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LEGISLATIVE COUNCIL

Thursday 20 November 2014

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

The President read the Prayers.

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

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 2010, 2117, 2123, 2139, 2142, 2147 and 2148 outside the Order of Precedence objected to as being taken as formal business.

TRANSGENDER DAY OF REMEMBRANCE

Motion by Dr MEHREEN FARUQI agreed to:

- (1) That this House notes that:
 - (a) Transgender Day of Remembrance is acknowledged on 20 November every year, and memorialises those who have been killed as a result of hatred or fear of transgender and gender non-conforming people;
 - (b) the day acts to bring attention to the continued violence and discrimination endured by the transgender community;
 - (c) there are many instances here in Australia, including New South Wales, of violence towards and harassment of those who express gender variance, with many of these instances going unreported because the victims are ashamed or experience discrimination by the authorities, thereby discouraging reporting;
 - (d) people who openly express their gender variance experience two to three times the national rate of unemployment and, consequently, utilisation of income and social support services;
 - (e) recent research shows that gender variance is not a personal choice nor is it a mental illness, as has been regarded for so long by the medical profession, and having an internal gender identity at variance with one's reproductive anatomy is a naturally occurring action of genetics and hormones on brain morphology; and
 - (f) as a result of discrimination, harassment and social exclusion many transgender people attempt or succeed at suicide, which are tragic and avoidable losses.
- (2) That this House calls on the Government to:
 - (a) acknowledge the important role of the New South Wales Government in preventing discrimination and abuse against transgender people; and
 - (b) increase funding, services, and general support for New South Wales agencies and non-government organisations that provide support to transgender and gender non-conforming people.

ASSYRIA DAY CONFERENCE

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
 - (a) on Sunday 29 June 2014, the Young Assyrians, the youth branch of the Assyrian Universal Alliance in Australia, hosted the fourth annual Assyria Day Conference at the Ninevah Club, Bonnyrigg; and
 - (b) guests attending the conference included:
 - (i) the Hon. Chris Bowen, MP, Federal member for McMahon, representing the Hon. Bill Shorten, Leader of the Opposition;
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;

- (iii) Mrs Tanya Davies, MP, member for Mulgoa;
 - (iv) Councillor Frank Carbone, Mayor of Fairfield City Council;
 - (v) Mr Alexander Ryvchin, Director of Public Affairs of the Executive Council of Australian Jewry;
 - (vi) Mr Hermiz Shahen, Deputy Secretary-General of the Assyrian Universal Alliance; and
 - (vii) Mr David David, President of the Assyrian Australian National Federation.
- (2) That this House:
- (a) congratulates the Young Assyrians, the youth branch of the Assyrian Universal Alliance, on organising and holding the fourth annual Assyria Day Conference; and
 - (b) sends its regards and best wishes to the Assyrian-Australian community and commends it for its ongoing contribution to New South Wales.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 2179 outside the Order of Precedence objected to as being taken as formal business.

OPERATION PROSPECT

Production of Documents: Order

Motion by the Hon. ROBERT BORSAK agreed to:

- (1) That, under Standing Order 53, an Address be presented to the Governor requesting that His Excellency may be pleased to cause to be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in relation to the administration of justice:
- (a) the warrant and judgement issued by then Justice Bell of the New South Wales Supreme Court under section 16 of the Listening Devices Act 1984 on 14 September 2000;
 - (b) all affidavit material, applications and submissions provided to Justice Bell in support of the application for a warrant under section 16 of the Listening Devices Act 1984 on 14 September 2000;
 - (c) all transcripts of evidence of an application made before Justice Bell under section 16 of the Listening Devices Act 1984 on 14 September 2000;
 - (d) Warrant 266/2000, dated 14 September, issued by Justice Bell;
 - (e) the warrant and judgement issued by then Justice Dowd of the New South Wales Supreme Court under section 16 of the Listening Devices Act 1984 on 4 April 2000;
 - (f) all affidavit material, applications and submissions provided to Justice Dowd in support of the application for a warrant under section 16 of the Listening Devices Act 1984 on 4 April 2000;
 - (g) all transcripts of evidence of an application made before Justice Dowd under section 16 of the Listening Devices Act 1984 on 4 April 2000;
 - (h) Warrant 95/2000, dated 4 April 2000, issued by Justice Dowd; and
 - (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (2) That notwithstanding anything to the contrary in Standing Order 53, a return to this order having been received by the Clerk, any documents over which privilege is not claimed will:
- (a) subject to (b) below, remain confidential and available for inspection by members of the House only; and
 - (b) stand referred to the Select Committee on the Conduct and Progress of the Ombudsman's Inquiry "Operation Prospect", which is authorised to determine whether the documents should subsequently be made public.

OXI DAY COMMEMORATION

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on 28 October 2014 a function to commemorate Oxi Day was held at the Anzac Memorial, Hyde Park South, Sydney, hosted by the Consul-General of Greece, Dr Stavros Kyrimis;
 - (b) the commemoration of Oxi Day recalls 28 October 1940 when Greece rejected an ultimatum by fascist Italy to allow itself to be occupied with the result that Italy immediately invaded Greece; and
 - (c) guests at the function included:
 - (i) His Grace Bishop Serapheim, Greek Orthodox Church in Australia;
 - (ii) His Excellency Charalampos Dafaranos, Greek Ambassador to Australia;
 - (iii) Dr Stavros Kyrimis, Consul-General of Greece in Sydney;
 - (iv) Mr David Elliott, MP, member for Baulkham Hills, Parliamentary Secretary to the Premier for Youth, Homelessness and the Centenary Anzac, representing the Hon. Mike Baird, Premier of New South Wales;
 - (v) Reverend the Hon. Fred Nile, MLC, Assistant President of the Legislative Council of New South Wales;
 - (vi) the Hon. Linda Burney, MP, Deputy Leader of the Opposition, shadow Minister for Family and Community Services, shadow Minister for Early Childhood Education, shadow Minister for Aboriginal Affairs, and shadow Minister for the Central Coast, representing the Hon. John Robertson, MP, Leader of the Opposition;
 - (vii) the Hon. Sophie Cotsis, MLC, shadow Minister for Local Government, shadow Minister for Housing and shadow Minister for the Status of Women;
 - (viii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (ix) the Hon. Lynda Voltz, MLC;
 - (x) the Hon. Amanda Fazio, MLC;
 - (xi) Mr Charles Casuscelli, MP, member for Strathfield;
 - (xii) Mr Andrew Rohan, MP, member for Smithfield;
 - (xiii) Mr John Flowers, MP, member for Rockdale;
 - (xiv) Mr Mark Coure, MP, member for Oatley;
 - (xv) Councillor Angela Vithoukias, City of Sydney Council;
 - (xvi) Councillor Andrew Tsounis, Rockdale City Council;
 - (xvii) Councillor Sam Stratikopoulos, Kogarah City Council;
 - (xviii) Councillor Bill Mouroukas, Waverley Council; and
 - (xix) students from St Spyridon and St Euphemia Colleges and All Saints Grammar School who participated in a Hellenic Flag unveiling.
- (2) That this House:
- (a) acknowledges and commends Dr Stavros Kyrimis, Consul-General of Greece in Sydney and Greek community associations who organised and participated in the commemoration at the Anzac Memorial on 28 October 2014; and
 - (b) extends its best wishes to the Australian-Hellenic community on the seventy-fourth anniversary of Oxi Day.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 2182 outside the Order of Precedence objected to as being taken as formal business.

