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LEGISLATIVE COUNCIL

Thursday 17 October 2013

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

The President read the Prayers.

CRIMES AND COURTS LEGISLATION AMENDMENT BILL 2013

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay, on behalf of the Hon. Michael Gallacher.

Motion by the Hon. Duncan Gay, on behalf of the Hon. Michael Gallacher, agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

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

ANTI-POVERTY WEEK

Motion by the Hon. LYNDA VOLTZ, on behalf of the Hon. Amanda Fazio, agreed to:

That this House notes that:

- (a) Anti-Poverty Week will be held from 13 to 19 October 2013 and is a week when everyone can do something about poverty;
- (b) poverty and severe hardship affect more than a million Australians;
- (c) around the world, more than a billion people are desperately poor;
- (d) the main aims of Anti-Poverty Week are to:
 - (i) strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia;
 - (ii) encourage research, discussion and action to address these problems, including action by individuals, communities, organisations and governments; and
- (e) hundreds of local events to raise awareness and fundraise are held across Australia during Anti-Poverty Week and details of these can be found at antipovertyweek.org.au.

MALALA YOUSAFZAI

Motion by Dr JOHN KAYE, on behalf of Dr Mehreen Faruqi, agreed to:

That this House:

- (a) congratulates Malala Yousafzai on being awarded the Amnesty International's highest honour, the Ambassador of Conscience Award, on 17 September 2013;
- (b) notes that Malala Yousafzai, who is a globally recognised campaigner for girls' and women's right to education, was shot by Taliban extremists in 2012 in response to her campaign for equal education rights; and
- (c) recognises the struggle and sacrifices that millions of women make for equal rights around the world and especially the right of education for all girls and women.

EID AL-ADHA CELEBRATIONS

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
 - (a) Eid Al-Adha celebrations will commence on Tuesday 15 October 2013, marking a significant annual Islamic observance for Muslim communities across Australia;
 - (b) Eid Al-Adha commemorates Ibrahim's, or Abraham's, willingness to sacrifice his son to God;
 - (c) the Eid Al-Adha festival is a time of peace and spirituality in which Muslims are united in prayer and in celebration;
 - (d) Eid Al-Adha is also a time for Muslims to make donations to the poor and the needy, an act of thanksgiving for God's mercy;
 - (e) Eid Al-Adha marks a special occasion where millions of Muslims from around the world perform the annual Hajj pilgrimage to Mecca, marking the biggest annual congregation of Muslims around the world; and
 - (f) Eid Al-Adha follows the annual pilgrimage to Mecca in Saudi Arabia, and Muslims worldwide are required to perform the Hajj once in their lives, with many Australian Muslims undertaking this pilgrimage.
- (2) That this House notes the significance of this occasion to the Australian Muslim Communities and wishes all Australians Eid Al-Adha Mubarak.

HOLODOMOR EIGHTIETH ANNIVERSARY

Motion by the Hon. MARIE FICARRA agreed to:

That this House:

- (a) notes that 2013 is the eightieth anniversary of the Holodomor, an enforced famine in Ukraine caused by the deliberate actions of Stalin's Communist Government of the Union of Soviet Socialist Republic [USSR];
- (b) recalls that it is estimated up to seven million Ukrainians starved to death as a result of Stalin's policies in 1932 to 1933 alone;
- (c) condemns this act of genocide aimed at destroying the national, cultural, religious and democratic aspirations of the Ukrainian people;
- (d) condemns all other acts of genocide during the twentieth century as the ultimate manifestation of racial, ethnic or religious hatred and violence;
- (e) honours the memory of those who lost their lives during the Holodomor;
- (f) resolves to annually mark the Holodomor on or about the international Holodomor Remembrance Day, being 24 November;
- (g) joins the Ukrainian Australian community and the international community, including 16 sovereign governments who have formally recognised the Holodomor genocide, in commemorating this tragic milestone; and
- (h) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated.

INTERNATIONAL MACEDONIAN MEDICAL SOCIETY

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes:
 - (a) the formation and official registration of the International Macedonian Medical Society [IMMSOC] on 29 September 2013;
 - (b) that the objectives of the society are:
 - (i) to promote professional standards of its members;
 - (ii) to provide a forum for professional and social exchange amongst its members;
 - (iii) to promote and conduct continuing medical education;
 - (iv) to advocate on behalf of members in regards to community health issues;
 - (v) to acquire and accumulate knowledge and provide responses in relation to health issues affecting the Australian Macedonian community worldwide; and

- (c) additional objectives include:
 - (i) to contribute to deserving charitable causes and organisations;
 - (ii) to perform acts of good corporate citizenship; and
 - (iii) to promote mutual understanding and to liaise with other medical organisations.
- (2) That this House congratulates the founding board including Dr Zoran Becvarovski, President, and Dr Boris Karanfilov, Vice-President, and wishes the medical society every success.

NATIONAL FOUNDATION DAY OF KOREA

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
 - (a) 3 October 2013 marks the 4,345th anniversary of the creation of the ancient nation of Korea by King Dangun, which has been recognised as a national holiday in Korea since 1909 and is designated as National Foundation Day of Korea;
 - (b) on 10 October 2013 the Consul-General of the Republic of Korea in Sydney Mr Whie Jin Lee hosted a celebratory event attended by several hundred members of the Korean community and other guests to mark the occasion; and
 - (c) those who attended as guests included:
 - (i) Mr Matt Kean, MP, member for Hornsby, representing the Premier of New South Wales, the Hon. Barry O'Farrell, MP;
 - (ii) Reverend the Hon. Fred Nile, MLC, Assistant-President of the New South Wales Legislative Council;
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (iv) Mr Charles Casuscelli, MP, member for Strathfield;
 - (v) Dr Geoff Lee, MP, member for Parramatta;
 - (vi) Mr John Sidoti, MP, member for Drummoyne;
 - (vii) diplomatic and local government representatives; and
 - (viii) members of returned services organisations and Korean-Australian community groups.
- (2) That this House notes that:
 - (a) the Republic of Korea is New South Wales third-largest export market and fourth-largest trading partner;
 - (b) Australia consistently ranks as one of Korea's top investment destinations; and
 - (c) more than 100,000 Koreans live, work and study in Australia and more than 200,000 Korean tourists visit annually.
- (3) That this House:
 - (a) congratulates the Republic of Korea and the Korean-Australian community on the occasion of the National Foundation Day of Korea marking its foundation as a nation 4,345 years ago;
 - (b) welcomes the growing commercial and cultural relationship between the Republic of Korea and the State of New South Wales; and
 - (c) commends the Korean-Australian community in New South Wales for its ongoing and important contribution to the life of New South Wales.

GRADUATES OF LEAGUE PROGRAM

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) on Wednesday 21 August 2013, the University of Western Sydney [UWS] celebrated the launch of its strategic partnership with the National Rugby League [NRL] and its Graduates of League program;

- (b) Graduates of League is the most comprehensive educational program in Australian sport;
 - (c) the program aims to augment and consolidate university entry, retention and completion rates of professional athletes, and to provide the educational assistance necessary for rugby league players to develop successful post-football careers;
 - (d) the program involves the support of players through a network of welfare and education officers, providing services such as weekly one-on-one tuition to elite athletes;
 - (e) as of August 2013, the University of Western Sydney is now part of the Graduates of League support network;
 - (f) as part of its partnership, UWS will also host NRL's pre-season Sydney rookie camps at its Hawkesbury campus;
 - (g) the partnership launch celebrations were held at the UWS Parramatta campus;
 - (h) at the launch the National Rugby League also celebrated the naming of the 2013 NRL-Rugby League Professionals Association [RLPA] Academic Team of the Year; and
 - (i) this year's NRL-RLPA Academic Team was composed of 17 elite athletes who shone both through their sporting performance and their commitment and progress within the NRL's welfare and education programs.
- (2) That this House:
- (a) acknowledges the University of Western Sydney, the National Rugby League, NRL clubs and the Rugby League Players Association new partnership and commitment to players' welfare and education;
 - (b) acknowledges the National Rugby League, its affiliates and its partners for developing a comprehensive welfare and education program that is setting the benchmark for athletes' personal development in Australian sport; and
 - (c) congratulates the 17 members of the 2013 NRL-RLPA Academic Team of the Year on their achievements and dedication, and on their setting an example for athletes and aspiring athletes throughout Australia.

AUSTRALIAN ARAB BUSINESS COUNCIL

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

- (1) That this House notes that:
- (a) at a special general meeting held on the 11 September 2013 the Australian Arab Business Network [AABN] resolved a change of name to the Australian Arab Business Council Inc. [AABC];
 - (b) the AABC is in the process of organising a trade mission to Morocco and the United Arab Emirates around April 2014, inviting all interested New South Wales and Federal parliamentarians;
 - (c) AABC is also organising an expo in March at the Parliament of New South Wales, highlighting trade with the Middle East; and
 - (d) AABC has hosted many distinguished business and political leaders, including Federal Treasurer the Hon. Joe Hockey, Mr Graeme Barty, Austrade General Manager Growth and Emerging Markets, His Excellency Ambassador Mr Li Huaxin, Consul General of the People's Republic of China, and last week hosted Mr Mohamed El-Orabi, Egypt's former Minister of Foreign Affairs, speaking about the future economic conditions and stability for Egypt and its political and economic position in the Arab World.
- (2) That this House notes the significant work of the AABN and wishes the AABC all the best in its new direction.

SAINT NARSAI ASSYRIAN CHRISTIAN COLLEGE

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on 19 September 2013 Saint Narsai Assyrian Christian College celebrated the graduation of its year 12 class of 2013 at a ceremony held at the Edessa Reception Auditorium at Greenfield Park;
 - (b) those who attended as guests included:
 - (i) His Beatitude Mar Meelis Zaia, AM, Metropolitan of the Archdiocese of Australia, New Zealand and Lebanon of the Holy Apostolic Catholic Assyrian Church of the East;
 - (ii) the Hon. Adrian Piccoli, MP, Minister for Education;
 - (iii) Mr Andrew Rohan, MP, member for Strathfield;

- (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) Mr Mudhafar Mustafa Al-Jbora, Counsellor of the Iraqi Embassy, representing the Iraqi Ambassador to Australia;
 - (vi) Reverend Fathers Ashoor Lazar, Gewargis Atto, Younan Dawood, John Kushaba, Ninos Elya, Yousif Jazrawi and Moshe Barkho of the Holy Apostolic Catholic Assyrian Church of the East;
 - (vii) Mr Sargis Makko, Principal of St Hurmizd Assyrian Primary School;
 - (viii) representatives of local government and Assyrian-Australian community organisations; and
- (c) Saint Narsai Assyrian Christian College is the first secondary school in the world established outside of Iraq, site of the original homeland of the Assyrian Nation; and
- (d) since its foundation in 2006, by His Beatitude Mar Meelis Zaia, AM, of the Holy Apostolic Catholic Assyrian Church of the East, Saint Narsai Assyrian Church College has continued to expand to cater for the growing Assyrian-Australian community in Sydney.
- (2) That this House:
- (a) congratulates the students of the year 12 class of 2013 of Saint Narsai Assyrian Christian College on their recent graduation and wishes them well for the future;
 - (b) acknowledges the outstanding achievement of the Assyrian-Australian community and its spiritual leader Archbishop Mar Meelis Zaia for their hard work in the founding and development of Saint Narsai Assyrian Christian College; and
 - (c) extends its best wishes to:
 - (i) Mr John Haskel, school principal;
 - (ii) Mr Edward Dinkha, deputy school principal;
 - (iii) students and staff and members of the school board for the continued success of Saint Narsai Assyrian Christian College.

COMMUNITY LANGUAGE SCHOOLS AWARDS FOR EXCELLENCE

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
- (a) on 30 September 2013 the Minister's Award for Excellence in Student Achievement—Community Languages Schools was held at the University of New South Wales;
 - (b) the awards recognise the achievements of outstanding students from community languages schools in New South Wales in three categories: Minister's Award, Highly Commended Awards and Commended Awards; and
 - (c) the event was attended by the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier, on behalf of the Minister for Education, Mr Gregory Prior, Deputy Director General, Schools—New South Wales Department of Education and Communities, members of the NSW Community Languages School Board, including Associate Professor Ken Cruickshank and Ms Hanya Stefaniuk, OAM, principals, teachers, community and religious leaders.
- (2) That this House commends the following award recipients:
- (a) Minister's Award—Senior Section: Ani Dilanchian, Ama Gunaratne, Mayura Khanthan, Tiago Martins and Cynthia Zhuang;
 - (b) Minister's Award—Junior Section: Amy Clarke, Sara Hossain, Yuki Matsuura, Mario Rymovskyy and Julian Tyl;
 - (c) Highly Commended—Senior Section: Tavishi Arora, Lola Chang, Pratiksha Chuttar, Siobhan Costello, Ada Fang, Bolwen Fu, Kevin Ge, Asha Hossain, Athyban Kumanan, Eugene Lee, Henry Lin, Dewa Mangal, Jemimah Hannah Ng, Rebecca Quynh Hoang Vu Nguyen, Anesha Niranjana, Thanuja Premkumar, Shivanjali Ratnaseelan, Anais Sarkissian, Markian Stefanychyn, Ke Sun, Christina Tran, Reihana Tsao, Tande Jason Wang and Jethro Chi Fung Yuen;
 - (d) Highly Commended—Junior Section: Lakshmi Aishwarya Aravamudhan, Celine Asatour, Humpshinie Baskaran, Kennedy Cheav, Samuel Yuk Yin Choi, Phoebe Chong, Methma Gunaratne Seo Woo Han, Emese Hevesi-Nagy, Gloria Khoshkhoo, Praveena Kilberd Kugathanan, Olga Kryj-Bednarski, Ian Leung, Yi Fei (Phoebe) Liang, Artemis Papacosta, Anjala Ranjith, Alicia Sammut, Tharankini Santhanakrishnan, Anica Shen, Yishan Shen, Paulina Siewicz, Anna Tran, Claudia Wrzos and Trinity Young;

- (e) Commended—Senior Section: Sanjay Krishna Alapakham Jawaharlalnehru Ingrid Aneman, Hafsa Baig, Avineet Bishun, Daaron Chiu, Jane Cho, Nicole Dai, Andrew Fenelon, Kevin Hong, Huei (Teri) Huang, Katarina Jones, Tracy Jung, Thawatchai Kanhaphan, Raneem Kazal, Leo Min Sun Kim, Ophilia Kong, Bianca Lao, HuiLong Lin, Alvina Lock, Frank Lopresti, Xiao Wen (Kevin) Ma, Emelie Malmqvist, Tamara Pathirana, Wendy Pham, Helaine HienTruc Pham-Le, Evan Psilopatis, Senthilraman Rahavan, Shatabdi Rashed, Rashmi Ravi, Jae Yeon Re, Lana Ryu, Priya Sashi, YiXiu Tan, Evangelina Kalliopi Tomic, Shariss Vartanian, Ivy Wong, Daisy Wong and Ellie Zheng; and
- (f) Commended—Junior Section: Liam Alkobi, Elle Andreopoulos, Diana Blazevska, Zeinab Boussi, Amanda Chow, Grace Cui, Matilda Ebeli Virmo, Jaidyn-Michael Galanos, Peter Geronikos, Shrihari Gowri Theenathayalan, Lara Guiroyan, Lucia Guo, Chamod Herath, Richard Huang, Asm Shahriar Ifti, Dimitrios Kallos, Annabel Kim, Jamie Kim, Andrew Klimentev, Aleksej Kočovski, Tommy Kwon, Saga Lynga, Jade Ma, Yuki Michigami, Natasha Milenkovic, Jessica Moon, Teo Plagissos, Anika Popovic, Rishab Rajesh Rajeshkumar, Andrea Salapatas, Gitika Aislin Singh, Sukhmeet Kaur Sooch, Hristian Spiroski, Lavanya Viswanathan, Bernadette Hok Man Wong, Natarsha Miu-Wan Wong, Burak Yig and George Zhang.
- (3) That this House congratulates and commends all recipients of awards, and principals, teachers and administrators involved in the NSW Community Languages Schools program on their outstanding service.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1545 outside the Order of Precedence objected to as being taken as formal business.

AUSTRALIAN EGYPTIAN COUNCIL FORUM

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That the House notes that:
- (a) on 4 August 2013 the Australian Egyptian Council Forum held an interfaith Iftar Dinner at Kogarah to celebrate the month of Ramadan;
- (b) those who attended as guests included:
- (i) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing both the Hon. Victor Dominello, MP, Minister for Citizenship and Communities, and the Hon. Tony Abbott, then Federal Leader of the Opposition;
- (ii) New South Wales Deputy Commissioner for Police Mr Nick Kaldis;
- (iii) Professor Naguib Kanawati, Macquarie University;
- (iv) Professor Rifaat Ebeid, University of Sydney;
- (v) Sheik Sayed Abdel Aleem;
- (vi) Dr Moustafa Rashed, Islamic scholar;
- (vii) Reverend Hamdy Awad, Merrylands Arabic Presbyterian Church;
- (viii) representatives of various Muslim and Christian organisations within the Egyptian community; and
- (c) the Australian Egyptian Council Forum includes amongst its objectives:
- (i) promotion of Egyptian heritage and culture in Australia;
- (ii) encouragement of Egyptian youth in the wider community;
- (iii) development of good relations with other multicultural Australian communities;
- (iv) enhancement of good relations between Egypt and Australia at both a government and non-government organisation level; and
- (v) providing support services to newly arrived migrants from Egypt.
- (2) That this House:
- (a) congratulates the Australian Egyptian Council Forum on the occasion of its recent interfaith Iftar dinner; and
- (b) commends the council for its ongoing work in promoting interfaith dialogue within the Australian community.

RIVERKEEPER PROGRAM

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes:
 - (a) the Riverkeeper Program operated by the Georges River Combined Councils Committee, which removes rubbish at the catchment level as well regenerates bushland on foreshores, creeks and tributaries has removed 103,638 kilograms of rubbish this year over 28,332 hours at 130 sites in nine council areas;
 - (b) that some of the sites and the weight of rubbish removed include:
 - (i) Little Salt Pan Creek, 1,560 kilograms;
 - (ii) Salt Pan Creek, 11,022 kilograms;
 - (iii) Botany Bay Foreshore, 3,167 kilograms;
 - (iv) Kogarah Bay, 1,622 kilograms;
 - (v) Scarborough Ponds, 2,125 kilograms;
 - (vi) Towra Point and Kurnell Peninsula, 5,510 kilograms;
 - (vii) Lower Reach, Georges River, 10,337 kilograms; and
 - (c) bush regeneration teams worked to restore more than 18,406 square metres of foreshore bushland.
- (2) That this House commends:
 - (a) the Georges River Combined Councils Committee whose significant clean-up results were achieved in partnership with Corrective Services NSW utilising teams made up of individuals on intensive correction orders, and
 - (b) Scouts NSW, the State Emergency Service, schools and other community volunteer organisations that partner with the Georges River Combined Councils Committee.

PERUVIAN INDEPENDENCE DAY

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
 - (a) on 27 July 2013 members and friends of the Peruvian-Australian community held a successful celebratory cultural evening at Hornsby RSL showroom to mark the 192nd anniversary of Peruvian Independence Day;
 - (b) the event was organised and hosted by Grupo Pastoral Don Bosco, a Peruvian-Australian community charitable organisation, and funds raised were donated to the Don Bosco Homes in Peru operated by the Salesian Catholic Order to assist orphaned and abandoned children; and
 - (c) those who attended as guests included:
 - (i) the Consul-General of Peru in Sydney, Ms Elizabeth Castro Benavides;
 - (ii) the Deputy Consul-General of Peru in Sydney, Mr Ricardo Salamanca;
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice; and
 - (iv) representatives of the Returned Services League and other civic and community organisations.
- (2) That this House:
 - (a) congratulates Grupo Pastoral Don Bosco on its initiative in organising this celebration of Peruvian Independence Day and on its ongoing charitable endeavours; and
 - (b) extends its best wishes to the Peruvian-Australian community on the occasion of the 192nd anniversary of Peruvian Independence Day.

**COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE
CRIME COMMISSION**

Report: 2013 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the NSW Ombudsman and the Child Death Review Team

The Hon. Catherine Cusack, as Chair, tabled report No. 7/55 entitled, "2013 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the NSW Ombudsman and the Child Death Review Team", dated October 2013, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Catherine Cusack.

The Hon. CATHERINE CUSACK [9.42 a.m.]: I move:

That the House take note of the report.

