscally responsible, and they are the Wastrels, the Visigoths, the Ostrogoths, the Huns, the Vandals of fiscal and economic responsibility. Every Coalition administration that is in power builds a magnificent Rome of fiscal responsibility. Then, through decadence, we allow the invaders and marauding bands to melt down the gold, wreck the temples, rip up the streets, smash the buildings, burn down the forums and wreck the coliseums that we have built of fiscal rectitude. I ask: Is that any way to behave? Is that manners? It is not. Members of the Labor Party are most unmannerly in this regard, because they offer no plausible solution.

The net effect of this disallowance motion is an additional drain on consolidated revenue, of which the Labor Opposition has no care, no responsibility. It is happy to impose further burdens upon the hardworking taxpayers of this State simply to placate its own interests in this regard. And what is its interest here? It is to provide an additional benefit to a small section of the elite in the population who do not need that additional benefit. If members opposite were entirely consistent in this matter, they would be moving regarding the salaries of members of Parliament. But you know what: I bet they do not—because the insincerity and hypocrisy at the heart of this argument would be only too glaringly displayed if they were to continue on that path. But, of course, they are not going to do that. They argued in terms of separation of powers and higher and nobler duties,

when we know full well that this is simply a little bit of muscle flexing at a time when the Government is not exactly in its strongest position regarding upper House numbers. This should be treated as exactly what it is: a bit of snarky opportunism from an insincere group of economic vandals who are taking an opportunistic stance. The motion should be rejected.

The Hon. CATHERINE CUSACK [10.12 a.m.]: I am hesitant about following on from such an articulate and intelligent analysis of the Opposition's position on this matter. However, there is one point I would like to add, having spent two days being vilified for allegedly being unfair to workers. In the words of Mr David Shoebridge, The Greens are trying to tear down this unfair wage structure. I make the point that the wages policy of this Government—which, of course, reflected the policy of the previous Government—is a 2.5 per cent cap on wages and salaries, beyond which negotiations can be made for productivity trade-offs. Any union willing to do that can progress beyond the 2.5 per cent.

The Consumer Price Index [CPI] in this country is only 1.9 per cent at the moment. A cap of 2.5 per cent means real wages growth is built into the budget, without any need for productivity improvements. I believe this could be the first time this has occurred, because prior wage negotiations and bargaining always revolved around the CPI, then plus, plus, plus. In this case, because the CPI is 1.9 per cent and the starting position is 2.5 per cent, there is a real increase in wages. I make that point because Opposition members accuse the Coalition of doing something dreadful to workers. In fact, there is nothing unfair about this policy. In a sense, the unions do not even have to fight to get 0.6 per cent wage growth.

The Hon. Adam Searle: That is what yesterday's debate was all about.

The Hon. CATHERINE CUSACK: I understand that. But I have listened to The Greens tipping vitriol all over us, and I want to make the point that the policy is very much defensible and eminently fair. As the Hon. Dr Peter Phelps has indicated, the upper House should not act irresponsibly and burn the Government's budget. The money has to come from somewhere, but the Opposition has not suggested where it will come from. The money we are talking about is more than the Government had to find to fund the education reforms. This proposal would cost a seriously large amount of money, yet no indication has been given where that money should come from. The Opposition's position is irresponsible and unsustainable. Clearly, the Government cannot sit back and let the upper House do this.

Reverend the Hon. FRED NILE [10.15 a.m.]: The Christian Democratic Party has already made its position clear: it supports the 2.5 per cent cap on wages and salaries. So, to be consistent, we have to vote against this disallowance motion. All employees should be dealt with on the same basis. One could hardly have what might be called the working class subject to a 2.5 per cent cap and not have judges and others subject to that cap. That would be very unfair. The cap should apply to all government employees, which is what happens currently. Therefore we do not support this disallowance motion.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [10.16 a.m.]: I make a small contribution because I do not think this matter should be let go without highlighting that the Labor Party is indulging in elitism. The party that once defended the workers has, through the Leader of the Opposition, John Robertson, and all the Opposition front bench in this place, decided to go out of its way to get more than 2.5 per cent for that poor, battling class, the judiciary of New South Wales. Whatever happened to the Labor Party? What has happened to Labor Party principles? Here they are, fighting for the battlers of New South Wales—the judges in the courts of this State, people who have been poor, struggling barristers before they had a slight salary cut to become judges in this State. There he is, the Deputy Leader of the Opposition in this place, the former barrister, the mate of mates, moving this motion today. This matter should not be dealt with in this House without Luke Foley and John Robertson being held accountable for probably letting this slip through. I have not seen more embarrassed faces on Opposition members than I see behind the Deputy Leader of the Opposition. This is the Labor Party looking after the elite in our society. It is another shameful day for the Labor Party.

The Hon. Penny Sharpe: Point of order: The issue is relevance. The Minister has gone well beyond the leave of the debate for this disallowance motion. Further, I ask that the Minister be directed to cease his continual misleading of the House regarding what is happening on the Opposition benches.

The PRESIDENT: Order! There is no point of order. The Minister has the call.

The Hon. DUNCAN GAY: I have concluded my contribution.

The Hon. STEVE WHAN [10.18 a.m.]: What hypocrisy from the Deputy Leader of the House, a man who represents a party which gave us the white-shoe brigade and which for so many years tromped around Australia sucking up to the wealthy of the country.

The Hon. Duncan Gay: Point of order: I am not the Deputy Leader of the House; I am the Leader of the House.

The Hon. STEVE WHAN: My apologies. A man who has just told us that we were sucking up to the elite of society points out that he is the leader not the deputy, just to make sure that we are well aware of his status as he speaks to us in this place. The point remains that we have had a bit of hypocrisy from the Leader of the House, who stood up here today to talk about judges and how well off they are when he knows full well that the Labor Party in this place has, consistently, in every single vote, condemned the Government for seeking to put a 2.5 per cent cap on all public sector wages.

We have done that because the Labor Government—which was misrepresented by members opposite—allowed people to go to an independent umpire. Yes, they had a 2.5 per cent starting point, but they were allowed to go to an independent umpire and argue their case for larger pay rises on the basis of the value of the work they did. So often we saw, under Labor, people like nurses and teachers in this State being able to go back to the independent umpire and gain a larger wage increase that properly reflected the value of the work they did for the people of New South Wales. On this side of the House we are proud of the fact that under our Government the nurses and the teachers of this State were the best paid in Australia, because they deserved it.

They put in the work for the people of New South Wales and they got the reward that they deserved. They probably deserved even more than that. We have heard hypocrisy from the Government side of the House, while we have been absolutely consistent in our position. The Government Whip very helpfully for me spoke about fiscal responsibility at the Federal level and the forthcoming election. I am delighted to be able to respond to that and to mention the way that the Government for which he was a staffer squandered the national wealth that was the budget surplus. It squandered the wealth raised through tax revenue and did not build a proper, decent surplus—

The Hon. Matthew Mason-Cox: Point of order: My point of order is relevance. The member is now off on a flight of fantasy and I think he should be brought back to the disallowance motion.

The Hon. STEVE WHAN: To the point of order: The Hon. Dr Peter Phelps referred to Federal fiscal management in his contribution, but the Parliamentary Secretary did not seek to have him called to order.

The PRESIDENT: Order! It is true that the Hon. Dr Peter Phelps went briefly into the particular area to which the member referred. I will allow him to respond briefly.

The Hon. STEVE WHAN: It is true, and the commentary from the time confirms, that the Howard Government squandered what should have been better surpluses. That money was give away as unnecessary welfare to the people who the Hon. Dr Peter Phelps says are well off. That meant that when the global financial downturn occurred the Labor Government was limited in what it could do. It had to go into deficit to ensure that this country did not end up with hundreds of thousands unemployed—or millions, as we have seen in the United States and so many other countries. The Federal Labor Government took us through the economic downturn—

The Hon. Matthew Mason-Cox: Point of order: Mr President, I refer to your ruling. My point of order relates to relevance. The Hon. Steve Whan has gone beyond brief comments and this is now the substance of his contribution to this debate.

The PRESIDENT: Order! The Hon. Steve Whan has now been addressing that subject for longer than the Hon. Dr Peter Phelps addressed it. I draw him back to the business before the House.

The Hon. STEVE WHAN: The Hon. Peter Phelps also talked about the builders of Rome. He was like Nero as he spoke to us about the people who failed to build infrastructure. The New South Wales Government is now spending less on infrastructure and building the things that people need. Much of the money that should be going to country New South Wales is instead going to the North West Rail Link—the most expensive rail link that will ever be built in New South Wales. Instead of spending on things that will service the people of rural—

The Hon. Duncan Gay: Point of order: I know the former Minister is embarrassed about having to support this motion, but referring to the North West Rail Link is going way beyond the leave of the motion before the House.

The PRESIDENT: Order! While there is obviously some latitude on any matter that concerns finance, it is a fairly specific disallowance motion on a specific regulation. Members should direct their remarks towards that subject.

The Hon. STEVE WHAN: We are debating a disallowance motion that is absolutely consistent with the position that Labor has taken on this issue from the day that the Government started this process of capping wages. The motion is consistent with the arguments which we put yesterday about superannuation and which I am sure we will put again shortly. The Hon. Matthew Mason-Cox, as Parliamentary Secretary, in his somewhat belated application for the job as Minister for Finance today repeated the argument he put yesterday. He was just as unconvincing today. Today he has been saying that Labor's position will cost the State money and result in the loss of jobs. The Government has failed to provide the specifics; it has simply mounted a general scare campaign. Labor is absolutely consistent on the position it has taken. If members agree that one sector of the public work force should not have a 2.5 per cent cap then that should apply to the entire public sector. That is the position that Labor is putting today.

Mr SCOT MacDONALD [10.25 a.m.]: I will be very brief. I think all the points were covered comprehensively by the previous speakers, and very colourfully by the Government Whip. However, I make the point that there is good Labor and there is bad Labor. This is bad Labor. Those opposite are convincing the public, once again, why they were thrown out in March 2011—because of their financial irresponsibility. This motion does not pass the financial responsibility test; it does not pass the taxi-driver test. Those opposite are doomed to occupy the Opposition benches for years and years. This punches a hole in the forward estimates of some \$700 million to \$800 million. Members opposite are financial incompetents and they deserve to be on that side of the House.

The PRESIDENT: Order! Mr David Shoebridge will cease interjecting. Mr Scot MacDonald has the call.

Mr SCOT MacDONALD: I reject this disallowance motion. This is a slippery slope for the Labor Party. The public will see once again why members opposite cannot govern this State and will remain in opposition for many, many years.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.26 a.m.], in reply: I thank all honourable members for their illuminating contributions.

The Hon. Lynda Voltz: Do not lie, Adam! You are not allowed to lie in here.

The Hon. ADAM SEARLE: I acknowledge that interjection. Mention was made of the previous Labor Government's wages policy. The fact is that this, like the public sector regulations capping remuneration, is nothing like the previous Government's wages policy. The previous Government's wages policy had 2.5 per cent as a starting point for negotiation, which, if not satisfactorily concluded between the parties, would result in either party going to an independent tribunal to argue their case. This Government has removed those rights for the general public sector workforce and, now, for judges and others.

While this disallowance motion has a financial dimension, it is nothing like the regulation that deals with the general public sector work force. Primarily, our concern with this category of public officers is not the remuneration; our concern is with the direct interference by the Executive in the remuneration of the judiciary and others intimately and directly connected with the administration of criminal justice. It is disturbing to hear members of the Government referring to the judiciary as public sector employees. The once-great Liberal and National parties used to understand that judges were the third arm of government and not anyone's employees. The fact is that the Government has collectively failed to understand this. That lack of understanding about the proper role of the judiciary is worrying. No doubt that will be of concern to the general public.

We are motivated on this matter by ensuring that the judiciary and those other public officers not only remain independent but are seen to remain independent. There is no suggestion that their independence will be eroded. We understand the reasons why the crossbench parties do not support this disallowance motion. I reiterate that we do not think any one group should be singled out for better or preferential treatment. We believe that nobody should be covered by this wages regulation and we have consistently voted in this place and in the other place opposing this statutory capping of wages for every group in the wider public sector. We urge the House to disallow this regulation.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 13

Ms Cotsis
Mr Foley
Mr Moselmane
Mr Primrose
Mr Searle

Mr Secord
Ms Sharpe
Mr Veitch
Ms Westwood
Mr Whan

Mr Wong
Tellers,
Ms Fazio
Ms Voltz

Noes, 26

Mr Ajaka
Ms Barham
Mr Blair
Mr Borsak
Mr Brown
Mr Buckingham
Mr Clarke
Ms Cusack
Dr Faruqi

Ms Ficarra
Mr Gallacher
Miss Gardiner
Mr Gay
Mr Green
Dr Kaye
Mr Khan
Mr Lynn
Mr MacDonald

Mrs Maclaren-Jones
Mr Mason-Cox
Reverend Nile
Mrs Pavey
Mr Pearce
Mr Shoebridge
Tellers,
Mr Colless
Dr Phelps

Pair

Mr Donnelly

Mrs Mitchell

Question resolved in the negative.

Motion negatived.

**STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975: DISALLOWANCE OF THE
STATUTORY AND OTHER OFFICES REMUNERATION (JUDICIAL AND OTHER OFFICE
HOLDERS) AMENDMENT REGULATION 2013**

The PRESIDENT: Pursuant to standing orders the question is: That Business of the House Notice of Motion No. 2 proceed as business of the House.

Question put.

The House divided.

Ayes, 22

Ms Barham
Mr Borsak
Mr Brown
Mr Buckingham
Ms Cotsis
Dr Faruqi
Mr Foley
Mr Green

Dr Kaye
Mr Moselmane
Reverend Nile
Mr Primrose
Mr Searle
Mr Secord
Ms Sharpe
Mr Shoebridge

Mr Veitch
Ms Westwood
Mr Whan
Mr Wong
Tellers,
Ms Fazio
Ms Voltz

Noes, 17

Mr Ajaka
Mr Blair
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Miss Gardiner
Mr Gay
Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones

Mr Mason-Cox
Mrs Pavey
Mr Pearce
Tellers,
Mr Colless
Dr Phelps

Pair

Mr Donnelly

Mrs Mitchell

Question resolved in the affirmative.

Motion by the Hon. Adam Searle agreed to:

That the matter proceed forthwith.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.44 a.m.]: I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Statutory and Other Offices Remuneration (Judicial and other Office Holders) Amendment Regulation 2013, published on the NSW Legislation website on 9 August 2013.

I can well understand the view taken by the crossbench on the previous disallowance motion. Whatever the merits of the wages cap, which we fundamentally opposed, if it is imposed on the greater part of the public sector workforce no group should be excepted. We understand that that view was taken. However, in light of yesterday's disallowance of the superannuation clawback, the Government's attempt to steal the superannuation payments from its workforce by picking their pockets, on which the House has rightly held the Government to account, the judiciary, the Director of Public Prosecutions, the Crown prosecutors, the public defenders, the Clerks of the Parliament and other tribunal members should be treated no less favourably than the rest of the public sector and this attempt at superannuation clawback should be similarly disallowed. The Opposition's reasons for that view were fully and clearly articulated in the debate yesterday. I will not labour the point by reciting those reasons but I refer members to them. The reasons are well understood by the House. Therefore I urge members to support this disallowance motion.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.47 a.m.]: We have moved from groundhog day to groundhog hour. The rivers of hypocrisy are well and truly flooding the Chamber. Once again we are confronted by the reckless economic indifference of the Opposition. As the Deputy Leader of the Opposition said, the arguments have been canvassed in great detail, but it is incumbent on me, as the member putting the Government's position, to reiterate a few key points. The wages cap legislated by this Government over many hours—we all remember the debate in this place and the passing of that legislation—has already been undermined by the disallowance motion yesterday. Today this disallowance motion will apply the same principle of economic carnage and irrelevance to judicial officers who, as the Leader of the House said, are the elites that the Labor Party seeks to protect in disallowing this motion. It is an absolute disgrace. We have canvassed the arguments on more than one occasion. I ask members opposite and those who support them in this economic recklessness to take a moment, pause and think about the consequences that will flow through to the budget bottom line from this irresponsible action. The consequences are clear.

Mr David Shoebridge: Give us the figure.

The Hon. Adam Searle: Give us the paperwork.

The Hon. MATTHEW MASON-COX: We have put it to the House on more than one occasion. This is groundhog day. For the benefit of those who were not listening, I will put it one more time. We are talking about \$800 million in relation to the Opposition's campaign of civil disobedience regarding public servants, of which this is part of a trail of carnage. Let us put it in perspective. As part of the disallowance campaign of carnage, we add \$800 million to the budget bottom line and \$758 million a year to the forward estimates for each and every year. This is what is at stake. The Opposition is continuing to drive a hole in the New South Wales budget in a most irresponsible way. In this case it is simply an extension of what the Opposition did yesterday. In this case the Opposition is seeking to protect the elites of society, the judges who do not need the Opposition's protection. It is a disgrace. It undermines the budget integrity of this State and the Opposition should be condemned for it. The Government opposes this disallowance motion.

Mr DAVID SHOEBRIDGE [10.50 a.m.]: The Greens support the Opposition's disallowance motion for a number of reasons. First, we are against the Government's public sector policy which allows the regulation-making power of the finance Minister to override the Statutory and Other Offices Remuneration Tribunal and the Industrial Relations Commission and enables the Executive to impose its will upon public servants, particularly judges, magistrates, public defenders and Crown prosecutors who need to be above the political fray. If their remuneration and conditions of employment are subject to the whim of the Executive, it is poor policy.

Secondly, The Greens lend their strong support to this disallowance motion because just yesterday this House made a principled decision in relation to the superannuation of the other 410,000 public sector workers in

New South Wales. The flawed rationale the Government put forward for its public sector wages policy is that it will allow 2.5 per cent because for the past 16 years that has been the long-term average inflation rate expectation of the Reserve Bank and the public sector wages policy is meant to allow wages and remuneration to keep check with inflation so that the salary of people is not eroded over time. To take part of a person's salary and place it into their superannuation is directly against that principle of allowing the remuneration or salary of a person to rise so as to meet inflation costs.

People cannot buy their groceries or pay their power bill, mortgage or rent out of their superannuation, regardless of what the Treasurer might have said in budget estimates. It makes no sense to have 99 per cent of public sector workers receive their full 9.25 per cent superannuation entitlement without having to pay for the increase out of their wage packets and leave a small group of public servants, judges, magistrates, Crown Prosecutors and public defenders in an entirely separate pool having to pay for the increase in the superannuation levy out of their wage packet. It is wrong in principle to have those two separate classes of public servants with different superannuation rights by reason of the Government's regulation.