T.B. SAILORS, SOLDIERS AND AIRMEN'S ASSOCIATION

Motion by Mr SCOT MACDONALD agreed to:

- (1) That this House notes that:
 - (a) an important component of the original design of the Anzac Memorial building by Sydney architect Mr C. Bruce Dellit was the provision of offices for the use of returned services organisations;
 - (b) the T. B. Sailors, Soldiers and Airmen's Association of NSW Inc. was one such organisation that occupied offices in the Memorial since it opened in November 1934;
 - (c) the association remained there until it ceased operating earlier this year;
 - (d) the work of the association in providing support to veterans over many decades was quite rightfully recognised and lauded and its presence will be sorely missed;
 - (e) the president of the T. B. Sailors, Soldiers and Airmen's Association at the time of its closure was Mr Stan Poulsen, who was the president for the final 11 years of the association's existence; and
 - (f) Mr Poulsen worked tirelessly for the association during this period and as well, he was one of the two veterans' representatives on the Anzac Memorial Trust over which the Premier is the Chair.
- (2) That this House joins with the trustees to formally thank Mr Poulsen for his commitment and contribution to the work of the Trust.

WHITE RIBBON DAY

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) on Tuesday 25 November 2014 a reception marking White Ribbon Day for the prevention of violence against women will be held at the Parliament of New South Wales, in the presence of the Governor, His Excellency General the Hon. David Hurley, AC, DSC [Retd], and organised by long-term White Ribbon Foundation Ambassador, Vincent De Luca, OAM;
 - (b) domestic violence is a widespread, though often a hidden problem, across Australia and occurs in all parts of society, regardless of geographic location, socio-economic status, age, cultural and ethnic background, or religious belief, and its often devastating effects—psychological, social and economic, short-term and long-term—impact families, children and the community as a whole;
 - (c) White Ribbon is Australia's only national, male led campaign to end men's violence against women;
 - (d) the White Ribbon campaign works through primary prevention initiatives involving awareness raising and education, and programs with youth, schools, workplaces and across the broader community and is the world's largest male-led movement and is active in more than 60 countries; and
 - (e) dignitaries attending in support of White Ribbon include:
 - (i) members of Parliament: the Hon. Stewart Ayres, MP, Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney; the Hon. John Robertson, MP, Leader of the Opposition; Revd the Hon. Fred Nile, MLC, Assistant President of the Legislative Council; the Hon. Sophie Cotsis, MLC, shadow Minister for the Status of Women; Ms Anna Watson, MP; the Hon. Marie Ficarra, MLC; and Dr John Kaye, MLC;
 - (ii) local government councillors: Anthony Andrews, Scott Nash and Geoff Stevenson, Randwick, David Citer, Ku-ring-gai; Pat Daley, Warringah; Deborah Hutchens, Lane Cove; Fadwa Kebbe, Canterbury; and Tony Mustaca, OAM, Deputy Mayor of Willoughby;
 - (iii) guest speakers: Phil Gould, AM, Penrith Panthers Rugby League; Dave Dennis, NSW Waratahs Rugby Union; and Clint Newton, Newcastle Knights Rugby League;
 - (iv) sporting leaders: Jack Newton, OAM, Carolyn Campbell and Megan Simpson, Netball NSW, David Troden, NSW Rugby League, Neita Matthews, OAM, Patron, Netball NSW, Lynn Quinn, OAM, President, Fairfield City Netball Association, Beverley Dew, OAM, Life member, Manly Warringah Netball Association, Diane Langmack, OAM, Penrith Panthers Rugby League, Coralie Newman, OAM, Secretary, Manly Warringah Sporting Union, Maureen Stephenson, OAM, NSW Australian Netball League Team Manager, Leellen Lewis, South Sydney Rabbitohs Souths Cares; and
 - (v) corporate, public service and community leaders: Carla Zampatti, AC, Roy Wakelin-King, AM, Rosalind Strong, AM, Helen Zerefos, OAM, Roy Mustaca, OAM, Dr Howard Bell, OAM, Alfredo Bovier, OAM, Michael Coutts-Trotter, Elizabeth Tydd, Jim Longley, Maryanne Graham, Adam Wand, Maria Diep, James Allen, Dunstan de Souza, Sophie York, Thomas Camporeale, Martha Jabour, Virginia Judge, Sean Carmichael, Sonia Lewis, Julie Burgess, Jackie Newton, Tony Stewart, Caroline Speakman, Colin Gray, Giovannino Navarra, Philip Crawford and Shannon Wright.

- (2) That this House:
- (a) commends and acknowledges the outstanding work of the White Ribbon Foundation to end violence against women; and
 - (b) commends and acknowledges White Ribbon Ambassador Vincent De Luca, OAM, who has organised the Parliament of New South Wales' White Ribbon recognition events for the prevention of violence against women over the past six years and also worked extensively as an advocate for the prevention of violence against women.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 2187 outside the Order of Precedence objected to as being taken as formal business.