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

PETITIONS

Residential Parks Act Reform

Petition stating that the interests of citizens are not being served by the proposed reforms to the Residential Parks Act 1998, that there are concerns about how the process has been conducted; and requesting an inquiry into the proposed repeal of the Act and the introduction of the Residential (Land Leases) Communities Bill 2013, received from the **Hon. Jan Barham**.

Marriage

Petition stating that marriage is a state instituted and ordained by God for the lifelong relationship between a man and a woman to the exclusion of all others and that marriage protects the relationship between parents and their children for the good order of society, and requesting that the House ensure the current legal and religious procedures for the institution of marriage are maintained as a lifelong relationship between a man and a woman to the exclusion of all others for the good order of society, received from the **Hon. Rick Colless**.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 1 postponed on motion by Dr John Kaye and set down as an order of the day for a future day.

Business of the House Notice of Motion No. 2 postponed on motion by the Hon. Mick Veitch and set down as an order of the day for a future day.

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.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn until Tuesday 22 October 2013 at 2.30 p.m.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. PENNY SHARPE [9.51 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1545 outside the Order of Precedence relating to an order for papers concerning bus contracts be called on forthwith.

I do not intend to take up a lot of time of the House. I tried to have this motion dealt with as formal business but the Government refused to do so.

The Hon. Dr Peter Phelps: You refused to amend it. If you had amended it we would have let it through.

The Hon. PENNY SHARPE: As is absolutely my right to do so. This has already taken up too much time. I commend my motion.

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

Motion agreed to.

Order of Business

Motion by the Hon. Penny Sharpe agreed to:

That Private Members' Business item No. 1545 outside the Order of Precedence be called on forthwith.

SYDNEY METROPOLITAN BUS CONTRACTS

Production of Documents: Order

The Hon. PENNY SHARPE [9.53 a.m.]: I move:

That under Standing Order 52 there be laid upon the table of the House within 14 days of the date of passing of this motion the following documents created since 1 April 2011 in the possession, custody or control of the Minister for Transport, Transport for NSW, the Department of Premier and Cabinet or the Treasury relating to the competitive tendering of Sydney metropolitan bus service contracts:

- (a) any document relating or referring to the competitive tendering of Sydney metropolitan bus service contracts in New South Wales;
- (b) any correspondence to the Minister for Transport or Transport for NSW from:
 - (i) BusNSW;
 - (ii) Neville Buses (also operating as Busabout and Hawkesbury Valley Buses);
 - (iii) Transit Systems Australia;
 - (iv) The Punchbowl Bus Company, Interline (also operating as Ingleburn Bus Services);
 - (v) Busways;
 - (vi) Veolia Transdev;
 - (vii) Forest Coachlines;
 - (viii) ComfortDelGro Cabcharge (also operating as Hillsbus, Westbus);
 - (ix) Any other companies who tendered for bus regions;
 - (x) Any agents, representatives or lobbyists on behalf of bus or transport companies in relation to Sydney metropolitan bus service contracts; and
- (c) any correspondence from the Minister for Transport or Transport for NSW to:
 - (i) BusNSW;
 - (ii) Neville Buses (also operating as Busabout and Hawkesbury Valley Buses);

- (iii) Transit Systems Australia;
 - (iv) The Punchbowl Bus Company, Interline (also operating as Ingleburn Bus Services);
 - (v) Busways;
 - (vi) Veolia Transdev;
 - (vii) Forest Coachlines;
 - (viii) ComfortDelGro Cabcharge (also operating as Hillsbus, Westbus);
 - (ix) Any other companies who tendered for bus regions;
 - (x) Any agents, representatives or lobbyists on behalf of bus or transport companies in relation to Sydney metropolitan bus service contracts; and
- (d) any document relating or referring to the anticipated savings in relation to the competitive tendering of Sydney metropolitan bus service contracts;
 - (e) any report or advice that outlines risks of the tendering of Sydney metropolitan bus service contracts;
 - (f) any correspondence between the Minister for Transport or the Department of Transport and Transport for NSW in relation to tendering of Sydney metropolitan bus service contracts; and
 - (g) any document that records or refers to the production of documents as a result of this order of the House.

As I said, I do not intend to speak at length on this motion, which is a straight forward call for papers. The motion is about public confidence in the bus contracting process in New South Wales. Issues have been raised previously about the way bus contracts have been rolled out. This call for papers will allow members of this House to properly review all of these matters. I am concerned about some issues that have already arisen with the bus contracts. During the rollout in region three this week around the Liverpool-Holroyd area, basically students were running late trying to get to their Higher School Certificate exams, schools were in meltdown and drivers did not know where they were going. This contract was let 10 months ago. There should have been adequate preparation time for this to occur. Part of this call for papers will look at all of those matters.

I acknowledge that the Government asked me to narrow the terms of my call for papers. I believe that there are adequate measures in place in the call for papers process to enable the Government to ask for particularly sensitive information to be privileged, and that will be dealt with in an appropriate manner. The millions of dollars that are spent on bus contracts should be open for proper scrutiny. All this call for papers does is ask for proper scrutiny. This call for papers is not unreasonable, and some of the issues I believe the Minister will raise can be adequately managed, as they have done with all other calls for papers in the past. I commend the motion to the House.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.55 a.m.]: The Government opposed this matter being dealt with as formal business. As the Opposition spokesperson correctly said, we approached her yesterday and offered support if she would put a couple of small amendments in place.

The Hon. Walt Secord: Small?

The Hon. DUNCAN GAY: I intend to move an amendment to the motion to remove paragraphs (a) and (d). It is not unusual for Oppositions to ask for these sorts of papers.

The Hon. Walt Secord: So cough them up.

The Hon. DUNCAN GAY: We are willing to cough up what has been coughed up in the past. Indeed, when we were in Opposition—

The Hon. Walt Secord: Here we go.

The Hon. Dr Peter Phelps: Labor would never leak privileged documents, would it?

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time.

The Hon. DUNCAN GAY: I have limited time and I want to make some important points. In 2009 we made a similar call for papers on the inner-west busway. At the time the Government produced a public interest

concern, and the House, in its wisdom, including many members now on the crossbench, supported the Government. They supported the call for papers but with appropriate amendments. The amendments we ask for today are exactly the same amendments that the House supported in 2009. We are asking for sensible continuity. The House is master of its own destiny. Sometimes it makes political decisions, but in this situation I hope it will make its decision with a cool head, understanding the ramifications for the businesses involved and some of the material that may be involved. At that time the Government argued using the same facts as I have used today, and previously the House made the decision not to include the material that we are trying to preclude this time.

The public interest in the Government obtaining value in respect of the expenditure of public money is statutorily enshrined in the enabling statutes of many government authorities. Nearly all government authorities are required, for example, to be successful businesses and thereby maximise the worth of the State's investment in the relevant authorities. In these circumstances disclosure of documents that would prejudice the ability of the State to maximise its investment would be contrary to the public interest. Documents that reveal the analysis, evaluation and advice relating to key issues concerning existing and proposed contractual and commercial arrangements could potentially have a significant adverse effect on the ability of the Government and the Roads and Traffic Authority—at that time it was the RTA; today it is Roads and Maritime Services—to evaluate proposals received in connection with current and future competitive tenders, negotiate contracts with tenderers in respect of those tenders and obtain favourable commercial terms or prices in relation to particular contractual commercial negotiations.

This call for papers refers to commercial information that has been given to the Government in trust in order to negotiate and strike a balance on behalf of the community and taxpayers of this State. The companies provide this information on the understanding that it will not be publicly available to their competitors. The companies lodge their business plans with the Government in good faith knowing that they will be analysed. The Government will lose out in two ways if this material is publicly available. First, people will be aware of the Government's criteria and how we analysis the information and, second, the business plans and scope of the companies are an integral part of their commercial operations that should not be made publicly available. They put together a plan that relates to the way they run their companies and it is very much a part of their commercial property. It is part of the value of their organisation.

The Government said in good faith to the Opposition that it will support this Standing Order 52 motion if the Opposition deletes paragraphs (a) and (d). We left it to the Opposition to think about it overnight. The Opposition believes that there is a mantra of political expediency that enables it to put anything in a Standing Order 52 motion because it has support for it ticked off. Whilst there is general support at the moment for Standing Order 52 motions, I ask the Opposition to be reasonably sensible about the way they interpret it and the way it is handled.

It is only fair to the companies that put their internal intelligence in the Government's trust for us to negotiate properly to obtain the best outcome. I could continue with a whole lot of political diatribe about how badly the former Government ran this process and how cynical is this operation but I believe everyone knows that. The composition of this House is basically the same as in 2009 when we in opposition called for papers under Standing Order 52 and I ask the Opposition to extend the same courtesy to this Government that we extended to the then Government. I move:

That the motion be amended by omitting paragraphs (a) and (d).

If the House is generous enough to support my amendment, the Government will support the amended motion.

Dr JOHN KAYE [10.03 a.m.]: I have listened to what the Minister for Roads and Ports said and I understand his point of view. I was not involved in decision-making around the 2009 determination. I believe the Minister's concern is that materials that may be produced under paragraphs (a) and (d) would have commercial sensitivity for the companies that tendered for bus contracts. The Minister's concern is therefore a breach of trust between the companies involved and the Government, which may have an impact on future tendering processes at a subsequent date. I understand and am sensitive to that concern although my views on tendering out these types of services are probably fairly well known and understood in this Chamber.

The Hon. Duncan Gay: There is a difference between companies knowing it would be made public and presuming it would not be made public.

Dr JOHN KAYE: The Minister's point is well made. I accept the argument that there would be a material impact on the quality of future tendering processes if companies felt that the commercially sensitive

material that they submitted would be at risk of public disclosure. However, it is open to the Director General of the Department of Premier and Cabinet to declare any material to be privileged so that only members of the House can see that material. This House has a long track record of dealing with privileged material and not leaking that material. I cannot say that is true of every document in this House but it is certainly true of privileged material. I have seen privileged material and I and other members of this House have exercised our responsibility to not disclose that material. Other members and I have fought to remove a privilege claim on some material in this Chamber but it has always remained confidential, and there is a long track record of doing that.

It is not just me saying that but it is an understood proposition throughout the community. Those commercial entities that seek in future to tender to the Government should and will have confidence that material which is commercially sensitive will be declared thus by the Director General of the Department of Premier and Cabinet and will be treated as such by members of this Chamber. If the Minister can point to one piece of privileged material in the past decade on which privilege has been breached, I will reconsider my position. However, because privilege exists I believe the Government has an opportunity to declare material privileged and to get that protection. Therefore, I cannot see an argument for deleting paragraphs (a) and (d).

The Hon. PENNY SHARPE [10.06 a.m.], in reply: I thank members for their contributions to this debate. My opposition to the generous offer by the Government in relation to passing this motion and its amendment is not taken lightly. I considered this matter very carefully overnight and I sought advice in relation to how those concerns can be managed through the process of an order for papers. This House has broad powers in relation to an order for papers. There have been numerous examples of a lot of material being collected through such an order. I ask the House to note that the issue of whether material becomes privileged is a way to manage the sensitivities raised by the Minister. I have full confidence that the information that will be provided through that process will remain so. I have nil concern that information will be leaked because, quite frankly, no-one in this Chamber has done that in the past, nor would I expect them to in the future because we understand that with the right to call for papers important responsibilities are placed on us relating to the democratic process.

Similarly, I continue to press for Standing Order 52 in its current form because I believe a public interest exists in how millions of dollars of bus contracts operate within New South Wales and there is a need for transparency about the way in which those contracts are tendered and allocated. Thousands of people rely every day on a very good public transport system in Western Sydney and they need to have confidence that the processes that the Government has put in place will deliver on that public transport commitment. I respectfully understand the concerns being raised by the Government but I similarly respectfully oppose its amendment and believe that this House is mature enough and responsible enough to call for these papers and to deal with them appropriately so that we can meet the public interest test and be confident that what is going on in relation to bus contracts is all above board. We have an absolute right to look at that material and to seek confidence from it.

Question—That the amendment of the Hon. Duncan Gay be agreed to—put.

The House divided.

Ayes, 16

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

Noes, 21

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

Pairs

Mr Ajaka	Ms Fazio
Mr Lynn	Ms Westwood

Question resolved in the negative.

Amendment of the Hon. Duncan Gay negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

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

Noes, 16

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

Pairs

Ms Fazio	Mr Ajaka
Ms Westwood	Mr Lynn

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.25 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1471 outside the Order of Precedence relating to an order for papers regarding the NSW Health labour expenses cap be called on forthwith.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [10.26 a.m.]: The Government opposes urgency on this matter. I would have thought that if this matter were urgent the Government would have had some consideration from the Opposition. Notice was given on 11 September and it is now 17 October: There has been plenty of time to talk to the Government. There are a large number of matters before the House at the moment and, frankly, the honourable member has had over a month to put this forward and he has decided to do so today. The Government opposes the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

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

Noes, 16

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

Pairs

Ms Fazio	Mr Ajaka
Ms Westwood	Mr Lynn

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. ADAM SEARLE agreed to:

That that Private Members' Business item No. 1471 outside the Order of Precedence be called on forthwith.

NSW HEALTH LABOUR EXPENSES CAP**Production of Documents: Order**

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.36 a.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this motion the following documents created since 1 July 2012 in the possession, custody or control of the NSW Ministry for Health:

- (a) any document relating or referring to the labour expense cap;
- (b) any document relating or referring to program savings;
- (c) any document relating or referring to asset and land sales and disposal; and
- (d) any document that records or refers to the production of documents as a result of this order of the House.

A call for papers is of course an important tool in the armoury of this Chamber in holding the Executive to account. The Government's management of what it refers to as the "labour expenses cap" and exactly how it achieves its various savings measures is an important area of public policy, as is properly scrutinising this area of public policy. The Opposition believes that the Minister for Health's presentation at the recent estimates committee hearings, in particular relating to the labour expenses cap, was unsatisfactory. As a result, it is now pressing this call for papers to obtain the relevant documents and to give members a greater degree of confidence in this important area of public policy. The Opposition therefore strongly urges members to support this motion.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [10.38 a.m.]: The Government does not support this motion. This is a lazy attempt to use important resources within the New South Wales Ministry of

Health. The Hon. Amanda Fazio wrote to the ministry on 14 March making an application under the Government Information (Public Access) Act 2009. The ministry refused the application on the grounds that complying would cause an unreasonable diversion of resources. The honourable member was offered the opportunity to amend her application to make it more manageable for the ministry to process within existing resources, but she did not do so within the stipulated time frame. The ministry estimated that it would have taken 100 hours to comply with the application.

The Hon. Amanda Fazio was also advised by the ministry that some of the information requested is publicly available from the NSW Health and the NSW Treasury websites. The ministry's view has not changed—that the scope of this order, as was the case with the Government Information (Public Access) Act request, is unreasonably broad and complying with it would represent a substantial diversion of health ministry resources. Furthermore, this would be the third standing order 52 request received by the ministry in recent months and the second received in the past two weeks. The cumulative effect of such orders is to divert the attention of the ministry from its core role of looking after the people of New South Wales. The matters raised in this order have been extensively canvassed in Parliament by the Minister and via routine mechanisms of Parliament: questions on notice, questions without notice and notice of motion debates. This Government has demonstrated its commitment to unprecedented levels of openness and transparency.

The Hon. Steve Whan: What rubbish! How can you say that with a straight face?

The Hon. MELINDA PAVEY: I can say it with a very straight face, because if we got an offer of a \$3 million bribe we would have reported it. That is the standard of the Labor lot. Do not talk to us about transparency and openness.

The Hon. Steve Whan: Point of order: The member opposite has reflected on the Opposition in a most serious way. I ask you to ask her to withdraw the reflection she made on members of the Opposition.

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

The Hon. MELINDA PAVEY: I was referring to matters of openness and transparency, and you lot are led by a bloke who got an offer of a \$3 million bribe and did not tell anyone.

The Hon. Steve Whan: Point of order: The Hon. Melinda Pavey suggests that the Leader of the Opposition in the other place has done something inappropriate in his actions. She should do that by way of substantive motion. I ask you to call her to order and ensure that she does not abuse this House in her reflections on members of the Opposition.

The Hon. Duncan Gay: To the point of order: It is inappropriate to have received a bribe offer and not to have alerted people. How can you defend that?

The Hon. Lynda Voltz: To the point of order—

The PRESIDENT: Order! I have heard enough on the point of order. This started with interjections from the Opposition during the Parliamentary Secretary's speech. The Parliamentary Secretary should not have responded to them. There were more points of order and a tendency to mention material that might have been a reflection on a member. I remind members that interjections are disorderly at all times and that members should not respond to them.

The Hon. MELINDA PAVEY: I highlight to crossbenchers that this call to order will have enormous implications for the NSW Ministry of Health. This Government has put a record \$18 billion into the health budget and has recruited 4,100 more nurses. It is spending nearly \$5 billion on rebuilding hospitals and expanding other facilities. At the moment the NSW Ministry of Health is working very hard, along with me and the co-chair of the Rural and Regional Task Force, to put together a 10-year plan for rural and regional health in this State. The task force has put a lot of energy and commitment into that plan. The task force is working really well. Responding to this type of call to order would use important energy and resources and involve people who are contributing to that health plan. The health plan offers a very good outlook for the future direction of health in regional New South Wales.

The Hon. Lynda Voltz: What if the public does not know what you are doing?

The Hon. MELINDA PAVEY: Because the honourable member is interjecting she is preventing me from telling part of the story. We are doing good things in health and it is important that we be allowed to do continue to do that. The information is available, as I have said, through other practices of this House: notices of motion, questions to Ministers and those types of things. The first time this came to our attention was when the Hon. Amanda Fazio submitted a Government Information (Public Access) Act request. The ministry wrote to the Hon. Amanda Fazio and suggested there were better ways of doing this as it would take too many resources.

Labor Party members think it would be too much work to recalibrate the request and to ask for information. Instead, they lodge a standing order 52 application. One thing they are requesting is "any document relating or referring to the labour expenses cap". This Government has a policy of keeping a cap on wages. We have negotiated that through all the proper processes and systems. I ask the crossbenchers to think about the number of memos and bits of information that pass between the ministry and the 16 local health districts and the amount of paperwork and energy required to pull in each and every one of those memos referring to government policy about keeping our budget together. I implore the crossbench members to think before supporting this call for papers, because it is not in the interests of the people of New South Wales. It is not in the interests of getting resources on the ground to care for patients, which is what the NSW Ministry of Health and the New South Wales Government are prioritising.

The Ministry of Health is open. I reiterate that the Minister for Health has created the Bureau of Health Information, an independent organisation. It is part of the pillars of the New South Wales health system. You can look at it to see really important health data, like hospital infection rates and service levels. It is an amazing resource that has transformed the secrecy that surrounded your lot. When Labor was in office, we could not find out which hospitals had infections and where to go to avoid them. That information was not public under your lot and the Hon. Steve Whan knows it.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the first time.

The Hon. MELINDA PAVEY: We have released open, accountable information. I ask the crossbench to consider that before supporting this motion, which is an unnecessary diversion of resources for the people of New South Wales.

The Hon. LYNDIA VOLTZ [10.47 a.m.]: I support the call for urgency on these papers in the motion. Despite the Parliamentary Secretary saying that we can ask questions on notice and the Ministers will answer them or we can ask questions without notice that will be answered, the reality is that every time people on this side of the Chamber ask for information from Ministers, they do everything in their power to ensure that information is not provided. I asked for information on workers compensation cases within the Department of Community Services that had lasted longer than 12 months. I was told workers compensation information is on the website. No, it is not on the website. When I asked for the plans for car parks at Granville station I was told to refer to the website.

I went to the website, but there are no plans on that website. I have asked time and again for information from members on that side of the Chamber and they do not provide it. They complain about the number of questions on notice. We are forced to ask question after question, because they will not answer the questions. In budget estimates I asked for information on the number of amateur combat sport applications that comply with the Act. The answer was: refer to the website. This Government ran on a policy of openness and transparency, yet every time its members are asked for information they hide it, they come back with non-answers, or refer us to websites with no information relevant to the question. If they want to stop us making applications under Standing Order 52, they can start answering questions as they promised before the election.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.48 a.m.]: If the Opposition wants to go fishing it should buy a boat. This motion is an absolute disgrace. Let us have a closer look at it. I have never seen such a fishing expedition in a motion.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the second time.