I hope that this disallowance motion gets the strong support of the majority of this House. The Government's rhetoric that it will cost \$800 million to give judges, magistrates, Crown Prosecutors, defenders and Clerks of the Parliament an extra quarter of a per cent in superannuation contributions is ridiculous. The Government talks about the Opposition's lack of financial nous but that is obvious nonsense from the Government. It is clear that the Government has not done the numbers and has no idea what it will cost. I can advise that to give parity on superannuation it will cost a tiny fraction of that grossly inflated \$800 million which the Parliamentary Secretary foolishly threw into the debate earlier.

The Hon. Dr PETER PHELPS [10.55 a.m.]: The Deputy Leader of the Opposition made an extraordinary contribution when he said, "We oppose a wages cap". The policy of the Australian Labor Party in 2007 was that there should be a wages cap of 2.5 per cent on all remuneration, including salary, allowances, superannuation and any other measures. But who knows whether it was a policy? Maybe it was only an aspiration. When does an aspiration become a policy? When does a policy become a lack of political backbone in a government become merely an aspiration?

Members of the Labor Party need to take a good, hard look at themselves. If it was only an aspiration, why do they proclaim it as policy? If it was a policy, why did they not have the intestinal fortitude to stand up to the public service unions and implement their policy? The reason is because too many pre-selections for Labor Party members were on the line if they sought to give effect to that policy. I congratulate previous Treasurers and finance Ministers in Labor governments who saw that wages were out of control and knew what needed to be done in the public sector in New South Wales. The fundamental problem was that they did not have the numbers to ram it through their caucus. We would not be having this debate today if they had had the courage of their convictions to drive that policy through their caucus.

The same cannot be said of either the Treasurer or the finance Minister in this Government. They knew this proposal would provoke a public sector backlash but they did not flinch in the face of it. They did not run like rabbits down a burrow at the first sign of discord or raise the white flag like their Labor Party predecessors did. I am more concerned about the moralistic tone that is coming from Opposition benches. It seems their fiscal rectitude is fine when they are in Government but when they are in Opposition they do not have to worry and it is open slather, a free-for-all. When the Labor Party said it was a policy it was merely an aspiration. They were strong and demanded productivity gains. But when the gains did not eventuate what did they do?

Mr Scot MacDonald: Still paid them.

The Hon. Dr PETER PHELPS: They still paid out. The Labor Party needs to recognise its own failings in this instance. It set the ground rules, laid down the principle and enunciated it, but it did not have the courage to go through with it. Now members of the Opposition waffle on and say it was simply an aspiration. In the end it was not an aspiration because they baulked at dealing with the issue, that is, gains above and beyond the 2.5 per cent which explicitly related to demonstrable productivity changes. This Government is supposed to carry the can for implementing legislation that is exactly the same as the policy prescriptions that the former Government enunciated as the way to correct its budgetary concerns about exploding public service wages. The only criticism the Opposition can level at the Government is that we have the guts to do what they did not.

Mr SCOT MacDONALD [10.59 a.m.]: Members have covered everything that could possibly be covered in this debate, except that the Deputy Leader of the Opposition belled the cat when he said, "We oppose the wages cap."

The Hon. Adam Searle: Scot, you might have been out of the Chamber but we voted against all of this legislation.

Mr SCOT MacDONALD: I was in the Chamber and I heard that comment and I wrote it down. The Deputy Leader of the Opposition said, "We oppose a wages cap". Is it open slather? There is a difference between a credible alternative government and an irresponsible opposition. They are in the latter category. This motion will cost public sector jobs and front-line services. This will cost the economic future of this State. Whether the figure is \$70 million or a larger figure, whether it reaches \$700 million or \$800 million over the forward estimates, is the Opposition saying that those figures have no consequences? Of course they have consequences. The Opposition is irresponsible and the motion should be condemned.

Dr JOHN KAYE [11.00 a.m.]: I speak briefly to support the disallowance motion and to associate myself with the remarks made by Mr David Shoebridge. I must admit that I am impressed by the Government. It has done a remarkable job of taking the one-line argument that this is okay because it is Labor policy and using that one-line argument across four or five debates. Everything goes back to the one thing: It is okay because Labor did it.

The Hon. Adam Searle: Stockholm syndrome.

Dr JOHN KAYE: I acknowledge that interjection. How bizarre would it be if the Government were to come into the House and say, "The previous Government was into gentrader transactions, so we will do gentrader transactions".

The Hon. Catherine Cusack: John, you are incredible.

Dr JOHN KAYE: I know. Thank you very much. I am incredible and I really appreciate that. I thank the Parliamentary Secretary for putting a dollar figure on it. He said this 0.25 per cent will cost \$800 million, which means the total salary bill must be \$320 billion.

The Hon. Dr Peter Phelps: Point of order: Dr John Kaye is now misleading the House. Mr Scot MacDonald was talking about the sum total of the three disallowances and he knows it. He should not try to verbal Mr Scot MacDonald.

Dr JOHN KAYE: To the point of order: First of all, I never mentioned Mr Scot MacDonald. I talked about the Parliamentary Secretary.

The Hon. Matthew Mason-Cox: To the point of order: The same comment applies. Dr John Kaye is misleading the House because I was referring to all the disallowance motions together. I clarify that for the record because it is disappointing that the member would mislead the House in such a way.

Dr JOHN KAYE: Further to the point of order: That is a different point of order.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is no point of order. Dr John Kaye has the call.

Dr JOHN KAYE: If it is true that it is an \$800 million impost, and I will take it over the four-year period, in that case it would be \$80 billion a year. That means the salary bill for judges in New South Wales is \$80 billion a year, and \$80 billion a year is almost twice the State budget. We have about 1,000 judicial officers, meaning they would be paid about \$8 million each, which is clearly nonsense. These figures are inflated; the impact is inflated. The fundamental principle remains the same as the debate we had yesterday that superannuation is not salary. Superannuation is an entitlement that workers across this country fought for over decades.

Mr Scot MacDonald: Someone forgot to tell Bill Shorten.

Dr JOHN KAYE: I do not necessarily agree with everything Bill Shorten says. In fact, if Bill Shorten says the opposite to what I am saying, in some sense that is validation of my comments. I have been part of these debates for most of my working life, and superannuation is a fundamental entitlement. It is not a salary entitlement and should never be traded off for salary. People have worked hard all their lives and they should have a decent standard of living when they retire. The underlying argument is to put the two together and undermine—

The Hon. Matthew Mason-Cox: You ignore the accord; you ignore Keating.

Dr JOHN KAYE: Actually I opposed the accord. I am actually on the record in my union as having opposed the accord; but that is for a separate debate at another time. Superannuation is a fundamental right of employment and should not be traded off against salary. This regulation that the motion seeks to disallow traverses an extremely important principle that superannuation is an entitlement; it is not salary. I support the disallowance motion.

The Hon. AMANDA FAZIO [11.05 a.m.]: I support the disallowance motion moved by my colleague the Deputy Leader of the Opposition and in doing so I find the performance of the Parliamentary Secretary in questioning the right of this House to actually consider a disallowance motion to be typical of this Government's rejection of the role of the Legislative Council as a House of review. Members opposite have an absolute hide. They will not accept the fact that this House has a role as a House of review. We have the right to move disallowance motions. We have the right to dissent to what the Government says. We have the right to stand up for the workers of this State. We have the right to say, as a matter of principle, that superannuation should not be included in the Government's bodge wages cap. Ultimately the Government has to recognise that the people elected to the Legislative Council are elected on a different system to those elected to the lower House. That might be news to the Hon. Matthew Mason-Cox.

This House represents the views of a divergence of political parties. As a House of review we have a right to put forward arguments and to scrutinise the actions of the Government. We have the right to move disallowance motions when the Government attempts to do underhanded, backdoor deals to try to expand the wages policy that it has put in place, a wages policy that removes the right of people to go to the Industrial Relations Commission. When the Public Service Association had the right to go to the commission on the matter of superannuation, the Government would not accept the independent umpire's decision. It put regulations in place during the winter recess to try to stop that decision of the independent umpire. The Government is a disgrace.

The Government's claims of being fiscally responsible are absolute garbage. Its claims that it had to have a 2.5 per cent wages cap because of the alleged budget black hole have been debunked by every authoritative source that has done a review of it—the Parliamentary Budget Office, the Auditor-General's Office, everybody. This is a portent of what will happen if the Coalition is elected federally. Whatever state the economy is left in—and given the global financial crisis Australia is doing pretty well—there will be a budget black hole. Joe Hockey will find a budget black hole and he will slash and burn. These are exactly the sorts of tactics the Coalition will try in the Federal Parliament to attack the workers of Australia and the judicial arm of government. It will try to hobble them so that we will end up with a situation where judges are paid so poorly in this country that we will not be able to attract the best people to those jobs. Government members are a disgrace; they have shown they have no regard for the normal forms of government.

The Hon. Dr Peter Phelps: Down to their last five series.

The Hon. AMANDA FAZIO: I note the interjection of the Government Whip, who makes derogatory comments about the judicial arm of government in this country. He is a disgrace. I know he says he supports small government, but small-mindedness does not necessarily equate to small government and that is exactly what he has demonstrated today. I urge all members to think about what we are dealing with today. We are dealing with the disallowance of a regulation that involves rolling superannuation entitlements into the salary cap. This is wrong. We know it is wrong and the Government has a hide putting a regulation in place during the winter recess in the hope that somehow or other it would not be picked up. We are going to hold them to account.

I have news for the Government, it can try all the underhanded slimy tricks it likes, but the Opposition will not put up with it. The Opposition has the right to move a disallowance motion. This is a House of review. The Opposition has the right to consider it. The high-handed attitude of the Parliamentary Secretary in being outraged at the fact that the Opposition is acting as a proper opposition party is disgraceful. All I can say is that there are a lot of wannabes on the Government benches. Those opposite may or may not be aware of my analogy as to what happens: Sometimes it is like the Forrest Gumps of the world, you happen to be the last person standing and therefore you get a promotion.

The Hon. Catherine Cusack: There is hope.

The Hon. AMANDA FAZIO: Yes, there may be hope for the Hon. Matthew Mason-Cox, but the member will have to make sure that a person from his faction leaves the ministry.

Mr Scot MacDonald: Point of order: This is verging on silliness and has nothing to do with the debate before the House. The member should remove herself from the Chamber.

Mr David Shoebridge: To the point of order: I accept there is no hope for the Hon. Matthew Mason-Cox, and the Hon. Amanda Fazio was misleading the House.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Members have strayed from the leave of the motion. The member will return to the leave of the motion.

The Hon. AMANDA FAZIO: I urge all fair-minded members of this House to reject the grubby, underhand and sly tactics of this Government in introducing a regulation during the winter break on an important matter of principle like this. I urge members to support the disallowance motion and to tell the Government that it is about time it started being honest with the people of New South Wales.

The Hon. ROBERT BROWN [11.11 a.m.]: I really only wanted to speak to the motion in order to say, "fiscal rectitude". I will say that life is like a box of fiscal rectitude: you never know what you are going to get. With this Government one certainly never knows what one might get, but quarter per cent sneakiness is really beneath it. The Shooters and Fishers Party will support the motion for disallowance.

The Hon. CATHERINE CUSACK [11.12 a.m.]: If this was World War I and France was being invaded, if this was the French revolution, or if some massive injustice was being perpetrated against a group of people I could understand the emotion and outrage that has been poured out by the Labor Party in the course of this debate. But let us get a bit perspective here about what we are talking about. The concept that the Government is pulling some underhanded slimy little trick, that it is ripping money out of workers' pockets, that it does not care about superannuation and does not want people to have it, and that the Government disrespects the upper House is all based on the fact that the Labor Party had a wages policy which imposed a 2.5 per cent cap and the only difference between the former and present governments is that this Government has implemented it. That is it.

That is the entire basis for this confected outrage by the Labor Party. As has been pointed out repeatedly, it is not an unfair policy at all. It builds 0.6 per cent real growth into every public servant's pay packet in the current financial year. There has never been a wages policy that has done that for them. It more than covers the cost of the Federal Labor Government's decision to impose a superannuation requirement on the State budget after the budget had been delivered. Somehow Dr John Kaye brought gentrader contracts into this debate and implied that based on the fact that we are trying to implement a well-established wages policy—

The Hon. Amanda Fazio: Point of order: My point of order is relevance. The Hon. Catherine Cusack has introduced the French revolution into this debate, so I find it a little rich that the member comments on the contribution of Dr John Kaye.

The Hon. CATHERINE CUSACK: To the point of order: To the contrary, if the honourable member reflects on her own comments, by imputation she introduced the French revolution into the debate.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is no point of order. The gentrader comment was introduced by Dr John Kaye and at that time there was no interjection made in relation to those comments. The Hon. Catherine Cusack has the call.

The Hon. CATHERINE CUSACK: I acknowledge that The Greens have said that there is a repetitive nature in the arguments put forward by the Government, but I can only observe that it does not matter how many times Government members repeat it, it does not seem to be sinking in. Government members have listened to Dr John Kaye, who spoke after writing some figures on the back of an envelope—it is not a joke and it is not a debating point—about the impact of hundreds of millions of dollars on the State budget. To see members of Parliament jot down a few numbers, multiply, subtract and then stand up and use that to repeal a regulation that will have an \$800-million impact is extraordinary.

If there is any reason to get extraordinarily outraged in this House it is the behaviour of those members who have let this power go to their heads and who are now using this window of opportunity to rip the Government's budget to shreds. This Government is being attacked for trying to ensure that its outlays comply with what it said in the budget. It is the first Government to do that. In 16 years those opposite were not able to achieve that. The Government has applied a wages cap that gives real growth to workers' salaries and can easily absorb the superannuation requirements of the Rudd Government without impacting real purchasing power. I ask the Opposition to get a grip on and a little perspective about the purpose of the debate.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.16 a.m.], in reply: I point out to honourable members that we are not engaging in public expenditure, the Opposition is merely allowing, if the

regulation is carried, the Statutory and Other Officers Remuneration Tribunal to make a determination without having the superannuation taken away. It is clear that superannuation is, or should be, an entitlement for all working people. They should never have to pay for their own superannuation out of their own pockets

Mr David Shoebridge: You are letting them independently work it out.

The Hon. ADAM SEARLE: I acknowledge the interjection. The simple point here, as in the other two debates, is that this Government has, by legislative fiat, implemented an arbitrary cap. It is not, as the Labor Party policy was, the beginning point of a negotiation, it is also the end point. That is why the Labor Party has consistently opposed a legislated remuneration cap. In relation to what the Government says is the financial impact, I remind honourable members that the legal representative for the Secretary of the Treasury as recently as 9 August in the Industrial Relations Commission was unable to provide any details of what the cost was of the 0.23 per cent increase in superannuation because it would "take tens of thousands of hours to work out". That was what the legal representative of the Secretary of the Treasury said then, and now we have the Treasurer pulling figures out of thin air. I am sure the Treasurer, if he had the costing fully worked out, would release the figures. The Government has completely missed the point: This was never its money to set aside or bank; it was money committed to the people who work for the various agencies of the State.

Mr Scot MacDonald: It's a magic pudding.

The Hon. ADAM SEARLE: It is not a magic pudding. This Government and the Treasurer did a pay deal with the public sector in February for a salary/wage increase of 2.5 per cent. The Government comprehensively ratted on that deal and it has been caught out.

The Hon. Robert Brown: Wouldn't renege on a deal, would we, Adam? No!

The Hon. ADAM SEARLE: I acknowledge that interjection. Sadly, it seems to be so. In any case, this regulation, if disallowed, would simply put the judges and the others in the same position as the rest of the public sector. This regulation should be disallowed.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

Ms Barham	Mr Moselmane	Ms Westwood
Mr Borsak	Reverend Nile	Mr Whan
Mr Brown	Mr Primrose	Mr Wong
Mr Buckingham	Mr Searle	
Ms Cotsis	Mr Secord	
Dr Faruqi	Ms Sharpe	<i>Tellers,</i>
Mr Green	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Ms Voltz

Noes, 16

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Ms Cusack	Mr Lynn	
Ms Ficarra	Mr MacDonald	<i>Tellers,</i>
Mr Gallacher	Mrs Maclaren-Jones	Mr Colless
Miss Gardiner	Mr Mason-Cox	Dr Phelps

Pairs

Mr Donnelly	Mr Blair
Mr Foley	Mr Mitchell

Question resolved in the affirmative.

Motion agreed to.

FIREARMS LEGISLATION AMENDMENT BILL 2011**Second Reading**

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

NATIONAL PARK ESTATE (SOUTH-WESTERN CYPRESS RESERVATIONS) AMENDMENT BILL 2012**Second Reading**

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

BUSINESS OF THE HOUSE**Postponement of Business**

Private Members' Business item No. 3 in the Order of Precedence postponed on motion by the Hon. Amanda Fazio, on behalf of the Hon. Luke Foley, and set down as an order of the day for a future day.

ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2012**Second Reading**

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

GRAFFITI CONTROL AMENDMENT (RACIST GRAFFITI) BILL 2012**Second Reading**

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

BUSINESS OF THE HOUSE**Postponement of Business**

Private Members' Business item No. 6 in the Order of Precedence postponed on motion by the Hon. Penny Sharpe and set down as an order of the day for a future day.

Private Members' Business item No. 7 in the Order of Precedence postponed on motion by Dr John Kaye and set down as an order of the day for a future day.

NATIONAL ACTION DAY AGAINST BULLYING AND VIOLENCE

The Hon. CATHERINE CUSACK [11.32 a.m.]: I am a resident of Lennox Head on the North Coast. I am sure that my good friend the Hon. Melina Pavey, who is from Coffs Harbour, and the Hon. Jan Barham, who is a former mayor of Byron Bay, will join me in offering a warm welcome to school leaders from the North Coast who are visiting Parliament today. I move:

- (1) That this House notes that:
 - (a) Friday 15 March 2013 was the National Action Day against bullying and violence;
 - (b) the day is organised by Australian Educational Authorities through the Safe and Supportive School Communities Project;
 - (c) 1,485 schools registered for the day which provides a focus on the "take a stand together" theme;

- (d) 391 New South Wales government and non-government schools registered for the event; and
 - (e) supporters include 97.3 FM and Mix FM, Channel 9, the Ten Network, Kids Helpline, Headspace and Facebook.
- (2) That this House congratulates the organisers of the day, particularly those school principals and teachers who have taken up the campaign in order to make the message meaningful and powerful in their own school communities, and all the students who embraced the "stand together" message by embracing activities during the day.

Where do we begin to discuss bullying? The New South Wales Department of Education and Communities defines bullying as:

... repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Cyberbullying refers to bullying through information and communication technologies.