GREEK ORTHODOX COMMUNITY OF NSW OXI DAY COMMEMORATION

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Tuesday 28 October 2014 the Greek Orthodox Community of NSW held a function to commemorate the seventy-fourth anniversary of Oxi Day, being the 28 October 1940, when Italy invaded Greece following Greece's refusal to voluntarily allow its occupation by Italy; and
 - (b) those who attended as guests included:
 - (i) the Very Reverend Sofronios Konidaris representing His Eminence Archbishop Stylianos, Primate of the Greek Orthodox Church in Australia;
 - (ii) the Hon. Linda Burney, MP, Deputy Leader of the Opposition, shadow Minister for Family and Community Services, shadow Minister for Early Childhood Education, shadow Minister for Aboriginal Affairs, and shadow Minister for the Central Coast, representing the Hon. John Robertson, MP, Leader of the Opposition;
 - (iii) Mr Guy Zangari, MP, shadow Minister for Citizenship and Communities, and shadow Minister for Sport and Recreation;
 - (iv) His Excellency Charalampos Dafaranos, Greek Ambassador to Australia;
 - (v) Dr Stavros Kyrimis, Consul-General of Greece in Sydney;
 - (vi) Councillor Nick Katris, Kogarah City Council;
 - (vii) Councillor Esther Paschalidis, Canterbury City Council;
 - (viii) Councillor Rita Katania, Hurstville City Council;
 - (ix) Mr Jack Passaris representing the Inter-communities Council of the Archdiocese of the Greek Orthodox Church in Australia;
 - (x) Mr Sotris Tsouris, President of the Cyprus Community of NSW;
 - (xi) Mr Bill Kotsovolos, President of the Greek Branch of the Returned Services League; and
 - (xii) Mrs Lucia Tavari-Johns, Vice-President of Community Languages in New South Wales.
- (2) That this House:
- (a) acknowledges and commends the Greek Orthodox Community of NSW, its President, Mr Harry Danalis, and other office bearers for their continuing service to the Australian Hellenic community; and
 - (b) extends its best wishes to the Hellenic Australian community on the occasion of the seventy-fourth anniversary of Oxi Day, an event which commemorates the heroism of the Greek people when they said "Oxi", meaning "no", to threats from a neighbouring aggressor.

HIS EMINENCE BEATITUDE PATRIARCH CARDINAL MAR BECHARA BOUTROS RAI**Motion by the Hon. DAVID CLARKE agreed to:**

- (1) That this House notes that:
 - (a) on 31 October 2014 His Eminence Cardinal Mar Bechara Boutros Rai, Maronite Patriarch of Antioch and all the East visited the Convent of the Maronite Sisters of the Holy Family at Dulwich Hill and in the presence of His Excellency, Bishop Antoine Charbel Tarabay, Bishop of the Maronite Catholic Church in Australia and hundreds of Sydney's Maronite community and official guests unveiled a statue of the late Patriarch Elias Howayek founder of the Order of the Maronite Sisters of the Holy Family;
 - (b) following the unveiling His Eminence paid a visit to the nursing home in the care of the Maronite Sisters where, accompanied by its Chief Executive Officer Sister Elham Gea Gea he met with residents and staff; and
 - (c) thereafter His Eminence was welcomed to Saint Maroun's College also under the care of the Maronite Sisters of the Holy Family where he was greeted by:
 - (i) Principal Sister Josephine Wehbe;
 - (ii) Assistant Principal Helen MacDonald; and
 - (iii) Teaching staff and the assembled student body.
- (2) That this House:
 - (a) welcomes His Eminence Cardinal Mar Bechara Boutros Rai, Maronite Patriarch of Antioch and all the East on the occasion of his first visit to Australia; and
 - (b) extends greetings to His Excellency Bishop Antoine Charbel Tarabay and members of the Maronite Catholic community in Australia.

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

Private Members' Business item No. 2192 outside the Order of Precedence objected to as being taken as formal business.

VIETNAMESE AUSTRALIAN WELFARE ASSOCIATION TWENTY-FIFTH ANNIVERSARY**Motion by the Hon. DAVID CLARKE agreed to:**

- (1) That this House notes that:
 - (a) on 24 September 2014 the Vietnamese Australian Welfare Association [NSW] held a special celebratory luncheon to mark its twenty-fifth anniversary; and
 - (b) for 25 years the Vietnamese Australian Welfare Association [NSW] has served the Vietnamese Australian community by providing it with far-reaching support, including in the areas of mental health, domestic violence, child abuse, family conflict and breakdowns, immigration assistance and as an intermediary with governmental social, welfare, health and legal agencies.
- (2) That this House congratulates and commends the Vietnamese Australian Welfare Association [NSW] as well as its office bearers and staff for 25 years of service to the Vietnamese Australian community, particularly, President, Mr Ambrose Dinh, Vice-President for External Affairs, Dr Vuong Van Nguyen, Vice-President for Internal Affairs, Mr Linh Nguyen, Secretary, Mr Thi Doan Trang Doan, Treasurer, Mr Andrew Nguyen and Office Manager, Mr Van Duyet Pham.

NSW HALL OF CHAMPIONS AND NSW HALL OF LEGENDS**Motion by the Hon. MARIE FICARRA agreed to:**

- (1) That this House notes that:
 - (a) on Monday 17 November 2014, the Hon. Stuart Ayres, MP, Minister for Sport, honoured some of the country's most accomplished and respected athletes with their induction into the esteemed NSW Hall of Champions and NSW Hall of Legends;
 - (b) the NSW Hall of Champions is the home of a unique memorial and museum honouring more than 350 of the State's finest athletes across 50 sports;

- (c) the induction ceremony saw the inclusion of Adam Gilchrist, AM, cricket, Alison Broadbent, netball, Daphne Hilton, para-athlete, Hugh Treharne, OAM, yachting, Philippe Rizzo, gymnastics and Troy Sachs, OAM, wheelchair basketball;
 - (d) Anne Sargeant, OAM, netball and Michael Wenden, AM, MBE, swimming were inducted into the NSW Hall of Legends; and
 - (e) the Hall of Legends recognises those champions of sport, who are the greatest of the great in their sporting field.
- (2) That this House congratulates and commends all those athletes admitted into the NSW Hall of Champions and NSW Hall of Legends.