The Hon. MATTHEW MASON-COX: The motion calls for "any document relating or referring to the labour expense cap, any document relating or referring to program savings and any document relating or referring to asset and land sales and disposal". It is asking for an enormous array of documents. The Opposition is aware—it was informed following the Government Information (Public Access) Act request by the

Hon. Amanda Fazio—that it would take 100 hours to gather those documents and it would divert people from providing services to the people of New South Wales. The Opposition should know that is an irresponsible request to make of government.

This House has seen a number of motions relating to Standing Order 52 and committees of inquiry established as a result of the changing numbers in the House. We understand how the Opposition could get excited in that context, but it is irresponsible of the Opposition to put forward requests of this nature under Standing Order 52, which fly in the face of good government in this State. I ask the Opposition and the crossbench to consider that we harness good government in this place rather than put good government at risk through vexatious motions under standing orders such as this.

We do not need to go through this process again. We have gone through an estimates process that looked at this matter in some detail. The Minister spoke in estimates for four hours on all issues relating to the Ministry of Health. Although the Opposition had that opportunity to interrogate the Minister in relation to all of these issues, members of the Opposition spent most of their time talking about Callan Park. They did not talk about the labour expense cap, they did not talk about land disposals; they talked about Callan Park. They tried to score cheap political points and they did not go to the heart of the issues they raise in this call for papers. This is the cynicism, the opportunism and the vexatious nature of this Standing Order 52 request: It does not go to the heart of good government of this State; it is simply a fishing expedition.

We note that there is an opportunity for a supplementary estimates hearing in relation to the portfolio of Health. The Minister could be called back in relation to that process but that has not happened—obviously the Opposition was very happy with the way the Minister for Health responded to the issues that were raised in estimates. That is the proper process: If someone from the Opposition wishes to examine the Minister in relation to these issues he or she should use the existing procedures of this House. Supplementary estimates is a process the Opposition could have gone through to review each of these issues if it so wished. The Opposition could have simply put questions on notice in relation to the estimates hearing or on the *Notice Paper* at any time.

The Opposition has not done that; it has put in a Government Information (Public Access) Act application, which is completely outside the scope of good government, and it is not utilising the process of this place in an intelligent and proper manner. It is clear that this motion is a fishing expedition and it is clear that the Opposition is acting in a vexatious way that is contrary to the good government of this place. If the Opposition wants to continue with such fishing expeditions it should invest in some tackle and a boat and not waste the time of this Government.

The Hon. STEVE WHAN [10.53 a.m.]: I support the motion moved by the Deputy Leader of the Opposition. We have heard some rank hypocrisy from the other side. As a Minister in the previous Government I certainly remember that pleas to the then Opposition about the cost of its requests for information were not met with much sympathy. The Hon. Matthew Mason-Cox spoke about fishing expeditions. I have asked a number of questions on notice about fishing issues and the responses have not been all that enlightening, but I particularly talk about the Parliamentary Secretary for Health, the Hon. Melinda Pavey. She has claimed that these issues could be covered in questions on notice but, quite frankly, the responses we get to questions on notice do not give us information.

If the Parliamentary Secretary takes some action to ensure better responses to our questions there would be far less need to make requests for papers. I have asked many questions about the Cooma Hospital and Health Service and its staffing. When I ask for actual amounts budgeted and actual amounts of spending for actual numbers of staff at the health service the consistent response I get is to either look at the annual reports—which do not contain that level of detail—or I receive an answer such as one I received on 26 March 2013, which stated:

Local health districts have been empowered to take greater responsibility in delivering health care including managing their own budgets.

I asked questions about the Cooma Hospital and Health Service because the Government promised to set up a dialysis unit there. I wanted to find out if the base level of staffing there would be supplemented to staff that dialysis unit. I was seeking a simple assurance, but despite several questions to the Government I have been unable to get that assurance. Interestingly, I received an answer on 26 March 2013 about the timing for the Cooma Hospital dialysis unit, which stated:

Construction of the Cooma Hospital dialysis unit is expected to be complete in August/September 2013.

That time has now passed.

The Hon. Melinda Pavey: Because we are building a bigger unit. You know that, Steve. Put that on the record. We've increased the budget for it by \$750,000 and we've increased the number of chairs. Acknowledge the interjection.

The Hon. STEVE WHAN: I acknowledge that interjection because the community is not being informed about this. Recently the *Cooma-Monaro Express* editorialised this issue.

The Hon. Matthew Mason-Cox: Point of order: The Hon. Steve Whan is misleading the House. The Hon. Melinda Pavey was in Cooma on Monday this week.

The PRESIDENT: Order! The Hon. Matthew Mason-Cox well knows that that is a debating point. There is no point of order.

The Hon. STEVE WHAN: The timetable for the dialysis unit—

The Hon. Melinda Pavey: Has extended because there is a bigger project now.

The Hon. STEVE WHAN: I hope the Parliamentary Secretary has now released the timetable. On 5 September the *Cooma-Monaro Express* stated:

It's 30 months since the state election and, still, we see no action on the promised dialysis unit to be located at Cooma Hospital.

The PRESIDENT: Order! I remind the Hon. Melinda Pavey that she was frequently interjected upon by the Hon. Steve Whan. He was called to order. If she continues to interrupt she will be placed on two calls to order.

The Hon. Matthew Mason-Cox: Point of order: My point of order is relevance. The Hon. Steve Whan is speaking about the Cooma Hospital dialysis unit. This motion is very particular; it relates to a request for documents. The Hon. Steve Whan should be confined to the motion before the House and not be allowed to have a rant about things he neglected for many years when he was the member for Monaro.

The Hon. STEVE WHAN: To the point of order: In her response to this motion the Hon. Melinda Pavey canvassed a number of areas which she claimed were achievements of the Government in health and she was not called to order. In doing so she opened up the scope of this debate quite significantly.

The Hon. Dr Peter Phelps: To the point of order: If the Hon. Steve Whan did not agree with the scope of the debate previously undertaken he had the opportunity at the time to raise a point of order. Having not done so does not now give him the ability to engage in a debate which is outside the scope of the motion and has been raised as a point of order.

The Hon. Lynda Voltz: To the point of order: The Hon. Melinda Pavey specifically went to the provision of information by the Government. This motion is about the provision of information by the Government. The Hon. Steve Whan is currently outlining one area where information has been not given by the Government and I believe that is well within the scope of the motion.

The Hon. Duncan Gay: To the point of order: The Hon. Steve Whan has gone way beyond the scope of the motion. He is trying to mount a case as to why he should still be the member for Monaro. He is now bringing up issues that are clearly wrong.

The PRESIDENT: Order! The Minister is now making a debating point. A number of points have been made but in substance there is no point of order.

The Hon. STEVE WHAN: We can have a debate about the other one at some stage.

The Hon. Duncan Gay: Any time. The people have already had the debate.

The Hon. STEVE WHAN: Yes, and they wish they had not made that mistake. It is the obvious comeback. The *Cooma-Monaro Express* made the point that the community was not being informed about what was happening. I am pleased to hear the Parliamentary Secretary confirm that additional money will be provided.

The Hon. Melinda Pavey: I did it on Monday.

The Hon. STEVE WHAN: At the time the *Cooma-Monaro Express* asked whether the cost had blown out to \$1.7 billion. That sounds like the figure the Parliamentary Secretary may have just confirmed, and I am pleased to hear that. The example of when Labor built the dialysis unit in Queanbeyan is an interesting case because the cost of that project increased substantially to include more chairs, but at every stage we kept the community informed of the timetable. It is a shame that in answering my questions on notice on this matter the Government has not been more up-front about those issues, particularly giving a commitment that the staffing of the dialysis unit will be an additional staffing allocation to the staffing already allocated to the hospital.

As we know, moving from the self-care dialysis service that Labor put into the hospital to a satellite dialysis service, as is proposed now, requires substantial staffing; it is reasonable to expect that the community would get additional staffing for that. That is the reason requests for information have been made so often to the Minister. It is an unfortunate indication of the Government's attitude to questioning and to secrecy that, rather than provide that information, it continues to simply provide one-line responses that do not answer the questions it is asked. That is why more calls for papers are being made today and why we need to continue to delve in. Another example is the most recent answer to a question on notice I received from a Minister about Queanbeyan public or social housing. I asked five questions about housing stock in the area, how much was being built in the area and how many premises were being renovated in the area in the financial year.

I received a one-line answer: "1 to 5: Details about the number of social housing properties are available on the Housing NSW website." However, the website simply does not provide the level of detail I included in my question. The information on the website simply does not provide the level of detail to find out how many housing units have been constructed in Queanbeyan in the past number of years and are projected to be constructed or renovated over future years. That answer shows a blatant disregard for the role of this House in questioning government. It is a clear indication of this Government's obsession with secrecy, in breaching its election promises about being open and accountable, and it is a clear reason why there are two motions calling for papers on the *Notice Paper* and why we should support the motion moved by the Deputy Leader of the Opposition today.

The Hon. PAUL GREEN [11.03 a.m.]: The Christian Democratic Party will not be supporting this motion. As my colleague Reverend the Hon. Fred Nile said, it is different asking for papers as opposed to asking for a filing system. No doubt clarification of the motion is missing. The motion is so broad ranging that at the end of the day there would be a lot of wasted resources when everyone knows that the health system, particularly front-line services, needs as much attention as we can give it. We will not be supporting the motion. I note that the Opposition has a role to critique and the budget estimates is one way of doing that. I encourage the Opposition to keep doing its job and to keep aiming for the answers it is trying to get. However, on this occasion the motion is not specific enough for us to support it.

Dr JOHN KAYE [11.04 a.m.]: The Greens will be supporting this motion. I heard the arguments of the Parliamentary Secretary and I have some sympathy for them. This is a broad-ranging search for information and it will have some costs associated with it. The question that the Chamber should exercise itself with is the cost of not having this information in the public domain. I was at the budget estimates hearing on 23 August and I questioned the Minister, as did the Deputy Leader of the Opposition and the Hon. Helen Westwood.

Mr Scot MacDonald: He had only one question.

Dr JOHN KAYE: He had only one question, but it was an apposite question. He asked the Minister where the labour expenses caps were taken out of the Health budget. There was then a pas de deux between the Minister and the Deputy Leader of the Opposition, which eventually ended with the statement that the labour expenses cap was extracted before the budget was allocated—that is, money was taken out of the budget before the \$17.87 billion was allocated to Health. Eventually a bureaucrat piped up that \$91 million in labour expenses caps was taken out. The questions I asked the Minister were trying to go to the impact of that; I was particularly interested in nurse numbers.

The Ministry of Health and the health services group in general have a wages budget of about \$10.9 billion a year. Taking money out of that budget means that fewer people are available to deliver health services. What the Deputy Leader of the Opposition and I wanted to know—and we were not told—was the impact of the labour expenses cap. I say at the outset that I think the Minister is extremely competent and very

bright. Health budgeting is one of the most complex areas in New South Wales public administration. I also acknowledge that the Parliamentary Secretary mentioned the Bureau of Health Information, which is an extremely useful tool for the public knowledge of the health system and one that I use regularly.

However, it does not go to the complex question of the relationship between the amount of money allocated to Health and how that money is allocated to different hospitals and local health districts, how it ends up as nurses, doctors, paramedics and other front-line health workers, and how it is used to support those workers. Both the Deputy Leader of the Opposition and I were trying to get an answer to that complex question. I was trying to understand nurse numbers and the Minister's 4,000 additional nurses. There is no question that the Health budget has increased but so has the population in New South Wales. In real terms, last year's Health budget just kept pace with the increase in number of new bodies in New South Wales. For example, the Minister spoke about 4,000 additional nurses. That is a head count number. It is about 2,000 full-time equivalent nurses, which turns out to be exactly the increase in the utilisation of the public health system.

I support the motion because a wages expenses cap in future budgets—one cannot see it directly in this budget because the population is increasing and some of the money to match that went into the budget—means that we will not know in future budgets what has happened to the baseline unless we have a better understanding of the impact of the wages expenses cap. The Parliamentary Secretary correctly said that this motion will impose a workload on the Department of Health. But to be absolutely clear, with the Ministry of Health and the health services group, a \$17.8 billion a year budget and a \$10.9 billion wages expense, how much will this call for papers cost?

One would have to estimate that \$20,000, being very generous, is a small price to pay to get a handle on the total amount. If the Minister had been more forthcoming and clear in her explanations in budget estimates this motion would not be necessary. The Minister could not explain the impacts of the wages expenses cap. The Greens also support, and are gravely concerned about, the second component of this motion, which deals with assets—land sales and disposals. This matter goes back to former governments as well as this Government. The reality is that urban areas are occupying all the land and when hospital land is sold off—

The Hon. Melinda Pavey: You can say that about country areas too.

Dr JOHN KAYE: You could say that about country areas too, and about almost everywhere except the Continental edges where the process of mid-ocean divide is actually adding Continental mass, but that is another matter. For example, the Infrashore project on the North Shore will involve the sale of substantial proportions of the landholdings of Royal North Shore Hospital, which means that in 20 or 30 years it will be much more difficult to re-develop the Royal North Shore Hospital. Basically hospitals need their footprint replicated so that they can be rebuilt while they continue to operate when the old hospital is pulled down. Asset and land sales are significant. This year's budget estimates a \$15.2 billion assets holding. It is important for this Chamber and for the public to understand how that \$15.2 billion is being managed. For those reasons, having taken into account the arguments of the Hon. Matthew Mason-Cox, The Greens will be supporting this motion.

Mr SCOT MacDONALD [11.11 a.m.]: I think the Parliamentary Secretary for Regional Health, and the Parliamentary Secretary for Treasury and Finance nailed it—particularly when the Hon. Matthew Mason-Cox said, "These matters were by and large covered in estimates." During estimates there was a heated exchange between a number of members of the committee, including the Deputy Leader of the Opposition, about labour caps. The Minister responded in this way:

The Hon. ADAM SEARLE: Are you saying that labour expense savings have already been subtracted?

Mrs JILLIAN SKINNER: Yes, before that \$17.9 billion allocation.

The Hon. ADAM SEARLE: How much was taken up?

Mrs JILLIAN SKINNER: Whatever the labour expenses cap was.

The dialogue continued with a good examination during estimates of the labour expense cap and of program savings. As the Parliamentary Secretary for Treasury and Finance said, if that was not canvassed sufficiently in estimates the Opposition had the opportunity within a week to put questions on notice. This occurred 19 days before the Deputy Leader of the Opposition put this motion on the *Notice Paper*. This motion relates to matters that should have been covered in estimates if he had done his job properly. I note the Deputy Leader of the Opposition was not a big contributor to the estimates process. The Leader of the Opposition hunted for headlines, as one would expect during estimates. Some of the time in estimates for a better examination of these questions was missed in the hunt for a headline.

The estimates process was probably misused and time was wasted, but the Opposition could have put questions on notice at the conclusion of the process. The Parliamentary Secretary for Regional Health, and the Parliamentary Secretary for Treasury and Finance have noted that the opportunity was provided to seize on an abuse of the system. This is a waste of time and raises the question of resources as referred to by the Hon. Paul Green. Let us move the business of the House and the business of government to looking after people, not wasting resources. The opportunity for transparency is there. I reject the motion.

The Hon. Dr PETER PHELPS [11.14 a.m.]: Madam Deputy-President—

The Hon. Lynda Voltz: Never mind the bollocks, here comes Phelpsy.

The Hon. Dr PETER PHELPS: I note the Sex Pistols reference by way of interjection. Standing Order 52 is a powerful weapon and, like all powerful weapons, should be deployed judiciously. It should not be used indiscriminately, wantonly or without due regard to the power contained within it. Both in this House and in the Australian Senate requests for papers, demands for papers in effect as they are, are theoretically unlimited. The Opposition, the crossbenchers, indeed any member could theoretically, by way of a Standing Order 52 motion, seek every document produced under a particular government, barring those that were Cabinet in-confidence. The issue before the House is whether this is an appropriate Standing Order 52 and one that should be supported.

Paragraph (a) of the motion seeks any document relating or referring to the labour expense cap; that presents a massive potential number of documents which could be subject to this order. Paragraph (b) asks for any document relating or referring to program savings; that arguably is an even broader scope for document request. Paragraph (c) seeks any document relating or referring to asset or land sales and disposal; that is necessarily a smaller sub-set but still one which is potential quite large. Paragraph (d) seeks any document that records or refers to the production of documents as a result of this order of the House; that is piling a broad request for documentation upon an already massive request for documentation.

If we lived in a perfect world where energy was produced by unicorns and rivers of chocolate flowed through the streets, where things did not require the payment of people to do things and where a wand could be waved and things would be produced instantaneously, then there may be some merit in having such broad-ranging requests for documentation. But to undertake this Standing Order 52 in its current state would require a massive amount of manpower. It would put a very large impost on the time of people to go through, find, assess, replicate and adjudicate on the documentation that is being sought. All of that costs money and diverts people from their normal duties and towards the fulfilment of Standing Order 52.

One has to ask: Is that an appropriate use of public money? A more narrowly defined Standing Order 52 may well have some merit that can be just justified by the expense involved. But as it is currently contained, there appears to be no merit for the expense involved in fulfilling this Standing Order 52 request. I say in all sincerity to those opposite: If they want this Standing Order 52 undertaken they should nominate which emergency rooms they want closed down to pay for their request. Which humidicribs do they want turned off to pay for their request? How many beds do they want closed and for what period of time will they be closed to pay for their request? They should indicate how many nurses should be taken off duty and not paid to fulfil that request.

The member should indicate where the money is to come from to pay for this unmitigated trawling exercise, because that is what it is. He has the opportunity to not proceed with this today, to seek a narrower request and a narrower definition of the documents required under Standing Order 52, which will receive due consideration by the Minister, who members will agree is not an unreasonable Minister in that regard. There are certainly more Ministers one could name who would be more unreasonable in the fulfilment of requests under Standing Order 52. Would members opposite not agree with that?

The Hon. Marie Ficarra: Silence.

The Hon. Dr PETER PHELPS: Yes. I think they know the answer to that; I know the answer to it. I would say to the Deputy Leader of the Opposition that this request is unrealistically broad. He would know that if this were to go through it would have a material detriment to the proper running of the department. The scope of the request is unnecessarily broad and I ask him to give due consideration to not proceeding with the motion today, to have consultation with the Minister's office, to seek to narrow the request to a far more reasonable level and not place this unnecessary burden upon the Department of Health. I will be opposing the motion as it is currently constituted.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.21 a.m.], in reply: I thank all members for their contributions. It is quite obvious to members of this Chamber that obtaining the documents sought by this call would not result in the interference of any of the clinical operations of any of the health agencies. That suggestion by the Government Whip is completely ridiculous. I remind members opposite that the current use of Standing Order 52 is the result of their actions in the late 1990s in reinvigorating this useful tool to hold the Executive to account. However, over and above those historical reminiscences, this particular call for papers has been made necessary by this Government's systematic failures to answer questions on notice and to properly answer questions during the estimates processes during its term in office.

The Hon. Melinda Pavey: Why didn't you recall the Minister?

The Hon. ADAM SEARLE: I acknowledge that interjection. It is because the Minister, in her exchanges during the estimates hearing, showed an unwillingness to be frank and to explain exactly where the cuts have come from.

The Hon. Melinda Pavey: In your opinion.

The Hon. ADAM SEARLE: In my opinion, which is why I have brought the motion before the House and if the House disagrees with me it will not accept the motion. The point is that by saying the labour expenses were removed before the budget had been published the Minister was holding back on exactly where the Government cuts had been implemented. This meant we were not afforded the opportunity of knowing which area health services had had reductions on account of labour expenses constraints. To pick up on a point made by Dr John Kaye, we were therefore not properly informed to be able to make an assessment of the impact of those reductions on the operation of the health system in this State, which is the main reason why the call for papers is in its present form.

If the Government is more frank in response to Government Information (Public Access) Act requests, more frank in response to questions without notice in the Chambers and more frank in response to questions on notice, then calls of this kind will not be necessary. These calls have been made necessary by the Government's systematic abuse and its inability or unwillingness to be frank and transparent with the Chambers of this Parliament and with the community of New South Wales. That is why we press very strongly for this call for papers.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

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

Noes, 18

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

Pairs

Ms Fazio	Mr Gay
Mr Foley	Mr Lynn

Question resolved in the affirmative.

Motion agreed to.

ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2012**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 later hour.

CANCER COUNCIL RELAY FOR LIFE

Debate resumed from 12 September 2013.