Bullying can involve humiliation, domination, intimidation, victimisation and all forms of harassment including that based on sex, race, disability, homosexuality or transgender. Bullying of any form or for any reason can have long-term effects on those involved including bystanders.

Bullying can happen anywhere: at school, travelling to and from school, in sporting teams, between neighbours or in the workplace.

Bullying behaviour can be verbal, involving name-calling, teasing, abuse, put-downs, sarcasm, insults and threats. Bullying can also be physical, involving hitting, punching, kicking, scratching, tripping and spitting. It can also be social, and this is the form that appeals me the most. Social bullying can involve ignoring, excluding, ostracising, alienating and making inappropriate gestures. Psychological bullying can involve spreading rumours, dirty looks, hiding or damaging possessions, sending malicious SMS and email messages, and inappropriate use of camera phones.

It is also important to note that the Department of Education and Communities defines what is not bullying. Conflict or fights between equals and single incidents are not defined as bullying. Bullying behaviour is not children not getting along well, a situation of mutual conflict, single episodes of nastiness or random acts of aggression or intimidation. The department's definition of bully is not bad, and I applaud it for taking care to point out that certain things are not bullying. We can all recall making some stupid mistake when we were children, and most children are haunted by those mistakes. To characterise a child who makes such a mistake as a bully dilutes the much more important definition of bullying behaviour. Clearly, the definition has to include the element of repeat behaviour; there must be a pattern. The people who are not haunted by their mistakes—those who lack empathy and show no remorse—cannot hide behind the excuse, "I made a mistake."

I am concerned that genuine bullying is so destructive and prevalent. We must define it carefully. The ordinary tribulations of life ought not muddy the waters in relation to people who are genuinely suffering because of bullying. There are two types of bully. There is the psychopath, who has no reason to bully except as a form of self-gratification and affirmation of his or her power over the vulnerable child, employee or colleague. The bullying of a psychopath may be strategic, as part of an agenda for self-advancement, but it tends to be unprovoked and utterly self-centred. Then there is the bully who is a victim of abuse by others responsible for their wellbeing. Somebody or some event in that child's life has damaged them—robbed them of the quality of optimism that I believe is innate in every child.

I refuse to believe that bullying is natural or inevitable; it is a consequence. The devastation wrought by bullying amongst children is the most tragic preventable epidemic afflicting our country today. With this in mind, I draw the attention of the House to the implementation of the National Action Day Against Bullying and Violence, which is an initiative of all Australian education Ministers that came out of a collaboration between Commonwealth and State governments. The first action day was held on 18 March 2011. It is an opportunity for students, teachers, parents and the whole community to take a stand against bullying and violence. It provides a focus for schools that want to say, "Bullying—no way", and to strengthen their everyday messages that bullying and violence are not okay at any time.

The day is supported by all Catholic, independent and government school education authorities. I draw the attention of the House to the web site bullyingnoway.gov.au, which documents types of activities that schools can undertake, including a take-a-stand-together photo gallery, where schools that have participated can upload records of their participation. This is an extraordinary website; it has extensive resources specifically for the different stakeholders who are impacted by bullying. The website has a fact sheet and advice and information for students who are the victims of bullying or who are themselves bullies. Another portal

specifically for teachers contains tips, resources and information to assist them. I know it is very difficult for schools and teachers when they are confronted with bullying. Managing that behaviour, even with the best support of everyone in the world, is very difficult, but this website provides them with some useful tools.

The part of the website I like best is the section providing information for parents. Parents are heartbroken and have a sense of powerlessness if it becomes apparent that their child is being bullied. Parents have a young person whom they love and who is their responsibility, but when they entrust them to a school environment they lose control over their child's safety and wellbeing. The expectation is very high that a school will ensure the safety and protection of its students. When a child goes home devastated by bullying and is displaying all the signs of trying to escape a bullying situation, such as eating their lunch in the toilet, being too frightened to go into the playground or running away from school, mum and dad are at home powerless. This website contains some wonderful facts about bullying and answers questions about what it is and the signs to look for in a child who may be a victim of bullying. It is amazing how many children are so ashamed about being bullied that they try and hide it from their parents. Of course, mum and dad want to know about it as early as possible.

The website contains good tips for parents to help their child if he or she is being bullied. It advises parents to stay calm and continue to focus on the need to engage in a positive and cooperative way. Sometimes in a small school environment one set of parents may angrily confront another set of parents. That will certainly not resolve the child's problem and it will make the situation more complicated for the school. This website for parents is a targeted resource to help their children when they are being bullied. My heart breaks for parents who have a child who is being bullied. I cannot think of anything more devastating than parents having to force a child to go to school when they do not believe the school environment is safe and they fear their child is being emotionally or even physically destroyed by what is happening there.

The website also contains videos, links and material to download. It is a remarkable resource for all schools and it means that teachers and schools can design their own activities. The range of activities that can be undertaken involves schools working together across classes and engaging the whole school community on projects that demonstrate that the school is taking a stand against bullying. It could be an art project or it could be organising people to give a talk to the students; it is completely up to the school.

The National Safe Schools Framework, which was released in 2002 and which has since been updated, contains guiding principles endorsed by all education Ministers, and it is under that framework that this initiative has been funded. I find it inspiring that all the ministers can sit down together Canberra and talk. I am sure we all wonder what on earth they do—they seem to shuffle backwards and forwards. However, they have agreed to this framework and it unites all of us, across parties, across gender, and across local, State and Federal governments, in protecting our children and providing a safe school environment. That can filter down to using technology such as the internet to provide positive local initiatives in our schools.

I applaud the fact that 1,485 schools have registered for the National Action Day Against Bullying and Violence. One of the reasons for moving this motion is that only 391 of those schools are from New South Wales, which means that we are lagging behind and we make up less than a quarter of the schools that are participating in the day, even though we have more than one-third of the population. I urge the New South Wales Department of Education and Communities to consider promoting this initiative more strongly to our schools because I believe every school can benefit from being involved.

I have two other proposals for the Government on bullying. The first proposal concerns an issue that I believe is a problem in public policy across government; that is, confidential legal settlements. Through the media we are aware of instances across the State where children who have been horribly bullied to great personal detriment, either as young adults or as children, have taken legal action against their school. In those instances the case went to court and many of the details were disclosed in the media, but suddenly everything went black and we heard nothing further. That was because an undisclosed financial settlement was reached without the matter being determined by a court.

In those cases where applicants are agreeing to a settlement I can only imagine that they have a strong case and that something dreadful has happened. A confidential financial settlement means that the details and the consequences of what happened are completely concealed. Any opportunity for us to learn from what happened is lost. We are not allowed to know that information, nor are we allowed to comment on or use that incident in any policy setting. I believe our legal system should help us learn the lessons of past mistakes. Every year every school is more aware of bullying and there is more pressure on people to deal with it and to be

upfront about it. A confidential legal settlement, whether it be because State Rail or the Department of Education were sued, results in a lost opportunity for that to happen. In the case of bullying, no facts should be allowed to be concealed.

The second issue I raise, perhaps controversially, is that I do not believe that funding more school counsellors is an effective anti-bullying strategy. Several years ago I was a member of the Committee for Children and Young People chaired by Carmel Tebbutt. We conducted consultations in relation to young people, and bullying was a big issue that was debated on the North Coast. Through the Southern Cross University's Young People Big Voice project we talked to kids on the North Coast. Rather than consulting the unions, the teachers, the media and all the other professionals we usually hear from, we asked young people themselves about their experience and what they thought would be good ideas to deal with bullying. All of them told us that being sent off to a school counsellor was devastating.

I do not say that every child feels that way, but every child that we spoke to did. If a child is struggling with a problem and is feeling scared, isolated or upset, they go to their teacher. When the teacher refers the child to a counsellor it is as if the teacher washes their hands of the issue and does not need to worry about it anymore. The young men I spoke to said, "Why would I go to a 22-year-old woman who I have never met before in my life and start telling her my deepest secrets and what my problems are? I cannot relate to that. Would you unburden yourself like that to a stranger?" We all looked at each other and agreed that we would not. Regardless of whether the relationship between the student and the school counsellor works or does not work, that is the end of the matter: everybody can tick the box that that student has been sent to the counsellor. In the tragic case of Alex Wildman, who committed suicide after a negative experience at Kadina High School, it was obvious that people were saying that they had referred him to a school counsellor, so they had done their job and nobody had messed up. Indeed, for the children, that can be like a go-away message.

The university research shows overwhelmingly what children want when they are in a such a situation at school: They want a teacher in their world who knows them and likes them. Students who feel they have that are much better empowered and equipped to power through confronting tribulations, particularly on the playground. The playground is an amazingly challenging place for young people and the support of a teacher is overwhelmingly what they want. Not every teacher can be expected to know and like every child. I certainly recognise the logistical challenge of that. I am simply pointing out that that makes a difference to the kids. Throwing more money into school counsellors may be useful for some situations and for some people, but it should not be seen as a panacea, particularly if everybody else is acting like Pontius Pilate and washing their hands of the issue.

Both of my sons experienced difficult school environments. We moved our children. Many other families have made the same decision, which must be managed carefully because simply removing a child from a bullying situation can make them feel like they have failed. We were supportive of our children, and it was a fantastic decision. Our family was suffering because of the behaviour of one small person whom none of us could deal with. We were not alone in reaching the point of taking the step to change schools. Many families have made the same decision. It was an absolutely fantastic decision for my sons, who flourished in a school that has a zero tolerance approach to bullying. One can pick those school environments. I hope this wonderful initiative is taken up by more schools in New South Wales because anyone who is fair dinkum about taking a stand against bullying will want to be involved in it.

In conclusion, I acknowledge and thank Councillor Vince De Luca, who drew this important matter to my attention; as a result we are having this debate today. I shall comment on the important issue of bystanders. Thank goodness, not all of us are experiencing bullying, but all members of the House and the community have experience of being a bystander and seeing bullying. I paraphrase the likes of Franklin Roosevelt, who pointed out that knowing something is wrong is not of any use unless one does something about it. Bishop Desmond Tutu said that if one sees something that is bad and one does nothing then that is tantamount to siding with the oppressor. So doing nothing is actually doing something. I applaud the department and all those involved in this initiative, particularly the students who take a stand against bullying, because that is how our future will be changed.

Reverend the Hon. FRED NILE [11.52 a.m.]: I support the motion moved by the Hon. Catherine Cusack concerning the National Action Day Against Bullying and Violence. The motion states that 1,485 schools registered for the day, which provides a focus on the take-a-stand-together theme, and 391 New South Wales government and non-government schools registered for the event. The national action day has received support from the media, particular 97.3 FM and Mix FM, Channel 9, the Ten Network, the Kids

Helpline, Headspace and Facebook. It is proving to be a very powerful influence on not only children in schools but, hopefully across Australia, children of all ages, all levels of society, all backgrounds and all cultures to say no to bullying and violence. I understand that more than 1,400 schools across Australia participated in the National Action Day Against Bullying and Violence on Friday 15 March 2013.

This annual day provides a focus for schools to say "Bullying, no way" and strengthen their everyday messages that bullying and violence at school are not okay at any time. As I said, the annual National Day of Action Against Bullying and Violence was organised by all Australian education authorities through safe and supportive school community projects. I understand that the promotion is the responsibility of the Queensland Government on behalf of Australia's government, Catholic and independent school communities. So we thank the Queensland Government and, I assume, the Queensland Department of Education for their leadership in promoting this national day. In our modern society, especially with social media, there are new areas in which bullying occurs. One of the most serious areas now is in the cyber and social networking area.

I have seen a report issued on 20 August this year concerning the experience of bullying in social networking in the United Kingdom through a network called *Ask.fm*. Apparently this website has gathered 70 million users since it was founded in 2010. It has been found that teenagers using the site—they can use it anonymously—are targeting other teenagers. As a result of the bullying occurring on that social network, a string of suicides in Britain have been directly linked with this website. Earlier this month Hannah Smith, 14, hanged herself at her family home after suffering months of bullying on this website, which allows users to post questions and comments to each other anonymously if they want. I gather that the main weakness in the website is that it allows anonymous comments. There has been a campaign in the United Kingdom to force the website to drop the anonymous aspect, which could involve 70 million users.

The suicide to which I referred was the fourth teenage suicide directly linked to this website in the past week, and it prompted some companies, including Vodafone, a Save the Children charity and others to withdraw advertising from the site. Following Hannah Smith's suicide, the British Prime Minister David Cameron said that internet users should boycott vile websites that allow cyberbullying to avoid any more deaths, and some schools urged parents to get their children off the site. The founders of *Ask.fm* are aware of the problems and think they are dealing with the problem. One organiser said they were considering removing the anonymous aspect from the website. Hannah Smith's father said:

I think they've gone far enough to make the website safe for teenagers to use but I also think they can do a bit more. Get rid of the anonymous bit completely, because if you're anonymous, you can bully.

A report this month from the national Society for the Prevention of Cruelty to Children indicated that online harassment, abuse or cyber stalking was experienced by almost one in five children who used social networking sites. The United Kingdom Safer Internet Centre, which promotes the safe use of technology, was delighted by the changes proposed by *Ask.fm* and said:

We strongly advise users, especially children, to switch off anonymous questions, and to report any abuse they see on the site, whether targeting them, or other users.

I believe that should occur in Australia; authorities need to note the dangers of social media. Bullying does not apply only to schoolchildren; it also applies to newsreaders. Recently Sandra Sully spoke about her decade of torment in the Channel Ten newsroom where she faced ongoing bullying from a female colleague, leaving her in considerable distress. She did not report the bullying initially for fear she would not be believed. She said:

I felt completely disempowered because the presumption about television presenters is that we're completely self-centred and egotistical ... I thought nobody would believe me.

It was stated in a report:

She describes the bully as a sneaky, devious saboteur who would use "her feminine wiles to present me as demanding 'talent' to her superiors and they all fell for it. She was a toxic person."

The bully has since been ordered to leave Ms Sully alone. I do not know whether that has occurred. Bullying also occurs in universities. An article in the *Sunshine Coast Daily* noted:

A female security guard has been awarded \$364,008 in damages after appealing a bullying case she had levelled against the University of the Sunshine Coast. [She] ... reported an incident involving her boss, Mark Bradley, yelling at her during a power crisis in 2008, but the uni did not investigate it.

The university took no action and further allegations were made against Mr Bradley at different times. The article continued:

The Queensland Court of Appeal found then vice-chancellor Paul Thomas should have reprimanded and counselled Mr Bradley about his earlier behaviour to discharge the university's duty of care.

School teachers are not the only ones who have a duty of care. University staff, television staff and all employer and employees also have a duty of care. On 20 August the *Herald-Sun* published an alarming report on research which showed Australians do not act on bullying. It stated:

Australia is a nation of bystanders when it comes to bullying, according to new research.

Almost two-thirds of adults admit they have been in a situation where they could have intervened but didn't.

And eight out of 10 later regretted their decision.

The findings, from the Alannah and Madeline Foundation, coincide with a nationwide campaign urging bystanders to speak up and stop bullies in their tracks.

Foundation chief executive Dr Judith Slocombe said a cultural shift was needed so it was clear bullying should never be tolerated.

"If every Australian has that attitude—that it's not OK to bully and that we all should stand up if we see bullying—it becomes the norm," Dr Slocombe said.

"And if it becomes the norm it's one of the most powerful ways of reducing bullying."

"Even one person can be the catalyst for that collective to stand up and say something."

It was vital bystanders felt safe if they spoke up however.

"I think that people often feel that it's not safe to get involved," Dr Slocombe said.

"They feel the bullying may come back onto themselves or they may escalate it."

"They need support from everybody around them."

"That's why we say to schools and to workplaces in the broader community it has to be a collective will."

More than 1,000 people aged 18 and over were surveyed for the research.

... 95 per cent of parents said they would encourage their child to say something if someone was being bullied provided they were in a safe environment.

Almost half whose child was bullied said nobody intervened, almost all wishing somebody had.

Deakin University Dr Helen McGrath said the experience of being bullied was often worse if nobody intervened.

"It's more likely to lead you to become slightly withdrawn because you lose that the sense of trust," Dr McGrath said.

"You think to yourself: 'The world isn't safe.'"

"Speaking up gave people hope and increased the chance they too would take a stand", she said.

The Christian Democratic Party is pleased to support the motion. When I was a nine-year-old in primary school I suffered from asthma and had a very slight physical disability. A large boy continually bullied me, which I was very unhappy about. I told my mother, who said she would fix it. She met me after school and asked me to point him out to her. I do not know what she said, but after she spoke to him he left me alone. More mothers should get involved. I support the motion.

The Hon. AMANDA FAZIO [12.06 p.m.]: I support the motion moved by the Hon. Catherine Cusack relating to the National Action Day against bullying and violence, which was held on Friday 15 March 2013. Rather than concentrate on bullying in schools, which we all recognise is a very serious issue, I will talk about the impact of bullying in the wider community. In particular, I refer to examples set by some adults that encourage children to act in a bullying manner. It should be understood that the actions of some public figures encourage children who have a tendency to bully. Without naming individuals, I ask members to cast their mind to public figures in the media, for example, radio presenters, who not only bully listeners who may call to enter a competition but also regularly bully, denigrate, insult and abuse politicians.

Many people think it is okay for politicians to be targets as we choose to enter this field. They think that we, as adults, should expect robust criticism in the course of heated debates, and I accept that. But I do not accept the example given by some of those who bully in public. When I think of the worst offenders, particularly on the radio, I would say that their actions are those of a bully. If that level of bullying is accepted by the public, what sort of example is that for schoolchildren? They will think to be rude, to talk over people and to berate, insult and belittle people is a measure of success because, as we know, some radio presenters are paid multimillion-dollar salaries.

The Hon. Rick Colless: Name them.

The Hon. AMANDA FAZIO: The Hon. Rick Colless said, "Name them". I only have 15 minutes to speak. Also, I am not as silly as some Government members might think. If I named these shock jocks and radio announcers who use bullying tactics as their standard method of operation I would be opening the floodgates for them to bully and vilify me. Quite frankly, I have better and more constructive things to do with my time than to allow myself to be subjected to that. As adults we have to accept responsibility for how we deal with issues like bullying. What example are parents on the sidelines at school sporting matches giving to their children when they abuse and bully players and supporters of other teams? We consider that that is unacceptable behaviour, and bullying, belittling and being rude to and standing over people in other aspects of everyday life should also be deemed unacceptable.

For instance, 25 years ago road rage virtually did not exist. Now it is so common that if a motorist cuts dangerously in front of another causing them to brake hard, many people are not game to blow their horn because they fear that at the next set of traffic lights the offending person will get of the car, smash in their windscreen, punch them in the head, knife them or shoot them. That is an irrational response to a person blowing their car horn because a dangerous act has been committed on the road but that is the extent to which we in our everyday lives allow ourselves to be bullied. The actions of these bullies set an example that allows children to think that this behaviour is acceptable.