MOST REVEREND ANTHONY FISHER, OP

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on 12 November 2014, a Liturgical Reception and Solemn Mass of Installation of the Most Reverend Anthony Fisher, OP, as the ninth Catholic Archbishop of Sydney was held in St Mary's Cathedral before a congregation of some 2,500 people; and
 - (b) guests who attended included:
 - (i) the Governor of New South Wales, General David Hurley, AC, DSC, and Mrs Linda Hurley;
 - (ii) Senator the Hon. Concetta Fierravanti-Wells, Parliamentary Secretary to the Minister for Social Services, representing the Hon. Tony Abbott, MP, Prime Minister of Australia;
 - (iii) Senator the Hon. Jacinta Collins, representing the Hon. Bill Shorten, MP, Leader of the Federal Opposition;
 - (iv) the Hon. Mike Baird, MP, Premier of New South Wales, and Mrs Kerryn Baird;
 - (v) Mr Michael Daley, MP, shadow Treasurer and shadow Minister for Roads, representing the Hon. John Robertson, MP, Leader of the Opposition;
 - (vi) the Hon. Luke Foley, MLC, Leader of the Opposition in the Legislative Council of New South Wales and shadow Minister for the Environment and Climate Change and shadow Minister for Planning and Infrastructure;
 - (vii) the Hon. John Howard, former Prime Minister of Australia;
 - (viii) numerous Federal and State members of Parliament and members of the judiciary;
 - (ix) approximately 300 members of the clergy, including numerous bishops and archbishops and other religious;
 - (x) leaders and representatives of interfaith and ecumenical faiths; and
 - (xi) leaders of numerous ethnic and community groups and civic organisations.
- (2) That this House:
- (a) congratulates the new Catholic Archbishop of Sydney, Anthony Fisher, OP, on the occasion of his installation; and
 - (b) sends its best wishes to the Catholic Community of New South Wales.

AUSTRALIAN MARONITE PROFESSIONALS COUNCIL LTD

Motion by the Hon. DAVID CLARKE agreed to:

- (1) That this House notes that:
- (a) on Friday 7 November 2014, the Australian Maronite Professionals Council Ltd, under the patronage of His Excellency Bishop Antione-Charbel Tarabay, Maronite Bishop of Australia held a farewell luncheon in honour of His Beatitude and Eminence Mar Bechara Boutros, Cardinal Rai, Patriarch of Antioch and All the East prior to his return to Lebanon;
 - (b) the farewell luncheon was attended by several hundred members of Sydney's Maronite community, together with invited guests, including a number of Federal and State members of Parliament, and representatives of local government; and

- (c) the Australian Maronite Professionals Council was recently launched under the patronage of Bishop Antione-Charbel Tarabay as a non-profit organisation, dedicated to connecting Maronite professionals who have a concern for the prosperity and wellbeing of Australia and for the upholding and promotion of the Maronite Catholic Faith.
- (2) That this House:
 - (a) extends its best wishes to His Beatitude and Eminence Mar Bechara Boutros, Cardinal Rai, Patriarch of Antioch and All the East on his return to Lebanon following his visit to Australia; and
 - (b) extends best wishes to the Australian Maronite Professionals Council on its formation.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 2198, 2199 and 2200 outside the Order of Precedence objected to as being taken as formal business.

TABLING OF PAPERS

The Hon. John Ajaka tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2014:
 - Crown Solicitor's Office
 - Department of Planning and Environment
 - Department of Transport incorporating report of Transport for NSW
 - NSW Health with financial statements volumes 1, 2 and 3
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2014:
 - Aboriginal and Torres Strait Islander Health Practice Council
 - Chinese Medicine Council of New South Wales
 - Chiropractic Council of New South Wales
 - Dental Council of New South Wales
 - Fair Trading Administration Corporation and Motor Vehicle Repair Industry Authority
 - Government Property NSW (formerly State Property Authority)
 - Health Care Complaints Commission
 - Medical Council of New South Wales
 - Medical Radiation Practice Council of New South Wales
 - New South Wales Health Foundation
 - NSW Trains
 - Nursing and Midwifery Council of New South Wales
 - Occupational Therapy Council of New South Wales
 - Optometry Council of New South Wales
 - Osteopathy Council of New South Wales
 - Pharmacy Council of New South Wales
 - Physiotherapy Council of New South Wales
 - Podiatry Council of New South Wales
 - Psychology Council of New South Wales
 - Rail Corporation of New South Wales
 - Rental Bond Board
 - Roads and Maritime Services
 - State Transit Authority of New South Wales
 - Sydney Trains
- (3) Annual Reports (Statutory Bodies) Act 1984 and Growth Centres (Development Corporations) Act 1974—Report of Central Coast Regional Development Corporation for year ended 30 June 2014
- (4) Anti-Discrimination Act 1977—Report of Anti-Discrimination Board of New South Wales for year ended 2014
- (5) Health Practitioner Regulation National Law (NSW)—Report of Australian Health Practitioner Regulation Agency for year ended 30 June 2014
- (6) Health Services Act 1997—Report of Administrator National Funding Health Pool for year ended 30 June 2014
- (7) Legal Profession Act 2004—Reports for year ended 30 June 2014:
 - Law Society of New South Wales for year ended 2014, incorporating financial statements for the following entities:
 - Law Society of New South Wales
 - Legal Practitioners Fidelity Fund
 - Public Purpose Fund.
 - New South Wales Bar Association

- (8) Professional Standards Act 1994—Report of Professional Standards Council for year ended 2014
- (9) Report of the Public Service Commission entitled "A better picture—State of the NSW Public Sector Report 2014"

Ordered to be printed on motion by the Hon. John Ajaka.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2014-15

The Hon. Sarah Mitchell, as Chair, tabled report No. 29 entitled "Budget Estimates 2014-15", dated November 2014, together with transcripts of evidence, a tabled document, correspondence and answers to questions taken on notice.