Reverend the Hon. FRED NILE [11.33 a.m.]: I am pleased to speak in support of the motion. The motion states that this House note that:

- (a) in 2013 about 124,910 Australians are expected to be diagnosed with cancer, and an estimated 149,990 are expected to be diagnosed in 2020;
 - (b) Relay for Life is an overnight community event where teams of 10 to 15 participate in a relay-style walk or run to raise funds for the Cancer Council;
 - (c) Relay for Life began in Australia in 1999 when the Victorian community of Murrumbeena raised more than \$75,000 for the Cancer Council, and Relay for Life is now in every State and raises more than \$18 million across the country each year for the cancer fight; and
 - (d) in New South Wales around 40,000 people each year take part in Relay for Life.
- (2) That this House:
- (a) congratulates the many groups who have successfully raised funds for the Cancer Council by organising Relay for Life; and
 - (b) acknowledges the many individuals who have selflessly sacrificed their time and put their effort into training and fundraising for Relay for Life.

I congratulate the many groups who have successfully raised funds for the Cancer Council by organising a Relay for Life, and acknowledge the many individuals who have selflessly sacrificed their time and put their effort into training and fundraising for Relay for Life. Relay for Life had its beginning in the United States of America way back in May 1985 when colorectal surgeon Dr Gordy Klatt wanted to boost the income of his local American Cancer Society office to support all of his cancer patients. He spent a gruelling 24 hours circling a track in Tacoma, Washington, and raised more than \$27,000 to fight cancer. He showed that one person can truly make a difference.

Since then Relay for Life has become one of the largest fundraising events in the world, celebrated in more than 600 communities across 21 countries. It empowers and unites local communities in the battle against cancer. This ongoing event celebrates the lives of those who have survived, remembers loved ones lost and seeks to fight back against this devastating disease. It is coincidental that today is the anniversary of my wife's death from cancer. Elaine was diagnosed with cancer in 2009 and finally passed away and entered into glory on this day in 2011.

Following a hip replacement she had some pain in her side and our local doctor thought she might have pulled a muscle. Eventually, a specialist examined Elaine in Sydney and after an hour of examination he said, "I have bad news for you, it looks as if Elaine actually has cancer of the liver." I rushed Elaine straight to St Vincent's Hospital and they examined her and confirmed that it was cancer of the liver. We knew little about cancer at that time—especially cancer of the liver—even though Elaine's sister had died from bowel cancer. When the doctor came out he said, "Yes, we have conducted the blood tests and it confirms it is cancer of liver". Always practical, Elaine said, "How long do I have to live?" The specialist said, "Six days, or 18 months with treatment." It was a big shock to us to discover how quickly cancer can be fatal when not treated, and still be fatal if treated.

That was the beginning of three years of a very active campaign that Elaine and I conducted to try to defeat the cancer, even though we were fighting an uphill battle. We found out about the different treatments available and Elaine was treated with radiation and other treatments. Elaine also had an experimental operation hoping that they could cut the cancer out of the liver. The specialist was Dr Morris—who has recently been in the media—from St George public hospital. Following the operation he said, "If we had removed all of the

cancer from the liver Elaine would have died on the operating table." He was sorry that the operation could not proceed to a positive outcome. I would go with Elaine to St Vincent's Hospital where she had regular treatment with all the other patients in the oncology area, both old and young. Most of the patients were women who were being treated for various types of cancer.

Elaine and I did a great deal during that time to support various cancer groups and St Vincent's Hospital. I fully support Relay for Life and encourage other members to do likewise. I am pleased by the Hon. Paul Green's involvement in this area. It is very difficult for people diagnosed with cancer to cope and we should do all we can to help them fight it. However, given the side effects of the treatment, I sometimes wonder whether it might be better to live one's last few years in peace. There is always an opportunity to beat cancer and we have all heard about the many success stories. I believe that the best approach is to call on God's help and to access all the medical assistance that is available and hope that it will be successful. I am pleased to support this motion and Relay for Life.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.41 a.m.]: I, too, am pleased to support this worthy motion moved by the Hon. Paul Green. I concur with the comments made by all members who have contributed to the debate. I was particularly moved by Reverend the Hon. Fred Nile's contribution in which he took us through his personal experience with his beautiful wife, Elaine. We all understand the impact that cancer has on many people's lives. Like most people, I have been impacted by loved ones' battles with cancer.

It is wonderful to have an organisation such as the Cancer Council, which organises the Relay for Life every year. It is also uplifting to see the level of community participation in these events. They forge bonds in communities and are a great way to "Celebrate, Remember, Fight Back!", which is the Relay for Life slogan. I have been involved in the Relay for Life event held in the wonderful town of Queanbeyan, which is strongly represented in this Chamber—and rightly so.

The Hon. Dr Peter Phelps: The political capital of New South Wales.

The Hon. MATTHEW MASON-COX: Yes, it is the political capital of New South Wales. Like all communities in this great State, the community of Queanbeyan comes together to support those who have been affected by cancer. The event is held at historic Seiffert Oval, which has been the venue for many rugby league matches over the years, including a number involving the Canberra Raiders. This year I saw many of my colleagues strutting their stuff around the oval. The Hon. Peter Phelps was setting a vigorous pace.

The Hon. Dr Peter Phelps: A cracking pace.

The Hon. MATTHEW MASON-COX: Yes, a cracking pace. If he could have cracked his whip, he would have. All I could do was struggle in his wake. We were members of the Peter Hendy team.

The Hon. Dr Peter Phelps: Then we were successful in more ways than one.

The Hon. MATTHEW MASON-COX: Peter Hendy was then the Liberal Party candidate and is now the member for the Federal electorate of Eden-Monaro. Indeed, we kept running from that day until the election to ensure his success. A range of other teams participated in the event, and I particularly remember Team Barilaro, which was strongly led by John Barilaro, the member for Monaro, who was in full stride. I do not think he stopped talking for 24 hours; it was an extraordinary performance. His walking style was also a sight to behold.

The Cancer Council Relay for Life website is worth examining because it provides information about each event across the State, including the funds raised and plans for next year's events. The 2014 Queanbeyan Relay for Life will be held on 15 February at Seiffert Oval. The same community groups tend to participate, although new groups join in each year. Sing Australia Queanbeyan, which is a wonderful group of singers, will be participating again next year. Mez's Roaming Elders, Chobbsette's Chums—I look forward to catching up with them again next year—the H&R Blockheads, the Walking Fish and the Smurfs have all signed up for next year's event. The Smurfs are always popular, although they no longer paint themselves blue. Queanbeyan High School students will also participate next year. Of course, Rotary and a number of generous businesses will also be lending a hand. The event is a fantastic melting pot and the community gets behind it.

As I said, next year's event will be held on 15 February and it will start at 9.15 a.m. I encourage all members to participate in their local Relay for Life. Each event also includes a Survivors' Walk, and the

Queanbeyan Survivors' Walk will commence at 10.00 a.m. That is a very moving event involving people who have been affected by cancer and survived gathering together and walking defiantly and in celebration. Another moving event is the Candlelight Ceremony of Hope, which I am looking forward to participating in next year.

The entertainment offered at Relay for Life events around the State is very much appreciated. We have a number of bands at the Queanbeyan event that play a variety of music—country and western. The music is a great boost when the walkers are starting to flag on the tenth or twelfth lap—although Phelps is probably on his forty-fifth lap. It really puts a spring in one's step and everyone enjoys it. As night falls people arrange their bedding and the atmosphere starts to change. I am not sure what it is like at 3.00 a.m. because I have not been there at that time, but I suspect spirits are still high. Some people keep walking all night, which is an ambitious and courageous thing to do, and I congratulate them on their effort.

Relay for Life is fantastic and I look forward to next year's event in Queanbeyan. The Cancer Council website, which I encourage members to read, has information about how the money raised is spent in each community. Queanbeyan hopes to raise \$90,000 next year. We have been very successful in reaching our targets in the past and as a result have been able to assist various helplines and other local projects. These events raise community awareness about cancer and ensure that people who are affected by it and their families have the support they need. They also encourage people to check themselves and to take action as early as possible if they find they have a problem, because early intervention is essential in treating cancer. A lot of the money goes to research. There is a significant range of research projects.

Members would be aware that this Government complements that funding, as have past governments, for a whole range of projects, which are very important to ensure that we investigate how to be more effective in treating the cause of cancer and prevent it from occurring. It is with great pleasure that I support the Hon. Paul Green on this motion. It is a wonderful event and I congratulate the many groups that have raised funds for the Cancer Council by organising the Relay for Life. I note in regard to the Queanbeyan event next year that the organiser is Linda Staples. She has a team that does a wonderful job. I also acknowledge the many individuals who sacrifice their time and put effort into training and fundraising for the Relay for Life. I look forward to being a participant on 15 February 2014. I look forward to seeing my colleagues from Queanbeyan on the track. I am sure Steve Whan will be there. Perhaps as part of this we should have an unofficial event, the Peter Phelps versus Steve Whan walk-off.

The Hon. Dr Peter Phelps: Steve would win.

The Hon. MATTHEW MASON-COX: We could see who completes more laps. I look forward to that and I congratulate the Hon. Paul Green for such an excellent motion.

The Hon. Dr Peter Phelps: One-on-one water polo.

The Hon. STEVE WHAN [11.51 a.m.]: That would be a slow game to watch. I associate myself with this motion and thank the Hon. Paul Green for bringing it to the House. Unlike the Hon. Matthew Mason-Cox and the Hon. Peter Phelps I have not done a lot of hours on the Relay for Life. A couple of years ago I was a brief visitor to the event and walked for a while to keep a few people company—that is about it. However, a couple of years ago my daughter did the overnight session of the Canberra Relay for Life, which she very much enjoyed and she raised some money for a great cause.

It is really encouraging that there are so many community-based fundraising events driven by people in the local community to support worthwhile causes. We can be cynical about the state of our society, but the organisers of the local Relay for Life events are willing to put so much of their time into getting such events underway. That reinforces your faith in human nature and the wonderful things people are willing to do. The Relay for Life is one of those big events. People aim high when it comes to raising a lot of money. They put in many hours of work to get a 24-hour event up and running because of the logistics that go with being there overnight and the use of local showgrounds and facilities. As the Hon. Matthew Mason Cox has said, planning is already well underway for the Queanbeyan 2014 event coordinated by Linda Staples and a number of other people.

In the Monaro electorate there is an event which is even closer—that is, Cooma's Relay for Life on 26 October. According to the website that Matthew Mason Cox was quoting from, they have already raised more than \$20,000 towards their goal of \$50,000. I wish them luck in achieving that. As I said, it is encouraging to see the number of community-based fundraising events to help charities at a local level. The Cancer Council of New South Wales is the key organisation needing strong public fundraising to assist with its important work.

There are also events like the MS Mega Swim, which has a similar 24-hour format but in water. I have participated in several of those because I am more naturally a water person. I participated in a team organised by John Robertson, the Leader of the Opposition in the other place. He has organised a team for the last two years.

The Hon. Trevor Khan: He might as well go swimming.

The Hon. STEVE WHAN: That voice came from our side of the House. He swims every day and is an impressive participant in that event. We do 15-minute stints in that event and he produces a kilometre in every 15 minutes he does. I challenge other people in this place to do that. I can generally do it in the first 15 minutes but not the subsequent ones. It is a very impressive effort and raises a lot of money. I also participate in the Canberra event. There are many community-based events and many people in this House are associated with charitable events.

It is sometimes frustrating because you cannot participate in every event. It is fabulous that we have in our communities so many people who are willing to organise and undertake the work needed to get these events going. I am sure that the Queanbeyan event in 2014 will be very successful. I encourage people to participate in it. I wish participants in the Cooma event next weekend all the best. I hope they are successful in achieving their objective of fundraising for such a wonderful cause. I thank again the Hon. Paul Green for moving this motion and giving us a chance to acknowledge the great work communities do.

Dr JOHN KAYE [11.56 a.m.]: On behalf of The Greens, I support the Hon. Paul Green's motion supporting Relay for Life. I join with other members of the Chamber to thank him for giving us the opportunity to talk about this important issue not just to congratulate Australians involved in raising \$18 million each year for the fight against cancer but also to acknowledge the work of individuals who put their time and effort into training and fundraising for Relay for Life. Cancer is a shocking disease. Many of us in this room have had loved ones afflicted with cancer and some of us have had cancer ourselves. A number of us will be diagnosed with cancer at some stage of our lives.

There are three key things we can do about cancer. One is to invest in cures. Relay for Life is an important step in that direction with \$18 million raised for the Cancer Council. It is a very important source of funding for an organisation leading the fight against cancer in Australia. The second thing we can do is to talk about cancer. I had an interesting conversation with the Hon. Paul Green about our diagnoses. Men are particularly reticent about certain kinds of cancer diagnoses, particularly testing for prostate cancer and bowel cancer. After our conversation we observed that it was good that in 2013 two blokes from different political parties and different backgrounds can talk about our experience of rectal examinations.

The Hon. Marie Ficarra: Not too much information.

Dr JOHN KAYE: It is not that unusual, whereas 20 years ago we would not have done that. It is not just a comment on Paul Green and me; it is a comment on those people who have had the courage to talk in public about it. I pay my respects to former Prime Minister Julia Gillard's partner, Tim Matheson, who quite controversially made a remark that was probably taken out of context. He took the issue on and he spoke publicly about it. Getting men to undertake an examination that many men are reticent to have by normalising it and making it part of men's conversations is a good thing. I know women in the Chamber and women who read this will say, "Get over it." Women have had very invasive and regular diagnostic tests for many years. In some senses it is good thing for a man to be part of that.

The third thing that we can do is ask questions—which the Cancer Council does extraordinarily well—about what is it in our lives that is causing increasing rates of cancer diagnoses. We have come a long way on the issue of tobacco in this State. Successive governments—Labor and the Coalition—have kicked the habit of campaign donations from tobacco companies and have done good things through their strategies to reduce smoking rates. May that work continue and may we get to the stage where we can look at smoking as one of those bizarre things that happened in the past.

There is now a well-understood relationship between diet and the development of certain cancers. I note the germane speech made last night by Deputy-President the Hon. Sarah Mitchell, which I listened to with great interest. Many of us have modified our diet and our exercise activity over the years, partly for general wellbeing and partly to reduce our chances of contracting cancer. Without wishing to impose social engineering on the community, encouraging people to be involved in physical activity and to modify their diets to reduce their exposure to carcinogens is a great thing to do.

I conclude by once again thanking the Hon. Paul Green. I am a great believer in diversity of professional and work backgrounds in Parliament. There are some former nurses in this Chamber, including Deputy-President the Hon. Natasha Maclaren-Jones and the Hon. Paul Green, and they bring a very important practical and hands-on perspective to health care and health maintenance. This motion is an example of that. I associate myself and The Greens with the remarks made by other members in this Chamber who have made useful, worthwhile and positive contributions to this motion. I commend the motion to the House and pledge The Greens support for it.

The Hon. PAUL GREEN [12.01 p.m.], in reply: I thank the Hon. Niall Blair, the Hon. Marie Ficarra, the Hon. Lynda Voltz, the Hon. Melinda Pavey, the Hon. Natasha Maclaren-Jones, the Hon. Dr Peter Phelps, the Hon. Charlie Lynn, Reverend the Hon. Fred Nile, the Hon. Matthew Mason-Cox, the Hon. Steve Whan and Dr John Kaye for their contributions to this debate. It was a debate championing the champions. I hope those members' communities read their contributions and are encouraged to participate. As members noted, many of the organisations are already organising their next Relay for Life for 2014 and we offer our encouragement and support to them.

I note that as recently as last week sadly we lost another friend, Jim—a young male who eventually succumbed to breast cancer. It reminds us that men can suffer from breast cancer as well as women. There is no doubt that events such as Relay for Life will continue to raise money for research and development to help prevent people like Jim from succumbing to breast cancer or any other kind of cancer. It is important that we remember people who are champions of the cause and those people who have lost their battles against cancer. I know many members will commit to the Relay for Life in 2014 in their local areas. I encourage all members to make that commitment and to remember that Relays for Life are about celebrating, remembering and fighting back.

I acknowledge Phil Smith who is on the Shoalhaven Relay for Life committee. He won the Shoalhaven gold medal some time ago for his efforts in that event. Mr Smith said that an incredible group of people forms the relay committee. Ron Hawthorne, Ross Portener, Jack Fisher, Les Bryant, Catherine Bryant and Pud Egan are founding and current members of the committee. The current chair, Kimberley McMahon-Coleman, and her co-chair, Greg Brennan, have done a great job over the last couple of years, following in the footsteps of Phil Smith. We remember those members of the Shoalhaven team who have passed away: Louise Perkins, Sandi Bennett, Jo Hillyard, Judi Cartwright and Rod McGhee. Bev Neale was a great supporter for many years and has also passed away.

Mr Smith said that his outstanding memories from Relay for Life over the years are seeing the growth in numbers of young people involved and taking part in the relay year after year; feeling the special vibe that the relay generates; the generosity of people in the community every year; and the number of survivors and the amount of money raised compared with other regions and communities. Shoalhaven is now split into two teams as Milton also has a Relay for Life on the south side of Shoalhaven. Mr Smith said this great event delivers a core message to the community: Celebrate to honour those who have survived and who are still surviving; remember those who have lost the battle; and fight back because there is hope. He said we have to keep doing all those things to help find a cure as well as to support those who are fighting this dreadful disease.

The main part of this motion is to leave people with the message that the fight continues. Many of us have family and relatives who are fighting cancer. People should never give up. In this amazing time when technology is moving ahead so fast one does not know what can happen and when. A cure for a person's cancer could be found in the next minute, in the next hour or the next day. The next Relay for Life is in March 2014 and I wish all those right across the globe taking part in the relay all the very best for 2014.

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

Motion agreed to.

ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr DAVID SHOEBRIDGE [12.07 p.m.]: I speak to the Alcoholic Beverages Advertising Prohibition Bill 2012. At the outset I thank Reverend the Hon. Fred Nile for bringing this bill before the House to enable us

to have a discussion about what can be done to deal with the damaging impacts of alcohol in our community. Late last night this House debated and passed one measure to deal with the impacts of alcohol in Kings Cross. That measure concerned scanning the identity of people entering 35 establishments in Kings Cross defined as high-risk. But that piece of legislation did not deal with the real problem—the sheer amount of alcohol that is readily available and consumed in the community.

Instead of looking at dealing with the damage through a police and security regime once alcohol saturates communities, this bill is going to the source of the problem and is trying to reduce the sheer amount of alcohol that saturates parts of our community. I commend Reverend the Hon. Fred Nile for putting this bill before the House so we can debate the real problem. It is quite a complex bill and there are aspects of it that I do not support and there are aspects that my party does not support. But the basic thrust of at least one part of the bill is to have real prohibitions on the advertising of alcohol products.

Anyone who reads the daily papers in Sydney or in any part of Australia knows that on page 24 of the *Daily Telegraph* or—if the *Sydney Morning Herald* still has 24 pages—the *Sydney Morning Herald* they will see an editorial on one side of the page saying that something needs to be done about alcohol-fuelled violence and the damaging impacts of alcohol in our society. However, by the time people get to the editorial on page 24 of any of these papers they have almost certainly passed through two, three or four double-page spreads of discount, cheap alcohol being offered to all their readers. It always strikes me as deeply hypocritical to find such editorial comments, even when they are supportive, in those publications when they are absolutely swamped by the advertising to promote ready access to cheap alcohol in page after page of their publications. It is not just the print media; it is the same in the electronic media.

One significant concern about alcohol advertising is the linking of alcohol and sporting success and achievements. Part of this bill is a prohibition on alcohol companies and the alcohol industry promoting sporting events. Indeed, they use their name commercially to promote other events, but I am particularly concerned about sporting events: the alcohol industry's longstanding promotion of sporting events. Just as this community did 20 or 30 years ago when we moved against the tobacco industry's bankrolling and sponsorship of sporting events, so too it is time the community seriously considered going down the path of preventing the alcohol industry from promoting its product through the promotion of sporting events.

The extent of the ban proposed in this bill goes too far. For example, one would not want to prohibit the modest advertising of cellar door sales or a bottle shop advertising on its premises to show that it is there. One would not want a prohibition that went so far as to impose plain labelling or restricting the labelling on alcohol, save for the existing restrictions on the labelling on alcoholic beverages. I commend the direction of this bill in dealing with the source problem of alcohol advertising. There are real concerns about the reintroduction of the so-called local option that this bill will put in place, which would allow for areas to be declared non-alcohol areas on petitions from a proportion of local residents. In the past that kind of prohibition approach has been proven not to work. Indeed, any efforts to try to prohibit alcohol would be disastrous, whether it is at a local level, a State level or a national level.