We must be careful that we do not focus merely bullying of children at school and cyberbullying; we must look at the behaviour of adults across the community in various social, work and business settings and say that these bullying behaviours are unacceptable. Reverend the Hon. Fred Nile referred to the recent case, which received some publicity, of Channel Ten newsreader Sandra Sully, who said that for almost a decade she had been systematically bullied in her workplace by a colleague. That raises another issue: People who are seen to be successful in their sphere of work often will not raise an issue of bullying because of what their employers will think of them. An awful lot of people in junior positions in workplaces across this country are bullied, whether it is the stupid bastardisation activities directed at apprentices and junior workers, particularly in some blue collar areas, or bullying and sexual harassment by middle managers of junior workers. This behaviour permeates our culture and all aspects of our lives.

As parliamentarians we have a responsibility to say that we reject all forms of bullying and the subtle messages they send to children. It is not uncommon—it was the case when I was at school—that some of the worst bullies on the sporting field are those with the loud-mouthed parents on the sideline who encourage their kids to do everything they can to score a goal or win. That might mean whacking somebody on the ankles with a hockey stick or tripping someone who is going for a goal. When I was at school my teammates and I would think, "What scum", but we could not say that because we would be the next ones to get a whack in the legs with a hockey stick or be abused by parents in the car park.

As legislators we have a responsibility to take a lead on this issue. Australia would be a better place if politicians refused to go on the radio shows of bullies. Politicians should say, "No. You have to treat me with civility and respect. You must set a good example for others in the community by being civil to politicians on your radio show." I do not mean they have to acquiesce to every argument that is put forward but they have to behave in a decent manner when debating a contentious topic. They should not say, "You're a fool, you're a boofhead, you're a liar". That is not a good example to set for young people. They should accept the responsibilities that go with their big salaries, and those responsibilities include setting an example for the general population.

I am a mother and I have had children at school. I want to address bullying of children with disabilities who attend mainstream schools. The majority of schools ensure that children with a disability are accepted and made to feel like every other student. However, one or two children whose parents happily talk at home about "mongos", "retards" or "cripples" may use similar language towards their fellow students with a disability.

Bullies pick on the weakest person because they do not get any push back. In an integrated school where children with disabilities study alongside other students, it is easy to see who will be the ones most likely to be subject to bullying. We must be mindful of that situation.

It may be that 98 per cent of students in mainstream schools are respectful of the words they use and embrace students with a disability, as they do all students. But it only takes 1 or 2 per cent to destroy and erode the confidence and self-worth of a student with a disability who attends a mainstream school. It can undo much of the good work that has been accomplished in helping kids with a disability feel they can achieve to their maximum potential. I would like this issue to be the focus of a National Action Day Against Bullying and Violence in the future. That would be a valuable initiative.

Reverend the Hon. Fred Nile and the Hon. Catherine Cusack both referred to cyberbullying, which is a vexed issue. I was quite disturbed last week to read reports of children posting negative comments about themselves on social networking sites and then responding to them. It was almost like a plea for attention or help. This situation is very disturbing. We must examine ways in which to encourage children to appreciate their self-worth. Today young people, particularly young girls, are under pressure about the way they present themselves. When I went to school there was never a question about who had the latest gadgets; the extent of being different was having a nicer pencil case than that of other students.

The Hon. Catherine Cusack: A lunch box was important too.

The Hon. AMANDA FAZIO: Yes, a nice lunch box was important or if you had 24 coloured pencils rather than 12. These were the type of things that set students apart and placed one in the elite group. The pressures on students these days involve having the latest technology, the wearing of jewellery and make-up, the way in which a uniform is adapted, or the cost of the shoes worn to school. When I went to school we wore either black or brown school shoes. Nowadays shoes for school can cost from \$40 to hundreds of dollars. All those subtle things place pressure on students and provide more points of difference for bullies to pick on. Nowadays students who wear unfashionable shoes or shoes handed down from an older sister or, heaven forbid, an older brother might as well have a "V" on their forehead, meaning "I am a victim. Please bully me." That is the sort of thing that people focus on today. I do not know the solution, apart from greater vigilance in relation to bullying.

As we all know, kids who are bullied will not say why they have stopped going to band practice or the library after school or why they sit quietly in their bedroom when they come home from school. They will not say because it is a stigma to be the victim of bullying; it is shameful to be bullied. We must ensure that children feel they have rights. Before I sent my kids to school I was the ultimate authority. I was the one who told them what they could and could not do. I used to whinge, "My kids come home from school and say, 'If you smack me I can ring the police Minister'". I would say, "Who is telling you all this rubbish?" We must return to the situation where children know that they can talk to their parents and share their problems with them.

It is not okay if you are being bullied to go home and close the door and not tell anyone. You are not being a sook if you tell your parents or a teacher at school. You are standing up for your rights. It disturbs me that children are theoretically taught at school about their rights and what they can and cannot do, but the right to stand up for themselves, to assert that they should be allowed to attend school in a safe environment without being bullied is a lesson they have not been taught. That lesson should also be taught. Students need to be educated in that regard. If a stranger puts a hand on a primary school child's shoulder the child will say, "You cannot touch me." Is it not time that we also taught them that they have the right not to be bullied at school and that bullying is as wrong as being inappropriately touched by an adult? The act of bullying is just as damaging on a child's development.

We already have too high a suicide rate of young people in Australia. We must not miss the opportunity in our education system and campaigns to improve our children's self-esteem. We must make them aware of their right to be safe at school and on the internet and to tell their parents or another adult if they are being harassed or bullied so that the perpetrators can be stopped. In some cases the perpetrators can be helped rather than punished. If they have been set a bad example at home they do not know that bullying is wrong.

The Hon. PAUL GREEN [12.21 p.m.]: I speak to the motion on behalf of the Christian Democratic Party. On Friday 15 March 2013 more than 1,400 schools across Australia participated in the National Action Day Against Bullying and Violence. This annual event provides a focus for schools to implement the Bullying. No Way! program. It strengthens the everyday messages that bullying and violence at school are not okay at any

time. The National Action Day Against Bullying and Violence is organised by the Australian education authorities through the various safe and supported schools programs. As previous speakers have stated, bullying exists across all facets of society; there is never an excuse for bullying. I commend the Hon. Amanda Fazio, Reverend the Hon. Fred Nile and the Hon. Catherine Cusack for their contributions to this debate.

I am sure the students in the public gallery would be aware of the implications of bullying. We can be a part of the fight against bullying; we often do not realise the impact we have on people's lives through our influence or authority. We need to be aware of that influence. I have six children, mostly teenagers, and they go on Facebook. I have an agreement with my children that I can spot check their computer activities at any time seven days a week. That agreement relates to their use of the internet and cybertime. At any time I am able to see a snapshot of what they are writing online or website they are looking at. Sometimes I log onto Facebook and talk to them online. I tell them I love them and care for them and that they are my heroes. I also check whether they are being caring and empowering, not disempowering, other people.

The Hon. Catherine Cusack: Do you post messages on their Facebook page?

The Hon. PAUL GREEN: Yes.

The Hon. Catherine Cusack: Have they asked you not to do that?

The Hon. PAUL GREEN: Yes. They say, "Dad, don't do that, it's embarrassing." I must say that some of the best comments I have ever received as a parent have come from my children on Facebook, and I do not mind those comments being made public. I agree with the Hon. Amanda Fazio that as members we are in the public eye and we are accountable to the public but that that does not mean we should be denigrated. We have a responsibility to make sure we are doing the right thing by our kids and using our influence to educate our kids at home. At the end of the day, bullying is linked to influences at home. Quite often, these kids are products of their family, particularly the parenting they receive. I go back a step further. A familiar phrase in counselling is, "Hurt people hurt people." I do not need to elucidate on that. When we think of alcoholics or those involved in domestic violence, hurt people hurt people. They grow up in that culture and continue that behaviour in their future life because that is all they know.

The solution is to break the cycle. Our authorities and influential people in society need to work together to break the cycle. I particularly commend the Tackling Violence program and the White Ribbon program, which in the Shoalhaven has the theme of 900 men signing a code of conduct. Domestic violence is, on most occasions, about bullying women into submission. On many occasions the perpetrator is affected by alcohol. The saying "Hurt people hurt people" is true. The Tackling Violence program and the 900 men who have signed the code of conduct are part of the solution. The solution is for people to stand up and say, "I will not let this occur. I will intervene. I will say, 'This is not the way to behave. You should not treat a person that way'."

It takes guts to tell someone what to do. It is not easy for anyone to intervene in a domestic violence situation. When we see someone doing the wrong thing, it is intimidating to stand up and say, "Hey, mate, you are not doing the right thing", or, "Hey, mate, you had better stop that." In such situations, the person who intervenes would experience fear and trembling. Those 900 men who signed a code of conduct have declared that they will not stand by and let this happen. They are part of the solution and their actions are a good way to deal with bullying.

Previous speakers talked about cyberbullying. Another great initiative is Life Education's Healthy Harold. Many members are patrons of that program. Healthy Harold does a great job in our schools educating children about cyber safety and cyberbullying. Tragically, social networking has empowered bullies and increased their ability to bully. It is one of the down sides of the internet. The internet has advantages and disadvantages, but cyberbullying is a tragic outcome of our ability to globally access people. It has led to tragedies where young people have suicided because of horrible, disempowering words. Sadly, they have believed the words that have been spoken against them and have disengaged from life and their family and terminated their lives. They were unable to live with the pressure, or perceived pressure, that resulted from the bullying.

According to the Child Health Promotion Research Centre, Edith Cohen University, Perth, about one in four year 4 to year 9 Australian students, that is 27 per cent, report being bullied every few weeks, and more often during the last term at school. Frequent school bullying is higher in year 5, 32 per cent, and in

year 8 29 per cent of students report bullying. Of the students who bully online, 83 per cent also bully offline. Peers are present as onlookers in 87 per cent of bullying interactions and play a central role in the bullying process.

It does not matter who you are, what you believe in or where you are: whether it is in schools, the workplace or out in public places, bullying and violence is completely unacceptable. It can happen to anyone. We heard Reverend the Hon. Fred Nile speak about what happened when he was at school. Most of us in this Chamber could give instances of some bullying at school. I had a few scuffs in my day, I think because the other person thought he had to prove himself to be tougher.

The Hon. Shaoquett Moselmane: They were bullies.

The Hon. PAUL GREEN: That is right. And I got beaten to a pulp.

The Hon. Lynda Voltz: That's terrible.

The Hon. PAUL GREEN: I know. It is hard to believe, isn't it? But you can make lemonade out of lemons, which is what I choose to do. Hence, we are in this awesome position of being able to speak about it now and be involved in a solution. The *Daily Telegraph* recently published a story about Sandra Sully's experience with bullying in the workplace. Reverend the Hon. Fred Nile said a little bit about that. Sandra Sully has revealed she was bullied by a colleague who "tormented" her for almost 10 years. That is hard to believe, is it not? She's just an angel.

The Hon. Shaoquett Moselmane: Even angels can be bullied.

The Hon. PAUL GREEN: That is right. Sandra Sully—who has been with Channel Ten for 20 years—told *CLEO* magazine that she was left "very distressed" by a woman who tried desperately to sabotage her career, adding:

She was not a fellow presenter but she was a colleague who tormented me or tried to torment me for nearly 10 years. Her behaviour was underhanded and deceitful.

Sully says the incidents built up over time, and she soon became aware this woman clearly did not like her and would stop at nothing to try to derail her career. She said:

It then escalated to a level where I was very distressed.

I do not know what other people think, but that stress alone is just horrible. You cannot shake it off; it becomes part of your life, and you have to face it day in and day out, minute in and minute out, when you meet those people. Sully told *CLEO*:

She tried to control me by painting me as difficult, demanding and high maintenance.

She used those old tricks of flirting with bosses and using her feminine wiles to present me as demanding 'talent' to her superiors and they all fell for it. She was a toxic person. It was about control.

Sully went on to say she felt completely disempowered to deal with it due to the presumption that television presenters are self-centred and egotistical, adding:

I'd just been through an assault and a divorce at the time, so I was in a particularly vulnerable state. I dealt with it on a very personal level.

Everyone knows what that means. It means long after everyone else has gone to bed you are in your own world, in thought, will and motion, trying to find liberation from the event, but are not feeling very confident about finding it. That is a very dark place to be day in and day out. Sully said:

I thought nobody would believe me.

CLEO noted:

After a succession of bosses and years of distress, the woman was finally ordered to leave Sully alone. The 48-year-old says that not calling out the bullying was one of the biggest mistakes she has made in her career.

Sully went on to say:

This isn't about saying, "Woe is me, I have had a terrible time of it. Whether the issue is bullying or something else, it takes courage to stand up and say what's wrong is wrong."

CLEO editor Sharri Markson said Sully had been reluctant to talk about the issue in the past, but decided to open up in the hope of inspiring young women to stand up to workplace bullying. The magazine article noted:

"Sandra chose to share her story with CLEO because she wanted to speak directly to young women," Markson told news.com.au.

We know that more often than not bullies achieve their aims because bystanders fail to act. Unfortunately, it would appear that Australia has an overwhelming number of bystanders who do not act. Another recent publication in the *Herald Sun* stated:

AUSTRALIA is a nation of bystanders when it comes to bullying, according to new research.

Almost two-thirds of adults admit they have been in a situation where they could have intervened but didn't.

And eight out of 10 later regretted their decision.

The findings, from the Alannah and Madeline Foundation, coincide with a nationwide campaign urging bystanders to speak up and stop bullies in their tracks.

Foundation chief executive Dr Judith Slocombe said a cultural shift was needed so it was clear bullying should never be tolerated.

"If every Australian has that attitude—that it's not OK to bully and that we all should stand up if we see bullying—it becomes the norm," Dr Slocombe said.

"And if it becomes the norm it's one of the most powerful ways of reducing bullying.

"Even one person can be the catalyst for that collective to stand up and say something."

It was vital bystanders felt safe if they spoke up however.

"I think that people often feel that it's not safe to get involved," Dr Slocombe said.

I think that is often the reason; people generally feel it is not safe to get involved. We have seen terrible cases where people have intervened and been hurt. Every circumstance is different, and you have to make a call at the time, often in difficult circumstances. The article continues with a quote from Dr Slocombe:

"They feel the bullying may come back onto themselves or they may escalate it.

"They need support from everybody around them.

"That's why we say to schools and to workplaces in the broader community it has to be a collective will."

More than 1000 people aged 18 and over were surveyed for the research.

A whopping 95 per cent of parents said they would encourage their child to say something if someone was being bullied provided they were in a safe environment.

Almost half whose child was bullied said nobody intervened, almost all wishing somebody had.

Deakin University Dr Helen McGrath said the experience of being bullied was often worse if nobody intervened.

"It's more likely to lead you to become slightly withdrawn because you lose that sense of trust," Dr McGrath said.

"You think to yourself: 'The world isn't safe'."

It is a terrible place to be in for any individual who comes to that conclusion that the world is not safe. It really is not a nice place to be in. Bullying is something that we can all be part of resolving.

The Hon. SHAOQUETT MOSELMANE [12.36 p.m.]: I also support the motion and congratulate the mover of the motion, the Hon. Catherine Cusack. I congratulate also my colleagues who spoke in support of this very important motion: the Hon. Amanda Fazio, the Hon. Paul Green and others. I note paragraph 2 of the motion, which states:

That this House congratulates the organisers of the day [National Action Day against bullying and violence], particularly those schools and principals and teachers who have taken up the campaign in order to make the message meaningful and powerful in their own school communities, and all the students who embraced the "stand together" message by embracing activities during the day.

Bullying is a silent killer; and what we know about it these days is just the tip of the iceberg. Bullying occurs in every country around the globe—every hour, every second of the day. It happens in all places, whether they be schools, neighbourhoods, homes or workplaces. Often the victims, especially children, suffer in silence. A number of members have spoken about the psychological impacts; those remain with the victims, young people in particular, for a very long time after they leave school. Bullying can take place in a number of ways. As we have heard, it can be physical—as noted in the comments by the Hon. Paul Green. We have heard also comments about other forms of bullying, such as verbal, indirect, cyber/online, and through social alienation and intimidation. The latter type of bullying has significant impacts on the victims when they are around other schoolchildren; they fear the alienation and intimidation by bullies, who cause them great psychological harm for many years. There are so many varying dimensions and effects of this vicious cycle, often before victims have the courage to stand up, speak out and seek help.

I support this motion against bullying because bullying has become an epidemic, often with devastating results. The focus must be on countering and addressing bullying at national and international levels. An estimated 200 million children and young people around the world are being bullied by their schoolmates and peers. A survey of schools in about 40 countries found that Australian primary schools were among those with the highest reported incidence of bullying in the world. Apparently 25 per cent of students in year 4 are affected by bullying. It is evident that we need to have greater public awareness and more education initiatives, such as the National Action Day of Action Against Bullying and Violence, to help keep our schools, families and communities stay safe. As I mentioned, the statistics are simply unbelievable.

We must put a stop to bullying. As a number of speakers have said, it has to start with educators, lawmakers, policy makers, politicians and parents. The problem is concerning, as bullying may lead to severe depression for many people. People react in a range of ways to bullying. Some people abuse alcohol and drugs, and there have been reported cases of suicide. On 24 May, the *Courier Mail* ran a story with the headline, "13 child suicides in three years prompt call for action as bullying victims take their own lives". The article went on to say that a record seven child suicides just in the year 2012-13 were likely to have been caused by bullying. These disturbing figures came as experts, including the Australian Human Rights Commission, say that bullying is endemic in Australia, which was been ranked worst in the world for social network bullying. In addition, bullying complaints to the Australian Human Rights Commission have soared by almost 40 per cent to 17,000 a year.

According to studies at Yale University, bullying victims are between two and nine times more likely to consider suicide than non-victims. A study in Britain found that at least half of suicides among young people are related to bullying. What struck me whilst reading the statistics on bullying was the prevalence of bullying against Aboriginal and Torres Islander kids in schools, communities and public places. The 2008 National Aboriginal and Torres Strait Islander Social Survey provides the first available Australian Bureau of Statistics data on bullying among Aboriginal and Torres Strait Islander children. In this survey "bullying" referred only to those situations in which the child was bullied at school for being Aboriginal or Torres Strait Islander—not bullying in general.