Ordered to be printed on motion by the Hon. Sarah Mitchell.

The Hon. SARAH MITCHELL [9.44 a.m.]: I move:

That the House take note of the report.

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

AUDITOR-GENERAL'S REPORT

The Clerk tabled, pursuant to the Public Finance and Audit Act 1983, the Auditor-General's Financial Audits Report, "Volume Eight 2014: Focusing on Police and Justice, Law and Order, and Emergency Services", dated November 2014, received out of session and authorised to be printed on this day.

PETITIONS

Health Funding

Petition opposing cuts to hospital services and staff funding, and the introduction of the general practitioner co-payment, received from the **Hon. Steve Whan**.

Taxi Transport Subsidy Scheme

Petition requesting that the Government double the Taxi Transport Subsidy Scheme maximum cap to \$60, received from **Ms Jan Barham**.

Central Coast Rail Services

Petition calling for the restoration of peak hour rail services on the Central Coast and Newcastle line and at all Lake Macquarie stations, received from the **Hon. Lynda Voltz**.

Women's Refuges

Petition calling on the Government to adequately fund women's and children's refuges and to reinstate such refuges where dedicated services are no longer available, received from the **Hon. Lynda Voltz**.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That the House at its rising today do adjourn until Tuesday 3 March 2015 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Deputy-President, prior to that date by communication addressed to each member of the House, fixes an alternative day or hour of the meeting.

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

The Hon. Robert Borsak [9.52 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. 2187 outside the Order of Precedence, relating to an order for papers regarding Police Strike Force Emblems, be called on forthwith.

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [9.52 a.m.]: The Government does not believe that this is urgent. If we are genuine about upholding justice and due process this motion should not be given urgency. All members know that the Ombudsman is currently finalising a lengthy, complex and resource-intensive investigation into matters that relate to the documents sought under this proposed order. The matter at hand is an extraordinary investigation involving millions of documents and millions of dollars—an inquiry into complaints dating back more 20 years that has lasted more than two years and is in its concluding stages.

This Government has already recognised that the issues surrounding the Emblems report need to be resolved once and for all. That is exactly why we asked the Ombudsman to set up Operation Prospect and gave him extra statutory powers and resources to get the job done. What is more, this House has already extraordinarily intervened in the course of an Ombudsman's inquiry. It is entirely irresponsible at this late stage of the Ombudsman's work to prioritise this motion and further imperil the investigation underway.

Let me be very clear: These matters are already under investigation by the Ombudsman, with his report to be finalised in the first half of next year. I refer to the letter from the Ombudsman received last week. He said that intervening in his investigation, as this motion seeks to do, would have a drastically deleterious effect on the investigation. He further states the importance of secrecy provisions. These provisions are of central importance to the fair and rigorous contract of Operation Prospect. They are essential to maintaining the integrity of the investigation.

He goes on to highlight the most important reason the matter is not urgent—protecting the welfare and reputation of involved persons, particularly those who are the subject of untested allegations. The Ombudsman is clearly indicating that he has serious concerns about intervention into an ongoing and complex inquiry and the effects this will have on the persons who are part of that investigation. The matter is clearly not urgent. In fact, I urge all members not to vote for this motion of urgency because of the effect it would have on those persons. It is unclear what the Chair of the select committee is trying to achieve other than tarnishing the reputations of senior police at the expense of any due process—

The Hon. Lynda Voltz: Point of order: Mr President, we are currently debating why a matter is more urgent than any other matter. The Minister is moving away from the argument on urgency and I ask that you draw him back to that.

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

Mr David Shoebridge: Point of order: The Minister is currently impugning the motives of the mover of the motion and that is out of order. It should be done by way of a substantive motion.

The PRESIDENT: Order! If the Minister was doing that, it would in fact be out of order. I must admit I did not hear enough of the Minister's remarks to be able to form that judgement but I caution him in that respect. The Minister has the call.

The Hon. DUNCAN GAY: This is not urgent because it is a complex, resource-intensive, ongoing investigation. It canvasses a multitude of sensitive matters relating to the use of confidential informants, listening device powers and the operation of special legislative secrecy provisions used by our foremost law enforcement and integrity agencies. At a time when the Ombudsman is so close to finalising his report, there is absolutely nothing to be gained by prioritising this motion and it is certainly not in the public interest.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 20

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

Noes, 15

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

Pairs

Ms Fazio	Mr Ajaka
Ms Westwood	Ms Cusack
Mr Wong	Mrs Pavey

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Robert Borsak agreed to:

That Private Members' Business item No. 2187 outside the Order of Precedence be called on forthwith.

POLICE STRIKE FORCE EMBLEMS**Production of Documents: Order**

The Hon. ROBERT BORSAK [10.04 a.m.]: I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Premier and Cabinet or the NSW Police:
 - (a) the report of Police Strike Force Emblems;
 - (b) the attachments numbered 1 to 15 of the report of Police Strike Force Emblems;
 - (c) the recommendations of Police Strike Force Emblems; and
 - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (2) That documents returned to this order for papers be redacted to remove the names of police informants, undercover police officers and protected witnesses.
- (3) That notwithstanding anything to the contrary in Standing Order 52, a return to this order having been received by the Clerk, any documents over which privilege is not claimed will:
 - (a) subject to (b) below, remain confidential and available for inspection by members of the House only; and
 - (b) stand referred to the Select Committee on the conduct and progress of the Ombudsman's inquiry "Operation Prospect", which is authorised to determine whether the documents should subsequently be made public.

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [10.08 a.m.]: The Government believes this motion should be opposed. Let us leave to one side for the moment the particular circumstances of this case and look instead at the terrible precedent we would be setting if it is passed. No-one denies that the Parliament has an important role to play through its committees, both permanent and special purpose, in scrutinising matters of public importance.

[*Interruption*]

Mr David Shoebridge believes this is a joke. There is nothing further from a joke than this motion before the House. The member is a congenital idiot and deserves to be treated as such. The Government opposes this motion. It would be completely inappropriate to release the Strike Force Emblems report, its attachments or its recommendations, in light of the fact that there are a number of initiatives afoot to understand the matters that took place in regard to Strike Force Emblems, most notably the inquiry by the New South Wales Ombudsman being undertaken by Mr Bruce Barbour. The New South Wales Ombudsman is an independent and impartial watchdog. The Ombudsman watches over most public sector and many private sector agencies and their staff.