A prohibition model would not work and that aspect of the bill is not supported. Even with serious amendments I cannot see a majority in this House supporting this bill in whole or in part, despite the fact that some elements of it should be supported by a majority of this House. Rather than simply debating the bill for a few hours and then putting it to a vote and defeating it, I hope there is enough goodwill in the Chamber to refer the bill to a committee for thorough consideration of that thrust of going down the path of stopping the initial saturation of our community with alcohol and stopping the extraordinary levels of advertising of alcohol, which we know will lead to greater alcohol consumption.

Hopefully in the course of that a committee would get some evidence about what drives alcohol-fuelled violence and access to alcohol. It is fundamental things like advertising but it is also the density of liquor outlets as well. So I look forward to hearing the contributions of other members to this debate. I look forward to a much more fundamental rethink about alcohol policy by a majority of members in this Chamber so that we do not continue to debate what to do with the violent effects of excessive alcoholism in our community but, rather, how we stop getting there in the first place.

Debate adjourned on motion by Mr David Shoebridge and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Peter Primrose agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1387 outside the Order of Precedence relating to a committee reference be called on forthwith.

Order of Business

Motion by the Hon. Peter Primrose agreed to:

That Private Members' Business item No. 1387 outside the Order of Precedence be called on forthwith.

STANDING COMMITTEE ON LAW AND JUSTICE

Reference: Elder Abuse

The Hon. PETER PRIMROSE [12.17 p.m.]: I move:

- (1) That the Standing Committee on Law and Justice inquire into and report on the operation of section 44 of the Crimes Act 1900, and in particular:
 - (a) the efficacy of section 44 of the Crimes Act 1900 in preventing the abuse of the elderly; and
 - (b) the alternative legislative measures in place in other jurisdictions to deal with elder abuse.
- (2) That the committee report by the last sitting day prior to the winter long adjournment in 2014.

The motion requests that the House endorse that the Standing Committee on Law and Justice inquire into and report on the operation of section 44 of the Crimes Act 1900. Section 44 of the Crimes Act 1900, under the subheading "Failure of persons to provide necessities of life", states:

- (1) A person:
 - (a) who is under a legal duty to provide another person with the necessities of life, and
 - (b) who, without reasonable excuse, intentionally or recklessly fails to provide that person with the necessities of life

is guilty of an offence if the failure causes a danger of death or causes serious injury, or the likelihood of serious injury, to that person.

Maximum penalty: Imprisonment for 5 years.
- (2) A person cannot be found guilty of both an offence against section 43A and an offence against this section in respect of the same act or omission.

Earlier this year we welcomed the announcement by the former Minister for the Ageing of the commencement of an elder abuse hotline in New South Wales. The helpline was established specifically on the advice of key agencies and those in the non-government sector who recognised that older people, family members, front-line staff and support staff are facing the very important issue of how to respond to this very vulnerable group. The former Minister stated:

According to the Australian Institute of Criminology as many as 50,000 people aged 65 and over in New South Wales have experienced some form of abuse or neglect whether it be physical, psychological or financial.

If nothing else, I believe that figure justifies the importance of having a helpline and the other measures put in place by the Government. However, as I have already indicated, amendments to the Crimes Act were introduced by a former Attorney General, the Hon. John Hatzistergos. It is appropriate after this length of time to examine whether that legislation is working to change attitudes and behaviours in our community or whether we need to do something else in this important area. Professor Eileen Webb, from the Faculty of Law at the University of Western Australia, is very knowledgeable in this area. I will explain later why Western Australia is an important area for consideration. Professor Webb examined a number of aspects of the case of Cynthia Thoresen, an 88-year-old, which recently made headlines in Queensland as a result of a significant coronial inquiry.

Mrs Thoresen's sad decline and the extent of her injuries have been comprehensively documented by the coroner, by Professor Webb and others. Despite displaying shocking neglect, her carer, her daughter Marguerite, could not be successfully prosecuted under the existing law in that State. As a result of the case, Queensland's Deputy State Coroner called on that State's Attorney-General to consider relevant law reform. Such a review would include the criminalisation of mistreatment of older people. I am seeking a review of the efficacy and effectiveness of that criminalisation of mistreatment as it took place in New South Wales, in the Crimes Act. In November 2010 the Attorney General moved a number of amendments to the Crimes Act, one of which was the insertion of a new section. In a media release dated 28 November 2010 and specifically headed, "New laws to protect older people from abuse," the then Attorney General, John Hatzistergos, stated:

People who seriously neglect senior citizens or other vulnerable people in their care could be jailed for up to five years under changes to the law. Australia has an ageing population and more people than ever are relying on their children and other carers to look after their basic needs such as food, clothing and shelter. The new laws will guard against elder abuse and provide peace of mind for vulnerable seniors who are no longer able to care for themselves.

The previous section that this amendment modernised made it an offence to place the health of "a white servant or insane person" at risk by failing to properly provide for them. That section clearly needed to be updated because of the host of more modern relationships where a person is dependent on another party for their day-to-day care. The change was specifically aimed to protect older people dependent upon carers, parents cared for by their children and people who were dependent upon a de facto partner. The Attorney General also stated that the amendment to section 44 of the Crimes Act applied subject to provisions of the Commonwealth Aged Care Act 1997. The amendment specifically removed reference to an insane person which was dated and disrespectful and replaced it with a more appropriate description of a person with a mental illness. That press release outlined the objectives that the Government of the day—supported by all sides of the Chamber—was seeking to achieve.

I do not know, and I doubt anyone in this House could say, whether the legislation as it stands is achieving those aims. I request that the Standing Committee on Law and Justice examine whether that has occurred. The issue of elder abuse itself is difficult to define. The term incorporates a gamut of physical, psychological, sexual and financial abuse and neglect. Elder abuse occurs within the trusted confines of a family, friends, care facilities and neighbourhood. If similar abuse occurred on the street, perpetrated by a stranger, it would be reported immediately. Professor Eileen Webb has outlined a number of legislative approaches in other jurisdictions aimed at trying to deal with this matter. She stated:

In cases of elder abuse, there is also an element of disbelief. Excuses are made and injuries explained away. At times there is embarrassment on the part of the victim that family or friends would treat them this way. And, in most cases, the victim does not wish for contact with the perpetrator (often a son or daughter) to cease, only for the abuse to stop.

In my time as a social worker in a suburb which I will not name, I remember dealing with a significant number of cases of aged abuse. In those cases, elderly parents had been brought to Australia from their country of origin to care for children. When the children grew up the aged parents became a burden to the family. The parents of the children slowly withdrew from their parents. I remember going to one old lady's house many times. Her son visited her once a week and only brought a sack of potatoes to last her the whole week. That was her only contact and the only food that she received. My job was to try to provide other resources and other supports for her. I am sad to say that as a consequence of being left alone, one winter she burnt to death in her chair following an incident with a radiator. I do not want to dwell on this topic but I suspect anyone in this Chamber who has been involved in the caring professions has heard similar stories in their local community and would know from the statistics that they occur all too often. The State and nation introduce laws to try to ameliorate those problems.

It is incumbent upon us to look at the efficacy of these laws in a bipartisan fashion to try to determine whether or not they are actually meeting the goals, if one likes, in legal terms to overcome the mischief they were established originally to overcome. It appears from talking to experts in the community that they do not know either; they do not know whether the present law enhances mechanisms to overcome the problem. There may be other things we could do and other amendments we could make. The appropriate place to examine the law is through one of our standing committees, as is being done presently by the Standing Committee on Law and Justice with respect to racial vilification laws in New South Wales—rationally taking evidence, seeking information from the Government and people in the community on whether the legislation is working and what is happening in other jurisdictions.

The committee will then make recommendations to the House and often those recommendations, on the basis of the evidence, are unanimous. The Parliament and the Government can then consider those

recommendations. In jurisdictions throughout Australia many different approaches are taken to deal with elder abuse through criminal law. For instance, under the criminal law in Western Australia there are no specific offences targeting abuses against the aged. However, the age of a victim can be taken into account as a circumstance of aggravation. For example, in Western Australia the age of a victim is an aggravating circumstance in certain offences against the person. Equivalent provisions operate in other Australian jurisdictions. Section 262 of the Western Australian Criminal Code creates a special duty of care to provide the necessities of life where someone is in charge of another person who cannot remove themselves from that charge.

In Canada there is a similar but more expansive approach: The Canadian criminal code provides that where an offence has a significant impact on a victim due to age and other personal circumstances, in particular his or her health or financial situation, it is considered an aggravating factor for sentencing purposes. In the United States there has been a proliferation of specific State legislation tackling elder abuse that creates new crimes, new criminal procedures or a combination of both. Initiatives include mandatory reporting of abuse, individual at-risk restraining orders for older persons, the inclusion of circumstances of aggravation in relation to some existing crimes and the establishment of specialised elder justice courts. Specific criminalisation of elder abuse would provide additional statutory protections to older persons, although many crimes perpetrated against older persons, for example, assault and fraud, are already found in the criminal law.

There are distinct advantages in creating equivalent offences that focus on older persons. Policies and attitude barriers amongst law enforcement authorities mean that the circumstances of many abused or neglected older adults are not treated as crimes. I am happy to provide any honourable member with significant amounts of material if they wish. In the time left to me I think it is worthwhile reflecting on comments made on 24 November 2010 by the then Attorney General the Hon. John Hatzistergos in the second reading speech. The Courts and Crimes Legislation Further Amendment Bill 2010 was largely an omnibus bill with many schedules. I will quote specifically from the Attorney General because it is appropriate that people are aware of the specific goals that the Government and ultimately that Parliament had in mind when this legislation was introduced. The Attorney General stated:

Schedule 9 to the bill amends section 44 of the Crimes Act 1900, which as presently drafted is limited in its application and would benefit from the introduction of modernised language that is gender neutral. The amendment updates the language used in the section and covers a range of modern relationships between adults where one party has a legal duty to provide basic necessities for the other. The recent joint report of the Australian Law Reform Commission and the New South Wales Law Reform Commission on family violence also recommended that section 44 be amended to ensure that its underlying philosophy and language are appropriate in a modern context. The reference to legal duty in section 44 (1) (a) encompasses both statutory and common law duties. The common law duty is set out in the negligent manslaughter matter *R v Taktak (1988) 14 NSWLR 226* where one of the key issues involved consideration of the circumstances in which a person is under a duty which obliges them to care for another, gross breach of which, resulting in death, may render him or her guilty of manslaughter.

Where the Crown relies on criminal negligence by omission, it must establish the existence of a legal duty and not merely a moral obligation. There must be a personal legal duty of such a nature that the natural and ordinary consequences of a breach of that duty is a danger to life. Examples of a relationship that may give rise to such a duty include where an accused has assumed a contractual duty of care, for instance, in a paid care arrangement where the accused has agreed to provide necessities of life ...

If the inquiry is accepted by the House ultimately I believe those two significant paragraphs in *Hansard* will be the basis upon which the committee seeks to judge the efficacy of this legislation. I place on the record that even though this motion has been on the *Notice Paper* since June, circumstances arose today and I thank the House for allowing me to move it today. However, I would like the Government and all members to have the opportunity to consider the matter in greater detail. In particular, I acknowledge the Chair of the Standing Committee on Law and Justice, the Hon. David Clarke. I raised this matter with him only recently and I would also like to give him the opportunity to consider this matter in detail before he is asked to comment on it. Accordingly, I ask that the matter be adjourned until the next sitting day.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Jan Barham agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1391 outside the Order of Precedence relating to forced adoptions be called on forthwith.

Order of Business

Motion by the Hon. Jan Barham agreed to:

That Private Members' Business item No. 1391 outside the Order of Business be called on forthwith.

FORCED ADOPTION PRACTICES

The Hon. JAN BARHAM [12.39 p.m.]: I move:

- (1) That this House commends:
 - (a) the New South Wales Government for its delivery on Thursday 20 September 2012 of a State Apology for Forced Adoption Practices;
 - (b) the Commonwealth Government for its delivery on Thursday 21 March 2013 of a National Apology for Forced Adoptions; and
 - (c) all of the other State and Territory governments of Australia, each of which has delivered or announced its intention to deliver an apology to those affected by forced adoption practices.
- (2) That this House acknowledges that offering apologies for an injustice is an essential step toward reconciliation and reparation, but that apology must be followed by ongoing efforts to recognise the harms caused and to provide support to those affected.
- (3) That this House calls on the Government to:
 - (a) establish an annual Day of Recognition of Forced Adoption Practices;
 - (b) construct a public memorial to commemorate the apology to those affected by forced adoption practices in New South Wales; and
 - (c) develop information resources and a communications strategy to raise public awareness of past forced adoption practices and the traumatic effects of forced adoptions, and to highlight the support services available to those affected by forced adoption practices.

In relation to the first part of my motion I note it is just over a year since that apology was delivered in New South Wales. I note that it was of profound significance for a great number of people who, for up to 50 years, had felt the grief and the pain of what they experienced a long time ago when their children were removed. It was an important day for them. I acknowledge that offering an apology for an injustice is an essential step towards reconciliation and reparation. An apology must be followed by ongoing efforts to recognise the harms caused and to provide support to those affected.

In my speech on 20 September 2012 I highlighted to the House some of the initiatives I thought were important to ensure that the apology was not the only thing the Government did to address the practice of forced adoption. The apology was important. I do not underestimate how important it was for that apology to be delivered. It was a fantastic day. People were invited into the Parliament to gather and to hear their elected members acknowledge their pain and grief, and the wrongful practices that had such a profound effect on their lives. The wrongdoings were identified; they were named. Those who came into this place and those who watched or read the words that were said on that day felt that they had been recognised.

We all know that the apology was an important moment for them because members received heartfelt letters and representations from some of the people involved. Some of them told us that they had never spoken of this before but the acknowledgment and apology gave them the opportunity to do that. Importantly, the apology, both in New South Wales and across the country, came about because of a Senate standing committee on community affairs chaired by The Greens Senator Rachel Siewert. It was a unanimous report and the findings were the result of an extensive inquiry. It recommended that apologies be issued, not just by the Commonwealth but by all States and Territories and the non-government institutions that administered the adoptions. That was significant.

It speaks to the importance of committees and how they operate when they work in a spirit of cooperation and in the true sense of representing the people of the State, or whatever jurisdiction they are operating in. It is about achieving the best outcome for the people and delivering for the people who are being represented. When it is done with cross-party cooperation and a unanimous outcome is achieved it makes everyone proud that the democratic process exists and there are structures that enable us to work together to achieve an outcome for the betterment of society. That is what happened in this case.

It was incredibly important that after the delivery of the report and its recommendations to the Senate, those whose lives had been changed by the forced adoption practice of the past knew that apologies were going to be made. They knew that their lives were going to be changed because the issue had been brought to the attention of the public, and the harm, pain and inappropriateness of what happened to them was to be addressed. In my speech on that day I referred to the fact that we have to do more to address that. There are things that we can do that make a monumental difference to how people feel about the future and how they live with that wrongdoing of the past.

On that day I stated that I thought there were things that could be done. I stated that this Government could do things that would make a difference. One of those things is contained in paragraph 3 (a) of my motion. It refers to the establishment of an annual day of recognition of forced adoption practices. This was put forward because it is a familiar way in this country of making a public announcement and inviting the community to be aware of important issues. We demonstrate that acknowledgement by wearing a ribbon, tie or coloured scarf, which make a strong visible statement of recognition and support.

People move through their daily lives, whether in Parliament, on the street or on the bus, proudly wearing a sign of recognition. That is an important part of not only recognition but also reparation; it lets people know that something is of great importance and that it will be recognised annually. There is then a day where we can, as a community and society, acknowledge issues. An example is Anzac Day and Carers Week, which is this week. There are so many special days and more keep coming—every day of the year represents an opportunity to recognise important issues. I do not know how many gaps there are, but we should be able to fill them with important issues that raise our awareness on a daily basis, how we live in society and how important it is to acknowledge the pain and anguish of life, but also to celebrate on some days.

A day of recognition makes those opportunities available. A day of recognition would not be a great financial impost on the Government and it opens the way for the community, organisations or individuals to pick up on that and make it a day where they can engage with the rest of society. The next issue I raised in paragraph 3 (b) of my motion was the construction of a public memorial to commemorate the apology to those affected by forced adoption in New South Wales. It is a little different to paragraph 3 (a). It means there will be a public place where people can gather and know that the apology was not a hollow one: it did not pass in time but was cemented in a public place for people to visit. Similarly to war memorials, it will establish a strong presence in the community and become a shared or quiet place where people can gather to acknowledge the past, grieve and pay respect.

I am The Greens spokesperson for the arts and over time I have seen a lot of this country's prominent artists work with community groups who have an interest in particular issues. Those artists work with people to find ways to communicate their feelings and emotions, and how they would like something to be remembered or addressed. In the Domain and near the art gallery there is a beautiful monument, a cultural piece, for blind people. It is a tactile piece of work that allows those without sight to understand a message of the arts through a sensory tactile experience. Acknowledgement by way of a public memorial is most fitting and enables the community to share the experience. We often focus on the cost of taking such initiatives, but in this case the cost is warranted because the people involved have experienced 50 years of angst. It might cost \$50,000 to engage an artist to create a memorial to commemorate the apology, but that is a small price to pay to make a serious statement about its significance.

The Hon. Paul Green: It would be an investment.

The Hon. JAN BARHAM: I acknowledge that interjection. The honourable member is correct; it would be an investment in our ability to understand that we can learn from the past, but only by acknowledging and respecting it. I thank the Hon. Paul Green for his interjection.

The Hon. Paul Green: It was disorderly.

The Hon. JAN BARHAM: No, it was a very good point. It was not at all disorderly; it was most constructive and much appreciated. The victims of forced adoption deserve this acknowledgement and the Government should consider constructing a public memorial to commemorate the apology. It would be a gesture of respect and it would allow the victims to work with an artist who would represent their experience sensitively. Paragraph (3) (c) of the motion refers to what can be done to ensure that things like forced adoption never happen again. It includes reference to the development of information resources and a communications strategy designed to raise awareness of forced adoption practices and their traumatic impact. The motion also calls on the Government to highlight the support services available to those affected by forced adoption.

The Senate Committee Report on Former Forced Adoption Policies and Practices states that these measures are a necessary element of reparation. We cannot simply say sorry and leave it at that. An apology is important, but only if it leads to ongoing recognition of the impact of forced adoption and to every effort being

made to ensure that it, or anything like it, never happens again. We wrongfully removed children from their parents, leaving heartache behind. People were forced to let go of their children because they were deemed to be unacceptable parents, they were too young or they had strayed from the mores of society at the time and therefore forfeited their right to be a parent.

I encountered someone from my community here in Parliament House on 20 September 2012 when the apology for forced adoption practices was delivered. She had travelled to Sydney to be part of the event because she wanted to acknowledge what had happened to her. She told me how important it was to her for the Parliament to recognise that she had been wronged. It meant that she could live with the pain. I did not know what she had experienced, but since then whenever I see her we have a special bond—a knowing. She said that more people should know about what happened.

Some of the people we come across in our communities might seem a little strange—and that is particularly true in my community. Many people are eccentric and sometimes they behave in unusual ways and become extremely emotional. How often do we see people behaving strangely and stop to think about their life experiences? What has happened to them that they find life so difficult? We must be more compassionate as a society and provide more support, but that will happen only if we understand how difficult life can be for some people. We have often discussed mental health in this place, particularly as it relates to people in rural areas, and women who are raising their children alone and who choose to starve themselves rather than have their children go hungry.

Members might not know it, but people in their communities probably had their children forcibly removed. Even if we do not know anyone who has suffered in that way, we should ensure that it is not forgotten. We must provide information and implement a communications strategy. We must raise awareness of historical wrongdoings and we must acknowledge the pain and grief that has been caused. These young women were abused. They were forced to leave their communities and families and in some cases they were treated like slaves. They were treated poorly and forced to work until a week before they gave birth. They were seen as inferior and some of them have carried that burden throughout their lives. This is a contemporary issue; we are living with people who have experienced that abuse. I am talking about women of my age who had that horrendous experience as a teenager. If we do not inform ourselves about what our peers, friends, the mothers of our friends and our sisters have experienced and understand that that pain has not dissipated then we are not the society we should be.