That survey showed that in 2008, one in 10 Aboriginal and Torres Strait Islander children aged between four and 14 years reported being bullied at school because of their Indigenous origin. Of those children who had been bullied, 24 per cent said that their school attendance had been affected and 17 per cent said that the bullying had impacted on their progress at school. That is a significant number of young members of the Indigenous community who are suffering as a result of bullying. Bullying cuts across all communities. All communities suffer in one way or another. If you add elements of racism to bullying then it becomes an even more damaging and dangerous cocktail for people. I read an article yesterday by Ross Gittens in which he quoted a survey of racial attitudes and experience across Australia released by the University of Western Sydney. That survey notes:

The state reported the highest levels of anti-Muslim attitudes (54.4 per cent). Anti-Muslim sentiment in Sydney's central-west corridor, the arena for the federal election's racial tussles, ran as high as 60 and 61 per cent.

If you add those sorts of racial attitudes to bullying then there will be a significant impact on communities. Many members of those communities, particularly the young people, will suffer significantly as a result. Bullying is to be condemned wherever it takes place, whether it is in the workplace or in the community. It can even happen in places such as houses of Parliament. An article in the *Sydney Morning Herald* by Philip Dorling is entitled "Chronic bullying and harassment is rife in Parliament House, a Senate committee says". I will not read the whole report but part of it says:

Senior executives in the department have denied any problem ...

The Senate inquiry found significant issues. Sometimes people who are in executive or senior positions seem to be blind to these issues. This denial occurred, the article continues:

... even though staff surveys indicated one in five staff had been bullied, one in three had witnessed bullying and only one in three thought management was effective.

So bullying does occur in very significant workplaces, but there seems to be a barrier put up by people in positions of authority who need to understand the impact and the effects of bullying. I support the motion, and congratulate the Hon. Catherine Cusack on moving it.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [12.47 p.m.]: I join my colleagues in congratulating the Hon. Catherine Cusack on bringing this motion forward to acknowledge the National Action Day against bullying and violence on Friday 15 March 2013. It is good to see that 1,485 schools registered for the day to provide a focus on the "taking a stand together" theme. There were 391 New South Wales Government and non-Government schools that registered for the event. The event was supported, generally, throughout the community. This motion has given us all an opportunity—private members' day allows this—to reflect on our own experiences and emotions.

As I was preparing to talk I thought about the time when I was an eight-year-old girl at the bubblers at Glengowrie Primary School. Some 11-year-old girls came up and, for the first time in my life, I was treated really badly. The experience has stayed with me. I remember the day and what I was wearing. I was trying to take a drink at the bubblers and I was harassed. But I could go home to a supportive family and talk about it with my mum and dad. Some kids do not have that opportunity. Strangely, I remember that those two older girls were from a troubled family. Those girls had a troubled existence and I suppose that gave me an understanding of where bullying comes from in many circumstances. Bullies are often people who are weak and who do not have support mechanisms. Often bullying comes from people trying to empower their own lives by dominating other people. That is very sad. Often it is the people who are doing the bullying who need the most help.

I will concentrate today on a very brave young woman, Jessica Jones from Coffs Harbour. In 2007 she stood up to bullies in the Coffs Harbour community. She is quite a remarkable young woman. At the time I think she was school captain of the primary school my children attended. She was a bright, vivacious, effervescent, very talented young girl. She received a text message threatening her with a black eye in a playground punch-up. It was a situation of a schoolmate abusing and threatening her via a text message. Jessica said that when she showed the text message to the school administrators she expected something to be done—and something should have been done—but she was told:

You should expect this sort of thing all your life because you're a pretty blonde girl.

She was shocked that the school wanted to hush it up. But Jessica comes from a family that does not like hushing things up, and she is a very strong and resilient young woman. She said she felt completely shocked, and that she became very reclusive and depressed. She said:

I was trying to understand what had prompted it. It was also very scary because I thought I was going to be physically hurt. I knew the girl who sent the message had done things to harm herself and I thought she might hurt me as well.

One of the things I found so upsetting was that after I had been bullied, home was no longer a refuge. You can be at home or at the shops, anywhere really, and be getting threatening messages. You don't know where the bully might be so you don't know if you're in danger. You really have no idea what's happening.

As we know, cyberbullying takes many forms, it can be through text messages, Facebook, Instagram or FaceTime—all those things that our children spend many hours on. I acknowledge the contribution of the Hon. Paul Green who spoke about the verbal contract he has with his children. It is a very good idea to be able to check on your children at any time. But bullying is now not just fisticuffs in the playground; it is a lot more sophisticated and it can be much more damaging, as we have seen through many terrible instances that have resulted in young adults taking their lives after they have been bullied. Back in 2007, rather than learning to live with the text message abuse, Jessica Jones decided to take action. She took the matter to Coffs Harbour police, who responded immediately and the bullying stopped. But Jessica still felt she had to move to another school. The experience prompted Jessica to start a campaign in the local media to raise awareness of the problem of cyberbullying in all its forms. Jessica said:

Once I started talking about it I was astounded by the number of people it had happened to. It's really amazing how many people are affected by it. Victims often don't tell anyone, they think it's embarrassing or are too upset to talk about it.

Jessica has some advice for victims of cyberbullying. She says:

Talk to someone you trust about the problem. Tell the school, tell your parents or tell the police. Make sure it's someone who's going to do something about it.

Second, don't engage with it. Keep the messages to prove what's happened but don't respond. That will only make the problem worse.

Third, don't accept that it's your fault. Cyberbullying is a crime and you don't have to accept it.

The community should engage in more conversations about bullying, which is why I commend the Hon. Catherine Cusack for acknowledging the work done by Australian education authorities through the Safe and Supportive School Communities project. This is a very worthwhile motion and, as a community, there is much we can all do to encourage people to stamp out bullying and to create a better place.

The Hon. LYNDIA VOLTZ [12.52 p.m.]: I also support the motion moved by the Hon. Catherine Cusack. Many of us in this House have experiences of bullying. I recently had to transfer my daughter to another school because she was being bullied. She was bullied in a different way. It was not because of anything that was said to her or because someone had hit her; she was cut out at school. She was not allowed to sit with anybody and she was not allowed to talk to anyone on social media because the head girl at the school had decided she could not. She attended a small school and she had nowhere else to go. While the bully was a problem, the bigger problem for me was the behaviour of her friends who accepted this behaviour. They may have been scared of the bully, but they allowed it to happen. Part of the problem with bullying is allowing bullies to behave in that way.

We live in a very fortunate time in that schools run national days such as the National Action Day Against Bullying and Violence and Wear It Purple Day; they have programs that teach people that what may have been acceptable in the past, or what may have been behaviour that people could cop in the past, is no longer acceptable. I mention Wear It Purple Day because my daughter has been involved in that campaign at St George Girls High School with Brenna Harding and Darcy McPherson. It reminds me of a boy who attended Birrong Boys High School with my brothers who was transgender. In the mid-seventies Birrong Boys High School was probably not the best place for a transgender student to be. However, this boy was fortunate that my brother—who was the school captain and also the captain of the rugby union team—did not appreciate anyone taking a shot at this boy, and the one bloke who did came out the worse for wear.

I think often about the behaviour of the boys at Birrong Boys High School in those days when I hear about violence and bullying, and thugs on the street. Those people who engage in violence on the street have their mates with them who allow behaviour to happen that is unacceptable on every level. Anyone who stands by while his mate walks up to a person on the street and king hits that person is not only a bully, he is also a thug. But he probably started off as a schoolyard bully. If he is your mate your job is not to stand there while he assaults or bullies somebody, your job as his mate is to make sure the behaviour does not happen in the first place.

There seems to be a huge progression these days around New South Wales and around the country where people think they have no social responsibility for their mates and those around them in the schoolyard and out on the streets. While we can change laws and we can crack down on institutions and liquor outlets, at the end of the day, what happened to those people I knew in the 1970s who would not let this behaviour happen? If there was a brawl going on at a school dance or somewhere, blokes would come in and drag their mates out of it and take them home. They would not leave their drunken mates on the streets to get into trouble; they would make sure their mates got back home—men and women. In those days people looked after each other: people stopped fights and stopped violence happening.

If some of these blokes had more sense, had dragged their mates away in the first place and had stopped any violent kind of behaviour, their mates would not now be sitting in jails on murder and manslaughter charges. I know that is a long stretch from talking about National Day of Action Against Bullying and Violence, but that is what is happening. I taught my daughter to stand up for herself. She started getting bullied because she stood up for something she believed in. Somebody had said something about gay people; she took offence at it and she got cut out. I told her that sometimes standing up for what you believe in is not the easiest thing in the world to do, and there are repercussions, but at the end of the day it is worth doing and taking the pain. She had to transfer schools and she is much happier now. Parents should always back their children. If a few more kids

out there stood up for what they believed in, if they sat with a kid who is being bullied and did not let that kid be cut out, if they stopped their mates from going out on the streets and making fools of themselves, the world would be a better place.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.57 p.m.]: I support the motion of the Hon. Catherine Cusack and commend her for bringing such an important issue before the House. I am sure that all of us in this place have genuine concerns about the continued serious consequences we witness in society due to bullying and its associated violence. Whether it occurs in the school, the workplace or home, we as legislators should send a loud and clear message that bullying and violence is completely unacceptable, and that action should always be taken to protect the victims immediately.

In the previous term of Parliament I had the privilege to sit on the inquiry by General Purpose Standing Committee No. 2 into the bullying of children and young people and the inquiry into bullying within the NSW Ambulance Service. Both committees heard considerable evidence from many experts as to the causes of bullying. Some personal characteristics that increase the risk of young persons being a victim of bullying can include the development of their proactive and adaptive coping skills, their health, their status, their age, their sex, any educational problems or development delays, the number of friends they have, their place in the social hierarchy of peer relationships, and/or the home environment, such as the number of siblings, their age and development status, parental support and family resilience.

The committees identified the following personality traits of the perpetrators of bullying: the lack of enjoyment of school and/or substandard academic ability and achievements, low levels of empathy, anxiety, depression, aggression, hostility or domineering behaviour and conflict within their own relationships and friendships. I congratulate the 1,485 schools registered for the National Action Day Against Bullying and Violence. The day provided a focus on the Take a Stand Together theme. Children and young people are paramount in the movement against bullying and violence in this country. The National Centre Against Bullying provides the following definition in the context of the school setting:

Bullying occurs when a student or a group with more power repeatedly and intentionally uses negative words and/or actions against another student or students that causes distress and creates a risk to wellbeing. Bullying can be physical, social, verbal, electronic or reputational.

[Deputy-President (The Hon. Trevor Khan) left the chair at 1.00 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

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

QUESTIONS WITHOUT NOTICE

AGEING, DISABILITY AND HOME CARE

The Hon. LUKE FOLEY: My question is directed to the Minister for Ageing, Minister for Disability Services. Will the Minister outline to the House the corporate structure that supports the 10 business streams in his department? How does the structure operate to facilitate service delivery through the regions of his department?

The Hon. Duncan Gay: Point of order: This matter of public knowledge is available on the website. Rather than waste the time of the House, the Leader of the Opposition should access the information on the website. The question should be ruled out of order.

The PRESIDENT: Order! The Minister is making a debating point. There is no point of order.

The Hon. JOHN AJAKA: It is extraordinary that yesterday I was questioned by members opposite, including the Hon. Steve Whan. I subsequently discovered that the Hon. Steve Whan asked the identical questions to ones which had been put on notice and to which he has received answers.

The Hon. Amanda Fazio: Point of order: My point of order is that the Minister is clearly debating the question and not answering it. I ask you to direct him to stop debating and answer the question in accordance with the standing orders.

The PRESIDENT: Order! It is important that Ministers do not debate a question. However, it is not out of order to debate the subject of the question. It was not clear to me that that was what the Minister was doing. The Minister should ensure that he observes that distinction.

The Hon. JOHN AJAKA: Those opposite do not want to take a bipartisan approach; they simply want to continue to play games in relation to disability. I do not.

The Hon. Lynda Voltz: Point of order: The Minister is again debating the question rather than answering it. I ask you to ask him to be relevant to the question.

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

The Hon. JOHN AJAKA: I take the issue of disability very seriously and I am disappointed that those opposite do not. They want to play games. They do not want to Google their own research; they simply ask questions.

The Hon. Steve Whan: Point of order: I resent the implication by the Minister that yesterday when I asked a question about Queanbeyan services I was playing games. I ask him to withdraw the implication.

The PRESIDENT: Order! The Hon. Steve Whan will resume his seat. He is making a debating point.

The Hon. JOHN AJAKA: The Department of Family and Community Services' responsibility to work with vulnerable children, adults and families to improve their lives means that its focus must always be on the people it supports, not service streams or programs. It is focused on the individual. Yesterday I said that the bipartisan approach taken by both sides of this Chamber, and more importantly by the State and Federal governments, was to move towards a person-centred focus. Again, members of the Opposition are not interested in the needs of the individual. If they were, they would knock on my door and raise their important issues with me. It is sad that they do not do that. Localisation is about getting the front-line closer to people, and giving staff permission to work differently and to work together to focus on the individual. On 9 September 2013 the Department of Family and Community Services will align its service delivery networks with the 15 districts of NSW Health. [*Time expired.*]

POLICE CITIZENS YOUTH CLUBS NSW

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Police and Emergency Services. How is the Government supporting police citizens youth clubs and young people across the State?

The Hon. MICHAEL GALLACHER: I thank the Hon. Jennifer Gardiner for this important and sensible question. Prior to the last election this Government committed a record \$20.25 million over four years to police citizens youth clubs to build and revitalise clubs. After years of neglect by the former Labor Government, we made that important commitment because the Liberal-Nationals understand and value the work of police citizens youth clubs. We recognise that that organisation does an excellent job in providing support services to youth at risk and assisting in reducing juvenile crime and anti-social behaviour. Funding was allocated for the construction of new clubs, the largest of which are at Auburn at a cost of \$2.5 million, and at Port Macquarie also at a cost of \$2.5 million.

Auburn City Council prepared the best submission on its need for such a facility. Construction of a new club at Auburn is another example of how valuable community resources are being built in Western Sydney as a result of funds being provided by this Government. The Labor Government starved Western Sydney of vital resources such as Police Citizens Youth Clubs under its watch. This Liberal-Nationals Government is building and investing across Western Sydney.

Police Citizens Youth Clubs anticipates that the majority of the eight new clubs will open in 2014 and 2015. Yesterday I had the pleasure of presenting a cheque for \$5,000 to the chief executive officer of the Police Citizens Youth Clubs, Chris Gardiner, who is doing a great job in supporting two great initiatives, namely, Nations of Origin and the BlueStar program. Also present was Premier Barry O'Farrell, Minister Dominello, former rugby league international and great South Sydney player and ambassador for Nations of Origin, David Peachey, and youth representative Jessica Kitch. Nations of Origin is a sevens rugby league tournament designed to promote reconciliation within communities and to engage Aboriginal and non-Aboriginal members together in the Police Citizens Youth Clubs movement through rugby league.

These programs are about leveraging the Police Citizens Youth Clubs' long involvement in sport to promote the wellbeing and social participation of young people. The inaugural Nations of Origin was held during NAIDOC Week 2013 in Dubbo. To be eligible, participants must have a positive and consistent record of attendance at school in the months prior to the competition. Each team must comprise a mixture of Aboriginal and non-Aboriginal players, and the majority must have an Aboriginal background. The winners of the Nations of Origin 2013 were the Wiradjuri north boys and Eora girls teams. Police Citizens Youth Clubs NSW expects the competition to grow to 32 teams across New South Wales next year.

The BlueStar program provides leadership, training and development for 16- to 18-year-olds. It involves participants in the decision-making process of the Police Citizens Youth Clubs and rewards them for continuing to make contributions to their community. It involves leadership, fitness and safety training, and offers the opportunity to get involved in programs such as the Duke of Edinburgh Award. The programs delivered by Police Citizens Youth Clubs are vital for the future of the next generation and the New South Wales Government is delighted to be supporting them.

I had the opportunity to again see the Police Citizens Youth Clubs in action last month when I had the pleasure of visiting Armidale to provide a grant for the breakfast club program, which targets young people aged between 12 years and 16 years and provides transport to the Armidale Police Citizens Youth Club and a school drop-off service. The breakfast club program aims to decrease truancy and juvenile robberies by providing a fresh start to the day. The Armidale Police Citizens Youth Club also runs Freestyle Fridays, which include a hot meal on Friday evenings and two activities that usually include sport.

PACIFIC HIGHWAY UPGRADE FUNDING

The Hon. ADAM SEARLE: My question is directed to the Minister for Roads and Ports. Why did the Minister tell the budget estimates hearing that the Federal Government had turned off the tap on Pacific Highway funding when he had written to the Federal Government saying it had contributed too much money?

The Hon. DUNCAN GAY: Why did I say the Federal Government had turned off the tap? I told the truth. It is a habit the Opposition should get into.

The Hon. Amanda Fazio: Point of order: My point of order is that the Minister is clearly misleading the House when he says he told the truth about the Pacific Highway.

The PRESIDENT: Order! In making that remark, the Hon. Amanda Fazio is sailing very close to the wind in being in breach of the standing orders. She should be more careful in the future. There is no point of order.

The Hon. DUNCAN GAY: I got a shock this morning when I read the *Sydney Morning Herald* to realise that Albo was so off his game. He has had a shocker this election—an absolute shocker. He rolled out of the Bavarian Beer Cafe and, frankly, things have got no better. He tried to put the Newcastle Bridge on Craig's credit card. I sneaked up to Grafton last Thursday and told the world the truth about the Pacific Highway; that is, there is one great funding promise from the Coalition and virtually nothing from Albo. It took him a week to come back and sober up. That is an indication that Albo is having a shocker. He is normally quicker than that and can sense political gain when there is a chance. To take a week and do it so badly means that Albo is over the hill. Sadly, the Deputy Prime Minister is missing in action; he is gone. What he did by revealing that letter was expose the double-dealing and trickiness they use to cook the books in Canberra.

If one wants to cook the books and fake a surplus in the budget, the way to do it is to quickly load some money into New South Wales, putting it into the year before, which means a better result the next year. We loved it. Mike Baird is laughing all the way to the bank with that extra money sitting there—kerching, kerching, kerching! The interest is rolling in to New South Wales. Of course, the projects were not ready. That money was for projects planned to commence later in the year and in the coming years, but this is his spin on it. The fact is that the Federal Government has moved from 80 per cent to 50 per cent to 20 per cent and that money is missing out of New South Wales. The people of the North Coast will pay back the Labor Party for deserting them over this.

Albo has had a shocker; Ruddy has had a shocker, the Labor Party has had a shocker, and the New South Wales Labor Party is more interested in giving extra money to judges—poor, struggling judges—than the battlers of New South Wales. That is what the Opposition is about. The motion that the Deputy Leader moved this morning dealing with remuneration for judges went through the shadow Cabinet—

The Hon. Michael Gallacher: Only because half of them are going to court. They are trying to get in the good books.