The PRESIDENT: Order! There is far too much noise on the Government benches and in the President's gallery. When advisers are in the President's gallery and are not having discussions with honourable members they should not be audible.

The Hon. DUNCAN GAY: The Ombudsman's role is to make sure these agencies and their staff do their jobs properly in meeting their responsibilities to the community. The Ombudsman's vision is to deliver a fair, accountable and responsive administrative practice and service delivery in New South Wales. This is achieved through the promotion of good conduct, fair decision-making, protection of rights and quality services. The Ombudsman's aim is to help agencies to meet their obligations to the public, to improve the way it delivers services and handles complaints, and to be a leading watchdog agency and an effective organisation.

Since the creation of the NSW Ombudsman's Office it has always demonstrated integrity—that is, behaving lawfully, honestly and ethically while exercising good judgement and demonstrating high professional standards; impartiality—that is, acting in a non-political manner as an advocate for the public interest independent of government; fair play—that is, focusing on fair procedures, consistency and proportionality; adding value—that is, bringing clarity to problems and identifying practical solutions that benefit the community; and respect—that is, treating everyone, complainants and colleagues alike, with dignity and respect.

Mr Barbour has been the Ombudsman since June 2000 and he has more than 25 years experience in administrative law, investigations and management. Mr Barbour has led the office through significant change and growth. He was a regional vice-president of the International Ombudsman Institute for seven years, representing Australian and Pacific regional ombudsmen, and he is currently a member of the board of the Pacific Ombudsman Alliance. Before his appointment as Ombudsman, Mr Barbour was a senior member of the Commonwealth Administrative Appeals Tribunal and a member of the Casino, Liquor and Gaming Control Authority.

Given this outstanding catalogue of experience, I firmly believe that he is the best and most appropriate person to undertake a strong and independent inquiry at arm's length. I am reading out details of the Ombudsman's qualifications and background because the members with the numbers in this House want to challenge his ability and to second-guess him. The man who would be Attorney General in this place, the Opposition spokesman, supports undermining the Ombudsman and second-guessing him. This is the man who would put himself out—

The Hon. Adam Searle: Point of order: The Minister is reflecting on a decision of the House; that is, the decision to establish the committee. The Ombudsman is not mentioned in the motion before the House. The Minister is railing in support of the Ombudsman when no-one is pushing back in the other direction. The Minister is irrelevant.

The PRESIDENT: Order! Of course, it is important not to reflect on decisions taken by this House. However, the Minister's remarks are otherwise certainly in order.

The Hon. DUNCAN GAY: My point is that an Ombudsman's inquiry is underway and there is a call for papers supported by and, in fact, led by the shadow Attorney General and his colleague in arms. They are in lock step. The person who would be Attorney General in this State has as his key adviser Mr David Shoebridge.

There they are, the people who want to protect the innocent and the downtrodden and who want the police officers concerned to be named. They want these papers to be made public. They are the people who are doing it. The shadow Attorney General wants to do it, but he does not want praise for doing it. This is the man who lives in the Blue Mountains and who would pretend to be a collegiate and decent person.

The PRESIDENT: Order! The Minister's remarks were in order, but he is starting to stray from the motion before the House. The Deputy Leader of the Opposition does not require any further compliments.

The Hon. DUNCAN GAY: Mr President, I accept your dragging me back to the leave of the motion, and it is most appropriate to do so. However, in defence I must say—

The Hon. Lynda Voltz: Are you reflecting on the President's ruling?

The PRESIDENT: Order! The Hon. Lynda Voltz—

The Hon. DUNCAN GAY: You really are an idiot.

The PRESIDENT: Order! I encourage both members to—

The Hon. Greg Donnelly: Point of order—

The PRESIDENT: Order! The Hon. Greg Donnelly will resume his seat. He is reminded that it is not appropriate to take points of order when the President is in the middle of giving a ruling. I encourage both members to keep on an even keel on this last sitting day of the session. The Minister has the call.

The Hon. DUNCAN GAY: Thank you, Mr President. People cannot help but be emotional about this issue because a great deal is riding on it. This is not simply a demonstration of members exercising political leverage. Lives will be put at risk if members support this motion. This motion, which has been proposed by the Shooters and Fishers Party and which has the support of The Greens and the Labor Party, will affect people's lives for years to come. This is a moment of great gravitas. I have identified, as I should, the people who are the prime movers behind this motion because they deserve acknowledgment for the role that they have played.

Government members can add and we know we will lose this vote, and we hate losing. With the exception of the motion establishing the committee, we believe this is one of the worst motions that has ever been considered by this Parliament. This is a day of shame. This House does so much so well. How proud we were a couple of Thursdays ago when a committee of this House helped a community. Today we have gone from the highs to the lows. People will be disadvantaged for the rest of their lives as a result of the passage of this motion. In an attempt to mitigate the inevitable—I acknowledge that the Government does not have the numbers—I foreshadow that I will move an amendment to private members' motion No. 2187. It is proposed to insert after the word "names", "any information that would reveal or tend to reveal the identity". The motion would then read, "that documents returned to this order for papers be redacted to remove the names and any information that would reveal or tend to reveal the identity of police informants, undercover police officers and protected witnesses". I urge members at least to support the amendment to mitigate some of the concerns about this call for papers.

This is a tough motion and the Government does not want it to be passed. We know we will lose on the voices, but I will call for divisions at every opportunity not only to indicate that it is wrong but also to emphasise that I do not believe we will ever have made a worse decision. And that is saying something given that I have been a member of this House for 26 years. The members who vote in support of this motion today will be doing so with their eyes wide open. This is not a late-night decision; it is 10.20 a.m. on the final day of sittings and when we do not have a heavy agenda. Members of The Greens and the Labor Party are supporting this motion with their eyes wide open. The Government vehemently opposes this motion.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.18 a.m.]: The Opposition supports private members' motion No. 2187 moved by the Hon. Robert Borsak. The material that is the subject of this motion is required to inform properly the deliberations of the committee that this House has voted to establish. While committees are also empowered to call for papers, on every occasion of which I am aware that a committee has done so the Executive Government has challenged its power in that regard. We have had to resort to bringing a motion to the House in order to effect a call for papers. It is beyond imagination that the Government, the police or any agency of the Executive Government would release this document to the committee.