My motion urges the Government to take some small steps to give public recognition to an issue we acknowledged a year and one month ago when we apologised to the victims of forced adoptions. We should go a step further and create a public memorial that people can visit alone or with friends and family. We must also provide information and resources so that the public understands this important issue. It affects tens of thousands of people in this State and they should not be forgotten. We must all learn from their experience and reach out to support them.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.58 p.m.]: I commend the fine sentiments and actions of the Hon. Jan Barham in bringing this motion to the attention of the House. It is fit and proper that we remember that on Thursday 20 September 2012 the New South Wales Government delivered a sound, respectful and much appreciated State apology on forced adoption practices. The motion before us also commends the Commonwealth Government for the national apology on forced adoptions, which was delivered on Thursday 21 March 2013. The motion calls for an apology by all State and Territory governments. Some governments have delivered an apology and some are in the process of doing so.

The motion calls for State and Territory governments to pass motions to support such apologies to help the healing process of Australians affected by forced adoptions. As the Hon. Jan Barham has outlined, many of these people are in our communities, yet we do not know about their pasts until we have frank discussions with them. We do not know about their parents and their thoughts and beliefs on certain social issues. Often it is only when they feel comfortable with a person that they will tell them. I have been amazed to learn things about people I thought I knew and yet have found I did not know until I had heart-to-heart conversations with them. Yes, they have been hurt by what happened to them and by not being able to change what happened to them. They have also been hurt by what people in the community thought at the time and often still think. This may be a reflection of their heritage and their natural parents.

[Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 1.01 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 later hour.

BUSHFIRE EMERGENCY WARNING

Ministerial Statement

The Hon. DUNCAN GAY (Minister for Roads and Ports) [2.30 p.m.]: For the second day in a row, sadly I am making a ministerial statement on the bushfire situation. The Minister for Police and Emergency Services is not here; he is at the control centre. There are 78 bush and grass fires currently across the State, but four fires are causing major concerns at the moment at Lithgow, Mount Victoria, Port Stephens and Balmoral. About 150 fire crews are battling the Lithgow fire, which has caused the closure of the Blue Mountains train line at Mount Victoria. At Mount Victoria more than 50 firefighters are battling a blaze which has caused the closure of the Bells Line of Road between Lithgow and Bell Darling Causeway between Mount Victoria and Bell. This has resulted in extra traffic being forced onto the Great Western Highway, which may put pressure on the fire at Mount Victoria.

The Balmoral blaze has resulted in the Hume Highway being closed between Mittagong east and Milton and has resulted in the evacuation of Yanderra Public School. Southbound motorists are being diverted onto Avon Dam Road, while northbound motorists are being turned around. Motorists who need to travel can use the Illawarra Highway and the Princes Motorway through Wollongong, but that is a lengthy diversion. The fire has also resulted in the Southern Highlands train line being partially closed between Picton and Moss Vale. Further north, at Heatherbrae, smoke from the fire has caused the closure of Newcastle airport and there are a number of road closures near Nelson Bay, including parts of Nelson Bay, Cabbage Tree, Tomago and Masonite roads.

Obviously we urge people to stay away from those areas and to delay any travel plans where possible. The Premier indicated in the other place that if members need to leave today for family or constituent reasons they should and, following a conversation with the Leader of the Opposition, we would cover any pairs for that situation. That is a mutual decision, as it should be. We wish all the people involved in this situation—the State Emergency Service, emergency services, the police and the Rural Fire Service—all the best in what is a pretty ordinary day out there. Let us hope it gets better and not worse.

The Hon. LUKE FOLEY (Leader of the Opposition) [2.35 p.m.]: I thank the Deputy Leader of the Government for updating the House on the current situation. I join him in extending the very best wishes of the Opposition to all those in the State Emergency Service, Fire and Rescue NSW, the Rural Fire Service and the other responders for their wonderful efforts on behalf of the community in fighting these fires.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

The Hon. DUNCAN GAY: I advise honourable members that during the absence from the Chamber today of the Minister for Police and Emergency Services I will answer questions relating to his portfolio.

QUESTIONS WITHOUT NOTICE

WHALE PROTECTION

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Ports. What is Roads and Maritime Services doing to help the National Parks and Wildlife Service and other government authorities respond to recent reports of harassment of cetaceans?

The Hon. DUNCAN GAY: Obviously the old Roads and Transport Association has not had a lot of trouble with whales since the P76 left our roads, which was known by many as a land-based whale.

The Hon. Steve Whan: You just offended a whole supporters class.

The Hon. DUNCAN GAY: It is like the DeLorean—it was a vehicle ahead of its time, or somewhere. Certainly Roads and Maritime Services would be working with National Parks in the area and making sure that the proper distance is kept from the migrating whales for the safety of the whales and for the safety of the people on the boats.

SYDNEY TRAFFIC MANAGEMENT

The Hon. MELINDA PAVEY: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on a recent milestone for the city's traffic system?

The Hon. Walt Secord: Pace yourself today, Duncan.

The Hon. DUNCAN GAY: I am. I rely on you and your glass jaw. Every time I get a little short I will throw one out and you will help me. I have a couple of favourites that will help me along. But this is something that was even ahead of your time and mine. We have come a long way in traffic management in New South Wales. We have put in place initiatives such as our 24-hour traffic management centre, which today will certainly be working overtime, smart motorways and even driver resources such as the live traffic app. But let us consider our roads 80 years ago.

The Hon. Mick Veitch: What were they like, Duncan?

The Hon. DUNCAN GAY: They were better than they were two years ago.

The Hon. Penny Sharpe: You were walking in the hail and the snow on the way to school.

The Hon. DUNCAN GAY: I used to get up before I went to bed. On 13 October 1933 the State's first set of traffic lights was switched on. They were installed at the intersection of Kent Street and Market Street in Sydney's central business district, 15 years after the world's first electric traffic signals blinked on in New York City. The crossing at Kent and Market streets was the main thoroughfare for a mix of traffic, including heavily laden horse-drawn carts travelling between Pyrmont and Darling Harbour wharves and the central business district. Compared to the traffic lights of today, the first set of lights was more ornate and less statuesque. The traffic light controller box was ornamental and painted silver and the light posts were horizontally striped black.

The traffic lights stood 3.6 metres high, 50 centimetres shorter than today's posts. I am sure it was not 3.6 metres; it would have been something in yards and inches. There were only two ways for traffic to flow back then, unlike today where we have turning arrows and other phasing to manage different directions. Pedestrians crossed on the green light in the same direction as the flow of traffic, with pedestrian crossings still two decades away. Outside Sydney the first sets of traffic lights were installed at Tudor and Beaumont streets at Hamilton in Newcastle in 1940, at the intersection of Crown and Keira streets in Wollongong—go the 'gong—in 1955 and in Lochinvar near Maitland and Tamworth in 1966, the time of the HT Holden. The HR Holden was 1967.

Traffic lights are estimated to have saved thousands of lives and improved traffic flow since they were installed. Eighty years on this octogenarian invention is still stopping traffic—although some cyclists need to pay a little more attention—and today we have almost 4,000 sets of traffic lights in New South Wales. Motorists today still slow down, stop and set off as guided by arguably the world's best traffic management invention. We have had some major advances since 1933, including the development of SCATS—the Sydney Coordinated Adaptive Traffic System—which uses computer technology to adjust green light timing to improve traffic flow. It is worth considering for a moment that in 1933 there were 280,000 licensed motorists in New South Wales; today we have more than 17 times the number of motorists on the roads. [*Time expired.*]

PORT BOTANY CONTAINER TERMINAL

The Hon. ADAM SEARLE: My question is directed to the Minister for Roads and Ports. How much compensation will be paid to the private operator of Port Botany if a new container terminal is developed at Newcastle Port?

The Hon. DUNCAN GAY: The rules in the organisation that did the scoping study for Port Botany and Port Kembla and introduced guidelines there indicate that while general cargo is allowed there will not be an extension under the rules for the lease of Newcastle Port. So the short answer to the question is that we do not envisage that any compensation will need to be put in place. The Government has been clear on this all the way through the process, even before it indicated it would lease the port at the stage when Newcastle Port Corporation was in place. I have indicated in the House, as I have in Newcastle—indeed, I made a special visit to Newcastle to talk to the board, the chief executive officer and the local community—that part of the lease and the rationalisation was a cap on numbers there. I am not saying that there will be no containers into Newcastle. Certainly, a number of containers will come in under general cargo, but there will not be an extension. The only time an extension is allowed is when a specific number is reached and is tripped in Port Botany and Port Kembla.

UPPER HUNTER AIR QUALITY

Dr MEHREEN FARUQI: My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for the Environment. The most

recent Upper Hunter Fine Particle Characterisation Study shows that wood heating is one of the largest sources of pollution in Muswellbrook, which causes a number of severe health problems such as asthma, heart disease, lung disease and cancer. Is the New South Wales Government looking into legislating more stringent pollution standards on wood heaters and when will that happen?

The Hon. JOHN AJAKA: I thank the member for her question. I will seek an answer from the Minister.

ILLAWARRA REGIONAL LEADERSHIP NETWORK

The Hon. MARIE FICARRA: My question is addressed to the Minister for the Illawarra. Will the Minister update the House on the progress of the Illawarra Regional Leadership Network?

The Hon. JOHN AJAKA: On 9 October I had the pleasure of attending the second meeting of the Illawarra Regional Leadership Network in my capacity as Minister for the Illawarra. The network is an initiative of the New South Wales Government and consists of senior regional representatives from local, State and Commonwealth governments and regional development authorities that currently meet twice a year. The purpose of the meetings is to explore opportunities for the cross-tiers of government to investigate ways to apply a coordinated approach to issues of regional importance, improve information sharing on key regional programs and outcomes across all levels of government and regional organisations, and help coordinate initiatives at the regional and local levels. The meetings are chaired by the Department of Premier and Cabinet, which also provides secretariat support to the network.

At the 9 October meeting representatives from each level of government gave updates on initiatives and activities currently being progressed in the region. The Chief Executive Officer of Regional Development Australia—Illawarra, Ms Natalie Burroughs, also gave an update on the cross-tier collaboration that is currently taking place around the Transition Illawarra initiative. Transition Illawarra is being led by Regional Development Australia—Illawarra and involves an evidence-based review of the economy, with a view to identifying ways to diversify the region's economy. New South Wales Government participation on the Transition Illawarra stakeholder consultation group is listed as an action under priority one of the Illawarra-South Coast Regional Action Plan. In her update, Ms Burroughs advised that her experience of working with the different levels of government on the stakeholder consultation group has been very positive. I look forward to hearing about the information that comes out of the Transition Illawarra initiative.

At the 9 October meeting I participated on an intergovernmental panel that discussed the challenges and opportunities around the delivery of human services in the Illawarra. Representatives from TAFE, the Department of Family and Community Services, the Federal Department of Employment and Kiama Municipal Council also participated on the panel. During the session we talked about changes in human services delivery models, specifically around aged care and disability services. We also discussed how government in the Illawarra region can work better together to respond to the challenges and opportunities associated with an ageing population and increased government investment in disability services. The Illawarra Regional Leadership Network is a great example of how government and regional organisations are working together to promote greater collaboration on issues of regional strategic importance. I look forward to attending the network's future meetings.

ASSISTED BOARDING HOUSE REGULATION

The Hon. JAN BARHAM: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. What is the status of the boarding house licence of the Grand Western Lodge? Is the Department of Ageing, Disability and Home Care in discussion with the owners of Grand Western Lodge, Avibin Pty Ltd? Has the owner applied for a new boarding house licence? Has the Department of Ageing, Disability and Home Care assessed potential liability associated with allegedly deficient State Government enforcement and compliance action?

The Hon. JOHN AJAKA: As I indicated yesterday in relation to the Boarding Houses Regulation, and the extensive work being undertaken both from the point of view of the Department of Fair Trading and the Department of Ageing, Disability and Home Care, all considerations in relation to the issues brought to the attention of the Department of Ageing, Disability and Home Care are being investigated. The matter raised by the Hon. Jan Barham is being investigated by the department and I am awaiting its final report. I will be happy to report back to the Hon. Jan Barham when it becomes available to me.

DOWNER EDI RAIL BATHURST OPERATIONS

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports, representing the Minister for Trade and Investment. In light of the likely closure of the Downer EDI Rail manufacturing plant in Bathurst, what assistance is the Government providing to help keep the plant open and protect the jobs of 100 local workers?

The Hon. DUNCAN GAY: I thank the Hon. Mick Veitch for this important question about regional New South Wales. I know that the Deputy Premier has been consulted about this matter. I am unaware what help he has offered or is working on but I am certainly willing to talk to the Deputy Premier to find out what is happening. I know that in recent weeks the Deputy Premier has put together several packages for businesses in regional New South Wales that have been struggling, for instance in Orange and Singleton and other areas. These are tough times and I hope that internationally something comes out of the United States of America that will stabilise the international markets, which is a big part of the problem.

The Hon. Peter Primrose: It's because you guys didn't give them any contracts.

The Hon. DUNCAN GAY: There is a lot of white noise in this place from people who were quiet for 16 years and who have suddenly found their voices. I will concentrate on the question.

The Hon. Steve Whan: They had contracts.

The Hon. DUNCAN GAY: A \$3 million bribe sat there for several years before people found a voice—

The Hon. Lynda Voltz: Point of order: The question was about jobs for people in Bathurst. Even though the Minister might not want to answer the question, he is certainly not being relevant to it.

The PRESIDENT: Order! I remind members that interjections are disorderly at all times and whatever is the response it is also disorderly. The Minister has the call.

The Hon. DUNCAN GAY: The question was serious and proper and I was answering it sensibly until some of yesterday's heroes from the Australian Labor Party who failed this State tried to play politics.

GRAIN HARVEST MANAGEMENT SCHEME

The Hon. NIALL BLAIR: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the new Grain Harvest Management Scheme for New South Wales?

The Hon. DUNCAN GAY: Earlier this week I had the pleasure of announcing strong support from industry and regional councils for the Government's 2013-14 Grain Harvest Management Scheme. The new scheme will result in an increase in road freight productivity during the grain harvest season which will lead to fewer truck movements on State, regional and local roads. In turn, this will result in less wear and tear on our overall country road network. Due to the sheer size of the \$4 billion New South Wales grain harvest, even slight weight increases for individual trucks translate to substantial statewide freight efficiency gains.

Under the new scheme, a typical 19-metre six-axle semitrailer—the workhorse of the grain haulage task in country New South Wales—will be able to operate at 44.6 tonnes rather than 42.5 tonnes when running at general mass limits. The extra 2.1 tonnes in weight equates to a 5 per cent increase in road freight productivity and provides some flexibility to help alleviate the issues of fluctuating moisture content and slight load shifts in grain seeds which can throw out weights from paddock to silo. To date, nearly 30 regional councils have signed up to the scheme, and we have received strong endorsement from leading industry organisations such as GrainCorp, the New South Wales Farmers Association and the Livestock and Bulk Carriers Association of New South Wales.

We are confident we have designed a smart, safe scheme which will deliver real benefits and savings to the road network and supply chain from paddock to port. Significantly, under a tough, but fair, three strikes and you are out policy, the days of operators overloading their grain trucks will be a thing of the past. If operators are slightly overloaded under these new rules they will be given three opportunities to adjust their loading practices, after which their truck will be removed from the scheme for the remainder of the harvest season.

GOVERNMENT PROPERTY ASSETS SALE

The Hon. ROBERT BORSAK: My question is directed to the Minister for Roads and Ports, representing the Minister for Tourism and relates to the Government's decision to invite investors to bid for heritage-listed buildings belonging to the Department of Lands and the adjacent Department of Education and Communities to turn them into high-end hotels. Is the Minister aware of the claims by Tourism Accommodation Australia that an extra 1,500 hotel rooms are already set to open in Sydney in the next three years and that the success of hotel investment in this city is reliant on continued investment in marketing and events infrastructure? What extra investment in marketing events and infrastructure is the Government planning to make the conversions of those historic buildings into viable high-end hotels? If no interest is shown in converting those buildings into hotels, will the Government allow developers to build on top and turn them into serviced apartments?

The Hon. DUNCAN GAY: The points raised by Hon. Robert Borsak are valid and I will refer them to the Minister for a detailed answer. By and large the people who are spending large amounts of money on these outstanding buildings will do their research properly. They will not spend a large amount of money on these buildings to change them into something that is already over-catered for. They will want a proper return and it may well not be hotel rooms. The Deputy Premier said that some of them would make outstanding hotel facilities but, equally, as the Hon. Robert Borsak said, the buildings would be a great place to live. I am sure there is a niche market for people who would like to live in those areas. Sydney is the economic capital of the south and I am sure some companies will want to locate their corporate headquarters in one of these landmark buildings. They do have a varied use that will help the vibrancy of the city and the bottom line of the Government's budget.

GUJARAT NRE ILLAWARRA COALMINES

The Hon. STEVE WHAN: My question is directed to the Minister for the Illawarra. What assistance and support has the Minister provided to the 500 workers and their families affected by the problems at Gujarat coalmine who have not been paid for a month for their work with that company which is a vital employer for the region?

The Hon. JOHN AJAKA: I thank the honourable member for this very important question. It is clearly an issue of concern to all members of this House. The company referred to is an Australian public company that owns and operates two hard coking coalmines in the southern coalfields of New South Wales. The mines contain estimated coal reserves of 125 million tonnes and resources of 651 million tonnes and have a potential mine life of over 30 years. The company has been developing longwall mining operations at its collieries in the Illawarra. The significant capital expenditure associated with these developments has caused cash flow difficulties and I am informed it has delayed the payment of royalty obligations and creditor debt, the major one being, of course, payments to employees.

On 10 May 2013 Trade and Investment wrote to the company ordering all outstanding debts to be paid by 21 May 2013 or the department would prosecute under section 291 (1A) of the Mining Act 1992. On 1 August 2013 the company announced that it was in the process of finalising a \$66 million share raising with Jindal Steel and Power Group. It has been reported that on 16 October 2013 resolutions at the company shareholder meeting were unanimously passed, paving the way for Jindal to take control of the company, with approximately 53 per cent of shares.

The Government will seek to ensure that workers entitlements are met and met in full. The workforce of the two mines has not been paid since 18 September and a number of the employees have now been furloughed. The Government is keeping a close eye on safety priorities with regard to these mines and will not hesitate to shut them down should any safety concern arise. The Government is seeking answers to the company's financial situation. The Minister for Resources and Energy has directed the mine operator to explain in particular why workers, royalties and debt obligations have not been paid. This ongoing situation is completely unacceptable.

The mine operator's behaviour towards its 500 employees and their families is intolerable. The failure to pay royalty obligations and debt to local Illawarra businesses also is unacceptable. It is also unacceptable that the New South Wales taxpayer and the mine workers are supporting the company's Indian coal and steel operations without payment. I assure the House that the Government is continuing to work with all key stakeholders to try to ensure certainty for the 500 workers and their families.

The Hon. STEVE WHAN: I ask a supplementary question. I thank the Minister for his informative answer. I ask him to elucidate his answer and tell the House whether he has personally met with any of the employees, their representatives or the company to ensure that undue hardship is not being experienced by the employees.

The Hon. JOHN AJAKA: I can advise the honourable member that staff from my office have spoken to relevant stakeholders. I can also indicate that Department of Premier and Cabinet staff have spoken to relevant stakeholders. I can also indicate that from my understanding the Minister for Resources and Energy, the Hon. Chris Hartcher, has also met with stakeholders and met with company representatives. I have met with company representatives. Again I assure the House that all possible action is being taken by the Hon. Chris Hartcher, the department and my office to assist the workers. I am sure all members of the House would agree that the situation is unacceptable. Employees have the right to be paid their entitlements as and when they fall due. That will continually be pursued by the Government.

ESTIA FOUNDATION OF AUSTRALIA BIENNIAL FUNDRAISING DINNER

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the Estia Foundation Biennial Fundraising Dinner?

The Hon. JOHN AJAKA: The member should ask the Hon. Sophie Cotsis, who was sitting next to us at the table. The Estia Foundation is a wonderful organisation. On 27 September 2013 the Estia Foundation of Australia held its fundraising dinner at Le Montage, Lilyfield. I had the pleasure of attending, along with the Hon. Barry O'Farrell and the Hon. Victor Dominello, Minister for Citizenship and Communities. Also in attendance was the New South Wales Leader of the Opposition and, as I mentioned earlier, the Hon. Sophie Cotsis.