The Hon. DUNCAN GAY: They are looking for a little bit of pro bono work. If I were them, I would not have touched this, just as the Deputy Leader of the Opposition should not have touched the motion about judges this morning.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKERS

Reverend the Hon. FRED NILE: I wish to ask the Hon. John Ajaka, representing the Hon. Pru Goward, Minister for Family and Community Services, a question without notice. Is it a fact that there are continuing reports of child neglect, abuse and the need for more Department of Family and Community Services caseworkers in our community? Is it a fact that the department's caseworkers are struggling to deal with dysfunctional families in New South Wales? Can the Government report on how it proposes to address dysfunctional families' social disadvantage as a systemic problem, and not only at the family level, which should include serious efforts to improve the housing, health and resources of the most marginalised in society?

The Hon. JOHN AJAKA: I thank Reverend the Hon. Fred Nile for that very detailed question, which I will refer to the Minister for an answer.

REGIONAL RELOCATION GRANT SCHEME

The Hon. MICK VEITCH: My question is addressed to the Minister for the Illawarra. In light of the Minister's answer on Tuesday in relation to the Regional Relocation Grants scheme, what representations has he made to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services about improving the program and its effectiveness for the Illawarra?

The Hon. Amanda Fazio: No, Catherine, you can't answer the question.

The Hon. Greg Donnelly: She would do better than John can.

The Hon. JOHN AJAKA: It is amazing that Opposition members still want to play political games about disabilities.

The Hon. Mick Veitch: Point of order: Clearly the Minister did not hear the question. The question is not about disabilities; it is about the Regional Relocation Grants scheme and its impact on the Illawarra.

The PRESIDENT: Order! I assume the point of order is relevance. It was far too early to judge whether the Minister is being relevant. The Minister has the call.

The Hon. JOHN AJAKA: I am aware that the question related to the Illawarra. I am also aware—

The Hon. Steve Whan: By the way, there are no hairy-nosed wombats in the Illawarra.

The PRESIDENT: Order! The Hon. Steve Whan can try as hard as he likes, but he will not get an early mark tonight.

The Hon. JOHN AJAKA: As I was saying, I am well aware that this was a question about the Illawarra. Members opposite seem to want to—and again I use the term—"play games". They believe that by bringing up any issue and simply throwing in the word "Illawarra", it will suddenly bring it into my portfolio. They still have not worked out that the Minister for the Illawarra, just like the Minister for the Hunter, is a regional Minister. My job is to appear at Cabinet and represent the interests of the region.

The Hon. Duncan Gay: You did not ask him during the budget estimates hearings. You should have asked the Deputy Premier.

The Hon. JOHN AJAKA: Clearly this is a question for the Deputy Premier. Simply throwing in the word "Illawarra" does not bring it into my portfolio. I suggest that the Labor Party ask the Deputy Premier.

SYDNEY INTERNATIONAL BOAT SHOW

The Hon. CATHERINE CUSACK: I direct my question to the Minister for Roads and Ports. Will the Minister update the House on the Sydney International Boat Show?

The Hon. DUNCAN GAY: I thank the honourable member for this important question. I have been sitting here for a week expecting a question from the Opposition on this important issue but not one has been asked. The boat show is a big show worth a lot of money to New South Wales, but there is no interest from those opposite. Those on the other side of the House do not care about people who own boats, fishermen or the money that comes in to the State from the boating industry.

The Hon. Dr Peter Phelps: They are all at sea.

The Hon. DUNCAN GAY: They are all at sea. I am pleased to advise the House that the forty-sixth Sydney International Boat Show held at Darling Harbour between 1 and 5 August 2013 was a resounding success. Opposition members would have known that if they had gone, but, of course, they did not go. It was the last time the boat show will be held at this venue now that the Sydney Convention and Exhibition Centre is being redeveloped. The 2014, 2015 and 2016 boat shows will be split over two locations with the under-cover portion to be transferred to the purpose-built interim facility at Glebe Island, and the on-water exhibits will remain at the great location at Cockle Bay. A charter ferry service will be operated for boat show attendees to travel between the two sites. This year I took time to inspect the exhibition hall with Roy Privet and Darren Vaux from the Boating Industry Association of New South Wales, which does an absolutely outstanding job every year organising what has become a world-renowned event. I was able to see many of the boat show's exhibitions, including a vast range of boats from small dinghies and kayaks to—

The Hon. Walt Secord: You saw boats at the boat show, imagine that.

The Hon. DUNCAN GAY: It will a long time before you see a large number of votes. There will be ever-diminishing votes for the Opposition. Some of us have a lisp and those opposite try to make fun of it, shame on them. But that is the way Opposition members have been behaving all day. Someone is not perfect and they hone in on it. There was a vast range of boats from small dinghies, kayaks and sailboats to large yachts and cruisers. There was also a wide range of boating-related products on display and a marine safety precinct, which was managed by Transport for NSW and supported by the Boating Industry Association. This precinct featured a number of partner agencies, educators and volunteer groups together in a single prominent location. Attendance at the show this year totalled nearly 60,000 people, which is not to be sneezed at. Whilst this was slightly down on the previous year, I understand that exhibitors reported the best sales figures for a number of years and a keen interest from the boating public. This is great news for the boating industry.

[Interruption]

That is 59,890 more people than attend The Greens annual conference. This is great news for the boating industry in New South Wales and Australia and great news for our economy. This industry is worth \$8 million nationally, including \$1 million in export sales. It employs approximately 28,000 people in 3,500 businesses. The show's flow-on effects for the local economy are also— [Time expired.]

STATE EMERGENCY MANAGEMENT PLANS

The Hon. JAN BARHAM: I direct my question to the Minister for Police and Emergency Services. Will the Minister inform the House whether he has reviewed the Federal Senate Standing Committees on Environment and Communications report titled "Recent trends in and preparedness for extreme weather events"? Is the Minister aware that the committee recommends that Commonwealth, State and Territory governments ensure that all facilities caring for vulnerable groups have emergency management plans relevant to their geographic settings in place and that they should be regularly revised? Will the Minister report to the House on what assistance New South Wales emergency service agencies provide government and non-government community services and what actions are being taken to ensure ageing, disability and community services have extreme weather response plans?

The Hon. MICHAEL GALLACHER: The emergency plans are there. I will seek advice from the heads of the various agencies in terms of the Federal Senate committee's recommendations or findings to which the member referred. I assure the House that the various agencies involved in emergency response are very aware of the ongoing challenges with regard to climatic change and their preparation for it, be it in the context of flood events or bushfire events. Lessons were learnt from last season when we had bushfires in one part of the State and floods on the coast. That is an example of the challenges that confront not only firefighters, emergency service personnel and the State Emergency Service but also the wider community. They are mindful of those issues and a considerable body of work is being done within the various agencies in that regard. With respect to the Federal Senate committee's findings, I will seek a detailed response in relation to that aspect of the question.

ABORIGINAL DISABILITY SERVICES

The Hon. MATTHEW MASON-COX: I direct my question to the Minister for Ageing and Disability Services. Will the Minister provide the House with an update on what the New South Wales Government is doing to increase access to services for Aboriginal people with disabilities in New South Wales?

The Hon. JOHN AJAKA: I thank the honourable member for his question. The New South Wales Government is committed to increasing access to disability services for Aboriginal people and their families. The Government is ensuring that Aboriginal people receive the disability services they need to live a good life. Recent data indicates that access by Aboriginal people to disability services increased by 28 per cent over the past three-years. I can report that 7.3 per cent of aging, disability and home care clients are Aboriginal people. Of them, 3,855, or 35 per cent, identified in the last census as needing assistance and are now receiving disability services that are more culturally appropriate, flexible and responsive to their needs. I will highlight a number of innovative responses for Aboriginal people with disabilities that have helped to increase access and highlight strategies to ensure that Aboriginal families continue to be engaged with the current disability reforms.

The O'Farrell Government is delivering the Aboriginal EarlyStart Diagnosis Support Program to provide children with the best start in life. Eight Aboriginal early diagnosis workers are based in Aboriginal child and family centres across New South Wales to provide support to Aboriginal families of children with a disability or developmental delay during the time of diagnosis or while waiting for a diagnosis. A further eight EarlyStart workers will be placed across New South Wales progressively until 2016. An Aboriginal flexible respite program has been operating in the western region since 2010. In addition, 134 respite packages for Aboriginal families were delivered in 2012-13. This program will be expanded over the next three years with additional recurrent funding of \$1.5 million to support the delivery of the Aboriginal flexible respite program statewide.

A flexible, holistic and culturally appropriate model of service called Services Our Way was developed in 2011. Since Services Our Way commenced, 94 packages have been delivered to Aboriginal people with a disability and their families. Those Aboriginal people with a disability and their families who were previously disengaged from services are now creating personal plans that put the goals and aspirations of individuals at the centre of the support they will receive. Services Our Way and Aboriginal flexible respite programs are highly effective in increasing access to services for Aboriginal people with a disability and building the capacity of Aboriginal families in preparation for individual funding support in the future.

Engaging and consulting with Aboriginal families and their communities is integral in building capacity and sharing information to be ready for the pathway to a National Disability Insurance Scheme. As part of the overall extensive Living Life My Way consultations, 25 Yarn Ups were held with Aboriginal communities during 2011 and 2012, at which 443 Aboriginal people attended. In 2013 to date, a further 11 Yarn Ups were held, at which 300 Aboriginal people attended. These Yarn Ups inform people about Ageing, Disability and Home Care's intention to expand individualised funding arrangements and the National Disability Insurance Scheme and raise awareness about the Ambassadors and Champions program, My Choice Matters, and the NSW Consumer Development Fund, to ensure that as many Aboriginal people as possible benefit from these initiatives. More than 700 Aboriginal people attended the 36 forums known as Yarn Ups.

Many participants indicated that more consultants, information and resources are needed. I intend to succeed in building cultural inclusion and making the National Disability Insurance Scheme a reality for Aboriginal families by developing specific strategies and resources for Aboriginal people, their families and communities and by building on our strong track record of improving incomes for Aboriginal people with disability in New South Wales.

COASTAL PROPERTY PROTECTION

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Ageing, Disability Services, and Minister for the Illawarra, representing the Minister for the Environment. Is the Minister aware of the recent paper published in the *Australian Law Journal* which asserts that beachfront landowners have no legal right to defend their homes from the ocean, nor do governments have a duty to intervene? Given the Government is overhauling coastal protection laws, has the department had legal advice on this assertion, and is this assertion correct?

The Hon. JOHN AJAKA: I thank the honourable member for his question, which I will refer to the Minister.

ILLAWARRA ELECTORATE ROADS

The Hon. PENNY SHARPE: My question is directed to the Minister for the Illawarra. Is the Minister aware that on 29 July this year the NRMA selected the Princes Highway at Albion Park Rail as the most frustrating road in the Illawarra and the third worst road in New South Wales? As Minister for the Illawarra, what steps will the Minister take to address this issue?

The Hon. Duncan Gay: Point of order: This is a question on roads, and one properly for me to answer. Why does the member not ask me this question on roads? They have forgotten that the Minister for Roads is in the House.

The Hon. Penny Sharpe: To the point of order: In the very last answer that the Minister for the Illawarra gave he said it was his job to raise in Cabinet any issues to do with the Illawarra. The question was specific. I asked the Minister for the Illawarra what steps he will take to address the issue of poor roads in the Illawarra. I submit it is reasonable to expect the Minister to answer the question.

The Hon. Dr Peter Phelps: To the point of order: Question time is designed to elicit answers to pertinent questions directed to the Executive Government of this State. In this instance, if the Minister is unable or unwilling to respond, and another Minister is able and willing to respond, then the Minister should be able to take that question on behalf of the Executive Government. Alternatively, the question should be ruled out of order because it was directed to the wrong Minister in the first place.

The Hon. Lynda Voltz: To the point of order: Standing Order 64 (1) provides that questions may be put to the Minister relating to public affairs with which the Minister is officially connected. The Minister has stated that he is here to lobby Cabinet on behalf of the Illawarra.

The PRESIDENT: Order! I call the Hon. Niall Blair to order for the first time. The traditional view is that the Leader of the Government may answer any question that is directed to a Minister. Members may direct a question to whichever Minister they wish. Though there is some substance to the point of order, no convention or previous ruling provides that the Deputy Leader of the Government can answer a question directed to another Minister. There is precedent in 2004 in that the Hon. Dr Meredith Burgmann ruled that a Minister could transfer a question to another Minister; but in that case it would still be appropriate to hear from the Minister to whom the question was directed. I would like to consider further whether that ruling continues to be appropriate. In this instance, I will allow the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra to answer the question.

The Hon. JOHN AJAKA: It is a very simple answer. We have the best roads Minister this State has ever seen. I am proud to say the Minister for Roads and Ports is the best roads Minister for whom I served as Parliamentary Secretary—ever. As a result of the great work of the Hon. Duncan Gay, there has been more investment in roads in the Illawarra than at any previous time. This is due to a number of factors. Firstly, for 16 years those opposite forgot the Illawarra; they were not interested in any investment in the Illawarra. The Illawarra is fortunate to have a Minister such as the Hon. Duncan Gay. Let us look at some of the great work of the Hon. Duncan Gay.

It is a bit sad that I now have to take credit for this. The question really should have been directed to the Minister, but I know he is generous and will allow me to respond to it. Look at the amount of money spent on the Princes Highway upgrade at Gerringong: \$115 million has been budgeted for that upgrade. Let us not forget the \$170 million for the Princes Highway upgrade to improve various aspects of the road. This Government has the largest Roads budget, committing around \$2.7 billion of Restart NSW funding for the State's road network. I could continue, but I think it would be unfair of me to take the limelight for the great work of the Hon. Duncan Gay.

The Hon. PENNY SHARPE: I ask a supplementary question. I thank the Minister for attempting to answer the question, but I would like him to elucidate what steps he will actually take to fix the problem.

The Hon. JOHN AJAKA: I refer to my previous answer.

HOMELESS PERSONS WEEK

The Hon. TREVOR KHAN: My question is directed to the Minister for Police and Emergency Services. Would the Minister inform the House about the involvement of the NSW Police Force in Homeless Persons Week 2013?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. Sadly, 28,191 people reported themselves as experiencing homelessness in New South Wales in 2012. A person may be considered homeless if their current living arrangement is a dwelling that is inadequate, or if they have no tenure or a short and not extendable tenure or it does not allow them to have control of and access to space for social relations. To raise awareness about this important issue and engage people who may be struggling with homelessness, the NSW Police Force was proud to be part of Homeless Persons Week, which was held from 5 to 11 August 2013. Homeless Persons Week was formally organised as a national week in 2007 following a number of vigils organised by churches and homelessness services to remember people who had died on the streets during winter.

The theme of Homeless Persons Week in 2013 was "The Hidden Homeless", as only 7 per cent of people experiencing homelessness are sleeping on the streets; the rest are considered hidden. The hidden homeless include people who are couch surfing or who are in housing stress, where the cost of living is exceptionally high compared with their income. The majority of the people who reported as homeless in 2012 were staying in overcrowded dwellings and boarding houses. Sadly, one-third of homelessness in New South Wales is the result of domestic and family violence, which is the most under-reported of crimes because the perpetrator knows the victim intimately through a long-term, close or developing relationship. The NSW Police Force continues to encourage the reporting of incidents of domestic and family violence and will respond to all reports and pursue the perpetrators through the court system.

Homeless Persons Week is an important period in which to raise awareness about homelessness in our community. Police officers from a range of commands participated in local events. One example of this great work by our Police Force was a stall at Central railway station, hosted by police from the City Central Local Area Command and the Police Transport Command. From 4.00 a.m. the officers worked to reach out to vulnerable persons and raise awareness of homelessness in the community. The stall was hosted in partnership with personnel from Housing NSW; Missionbeat, Mission Australia's homeless outreach service; Neami National, a national non-government mental health organisation; Aboriginal Assertive Outreach Service, a Neami program working with Aboriginal and Torres Strait Islander people who are homeless; and St Vincent's Hospital Homeless Health Service.

Police recognise that they can play a key role in referring people to support services, and that they can impact the lives of vulnerable members of our community by working in partnership with community organisations and other government agencies. The NSW Police Force is also a signatory to the Protocol for Homeless People in Public Places. This is an interagency government agreement that aims to ensure that homeless people in public places are treated in a respectful and non-discriminatory manner, and can be referred to services that can assist them.

I take this opportunity to encourage anyone experiencing homelessness to contact the Homeless Persons Information Centre. Various services are available for people at risk of or experiencing homelessness. As well, there are many community sector organisations that operate telephone services which can provide information and support to those in need. I also take this opportunity to thank police for their support of and participation in Homeless Persons Week 2013. The NSW Police Force provides ongoing assistance to people at risk of or experiencing homelessness. In addition, they provide exceptional management of crisis situations, which commonly impact the most vulnerable members of our community in their greatest time of need.

MINING EXCLUSION ZONES

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Police, representing the Minister for Planning and Infrastructure. Amendments to the mining state environmental planning policy to introduce two kilometre exclusion zones around some residential areas and critical industry clusters were announced in February this year, with the Premier saying they would be in place within six weeks. Six months have now elapsed since the announcement. Why the delay? Will the Minister commit to immediately gazetting these laws, with similar protections for rural residences, water catchments and agricultural land?

The Hon. MICHAEL GALLACHER: I will take that question on notice, as requested, and seek a response.

PORTS TRANSACTION BENEFITS

The Hon. PETER PRIMROSE: My question is directed to the Minister for the Illawarra. Why will the Hunter receive \$240 million from the sale of the Port of Newcastle while the families of the Illawarra will receive only \$100 million from the sale of Port Kembla?

The Hon. JOHN AJAKA: The member knows that that is not a correct statement. He knows full well that the people of the Illawarra are not receiving just \$100 million from the Restart NSW Illawarra Infrastructure Fund. He knows full well that they are also receiving \$170 million. That has been mentioned over and over again in relation to the Princes Highway. He also knows that the Illawarra has received substantial funding in relation to other projects. I know that the Hon. Michael Gallacher is also fighting for the Hunter. As I indicated earlier, there are roads projects, health projects, such as cancer centres, and other major projects. I will not listen to those opposite criticise the \$100 million Restart NSW Illawarra Infrastructure Fund and the funds provided for all the other projects. This is \$100 million in addition to all the other money. Leaving aside all the other money for a moment, I will talk about the \$100 million. That \$100 million is now going into the Illawarra. But it is not just \$100 million because the way the program works that \$100 million is leveraging other money. The 20 short-listed applicants—

The Hon. Amanda Fazio: Add up every other bit of expenditure. School teacher salaries—

The Hon. JOHN AJAKA: They are not interested. They just want to play games again.