Honourable members need not be alarmed by the resolution because of the safeguards being put in place, including that the Government can claim privilege over certain documentation and even those documents where privilege is not to be claimed will be made confidential and provided only to the committee members. It will be left to committee deliberations to decide whether or not those documents will be made public at some future point.

The Hon. Dr Peter Phelps: What happens if someone leaks it?

The Hon. ADAM SEARLE: Honourable members should take comfort from the inquiry by General Purpose Standing Committee No. 1 into allegations of bullying in WorkCover NSW where we sought and, through the agency of this House, eventually received confidential documentation that was highly prejudicial to a number of persons. The committee respected the confidentiality of this documentation and it was not leaked. Committees have been shown to be trustworthy and reliable.

The Hon. Dr Peter Phelps: Will you resign if any of it leaks?

The Hon. ADAM SEARLE: This resolution is reasonable, proportionate and necessary. We note the additional safeguard proposed by the Government, which I believe the mover will accept and the Opposition will also support.

The Hon. ROBERT BROWN [10.21 a.m.]: I inform the House that my colleague and mover of the motion, the Hon. Robert Borsak, will support the Government's amendment. Further, we concur with the comments made by the Deputy Leader of the Opposition. The real victims in this sordid affair, that goes back years, may well be the witnesses who come before this inquiry. They will be protected.

Mr DAVID SHOEBRIDGE [10.21 a.m.]: I indicate on behalf of The Greens that we support this motion. For the reasons the Hon. Adam Searle made clear, this motion is necessary in order to allow the committee that has been previously established to do its work. It is remarkable that in the Government's somewhat florid contribution the Leader of the Government failed to make any reference to the safeguards included in paragraph (3) of the motion. Those safeguards act together with the Government's ability to make a properly founded privilege claim, which would have the documents privileged and only accessed by the members of this Chamber. That would provide more than sufficient safeguards.

The Hon. Dr Peter Phelps: Will you resign if it leaks?

Mr DAVID SHOEBRIDGE: There have been innumerable highly damaging and highly inflammatory documents that have been produced in calls for papers. These documents have been accessed by members of this House and, if there had been a wish to use them for partisan political gain, they would have been on the front pages and leading news bulletins of this State for years. Not once has that happened. To hear the interjections from the Government Whip suggesting—

The Hon. Dr Peter Phelps: If you're so certain put your reputation on the line.

Mr DAVID SHOEBRIDGE: —that members of this House would breach that privilege and the privileges of the House is a new low from a member whose contributions normally come from the gutter.

The PRESIDENT: Order! The member should be careful about reflecting on other members.

The Hon. Duncan Gay: There have only been two breaches from the Privileges Committee. We know who was on it at the time.

Mr DAVID SHOEBRIDGE: I can indicate—

The PRESIDENT: Order! The honourable member will direct his remarks to the question before the House and ignore interjections.

Mr DAVID SHOEBRIDGE: The Greens will not oppose the amendment that, I note, the Government has not yet moved and has only indicated it might move. If the amendment is moved we will not object to it. Although there are some concerns about the breadth of it, it probably almost gets the balance right.

The Hon. Duncan Gay: My understanding is I did move it.

The Hon. NIALL BLAIR (Parliamentary Secretary) [10.23 a.m.]: I reiterate the Government's position that it opposes the motion. It would be completely inappropriate to release the Strike Force Emblems report, its attachments or its recommendations. It may be timely to remind all members that in 2012 this Government requested the Hon. David Levine, QC, the Inspector of the Police Integrity Commission and a respected jurist of over 20 years standing, to consider whether the report should be released. Members may recall that the Hon. David Levine, QC, did not support releasing the Strike Force Emblems report. Mr Levine stated that:

... the public interest would be ill served by the release of the Strike Force Emblems Report.

In fact, Mr Levine was scathing about the Emblems report. Although Mr Levine requested that his own report remain confidential he did not object to the release of his covering letter, and I will take this opportunity to quote further some of his relevant findings.

The PRESIDENT: Order! Mr David Shoebridge has made his contribution and should remain silent.

The Hon. NIALL BLAIR: The Hon. David Levine found the Emblems report to be:

... such an abstruse and unsatisfactory internal police document that it is not in the public interest for it, its findings (such as they are) and its recommendations (such as they are) to be made public.

Further, he advised the report was

... severely wanting in sound reasoning and logical exposition of investigations said to have been undertaken.

The Hon. David Levine also advised:

... there is a grave risk to the reputation of not only the NSW Police Force as an institution but also of many named persons by false perceptions flowing from publication as well as inevitable speculations which would be fruitless as they would be dangerous.

God knows why some in this House may wish to see this report publicly released under the protection of parliamentary privilege. This Government has recognised that the issues surrounding the Emblems report need to be resolved once and for all. These issues have lingered for far too long, without any resolution. That is exactly why we asked the Ombudsman to set up Operation Prospect, and gave him extra statutory powers and resources to get the job done. In regards to the Ombudsman's inquiry this is what Mr Levine had to say about the possible release of the Emblems report:

The public release would clearly prejudice the fair and proper investigations now to be conducted by the New South Wales Ombudsman in whose hands all aspects of the matter presently rest.

In light of these findings by a respected jurist—a jurist who has served on the bench for nearly 20 years, including 13 years on the New South Wales Supreme Court—how any members of this House can consider supporting this motion is virtually inconceivable. The Ombudsman's Operation Prospect is clearly a complex, resource-intensive, lengthy investigation. It canvasses a multitude of sensitive matters relating to the use of confidential informants, listening device powers, and the operation of special legislative secrecy provisions used by our foremost law enforcement and integrity agencies.