Estia was established by the Greek Orthodox Archdiocese of Australia in 1994 and provides 24-hour care and support for young adults with physical and intellectual disability. Estia opens its doors to people of all different nationalities and cultures. Without the dedication of staff and volunteers it would not be possible for Estia to provide valuable support in helping these clients to reach their full potential. Estia is a highly regarded organisation in the local community, the wider Greek and disability communities and within the New South Wales Government. It is recognised as a quality service provider supporting young adults with physical and intellectual disability and their families.

In June 2010 Estia approached the Department of Ageing, Disability and Home Care wanting to increase the availability of permanent accommodation for people in the local community. Estia proposed to develop an accommodation model on its site at Gladesville to support an additional 10 clients with an intellectual disability. This proposal included Estia providing \$3 million in capital for the development. This is a significant contribution to the disability sector. The New South Wales Government has committed to expand service delivery and provide greater flexibility to meet the changing needs of people with disability and their families. To demonstrate this commitment, the New South Wales Government, through the Department of Ageing, Disability and Home Care, announced an additional \$1.16 million in recurrent funding for Estia in June 2012 to provide the ongoing care and support for the 10 people in the Gladesville development.

Recently Estia has also been successful in acquiring a large block of land in Kyle Bay, Blakehurst. With this land, Estia is looking to establish day programs, respite facilities and group homes to provide further support for those in need. Estia hopes to attract future clients with individualised packages for the Kyle Bay facilities. Facilities such as this will be highly sought after with the introduction of the National Disability Insurance Scheme in which every person with a disability will have the opportunity to access individual funding, which will enable them to choose where and with whom this support will be provided.

The combination of the establishment of the new development at Kyle Bay and the ongoing support for the people Estia supports was the purpose of the fundraiser. Estia acknowledges that although the New South Wales Government provides support for Estia to run new facilities, this does not cover all the expenses to develop the quality services that they provide. Estia's fundraising was extremely successful, with a car raffled off to one lucky guest. A holiday, television and other items were also among some of the prices won. Quality items within the silent and live auctions raised approximately \$400,000.

These funds will be used to provide direct care support to people with disability, and assist with the new Estia developments and the maintenance of existing services. However, the highlight of the evening was

the unprecedented announcement from an anonymous donor—someone who did not want to be named—of \$10 million; a one-off donation of \$10 million. This extremely generous donation will be used to restore the historic Kyle Williams House and to modify its use for children with a disability. Estia also proposed to build modern respite facilities. [*Time expired.*]

ROAD TRANSPORT LEGISLATION

The Hon. ROBERT BROWN: My question is directed to the Minister for Roads and Ports. What legal advice has the Minister received in the wake of the Deputy Coroner's criticism of a loophole in the State's road laws that saw a 17-year-old L-plater, who accidentally reversed over and killed two teenagers, escape penalty? Is it a fact that road laws in Queensland and Victoria do not have the same loophole related to private property accidents?

The Hon. DUNCAN GAY: I am sure all members of the House would acknowledge this is a tragedy for the young people involved and certainly the families on both sides of this awful situation. We were made aware of it last week and Roads and Maritime Services and the Attorney General are seeking legal advice. This is a vexed issue. I will take the advice of the honourable member that a different rule applies in Queensland and Victoria and we will look at that as well in seeking that advice. Certainly our best wishes go to the families, who would be reminded of this tragic accident in the last week or so.

BUS LANES TRAFFIC MANAGEMENT

The Hon. PENNY SHARPE: My question without notice is directed to the Minister for Roads and Ports. Given the fact that recent on-time running performance data for Sydney buses continues to show that buses are late and getting later as a result of increasing road congestion; will the Minister inform the House why the Government is only committing to add 700-metres of dedicated bus lanes this year?

The Hon. DUNCAN GAY: Some days you just cannot believe the hypocrisy of the Opposition. This is the mob that left New South Wales in chaos. The only thing that this mob started was a packet of glossy brochures. This is the mob that left this Government with chaos that it is trying to fix. The Opposition is critical when this Government tries to improve roads and put in new infrastructure. There is a question this Government needs to ask: how many bribes were you offered and did not report?

The Hon. Penny Sharpe: Point of order: The Minister is breaching a number of standing orders. The first would be relevance. The second is that he is reflecting appallingly on members of this House and it is completely out of order.

The PRESIDENT: Order! The Minister will direct his remarks through the Chair. The Minister has the call.

The Hon. DUNCAN GAY: Mr President, some days I cannot resist the temptation. This Government is getting on with the job of fixing things, putting the infrastructure in place and fixing the ferries and trains. This Government is putting the customer first. This Government knows that more clean, reliable and frequent services are wanted in the local community. This Government understands that buses play a vital role in transport and that customers want services that are reliable and are on time. This Government will deliver more than 1,700 extra bus services per week, including 800 in the peak.

The Hon. Penny Sharpe: Point of order: I am pleased that the Minister has finally got the briefing note from the Minister for Transport, but the question is in his portfolio: Why are only 700 metres of bus transit lanes being built this year and why is the Government not building more?

The PRESIDENT: Order! I assume that means the point of order was relevance. There is no point of order. The Minister was being generally relevant to the question he was asked.

The Hon. DUNCAN GAY: There are two areas involved in getting the services out there. The first is the buses. As I indicated, the Government is delivering 1,700 extra bus services a week, including 800 in peak hours; more than 1,200 extra weekly bus services for Western Sydney; 40 for Campbelltown; 429 in the inner west; 119 for the North Shore and northern suburbs; 30 for Newcastle; and 30 for the Illawarra. There will be six new bus routes that will benefit Blacktown, Penrith, Fairfield, Burwood and Dulwich Hill. First, the idea is to have more buses, and second, you need to get the traffic moving quickly. That is what this Government has

been doing with its pinch point strategy and congestion strategy. It is currently looking at clearways because one of the problems we face in getting lanes for buses, taxis and cars is finding areas where you can put clearways and— [*Time expired.*]

SCHOOL ZONE FLASHING LIGHTS

The Hon. DAVID CLARKE: My question is directed to the Minister for Roads and Ports. Will the Minister please update the House on the rollout of flashing lights in New South Wales?

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

The Hon. DUNCAN GAY: This Government is demonstrating its commitment to school safety month in and month out as our crews move across the State installing new sets of flashing rights in school zones. It is delivering on its commitment to ensure that every school in the State will have a set of flashing lights by December 2015. Last financial year the Government rolled out 280 flashing lights to schools across New South Wales, the largest number ever installed in a single financial year. The Government has not backed-off this program for one moment. In the June budget we announced—

The Hon. Walt Secord: You were dragged kicking and screaming to this.

The PRESIDENT: Order! I remind the Hon. Walt Secord that he is already on a call to order.

The Hon. DUNCAN GAY: The member talks about being hauled kicking and screaming, what about telling the people of New South Wales about a \$3 million offer of a bribe?

The Hon. Penny Sharpe: Point of order: My point of order is the Minister is continuing to flout your ruling in relation to addressing comments through the chair.

The PRESIDENT: Order! I was listening very carefully to the Minister and I believe he was, until the honourable member stood up, directing his remarks through the Chair. The Minister has the call.

The Hon. DUNCAN GAY: The new rollout of flashing lights will be at schools that currently do not have flashing lights. I am also delighted that—

The Hon. Steve Whan: That's a good idea.

The Hon. DUNCAN GAY: It is the sort of logic that the member opposite could have done with.

The PRESIDENT: Order! We will have to invent detention for the Hon. Steve Whan because yet again on a Thursday he is on two calls to order.

The Hon. DUNCAN GAY: I am also delighted that more than 60 per cent of this rollout is in rural and regional parts of New South Wales. The schools are in locations ranging from Dubbo to Lismore to Gosford to Corowa. Sydney locations include Duffys Forest, Brighton-Le-Sands and a number of schools in Western Sydney including Bankstown, Douglas Park, Rosemeadow and Penrith. It means that by the start of term one next year, 1,255 school zones will have flashing lights, which will cover 1,364 schools. The Government places a huge emphasis on the safety of our school children. The Government is installing flashing lights in school communities across New South Wales at an unprecedented rate, almost three-times the rate of the former Government.

From next year this Government will start rolling out a two-tiered system that will include the new model of flashing lights as well as those being currently rolled out. The new model has slight modifications but includes essential safety features such as the back-to-base technology to allow proactive maintenance and the remote adjustment of lights. It is just one of the measures that this Government has undertaken to improve safety around school zones. The Government is committed to improving safety for our students and the flashing lights rollout reduces the risk around school communities.

The PRESIDENT: Order! I direct honourable members' attention to the presence in the public gallery of our former colleague the Hon. Arthur Chesterfield-Evans. I thought you would have been cured by now, but welcome back. I hope you are enjoying your visit to Legislative Council question time.

COAL SEAM GAS EXCLUSION ZONES

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. The Government finally implemented coal seam gas exclusion zones over critical industry clusters that it announced back in March this year. Will the Minister inform the House why the Government's critical industry clusters protect horse studs and some wineries but no other agricultural industries such as horticulture, cropping, grazing, dairy, poultry or cane farming?

The Hon. DUNCAN GAY: The Greens are never happy. They should be extremely happy today because they voted for shooting in national parks last night. They did a huge favour for the environment last night. They are protecting farmers more than they ever have before, and we thank them for that. They should be happy.

The PRESIDENT: Order! I call the Hon. Peter Phelps to order for the first time.

The Hon. DUNCAN GAY: There is not a vigneron or a horse stud owner in the State whom the Hon. Jeremy Buckingham has not posed beside to get support for his diabolical campaign. The honourable member criticises the Government when it provides protections. This is hypocrisy. He might wander around every winery in the State, and by the sound of it he has visited three already today.

The PRESIDENT: Order! The Hon. Duncan Gay is straying from the question.

The Hon. Walt Secord: Come on! You are a great supporter of democracy.

The Hon. DUNCAN GAY: Speaking of democracy, you tell the House how many bribes you have been offered and not revealed. Come on! All you have to say is that you have been offered none.

The PRESIDENT: Order! The Hon. Duncan Gay has been warned repeatedly during question time to direct his remarks through the Chair. I call him to order for the first time. Has the Minister concluded his answer?

The Hon. DUNCAN GAY: Yes, I have. I was distracted.

STRONGER TOGETHER 2 DISABILITY SERVICES

The Hon. GREG DONNELLY: I direct my question to the Minister for Ageing, and Minister for Disability Services. In light of the fact that Stronger Together 2 commits the State Government to undertake consultation—

The PRESIDENT: Order! I call the Hon. Jeremy Buckingham to order for the first time. The Hon. Greg Donnelly will start his question again and the Clerk will restart the clock.

The Hon. GREG DONNELLY: In light of the fact that Stronger Together 2 commits the State Government to undertake consultation before it makes individualised funding available from July next year to everyone currently receiving disabilities services, why are people with disabilities and their families and carers still waiting to be consulted?

The Hon. JOHN AJAKA: I assure the House and the honourable member that that is not correct; in fact, is an incorrect generalisation. As I have said previously, Stronger Together was introduced by the Hon. John Della Bosca and Stronger Together 2 and individualised funding were introduced by the Hon. Andrew Constance as the Minister for Disability Services—he is now the Minister for Finance. Those initiatives were taken up by the former Federal Labor Government and have been supported 100 per cent by the Federal Coalition Government.

The National Disability Insurance Scheme was introduced by the Federal Labor Government and was supported 100 per cent by the New South Wales Coalition Government, which was the first State Government to sign up to it, and that bipartisan approach has been maintained. Stronger Together 2 is a 10-year reform plan designed to respond to demand growth and to deliver a person-focused service system. In its first stage, Stronger Together, which covered 2006-07 to 2010-11, delivered a record investment of \$1.3 billion and created

29 places. I acknowledge that the Labor Party was in government at that time. Stronger Together, which covers 2011-12 to 2015-16, involves an investment of \$2.02 billion and will create 47 places. That is the largest investment made by any State.

The Hon. Greg Donnelly: Point of order: I have been very patient, but the Minister is halfway through the time available to him and he has not come close to dealing with the specifics of the question, which asked about the timetable for consultation on Stronger Together.

The PRESIDENT: Order! The Minister was being generally relevant to the question he was asked.

The Hon. JOHN AJAKA: Stronger Together 2 is continuing and will ensure that the National Disability Insurance Scheme is viable at the point of transition; in fact, it is being realigned to support that transition. Growth and individual support packages delivered through the National Disability Insurance Scheme in the Hunter and across New South Wales focus on flexible packaging and choice and control in line with Living Life My Way. Stronger Together 2 and the National Disability Insurance Scheme transition will accelerate progress to meet the New South Wales Government target of creating 100 per cent access to individualised funding by 2018-19. Achievements in 2012-13 have included the creation of more than 2,000 respite places, which exceed the target of 1,700, and seven non-government organisation large residential centres are being redeveloped to deliver 109 community-based accommodation places.

The Transition to Work program has seen more young people moving into employment than expected, thereby reducing demand for the program, which is a very positive outcome. More than 100 additional Supported Living Fund and individualised accommodation packages have been delivered in excess of the 2012-13 target. More people have taken up individualised accommodation packages, which lead to improved service delivery at an overall lower cost. The Government has also delivered a self-assessment toolkit for service providers with the National Disability Insurance Scheme— [*Time expired.*]

The Hon. GREG DONNELLY: I have a supplementary question. I thank the Minister for that answer. However, can he elucidate it by providing specific details of the timetable for consulting people with disabilities, their families and carers?

The Hon. Mick Veitch: Don't look at the ground, John. There is no-one there with briefing notes.

The Hon. JOHN AJAKA: I am not looking at the ground. As the honourable member well knows, when New South Wales signed up to the National Disability Insurance Scheme it was launched first in the Hunter, and it is continuing to be rolled out there. The individualised funding packages continue to be offered in the Hunter, and the program is on target. As honourable members also know, this Government has introduced a number of initiatives, including Ability Links NSW. Those involved—who are referred to as "linkers"—were in place for the launch in the Hunter and they are providing a valuable service. The remainder of the linkers to be appointed—

The Hon. Amanda Fazio: Go on, say "consultation".

The Hon. JOHN AJAKA: If the Hon. Amanda Fazio is not interested, she should tell her colleagues not to ask questions.

The PRESIDENT: Order! The Minister has the call to provide whatever relevant information he has. If he has no relevant information he should resume his seat.

The Hon. JOHN AJAKA: My answer is relevant. The consultation process is being rolled out by the linkers through the National Disability Insurance Agency. The linkers will be providing information as the National Disability Insurance Scheme is launched in other areas and when relevant. As I said, one of the largest components of that consultation process will be delivered by the linkers, the Living Life My Way program and the development fund. [*Time expired.*]

AGEING STRATEGY

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on how the Government is responding to population ageing at a local level?

The Hon. JOHN AJAKA: I thank the honourable member for her question. Population ageing is the next great demographic trend that will shape the future of New South Wales. One-quarter of Australians will be aged 65 years or more by 2044-45, roughly double the present proportion. The proportion of the oldest old, those aged over 85, will increase even more. One of the ways the Government is responding to population ageing is to develop regional action plans in areas that have identified ageing as a local priority. The Government developed regional action plans across New South Wales after extensive consultation with local people. The plans were released in December 2012. These plans support the Government's New South Wales 2021 vision. Some regions have identified ageing as a local priority issue. I am pleased that my department is working with those regions to develop regional ageing strategies.

In the next 10 years the ageing population will be an issue of prime importance as local communities come to terms with greatly increasing numbers of older residents in their areas. For example, two regional ageing strategies are currently being developed, one for the north of Sydney incorporating northern Sydney and the Northern Beaches and one for the north coast of New South Wales incorporating both the mid-north coast and the Northern Rivers. We are making good progress in both regions. A stakeholder workshop was held on 1 August 2013 for the northern Sydney ageing strategy. This was attended by more than 80 stakeholders and participants who worked together to commence the process of setting priorities for their region.

Local people identified the following priorities: community information and referrals, support for people in their middle years to plan for retirement, demand-responsive transport, opportunities for older people to connect with their communities, collaboration across sectors on planning for population ageing, affordable housing and seniors housing, and healthy and active living programs. Actions are currently being developed for each issue, with councils and government departments working together on these important projects. I expect the strategy to be released in the new year. On the North Coast of New South Wales, two solutions-focused stakeholder workshops will be held this year.

A high level of interest from key stakeholders in the two regions has already been forthcoming. Broad issues relating to the ageing population will be considered and some specific local issues will be addressed. These include the impact on agricultural communities and the impact of high levels of tourism in areas where substantial sea changes or holiday visits are occurring. The North Coast ageing strategy will also be completed in 2014. I commend the foresight of these communities in working to understand the profound changes population ageing will bring to our State. I congratulate them on the work done to date. I look forward to updating the House when the final strategies are released.

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

The House continued to sit.

DOG CONTROL

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Local Government. Given that after nine months the Government has agreed to bring forward legislation recommended by its own review of dangerous dog laws, exactly how much financial assistance will the Government provide to local councils to help them implement the changes?

The Hon. JOHN AJAKA: I thank the honourable member for the question. It is a good question and one that I would have thought would be put on notice. I am more than happy to refer the question to the Minister for Local Government.

The Hon. DUNCAN GAY: If members have any further questions, I suggest they place them on notice.

ASSISTED BOARDING HOUSE REGULATION

The Hon. JOHN AJAKA: Earlier in question time the Hon. Jan Barham asked a question about the Grand Western Lodge. I am informed that Maurice Blackburn has filed a class action in the Federal Court of Australia against the State of New South Wales, Avibin Pty Ltd and Adrian Powell in respect of the operation of the Grand Western Lodge. It would be inappropriate for me to respond to the matter whilst it is before the courts.

Questions without notice concluded.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.34 p.m.]: I move:

That this House do now adjourn.

TRIBUTE TO DON HANSFORD

The Hon. AMANDA FAZIO [3.34 p.m.]: This afternoon I pay tribute to a true stalwart of the Australian Labor Party and the community in Yamba, the late Don Hansford. Don Hansford was born in 1933 at Richmond to Raymond and Lillian Edna Hansford. He had an older brother, Toby. When he was a youngster, Don and his family moved around quite a bit and Don attended many different schools. For a while they lived at the Imperial Hotel in Grafton. Don joined the merchant navy and travelled the world, which he greatly enjoyed. In the late 1950s Don spent six months as a guest of the youth organisations of the three soviet socialist countries of the People's Republic of China, the newly formed Union of Soviet Socialist Republics and Poland. It was rare for anyone to be granted visas to these countries, but it was even more special to be hosted by families living under communism. Don's never-ending love of languages and the people of the world were born on this adventure.

Whilst still travelling the oceans and countries of the world, meeting many girls in many ports, one period of shore leave in Sydney changed all of that. At a dance at the Trocadero, Don met a special girl who stayed in his mind when he had to go back to sea. During his next period of shore leave Don wined, dined and danced with Phyllis until she finally agreed to be his girl. In 1961 Don and Phyllis were married at St Jude's Church in Randwick. Don then took Phyllis on her first trip to the country to visit his parents, Nan and Bucket, at their home referred to as "The Embassy" in Yamba. This trip to the country did not start too well for a sophisticated city girl who broke the heel off her new pair of Jane Debster shoes before she reached the house.

The tears had started before the combination of an outside toilet, mosquito nets and an iron tub on the verandah for bathing almost had her on the next bus home. But she was won over by Bucket who used to call her "girl" and taught Phyllis that champagne can taste just as good in an empty vegemite jar as a flute, and that there was nothing wrong with eating prawns fresh off a trawler from a bucket on the floor. Don and Phyllis had two children, Lisa and Paul. It then became a family tradition to pack the children into the Kingswood during school holidays for the 10-hour drive to Yamba with Don driving all the way. He only allowed one pit stop at Bulahdelah with absolutely no exceptions. While Don continued in the merchant navy, Phyllis worked from 1990 to 1996 on the staff of Paul Elliott, MP, the Federal Labor member for Parramatta.

The family moved to Yamba permanently. Don's family have fond memories of him performing his one-armed fiddler routine or grabbing spoons off a table and jumping on stage to accompany a band. A legacy of Don's travel was his mastery of languages. Wherever he went, when he saw a foreign face he would try to guess their nationality. This meant he would launch into conversations in Chinese, Japanese, Indonesian, French, German, Greek or Italian. Quite often he would guess wrongly and the reply would be, "Sir, you speak really good Japanese, but I am from Korea." As children, Paul and Lisa would shrink under the table but as they grew older they were in awe of their father's language skills. Don's proudest moments were when he had the opportunity to speak in Russian or Polish. With the creation of the USSR, the traditional Russian language was all but lost. Don was often complimented on his diction and perfect accent, and instant friends were made.