The Hon. Amanda Fazio: We want the truth.

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the first time.

The Hon. JOHN AJAKA: As I said, there are 20 short-listed applicants. For some of the projects the amount being sought is leveraged. By the time the final list occurs, it may create expenditure in the Illawarra of \$150 million. It may create \$180 million.

The Hon. Amanda Fazio: You will be able to put your \$100 million in.

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the second time.

The Hon. JOHN AJAKA: Some of the funds being sought are only a percentage of the total expenditure. Other funds that are being spent and sought will have a repeat annual further injection of funds by way of operating expenses. The Illawarra was neglected by those opposite for 16 years. We are investing in the Illawarra, and the Opposition wants to attack us. They refuse to accept good news. Their Labor colleagues in the Illawarra should be saying, "Thank you for the additional funds," "Thank you for these great projects that these funds will be used for," and "Thank you for the synergy and flow-on effects that this will have in creating jobs and infrastructure". Instead, they want to play games. I am proud of the \$100 million Restart NSW Illawarra Infrastructure Fund, in addition to all the other money the Government has provided.

The Hon. PETER PRIMROSE: I ask a supplementary question. I thank the Minister for his answer. The Minister mentioned percentages. Would the Minister elucidate his answer by specifying what percentage of the proceeds from the sale of Port Kembla will be returned to the Illawarra?

The Hon. JOHN AJAKA: I rely on my previous answer.

LOCAL LAND SERVICES

The Hon. RICK COLLESS: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Will the Minister update the House on the progress being made in the development of the Local Land Services?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I acknowledge his interest in and the work he has done across regional New South Wales for many years. I also thank other members for their interest in the development of Local Land Services. Some eight months ago, this Government set out on one of the largest reforms of agricultural services since the 1940s for the State's 42,000 farmers. Today we are one critical step closer in these reforms and the creation of Local Land Services. Local Land Services brings together knowledge and expertise from the Department of Primary Industries, Livestock, Health and Pest Authorities and catchment management authorities.

The Hon. Penny Sharpe: The Roads Dorothy Dixers' well has run dry.

The Hon. DUNCAN GAY: I know that I should not acknowledge interjections, but I am talking about Local Land Services and a member of the Labor Party interjects, "The well of Dorothy Dixers must have run dry". That is a sad indictment on the once proud Labor Party. The Opposition virtually has no country representation.

The Hon. Amanda Fazio: Point of order: The Minister is not entitled to answer this question because questions to Ministers may only relate to public affairs with which the Minister is officially connected. Standing Order 64 (2) states:

Questions may be put to other members relating to any matter connected with the business on the *Notice Paper* of which the member has charge.

The last time I checked, the Minister for Roads and Ports was not responsible for the Local Land Services, about which he is giving an answer.

The PRESIDENT: I have the gist of the Hon. Amanda Fazio's point of order. The Minister is in order. There is no point of order.

The Hon. Penny Sharpe: Point of order: My point of order is in relation to the Minister's continual verballing of members of the Opposition. If he wants to acknowledge interjections, he needs to at least acknowledge them accurately. I said that the well of Dorothy Dixers for the Roads portfolio has clearly run dry.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. DUNCAN GAY: It is sad that there is only one country member left over there—Mick Veitch. Mick, I have to tell you that you are on the way out. I have looked at the numbers. You are history, mate.

The Hon. Lynda Voltz: Point of order: The Minister is clearly directing his comments to members on this side of the Chamber rather than through the chair, which is slowing him down in any answers he is giving.

The PRESIDENT: Order! There have been far too many interjections during the Minister's answer, which have impaired his capacity to concentrate on what is relevant. I encourage members to cease interjecting and the Minister not to respond to interjections.

The Hon. DUNCAN GAY: I am trying to answer on behalf of country New South Wales but the voice of inner-city Labor is trying to drown out my comments. Only one country bloke is left and he is for the high jump. There are nine of them up next time and, Mick, you are gone, mate.

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. The Minister seems fascinated with writing Queanbeyan out of regional New South Wales and directing his comments to anyone who lives in Sydney. That is not what the question is about. I ask that he be brought back to the relevant issue.

The PRESIDENT: Order! In the six seconds remaining the Minister might like to provide some relevance. The Minister's time has expired.

The Hon. RICK COLLESS: I ask the Minister for Roads and Ports a supplementary question. Would the Minister elucidate his answer in relation to Local Land Services?

The Hon. DUNCAN GAY: Members on the other side did not give me a chance. They let the inner-city lefties take control.

The Hon. Amanda Fazio: Point of order—

The PRESIDENT: Order! I hope the point of order is in line with the standing orders.

The Hon. Amanda Fazio: It is in line with the standing orders. Supplementary questions may only ask a Minister to elucidate his answer. The Minister did not talk about Local Land Services so he cannot be asked to elucidate on it. He spent his whole time spraying the Labor Party.

The PRESIDENT: Order! Evidently the member's attention was elsewhere, because clearly the Minister did speak to Local Land Services. The question is in order. There is no point of order.

The Hon. DUNCAN GAY: Local Land Services are designed by farmers for farmers. It follows on from enormous community consultation about rural and regional service delivery.

The Hon. Steve Whan: That's not what the people in the community consultation said.

The Hon. DUNCAN GAY: You do not represent farmers. The last one of the Labor Party who does is Mick Veitch, and he is for the high jump. He will be gone and there will be no-one left.

GRAINCORP TAKEOVER PROPOSAL

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of the considerable concern being voiced by New South Wales grain growers in regard to the proposed takeover of GrainCorp by Archer Daniels Midland and, if so, how is the Government responding to that concern? Does the Minister support the proposed takeover?

The Hon. DUNCAN GAY: The Hon. Jeremy Buckingham should have asked Mick Veitch that; he would know about that. The pretender from Queanbeyan would not have a clue.

The Hon. Jeremy Buckingham: Point of order: The point of order relates to relevance. This is a serious question affecting 90 per cent of grain exports out of New South Wales and I would appreciate a serious answer, for once, from the Minister.

The Hon. Amanda Fazio: To the point of order: Not only was the Minister being irrelevant but he also did not refer to the Hon. Mick Veitch by his proper title. I ask that he be directed to do so.

The PRESIDENT: Order! There was some substance to the point of order.

The Hon. DUNCAN GAY: I apologise for not calling the Hon. Mick Veitch the Hon. Mick Veitch. People in the bush call him Mick because they like him. We will be pleased to see him go because he has not done much to help us. The sooner he goes the better.

The Hon. Lynda Voltz: Point of order: The Minister starts every prologue with one-minute references to members on this side of the Chamber rather than being relevant to the question that is asked of him.

The PRESIDENT: Order! It has always been the case, as President Primrose once ruled, that some generality is allowed to a Minister when responding to a question. The Minister had not passed that point.

The Hon. DUNCAN GAY: I am aware of widespread concern in regional New South Wales. Certainly, they have a right to be concerned and to put proper scrutiny into this issue. This affects the livelihood of regional New South Wales. It has the potential to have as much effect as the removal of the single desk. As the member would know, I was not in favour of that but it happened. This is the next step.

The Hon. Steve Whan: Did you vote for this privatisation? You privatised it.

The Hon. DUNCAN GAY: Just listen. The first time you get a chance, instead of the inner-city lefties, you will not give me a chance to answer.

The PRESIDENT: Order! The Hon. Steve Whan will cease interjecting. I call the Hon. Luke Foley to order for the first time.

The Hon. DUNCAN GAY: I think this is the best question the member has asked all year and I am trying to answer it. As I indicated, there is concern across regional New South Wales and many of my colleagues are concerned. The Federal Government does not appear to be concerned. It is certainly an issue that is currently a matter of discussion among members of the Coalition, and many of them share the concerns of the member. It is not an issue of which I have control. I am the Minister for Roads in New South Wales, not the Federal Minister for Primary Industries. If we make a decision to allow that to happen it should be done very, very carefully, because the potential ramifications if we do not get this one right will be problematic. We should not just say no for the sake of it, but we should look very carefully at it.

DUNNS CREEK ROAD UPGRADE

The Hon. STEVE WHAN: My question is directed to the Minister for Roads and Ports. Given the Federal Minister for Transport and Infrastructure, Anthony Albanese, has announced \$38 million from the Nation Building 2 program to fund half the cost of the important Dunns Creek Road upgrade in Queanbeyan, will the Minister commit to matching this funding?

The PRESIDENT: Order! The question was asked of the Hon. Duncan Gay, not the Government Whip.

The Hon. DUNCAN GAY: A couple of weeks ago, while I was driving to Newcastle, I was told that the Federal Minister for Transport and Infrastructure was making an announcement about the Nation Building 2 program on the Tourle Street Bridge—appropriately named by the Labor Party.

The Hon. Lynda Voltz: We had this two days ago.

The Hon. DUNCAN GAY: It is background but it is important. It was part of the Nation Building 2 program, and if our part of the Nation Building 2 funding is there then we have asked for it to happen. But the Minister had not told us—and it was not in the budget—that he was putting that money aside. I am unaware of the Queanbeyan upgrade. I suspect that this is another one out of Albo's slush fund, and the Federal budget had a sum of money unallocated to roads. If it is in Nation Building 2, we would have put in and asked for that to happen. I have not been contacted by him, but it is not unusual for him to be rude and not contact us on these matters—unlike the courteous letters I send him.

The Hon. Mick Veitch: Please find cheque attached.

The Hon. Penny Sharpe: Please don't give us the money, though.

The Hon. DUNCAN GAY: The inner-city lefty opposite should be quiet. If the announcement—we will get the correspondence at some stage—is made in Nation Building 2, it is in response to something we asked for. If that is the case, we would have the funding there to match it.

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

The House continued to sit.

WESTMEAD AND RYDALMERE LARGE RESIDENTIAL CENTRES

The Hon. DAVID CLARKE: My question—

The PRESIDENT: Order! Because of all the noise on the Government benches, I cannot hear the Hon. David Clarke. Perhaps he would like to start again.

The Hon. DAVID CLARKE: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. How is the redevelopment of large residential centres at Westmead and Rydalmere progressing?

The Hon. JOHN AJAKA: In March 2012 the New South Wales Government announced the redevelopment of large residential centres at Westmead and Rydalmere. It is the largest redevelopment of large residential centres to be undertaken by Ageing, Disability and Home Care to date. The new accommodation will include new group homes and specialist accommodation for people who require high support for complex ageing behaviour or health-related needs. These centres can be home to more than 300 people. This outmoded accommodation is a very complex project that affects the lives of residents, their families and staff. The buildings that make up these centres are reaching the end of their economic life. They do not meet modern building standards for accessibility or even fire safety.

Under the Stronger Together 2 program, the New South Wales Government will spend \$161 million to provide every resident with purpose-built brand-new homes that provide them with their own room, quiet living spaces, and accessible state-of-the-art bathrooms and kitchens and well landscaped grounds. Engaging residents with profound intellectual disabilities without causing them fear or stress is one of the substantial challenges in rehousing people who live in large residential centres. The residents often have limited ability to comprehend abstract concepts such as moving home. It is sometimes difficult to find out what they would prefer in their new homes or with whom they would like to live. Staff at the Westmead and Rydalmere centres have found ingenious ways of telling residents about their new homes and developing strategies for meaningfully engaging them in the move.

Oliver O'Reilly, a music therapist from the day program staff at the Westmead Centre, has collaborated with other staff to compose a song called *My New Home*. The song encourages residents to express what they would like in their new homes. Residents who cannot express themselves verbally have been able to tell staff that they are looking forward to moving into their new homes in "two Christmases time", and that they would like to have things such as "a big bed in their own room" and where they can "barbecue steaks and drink beer with their best friends". Residents who do not have the ability to hear or see might be taken to visit the actual site where their new home will be built. The site will be associated with a squeeze toy or a particular smell. As the home is being built, staff can observe the person with the toy or when the smell is present to see if they display anxiety or pleasure about their new home and adjust their strategies accordingly.

The consultation team, led by former nurse Rhondda Vassallo, has conducted face-to-face meetings with every family. They phone family members at least every three weeks and they have taken them on guided tours of community-based homes so that they can see how the new homes will operate. Families have been consulted and listened to. The new homes are being built at locations chosen by families, not public servants. Last week the team conducted two evening meetings with families, one at Sutherland and one at Wentworthville, where for the first time they could examine and comment on architect design plans for the new homes and even choose rooms for their loved ones.

I pay tribute to Christine Reddy and her team from the Ageing, Disability and Home Care Asset Management and Procurement Directorate. They have purchased 25 of the 44 properties needed for the new homes in a slow land market. Many homes are now at the design stage and the first of them is expected to open in the middle of next year. This remarkable project is being led by a former member of this House, the Hon John Ryan. The commitment and enthusiasm he showed for people with disability when he was in this place has been put to excellent use. I commend him.

Questions without notice concluded.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.35 p.m.]: I move:

That this House do now adjourn.

NURSE TO PATIENT RATIOS

Dr JOHN KAYE [3.35 p.m.]: On 24 July public hospitals and health facilities were thrown into crisis by the O'Farrell Government's refusal to respond to the evidence that providing sufficient numbers of nurses is essential to protecting patients' safety. Nurses did not choose to go on strike; they were forced to do so by their professional conscience and overriding concern for their patients. By denying patients in country hospitals, neo-natal and paediatric emergency care and community health the well-established benefits of more nurses on the job and more care time for their needs, the health Minister, Jillian Skinner, is exposing these patients to slower recovery, more acquired diseases and a lower chance of returning to health. What choice did the nurses and midwives have? Sitting back and watching patients fail to recover and in some cases die was simply not an option for a caring and committed profession.

In addition, the Minister is putting the future of the nursing profession at risk. Failure to provide evidence-based staffing ratios is contributing to unacceptable levels of fatigue, burnout and frustration confronting nurses and midwives, for whom the lack of hands on deck has rendered impossible the fulfilment of their professional obligations. The benefits of evidence-based nurse-to-patient ratios is irrefutable. Since mandated ratios were introduced in California in 2004, 30-day mortality rates have been up to 13 per cent lower than in other states without the benefits of more nursing time. A 2007 US meta-analysis of 94 separate pieces of research found it had decreased from five to four patients per registered nurse on a shift resulting in 18 per cent fewer deaths from in-hospital complications, 28 per cent fewer cases of sepsis, 24 per cent fewer cases of hospital acquired pneumonia and 20 per cent fewer cases of surgical wound infection. These are remarkable improvements from which any patient would want to benefit.

Increasing the number of patients a registered nurse must care for by even one is associated with a 7 per cent higher risk of patients getting hospital-acquired pneumonia, a 53 per cent more likelihood of patients having respiratory failure and a 17 per cent increase in the likelihood of medical complications. These are appalling statistics of which no patient would want to be part. The former Labor Government refused to lock

nurse-to-patient ratios into legislation. It took a targeted and highly intelligent campaign by the union to bring about change in some clinical settings. Even then the ratios were part of the award without the comparative greater security of legislation. The real agenda of the O'Farrell Government is to wind back the clock and get rid of any mention of ratios from the award. The Commission of Audit told the Government to strip out of public sector awards conditions that set workplace standards such as class sizes in the case of schools. Nurse to patient ratios are clearly in the firing line.

The health Minister, Jillian Skinner, is hiding behind claims of an increased number of nurses since the Coalition came to power, although many of those positions are more about growth in the number of people accessing public health services. The Minister claims to have recruited 4,000 new nurses, delivering more than 2,000 full-time equivalent hours. It is impossible to locate these new positions, and the claim is looking ever more dubious. We will be questioning the Minister in budget estimates to see if she can identify where these new positions have been located. No person visiting a hospital can feel secure that they are getting the best quality of care until all political parties listen to the evidence and agree to lock in nurse to patient ratios for all institutions and all types of wards. By refusing to genuinely negotiate with the NSW Nurses and Midwives Association, the Department of Health and the Minister have deliberately offended the professional integrity of the public sector workforce.

The Minister has accused the NSW Nurses and Midwives Association of trying to impose a one-size-fits-all solution. Nothing could be further from the truth. The union's claim, based on the evidence of improved outcomes, is carefully tailored to the nursing care needs of each type of patient. The one to four is the average across different situations, with variations from one to three, to one to 10. Perhaps the Minister is trying to cover for the disgracefully unequal treatment of rural patients. Ms Skinner should explain why a person having a knee replacement in a country hospital will receive fewer nursing hours than an equivalent patient in a metropolitan hospital.

While the Minister says the Government values the nurses and midwives who form the key ingredient of front-line healthcare, she is not prepared to listen to their case for ratios or understand that their capacity to fulfil their professional obligations is being undermined by under-staffing. The O'Farrell Government is prepared to let patients go without the best possible treatment and in some cases die. It is allowing nurses to injure themselves and leave the profession because Treasury is determined to tighten up on the Health budget. The Greens thank nurses and midwives for their action and call on the Government to engage in genuine negotiations that respect their pivotal role in the State's healthcare system.

STATE ECONOMY

Mr SCOT MacDONALD [3.40 p.m.]: The Federal election on 7 September is critical for New South Wales. As the ANZ Bank recently acknowledged, our State will be the key to the country's future. The bank's Chief Economist, Warren Hogan, said a fortnight ago:

It's now very much about NSW leading the national economy, which is something that hasn't happened for a decade or more. NSW accounts for nearly a third of the national economy.

That sort of commentary is becoming more common and is a reflection of the economic stewardship of the O'Farrell-Stoner Government. But the work of the New South Wales Coalition Government is made harder by the weak national Government. New South Wales has endured a perfect storm over the past decade of irresponsible economic management by the former State Labor Government; corruption at the highest Ministerial level undermining governance and missing revenues from flawed mining development; six years of Federal Labor with waste, anti-business policies, continuous deficits and ballooning debt; and the external pressures of the Northern Hemisphere global financial crisis.

For years New South Wales was the ugly duckling of consumer confidence, business confidence, unemployment and jobs growth, housing supply, retail trade and economic growth under State Labor. We were always at or near the bottom of the league tables. Some people were comparing us with Tasmania. It has taken 2½ years, but the New South Wales Treasurer, Mike Baird, now routinely reports New South Wales is resuming its rightful place as top performer amongst the States. In his July Economic Update, the Treasurer reported that New South Wales has created more jobs than any other State since coming to government; we have the second-strongest economic growth; we are above the national average among small-to-medium businesses for confidence; the number of private dwellings under construction is at its highest since 2004; and New South Wales has the strongest retail trade of all the non-mining States.

This turnaround in performance has not been an accident. It has taken three tough budgets and difficult legislation to reign in unsustainable expenditure, entitlements and programs. The Parliamentary Research Service reports recurrent expenses grew by 52 per cent over the eight years to 2010-11 whereas revenue, excluding government grants, grew 45 per cent in that period. It was an unsustainable trajectory and, of course, net financial liabilities blew out by nearly 80 per cent in that time. Only by living within our means is the Treasurer now able to report the Government is on track to reduce those liabilities. Sound public sector financial management is obviously at the core of a successful economy.