Don had many passions and interests. He led a full life that included early membership of the Yamba Surf Life Saving Club, membership of the Lower Clarence Branch and life membership of the Australian Labor Party. Until recently he had 100 per cent attendance at the Lions Club and he was a volunteer maintenance helper at the Carroona aged care facility. He not only called the bingo at the bowling club but also collected everyone on the courtesy bus. Don visited anyone in hospital and checked on them at home once they were released. He had dinner every Monday night at daughter, Lisa's, house and on Wednesdays had dinner with Robert and Lori Wilson. Don ran the raffle at the golf club on Thursday nights and the raffle at the bowling club on Friday nights. He also managed to spend two days a week at his beloved men's shed.

Don lived a full and active life. People often commented to his daughter, Lisa, that they called in to see Don but he never seemed to be at home. Sadly, Phyllis passed away before Don did and he missed her greatly. His family regards Don's great passion to have been Phyllis, his bride of 50 years, and although they will miss him it is felt that it is time for Don and Phyllis to be together again. Don passed away in late September and his funeral service was held on 27 September 2013 at the Anglican church in Yamba. Don was a man with great family and community spirit. He will be greatly missed by all who knew him and by the organisations and community groups in Yamba with which he was so actively involved.

TRIBUTE TO LES CARR

The Hon. LYNDA VOLTZ [3.39 p.m.]: Today I speak of the passing of a stalwart of the labour movement and the New South Wales left, Les Carr. Whilst often people such as Peter Baldwin and John Faulkner are mentioned in the battle for the inner city and protection of the rank and file rights, Les Carr and his genius as a communicator should be included in much of that history. Indeed, without his work much of that history would be lost. Les was born in Tasmania in poor circumstances after his father had abandoned his family when he was a baby.

Les was fortunate to win a scholarship and studied for a degree in agricultural science. His thesis was written on the gastrointestinal system of the potoroo. Les moved to Sydney where he quickly became part of the progressive movement that had grown through the Vietnam moratorium movement. In what is now the electorate office of Jamie Parker was a collective of organisations that included media collectives and housing groups. The seeds were sown there, amongst these idealistic gatherings, to produce a community-based newspaper that was independent and critical and could be accessed by anyone in the community, a community that included a large student component from the University of Sydney.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! Members who wish to have private conversations should do so outside the Chamber.

The Hon. LYNDA VOLTZ: The people behind this idea and paper were Les Carr and Peter Manning. The paper, known as the *Leichardt Local*, was delivered weekly to every house in the municipality. In fact, both Peter and Les were so confident of its success the paper was established as a workers cooperative to ensure that the Packers of the world were unable to take it over. Whilst the paper carried local news, reviews and information on community actions—its genesis coinciding with the green bans movement—it was also a source for the left on inner-city branches of the Australian Labor Party, where disputes were more often settled by force than by argument. In the November 1976 edition of the *Leichardt Local* the editor noted:

Just 14 months ago a Glebe ward dinner was treated to the sight of Leichardt's deputy Mayor Danny Casey and a local doctor thumping each other just outside the dinner hall ... A man was hurled down the steps of the Leichardt Town Hall by friends of the Council ... about six months ago an ALP FEC meeting at Redfern Town Hall broke up in uproar as members let fly with fists in the head.

It was no surprise, therefore, that when Peter Baldwin and Peter Crawford were looking to found a paper for the left of the Australian Labor Party they turned to Les Carr. Fortunately, we have Les' own words on the founding and genesis of *Challenge*:

Most people envisaged something along the lines of Socialist and Industrial Labor a past steering committee publication. However, Crawford and Baldwin had more ambitious ideas. They were thinking of a regular tabloid newspaper of high quality political comment, not just off the top of the head factional kneejerks. Their ambition was to get to the Party membership beyond the Steering Committee circle. Somehow the name Challenge was adopted corny but effective ... the first edition was produced in October 1976. While the subject matter and style of writing wasn't all that hot the impact was there. Here was a left ALP paper, the only one in Australia at the time.

In a time when Juanita Nielsen disappeared and Peter Baldwin, a former member of this Chamber, was beaten to within an inch of his life, Les Carr also faced threats over the publications he produced. It is sometimes easy for others to write off the extraordinary courage some members of the Australian Labor Party have had in fighting corruption, particularly during the 1970s. For the past 25 years, as many workers at the New South Wales Parliament will be aware, Les Carr was the communications officer at the Public Service Association, from whom they received regular updates and the *Red Tape*. It may also be of interest to some in this Chamber to know that his position was won by a ballot when Les Carr defeated another former member of this Chamber, Lee Rhiannon.

It is unfortunate that following the election of Anne Gardiner to the position of Secretary of the Public Service Association last year, one of her first actions was to sack Les, who at 64 was only a few years off retirement. It was a cruel end to the life of a person who had committed so much to the labour movement. I do not know if this event contributed to his early death. It is a testament to his work that his funeral and his wake were filled to overflowing with Public Service Association members and staff. We will all miss our comrade Les, as will his sisters Pamela and Denise, and his nephews and nieces. He was a true champion of the labour movement.

POLICE CRITICAL INCIDENT INVESTIGATIONS

Mr DAVID SHOEBRIDGE [3.44 p.m.]: My office recently made a submission to the Premier's review of police handling of critical incidents. As part of that review of police oversight my office investigated

and discussed some of the many reasons the current oversight system does not work and continues to produce poor outcomes. Any system that relies on self-regulation behind closed doors creates inevitable tensions between the self-interest of the organisation and the interests of the general public. Unfortunately that is the system in place for almost all police oversight in New South Wales.

One of the most obvious reasons for this is the obvious conflict of interest in any system that requires police to investigate police. Police investigating police creates a fundamental conflict of interest between officers' real and perceived obligations to their fellow police and their duty to the public. Expecting police to operate within such a framework is unacceptable and consistently produces poor outcomes. While no doubt some police officers can rise above this conflict and undertake objective investigations, it is a flawed system that routinely requires that of officials. Robust and accountable oversight regimes are designed to be operated by people, not by angels.

Even putting to one side the conflict in having police as the primary investigators of police, there is another fundamental reason why the current system works to privilege police and their accounts consistently over those of members of the public. It is this aspect, concerning the documentation of complaints, I wish to discuss further today. Put briefly, the current system relies so heavily on documentation that it marginalises many members of the public who, unlike police, do not take contemporaneous notes of all of their police interactions. Why is the one-sided documentation of events such a problem for police complaints? The reason is that the vast majority of complaints, whether critical incidents or not, are investigated initially by police and at best receive only a paper review by the Ombudsman.

While there is the legal capacity for the Ombudsman's office to initiate its own investigation of police conduct and to send its own primary investigators to gather primary evidence, the system almost never operates that way in practice. This has led to a situation where there is no culture of independent investigation of police complaints, with any oversight by the Ombudsman limited to little more than a superficial review. In any paper review the well-documented positions of the police are almost inevitably given a privileged position as against the often poorly articulated complaints from the general public.

It is important to remember that the quality of the relevant documentation has no inherent connection to the veracity of the parties' position, whether police or the general public. The police position tends to be well documented because, unlike the general public, police are experienced in the system and have ready access to the skills and resources to document and corroborate their positions. As a result, wherever the oversight is limited to only post-facto paper review the system unreasonably favours the internal police position. The final outcome is that despite thousands and thousands of complaints by members of the public, including serious complaints, only a handful are upheld.

On closer inspection the situation becomes even more troubling because the great majority of complaints that are upheld are complaints made by one member of the police against another. In 2010-11 there were 9,064 separate issues in 5,516 complaints to police. In that same year there were 5,747 complaints to the Ombudsman. Yet in the entire four years between 1 January 2009 and 20 March 2013 there were only 164 disciplinary actions in total arising from complaints, and of those a tiny 57 followed complaints from members of the public but 107 were the result of internal complaints from other police.

Examination of the data shows that only a tiny fraction—less than one half of 1 per cent—of the thousands of complaints against police in any one year result in any disciplinary action at all. While it is accepted that many, perhaps even most, complaints against police would not be expected to result in disciplinary action, these figures demonstrate a system that is heavily weighted in favour of police. As I said earlier, of the complaints upheld, two-thirds of them relate to police internal complaints. It is worth noting that in those circumstances where it is a police-on-police complaint, one of the fundamental factors is that the disparity in documentary evidence that exists where there is a complaint by the public against police is not present.

Unlike the case of the regular member of the public who experiences an episode with police that later gives rise to a complaint, a police officer who makes a complaint will generally keep notes every step of the way. While ever the system relies on police to investigate police with only a paper review by the Ombudsman, inevitably it will protect police and fail to produce fair and accountable oversight of police conduct. We should be very concerned about systematic issues such as this in oversight systems that are designed, we are told, to improve accountability of the police and to reduce corruption risks.

COMMONWEALTH PARLIAMENTARY ASSOCIATION STUDY TOUR

The Hon. CATHERINE CUSACK [3.49 p.m.]: During the break I completed my Commonwealth Parliamentary Association Study tour with a 17-day visit to the United Kingdom, which included attendance at three conferences, including "Channel Shift" in the public sector, the four-day Conservative Party conference in Manchester and a conference on public sector governance in Edinburgh. I was also able to meet officers from the United Kingdom Ombudsman's Office and the Scottish Public Services Ombudsman, Jim Martin, whose focus and insights were particularly inspiring. There were other activities that I will report on in greater detail in my formal report.

Members are aware of my longstanding interest in complaints management and how we can improve management of such feedback to better serve the interests of complainants, agencies being complained about, taxpayers and the wider public. To put this in proper context, I believe there are three pillars of good government: good governance, effective policy and prudent financial management. All three are interdependent and, in the presence of strong leadership, inevitably will deliver quality responsive services that clients deserve, together with value for money taxpayers are entitled to expect. I have spoken previously on the topic of what constitutes good policy. Today I will touch on good governance and the key role that complaints play in enhancing those arrangements.

Complaints management is like the canary in the mine for public administration. Any organisation that seeks to deflect and ignore complaints is almost certainly dysfunctional on multiple fronts. On the other hand, show me an agency where complaints are valued and proactively managed, rather than simply administered like widgets, and I will almost certainly be able to show an ethical and effective agency with a culture of excellence and focus on providing good service to the public. In Scotland I encountered the development of complaints standards by the Ombudsman's Office, which apply to a range of policy sectors such as Housing and Local Government. I have encountered such standards in Australia in relation to the private sector through my membership of the Society of Consumer Affairs Professionals, but I have not encountered standards in relation to the public sector. Indeed, all I have encountered is denial that it is even possible to have them.

For many years I have been convinced that such an approach is needed in New South Wales. I cannot understand how Ministers or boards can possibly be informed about an organisation's performance in complaints handling in the absence of such standards. I am passionate in my belief that we must adopt this approach and our governance arrangements can be neither sound nor complete without them. In the United Kingdom the Ombudsman, which covers all services including Health, proactively identifies patterns of complaints and makes special reports where the same problem recurs time and again. That is also the practice of the New South Wales Ombudsman, but he does not cover Health. Our Health Care Complaints Commission does not appear to have either the desire or the mandate to play such a proactive role, and I consider that to be a serious deficiency.

For example, in the 20 kilograms of paper I brought back to Australia is an excellent report by the United Kingdom Ombudsman on Sepsis in Public Hospitals. It gives case studies, analyses the issues and makes recommendations. It is an excellent report. It will dramatically reduce the incidence of preventable death and permanent disability associated with delays in diagnosing sepsis. We have the same issue in New South Wales, but our complaints agency has no mandate or inclination to inquire into it. I have no doubt that when a report on sepsis is produced in New South Wales one day it will be no better than the United Kingdom report dealing with an identical issue in the same settings.

The only difference will be that our report has been extensively delayed at great human cost. I intend to advocate strongly on this glaring great gap in governance arrangements for health complaints. At Southwark Council I encountered a formalised system of complaints management that has three tiers. The first tier is when complaints are received, and they are encouraged to be resolved as soon as they are received. In the past a system of referring them on or if possible out of the organisation was in place, but this revolving door approach caused immense frustration, resulted in large amounts of correspondence and unsurprisingly made complaints management very expensive, with very poor customer outcomes and levels of satisfaction. A hard decision was made that as many complaints as possible be resolved on initial receipt.

This mainly involved empowering front-line staff to take steps to sort them out. The cost savings and improved customer satisfaction are breathtaking. Those complaints that could not be resolved went to tier two,

at which point the chief executive officer and councillors engaged themselves. The aim is to minimise tier three complaints, which are those that leave the organisation. This culture of continuous learning and improvement is, frankly, something our public sector culture could do with a good dose of. I encountered a number of programs, technologies and recruitment strategies that to me are a proven toolkit of ideas that mean that we can do much better in complaints management. I look forward to advocating this further for the betterment of the people of New South Wales.

CHILD SEXUAL ABUSE

The Hon. PAUL GREEN [3.54 p.m.]: Today on behalf of the Christian Democratic Party I speak on a difficult and troubling topic: child sexual abuse. I will share with the House Tom's story, which comes from the Adults Surviving Child Abuse website:

Let me introduce you to Tom. Tom is 34. He is unemployed, unclean, unloved. Tom has attempted suicide.

Tom has a photograph of himself at the beach. This day at the beach marked the beginning of years of abuse for Tom. He cannot remember whether it was his father, his uncle, or his uncle's best friend that touched him. Tom has hidden many of those memories deeply away.

But this was the last summer of innocence for Tom. His childhood was stolen away at the age of 6. After that Tom never felt the same again.

By 13 Tom had had enough of feeling scared at home; feeling scared all the time. So he left and never went back. He lived mostly on the streets, mostly with kids his own age and by the time Tom was 16 he had found solace in drugs.

But his habit became expensive. He turned to shoplifting, then to burglary, then to prostitution. His desire for punishment always outweighed his sins. On his 25th birthday Tom was on his 3rd stretch in prison.

It was a cold winter's day in July when Tom finally tipped over the edges. He came across his mother while begging for change in Pitt Street Mall. He cloaked his face so she would not recognise him. She didn't. She wouldn't.

Later that night Tom overdosed on ice, alone and cold. That is when, thankfully, he found help.

When we hear the statistics on child abuse, it is often easy to just see them as a bunch of numbers. However, when we hear these numbers we should be thinking about people like Tom and each of the victims of child abuse whose lives are shattered by the abuse or neglect of people who should know better. According to an updated 2012 Bravehearts report, one in three girls and one in six boys will be sexually abused before the age of 18 years; there is widespread agreement that child sexual abuse spans all races, economic classes and ethnic groups; one in three Australians would not believe children if they disclosed abuse; one in five Australians lacked the confidence to know what to do if they suspected abuse or negligence; 90 per cent of surveyed adults believed that the community needs to be better informed about the problem of child abuse in Australia; and 86 per cent of Australians believe that the Commonwealth and State governments should invest more money in protecting children from abuse and neglect.

The report goes on to cite several resources that explain the effects of child sexual abuse, including triggering the development of future violent behaviour, resulting in criminal convictions, psychosomatic responses, psychiatric disorders, long-lasting emotional problems, youth suicide, regression, sleeping and eating disorders, lack of self-esteem, nightmares, mutilation, self-hatred, promiscuous behaviour and aggression. A wide variety of later effects were pointed out, including sexual difficulties, inability to form lasting relationships, a serious lack of self-confidence, marital problems and poor parenting skills. Other effects include extreme distrust of others, self-blame, stigma, self-hatred and self-harming behaviours such as substance abuse, eating disorders, suicide, and a subconscious attraction to and revictimisation by abusive partners.

The consequences of child abuse are ongoing and tragic, and it is hard to believe that it happens so frequently in our society. As I said, one in three girls and one in six boys will be sexually abused before the age of 18 years. We have an obligation as legislators to protect these children before they become victims of abuse. We need to ensure that our kids know that it is ok to say no and to communicate this issue. We need to remember these facts when we are confronted with statistics, so that these children are not at risk of becoming just another number. We need to remember the kids like Tom.

QUEANBEYAN 175TH ANNIVERSARY

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [3.58 p.m.]: On Friday 8 October 1820, a party consisting of Joseph Wild, James Vaughan and Charles Throsby Smith was searching for the

Murrumbidgee River when they happened upon two small streams forming a single river winding through a valley at the eastern end of the Limestone Plains. They did not know it at the time, but they had inadvertently stumbled upon the current site of a mighty metropolis. In 1828 an ex convict named Timothy Beard had a squattage called Quinbean on the Molonglo River. Quinbean was actually the name of the local Aboriginal tribe that lived here. The meaning of the word is clear waters. Beard has been credited with having the first settlement close to the present site of the city of Queanbeyan.

Old maps of 1833 show at least 12 stations in the Molonglo, Gundaroo, Lake George and Bungendore area. The first post office was established in Crawford Street in 1836, and in 1837 Captain Alured Tasker Faunce of the 4th Kings Own Regiment was appointed resident police magistrate. With a population of approximately 50 persons Queanbeyan was officially proclaimed a township in 1838. Queanbeyan prospered as a primary producing area and was proclaimed a municipality in February 1885, containing an area of 5,700 acres.

Wheat experimentalist William James Farrer established Queanbeyan's status as an agricultural district with his famous Federation rust-free strain, developed on his Tharwa property, Lambrigg. On 7 July 1972 city status was finally granted. Following boundary changes, Greater Queanbeyan City Council was proclaimed on 11 February 2004. The new city area encompasses approximately 172.88 square kilometres, an increase of about 122 square kilometres, and currently is home to more than 40,000 proud residents.

Queanbeyan will celebrate its 175th birthday in 2013 with a series of celebratory events. The centrepiece of this year-long celebration took place on Saturday 28 September and featured a parade celebrating 175 years of transport, a display of vintage vehicles, HMAS *Harman* exercising its freedom of entry privileges, concerts and other performances throughout the city's beautiful parks, food stalls celebrating Queanbeyan's multicultural heritage and a display of the Melbourne Cup at the 175th Anniversary Heritage Ball. The day was closed with a spectacular fireworks display along the perambulating Queanbeyan River.

A local book entitled, *Queanbeyan—City of Champions* was also launched as part of the 175th anniversary celebration. This book impressively documents the social and pictorial history of the City of Queanbeyan over the 175 years since it was proclaimed a township. I congratulate local author Nicole Overall, who happens to be the beautiful wife of Mayor Tim Overall, and local councillor and accomplished photographer Trudy Taylor.

The book launch was attended by many local luminaries and sporting champions including Mark Webber, Heather McKay, Bishop Pat Power, Ricky Stuart, Kristy Giteau and Allan Hawke. Sadly, a number of luminaries were not able to attend, including George Lazenby, Brad Haddin, David Campese and Senator Glen Lazarus. Nonetheless, the display of Queanbeyan pride was both overwhelming and inspiring and was perhaps best summed up by Councillor Trudy Taylor, who took more than 5,000 photos for this special project, when she said, "Queanbeyan's my home town and I love it. It's where I come from." And the same goes for me. I congratulate all those involved in Queanbeyan's 175th anniversary celebrations.

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

Mr SCOT MacDONALD [4.02 p.m.]: I wish all students who are undertaking their Higher School Certificate examinations all the very best, including my daughter and the children of other members of Parliament, and their families who are going through this difficult time. Today they are sitting for their legal studies examination. I wish them all the very best for the future.

BUSHFIRE HAZARD REDUCTION

The Hon. STEVE WHAN [4.03 p.m.]: I add my thoughts to those expressed earlier in support of all those volunteers who are currently fighting fires around New South Wales. Shane Fitzsimmons and the Rural Fire Service crews will be working very hard in the coming months but particularly today and over the weekend. They are responding to a number of major incidents around New South Wales. I know the Premier and the Minister are out there with them and that all members of the House support their efforts. During the past few days discussions have been held about hazard reduction burning. I think at this time of the year in the bushfire season it is best to leave discussions about what can be done better until after the fire season.

It is important to note that hazard reduction is not just about the number of hectares that are burnt but it is also about where clearing is carried out and how effective it will be to protect assets and that is why many of these areas are called "asset protection zones". As a former Minister I have great confidence in the work of our Rural Fire Service in New South Wales. I know that all people in this House share my admiration for the volunteers and the hard work they will be putting in over the next weeks and months and I express our support for them.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 4.04 p.m. until Tuesday 22 October 2013 at 2.30 p.m.