Another foundation is integrity, honesty and confidence. Those attributes were verging on extinction in 16 years of Labor as the Independent Commission Against Corruption reports have demonstrated. Treasurer Mike Baird has noted in this year's estimates hearings that the corrupt and negligent issuing of mining licences has cost the State \$90 million and there is an approximate ongoing loss of royalties of \$50 million per annum. New South Wales makes up nearly one-third of the country's economy, but we have been pushing against the headwinds of Federal Labor's appalling mismanagement of our economy. Rudd version one inherited a string of budget surpluses in 2007; Keating's government debt had been eliminated and we had \$29 billion in net financial assets; Costello had restored our triple-A credit rating and confidence was high.

In the next six years Labor delivered record budget deficits; wasted historically high revenues from the mining commodity boom; pushed the government debt ceiling to \$300 billion; wasted billions on fiascos such as the deadly pink batt scheme and grocery watch; and crippled industries through knee-jerk policy responses including the live-export suspension and changes to the fringe benefits tax on fleet cars. The country is holding its breath waiting for 7 September. Business is under siege from the Rudd administration. It is unwilling to commit to investment and take on risk. At its core the choice next month is between economic incompetency under Labor and the prospect of financial responsibility under the Liberal Party and The Nationals. The task will be herculean for an incoming Abbott-Truss government. But the way forward starts with honesty.

In 2007 Kevin Rudd promised to be "an economic conservative". Instead he and Julia Gillard delivered budget deficits that would make Gough Whitlam blush. It is worth reminding the people of New South Wales of the figures. After the last Howard-Costello budget surplus of \$19.7 billion, the first Rudd-Swan actual budget was a deficit of \$27 billion—a turnaround of \$47 billion in one year. The next year 2009-10 was a record \$54.5 billion deficit or 4.2 per cent of gross domestic product. The following year it came in at a whopping \$47.5 billion deficit; then a \$43.3 billion deficit and in the year just gone, which Gillard and Swan promised was going to be a surplus, it is estimated that the deficit will be \$19.4 billion. He invented a new form of accounting where he spends \$40 billion and rising on the National Broadband Network and keeps the expenditure outside the budget. It seems to be the lot of the Liberal Party and The Nationals to clean up the mess.

PUBLIC HOUSING

The Hon. SOPHIE COTSIS [3.45 p.m.]: The Auditor-General released a report on making the best use of public housing. I believe it was a damning report on the O'Farrell Government's record in relation to housing in general. The report contains some very concerning statistics. It is no wonder: the O'Farrell Government has not bothered to appoint a dedicated Minister for Housing but has split the portfolio between Minister Pru Goward and former Minister Greg Pearce. What a caring and visionary combination they have turned out to be. I have asked questions of Minister Goward, who referred me to former Minister Pearce, who referred me back to Minister Goward.

I am still waiting on answers to the number of properties sold so far, the purchasers and the location of those properties. I have referred particularly to one property that sold for \$3 million, which I will continue to pursue. A number of properties have been sold without being put on the open market. I understand that some of them have been transferred at market value to housing tenants, and others have been transferred to other State agencies. It is important that the Government is transparent about this process. What role did the Chair of Property Asset Utilisation Taskforce play? But nothing has been done to address the needs of social housing tenants and the prospective social housing tenants stuck in limbo on the waiting list.

Housing is one of the most important portfolios in government. It is both an economic and social portfolio. The Government should be building more housing for the future, look to invest in supply, create jobs and opportunities to ensure that there is downward pressure on existing property prices, particularly private rent. The Auditor-General's report shows social housing only meets 44 per cent of need, 214,000 tenants are in social housing and another 120,000 people are on the waiting list. There is an increasing shortfall between the supply

of and demand for social housing and no clear direction for managing the shortfall. The Land and Housing Corporation modelling projects show that if the current arrangement continues, the Housing portfolio will decline in terms of dwelling numbers and standards.

I know members of the Government like to blame the former Labor Government for everything, but the Auditor-General's report shows that after 2½ years in office the O'Farrell Government has not bothered to devise a plan to reduce the shortfall in housing stock or to adequately maintain its existing stock. The budget this year for supply was cut by \$22 million and for maintenance it was cut by \$37 million. The Auditor-General's report shows that more than 30 per cent of households do not match the size of their dwelling, and that Housing NSW faces constraints on the implementation of policies and procedures for relocating and terminating tenancies where an individual's needs or circumstances change.

One of those constraints is that there are not enough suitable properties in which to relocate today's tenants, which begs the question: Why is the Minister for Family and Community Services telling ageing social housing tenants who have lived in the same house for decades that they will have to leave their familiar surroundings or face a new bedroom tax? I have been holding community meetings with pensioners living in social housing around the State and they are very anxious about this new policy. They are anxious, stressed and worried that they are not getting any answers. We have social housing tenants who need extra rooms for carers, medical equipment, or because they look after their grandchildren.

Some social housing tenants have not been moved by Housing NSW to date because even though they have vacant rooms in their houses, there is no suitable accessible accommodation in the area for their particular medical conditions. The O'Farrell Government should build more stock to meet this need instead of selling it off. It should also look at other models, including international models, and look to increase housing supply. The Auditor-General found that the Land and Housing Corporation has been selling properties and delaying some capital and maintenance expenditure, which will impact on the condition and level of stock. It is not financially sustainable in the long term. It found also that the Land and Housing Corporation had been disposing of more properties than it had added in recent years, except during the Nation Building—Economic Stimulus Plan years of 2009 to 2012.

Indeed, the former Labor Government increased housing supply by 6,000, yet some Government members have travelled to particular areas dog-whistling to local communities and jumping up and down about not having social housing in their areas. Page 11 of the Auditor-General's report states that the Land and Housing Corporation projects that it will dispose of more than double the number of properties it builds over the next four years. It is time that the O'Farrell Government took housing and homelessness in New South Wales seriously. It is time to have a Minister for Housing, one that knows what he or she is doing. In a recent budget estimates committee I asked the Minister for Family and Community Services—*[Time expired.]*

COALPAC CONSOLIDATION PROJECT

The Hon. JEREMY BUCKINGHAM [3.50 p.m.]: This afternoon I speak on the Coalpac Gardens of Stone issue. Coalpac Pty Limited has lodged a development proposal, the Coalpac Consolidation Project, with the New South Wales Department of Planning. Coalpac is seeking to consolidate its existing Cullen Valley mine and Invincible colliery coalmining operations and to continue coalmining under a single planning approval. After an initial Planning Assessment Commission review, which rejected the project, it is now being assessed by the Department of Planning.

The proposed mine will have considerable impacts. The Coalpac Consolidation Project proposal threatens to open cut and high wall mine 843 hectares of the Ben Bullen State Forest. This public forest is the western gateway to the stunning Gardens of Stone area that the Blue Mountains Conservation Society has been lobbying to have protected as a State conservation area. It will rip up and destroy the habitats of 400 native plant and 32 native animal species, some of which face the threat of extinction. In addition, it will prevent the public from enjoying a large part of the Ben Bullen State Forest. The large open-cut mine will create significant dust and air quality issues, which will directly affect local residents of Cullen Bullen and threatens to destabilise a series of internationally significant sandstone pagodas to partial or total collapse.

The first Planning Assessment Commission review rejected the project due to the overwhelming impacts it would have on the village of Cullen Bullen, such as noise, dust and an inability to revegetate the natural landscape. Significantly, the review found that the claimed benefits of the project are largely distributed

away from the population bearing most of the impacts of the project and importantly there was no credible evidence for the claimed increases in wholesale and retail electricity prices if the project coal was not supplied to Mount Piper power station.

I hope the Government has not been negotiating the proposed sale of the State's power generators or talking to anyone expressing an interest in this proposal. That would make even former Minister Ian Macdonald blush. I hope the Government is not combining the issues and making commitments that the mine will go ahead because it certainly should not. With respect to dust, NSW Health stated that there was unequivocal advice that the predicted significant increases in PM10 levels from the project will lead to increased morbidity and mortality in the Cullen Bullen community from respiratory and cardiovascular disease. The project does not meet New South Wales air quality criteria for most residences affected by the project. This is a damning indictment of the impacts coal has on the health of communities. It should be a wake-up call for the Government to phase out coal production rapidly and replace it with renewable energy. The high noise impacts fail to meet accepted New South Wales criteria and the project does not meet blasting impact guidelines.

In addition, impacts on the pagodas are completely unacceptable—these are world-class ecological environmental assets that we do not have the right to destroy. The project also places at risk the flora and fauna, as it would clear 958 hectares of vegetation, mostly in the high-conservation value area of Ben Bullen State Forest. There is overwhelming community opposition across New South Wales to this project and incredibly strong local opposition. More than 700 individual submissions objected to the proposal. The fight to save the Gardens of Stone culminated in a rally at Springwood in April this year when residents rallied in the town square calling on the Government to protect the area from further coal expansion.

The Hon. Dr Peter Phelps: Were you there, Jeremy?

The Hon. JEREMY BUCKINGHAM: No, I was not. Chris Jonkers of the Lithgow Environment Group said:

Over 70 cliff collapses and hundreds of cracks have occurred in the landscape, including one case of an entire ridge collapse.

Tara Cameron of the Blue Mountains Conservation Society stated:

To allow an open-cut mine anywhere is bad, but to ruin the Gardens of Stone would be intolerable.

A local resident from the area, Jacqueline Seraglio, and her husband purchased the property "Red Springs" in 2007 with the aim of developing it into a productive cattle breeding farm. At the Planning Assessment Commission hearing she stated:

We brought our four children here believing this would be the place we could raise them in rural tranquillity.

Within two years my husband who is 38 was diagnosed with a lung disorder from airborne matter.

He now takes large daily doses of antibiotics to prevent pneumonia.

This is what the people of Cullen Bullen face—impacts from coal and a destroyed environment. The Government should walk away from new coalmines, roundly reject the proposed Coalpac Consolidation Project and protect the Gardens of Stone for all time. [*Time expired.*]

WEAR IT PURPLE DAY

The Hon. PENNY SHARPE [3.55 p.m.]: Today this House debated a motion about the National Action Day Against Bullying. As is appropriate, but not terribly surprising, everyone in this Chamber said they were against bullying. It is good for politicians, as leaders and representatives in the community, to make firm statements against bullying. Tonight I focus particularly on what a grassroots group of young people are doing to tackle homophobia and transphobic bullying within their schools. They are doing this not by focusing on the negative but by celebrating the value of each and every young person for who they are. These young people are celebrating the diversity of our school communities and indeed the wider community. Being a teenager can be tough, but unfortunately for young people who are gay, lesbian, bisexual or gender questioning, it can be even tougher.

National research shows that young people who are same-sex attracted or gender questioning experience high levels of discrimination and bullying compared to other young people, particularly at school.

Lynne Hillier began researching the sexual health and wellbeing of same-sex attracted young people in Australia in 1998. Her groundbreaking research then showed that young people were experiencing high levels of homophobic verbal and physical abuse, most often at school. In 2010 Lynne Hillier and other academics from the Australian Research Centre in Sex, Health and Society at La Trobe University published the results of *Writing Themselves In 3—The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*. This report revealed that for young people things had not got better. Around two-thirds of same-sex attracted or gender questioning young people reported they had been verbally abused because of homophobia and about one in five reported physical abuse because of homophobia—20 per cent of young people.

The research also showed that for 80 per cent of these young people, the most common place of abuse continued to be at school and once abuse happened, young people no longer felt that school was a safe place for them. The impact of this on young people included feeling unsafe, excessive drug use, self-harm and suicide attempts and was made even worse in young people who had suffered physical abuse. More young people are coming out while they are still at school. This is a good thing but, of course, all young people have the right to feel safe and secure, particularly at school, and this is where the young people from Wear it Purple come in. Tonight will be the launch of Wear it Purple for 2013 but unfortunately as I am here I will be unable to attend. Wear it Purple is a not-for-profit organisation run by high school and university students that exists to support young people who identify as sexuality and/or gender diverse and to raise awareness about the issues faced by these young people.

Wear it Purple Day started in 2010 in response to the tragic death of American student 18-year-old Tyler Clementi. Members may recall that Tyler killed himself after being filmed by his college roommate when he was kissing another boy. Two Sydney students, Katherine Hudson and Scott Williams, were so outraged by this that instead of talking about it they acted and came up with an idea to encourage people everywhere to "wear it purple" for one day in order to raise awareness about homophobic bullying and youth suicide. Their message was simple: You have a right to be proud of who you are.

Wear it Purple Day quickly spread internationally and now has strong support and involvement from community organisations like ACON, the Gay and Lesbian Rights Lobby, the NSW Police Force and schools across the State. A group of committed young volunteers run a national Wear it Purple Day and deliver educational workshops, seminars and other sessions on various topics that are relevant to gay, lesbian, bisexual, transgender and intersex young people and their peers. These sessions are run by university volunteers and aim to foster a broader understanding and respect toward sexuality and gender diverse students in the school yard.

Next Friday, 30 August, will mark the fourth Wear it Purple Day. I will be wearing purple because I want young people everywhere to know that they have a right to be proud of who they are. I want to support the terrific work of the young people who organise the event and volunteer for Wear it Purple. Last year a motion was passed in this place supporting Wear it Purple Day and the young people involved. I note that the Police Minister wore a Wear it Purple Day wrist band on the day. Among other things the motion stated:

That this House commits to unconditionally respect, support and celebrate all young people for who they are and congratulates the Wear It Purple organising committee and all of the young people, teachers and police officers who will help turn NSW purple.

I hope that all members in this place make the same commitment again this year and I look forward to seeing the Parliament turn purple next Friday.

EGYPTIAN MUSLIM BROTHERHOOD

The Hon. DAVID CLARKE (Parliamentary Secretary) [4.00 p.m.]: The extreme anxiety amongst Australia's Coptic community arising from recent events in Egypt is certainly understandable. The Christian community of Egypt has yet again been a specific target of violent persecution carried out by Islamic extremists led by the Muslim Brotherhood. Coptic Christians are being murdered, their churches, monasteries, schools and orphanages are being destroyed, and their homes and businesses are being razed to the ground. The Muslim Brotherhood of former president Mohamed Morsi has also unleashed a frenzy of hate-filled violence against other Muslims because of their refusal to be subject to the dictates of the brotherhood.

The facts regarding the events in Egypt over the past two years are very clear: Two years ago millions of Egyptians took to the streets in peaceful demonstrations in support of democracy, freedom and economic stability for their country. It was a spontaneous upsurge of both Muslims and Christians wanting a new era for

their country. The Egyptian armed forces responded to this popular movement and organised a road map for free elections and a democratic constitution. Despite an upsurge of people power the fact remained that the only nationally organised network was that of the Muslim Brotherhood. Since its foundation in 1928, the Muslim Brotherhood has always been prepared to resort to violence to achieve its supreme goal, which is the incorporation of all Muslims into a worldwide caliphate governed by strict sharia law.

Along the way the Muslim Brotherhood has spawned a number of terrorist organisations including al-Qaeda and Hamas. Where necessary, it preaches peace and moderation, but if circumstances dictate it willingly resorts to violence. When a free election was held, the Muslim Brotherhood and its Salafist allies—with its second-to-none organisation base, flush with funds and repackaged as having shed its violent past and now being devoted to democracy—won the election with two-thirds of the seats. Once the Muslim Brotherhood controlled the Parliament it became clear that it was not the reform-minded, democracy-seeking group that it had claimed to be. In fact, it was still wedded to its old ways. With the true nature of the Muslim Brotherhood becoming more obvious, its member and candidate for president, Mohamed Morsi, only managed to scrape over the line with a little over 51 per cent of the vote—a big decline on its two-thirds vote only months before.

The government of Mohamed Morsi turned out to be a disaster for Egypt. Everything he campaigned on, he repudiated. Instead of uniting the nation he accelerated a program of Islamisation. He promoted religious wedging between Muslims and Christians and also between Muslims themselves. A convention held to draft a new constitution was a sham, with non-Muslim Brotherhood elements—both Muslim and Christian—being ignored. A constitution was produced which extended sharia law and weakened the equality of women. The new Egypt of Mohamed Morsi was to be a hard-line Islamist state reflective of the Muslim Brotherhood's own constitution. Morsi became dictatorial and tyrannical. He set out to purge the armed forces, the judiciary and the civil administration of those not conducive to a Muslim Brotherhood state. Half of Egypt's 27 regional governors were replaced by Muslim Brotherhood candidates, with more to follow.

One of the appointments as regional governor was Mr Abdul Mohamed El Khayat, leader of the terrorist organisation responsible for the murder of 58 tourists in Luxor in 1998. The Egyptian Minister for Tourism resigned in protest when Abdul Mohamed El Khayat was appointed as governor. Then there is evidence of Mohamed Morsi's contribution to the collapse of Egypt's economy and of his collaboration with terrorist organisations that he supplied with armaments. Twenty million Egyptians signed a petition for Morsi to go and 16 million Egyptians took to the streets in peaceful protest against what Morsi was doing to Egypt. General Abdel Fattah el-Sisi and the Egyptian armed forces deposed Morsi as president because there was no other way for democracy to be saved. General el-Sisi did not carry out a coup; it was Morsi and his Muslim Brotherhood who had launched a coup 12-months before.

Since Morsi's demise the Muslim Brotherhood has shown its true nature. It has engaged in a campaign of violence and terror to paralyse the nation. Almost 10 per cent of those who have been killed to date were young police murdered by the Muslim Brotherhood. Only two days ago 25 young conscripted soldiers on their way home for holidays were lined up and murdered by terrorists in the Sinai, and the day before 14 police were murdered in Aswan. In recent days the Muslim Brotherhood has destroyed 71 Coptic churches and numerous other church institutions. Coptic nuns were kidnapped by Muslim Brotherhood thugs and paraded like trophies through the streets until rescued through the efforts of some brave Muslim women.

Contrary to the false portrayal by Al Jazeera television, which is owned by the Muslim Brotherhood-supporting government of Qatar, peaceful Muslim Brotherhood protestors are not being assaulted and killed by Egypt's army. It is the Muslim Brotherhood itself that is engaged in violent insurrection. Thank God that General el-Sisi and the army of Egypt intervened just in time to prevent the Muslim Brotherhood from completing its coup in Egypt. This has been a victory for all Egyptian Muslims and Christians who believe in democracy.

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

Motion agreed to.

The House adjourned at 4.05 p.m. until Tuesday 27 August 2013 at 2.30 p.m.