I remind members that at the time the Ombudsman's investigation was commenced, the Ombudsman publicly announced that it would be a protracted and resource-intensive investigation and one we should allow to continue to the end. That this was going to be a lengthy investigation should come as no surprise to members of this House. It would be entirely irresponsible at this stage of proceedings to potentially imperil the investigation, which the Ombudsman has indicated will be finalised in the first half of next year. The precedent that this motion sets, that allows a select committee to canvass and second-guess a current sensitive investigation by an independent investigative body should not be allowed. That is why the Government opposes this motion and urges other members to do the same. As indicated by the Leader of the Government, I move:

That the motion be amended by inserting after "to remove the names" in paragraph 2 the words ", and any information that would reveal or tend to reveal the identity."

As the Leader of the Government has indicated, we urge all members to oppose the original motion. However, we are realistic about the prospect of that getting up, so we urge all members to support the amendment to the motion.

Reverend the Hon. FRED NILE [10.29 a.m.]: The Christian Democratic Party supports the motion. We acknowledge what the Government has said about the sensitivity of the matter, but that is the purpose of having a Privileges Committee. We will have to trust our Privileges Committee to handle this matter with sensitivity and to only deduct from the inquiry those matters that are relevant to justice in this State. We would prefer to have light shone on these issues rather than be in darkness. We therefore support the motion.

The Hon. ROBERT BORSAK [10.30 a.m.], in reply: I have listened intently to the argument of the Government. I have had an opportunity to think very carefully about the need for this inquiry and for this call for papers. The Police Strike Force Emblems report and its associated supporting documents are a key element to any attempt by our inquiry to successfully review the whole process and to come to a conclusion that will be, in our view, in the best interests of police officers who perhaps have not been dealt with properly in this process.

The Government talks about the potential for harm. I tender to the Government and to anyone who is listening that immense harm has been done already in this matter, not only to police officers but to everyone who has been involved—the media, the officers themselves and their families. In fact, I have been informed that this whole process over the past 12 years or longer has caused at least one suicide and another potential suicide. They are the real victims of this process. It is my view, and I am sure it is shared by the committee members who have joined me in forming this select committee, that this matter needs to be aired and sorted. We need to carefully review the Ombudsman's good work up to date. Unless this is brought to finality properly we will not see an end to the suffering of the people who are the victims of the process. As far as I am concerned, that is where we stand. As my colleague said earlier, we will be supporting the amendment.

Question—That the amendment of the Hon. Niall Blair be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Niall Blair agreed to.

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

The House divided.

Ayes, 19

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

Noes, 14

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

Pairs

Ms Fazio	Ms Cusack
Mr Moselmane	Mr Lynn
Mr Secord	Mr Mason-Cox
Mr Wong	Mrs Pavey

Question resolved in the affirmative.

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. LUKE FOLEY (Leader of the Opposition) [10.42 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. 2146 outside the Order of Precedence, relating to procedures for disputes to claims of privilege under Standing Order 52 during the forthcoming recess, be called on forthwith.

This item is urgent. Indeed, there can be no more important urgent matter than the House resolving how we will deal with disputed claims of privilege when orders for papers under Standing Order 52 are returned. A number of orders have been passed by the House with return dates in the near future. As the House will not be sitting between now and the periodic election in March, it is urgent that we make a decision today to deal in an orderly fashion with resolving any disputed claims of privilege.

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [10.43 a.m.]: The Government supports this urgent matter. The Leader of the Opposition's motion is not dissimilar to one I have on the *Notice Paper*. I understand that the Deputy Leader of the Opposition will be moving an amendment to make this motion a carbon copy of my motion or as close as possible.

The Hon. Adam Searle: Not that we don't trust you to move your own.

The Hon. DUNCAN GAY: It is not that members opposite do not trust me to move my motion. It is simply that there is so much love in the House and I want to share it.

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

Motion agreed to.

Order of Business

Motion by the Hon. Luke Foley agreed to:

That Private Members' Business item No. 2146 outside the Order of Precedence be called on forthwith.

PRIVILEGES COMMITTEE

Disputed Claims of Privilege

The Hon. LUKE FOLEY (Leader of the Opposition) [10.45 a.m.]: I move:

- (1) That this House notes that:
 - (a) the House is not expected to sit again after Thursday 20 November 2014 until after the 2015 periodic Legislative Council election, but that;
 - (b) standing committees of the House, including the Privileges Committee, may continue to meet and transact business up until the expiry of the Legislative Assembly ahead of the next general election and the suspension of the Legislative Council under section 22F of the Constitution Act 1902.
- (2) That this House further notes that:
 - (a) the House is currently awaiting receipt of the following returns to orders, with the possibility that the House may make further orders for papers before the House ceases to sit:
 - (i) "Going Home Staying Home" reforms, due 20 November 2014;
 - (ii) Northern Beaches Health Service Redevelopment, due 26 November 2014;
 - (iii) Crown Lands Act White Paper consultations and Crown Lands Review, due 27 November 2014; and
 - (iv) the return to order on Byron Central Hospital and Maitland Hospital has been referred to the Independent Legal Arbiter for evaluation and report as to the validity of the claim of privilege over certain documents in the return.

- (3) That this House also notes that Standing Order 52 and past practice in the House provide a comprehensive and well established process for dealing with contested claims of privilege over documents returned in a return to order.
- (4) That in view of the fact that the House is not expected to sit again after Thursday 20 November 2014 until after the 2015 periodic Legislative Council election and that there are a number of returns to order currently outstanding, including a number not specifically referred to in this motion, some which have already been passed by this House and others which may yet be passed by this House prior to the House rising on 20 November 2014, this House authorises the Privileges Committee, while the House is not sitting, to undertake the role usually performed by the House in dealing with disputed claims of privilege over returns to order under Standing Order 52, including taking the decision to make public any documents over which privilege has been claimed but not upheld by the Independent Legal Arbitrator.

The motion provides for an orderly process to deal with any disputed claims of privilege. It authorises the Privileges Committee, while the House is not sitting, to undertake the role usually performed by the House in dealing with disputed claims of privilege. The Minister noted that he has given notice of a similar motion to mine. The Deputy Leader of the Opposition will move an amendment. I think there is substantial agreement between quarters of the House about how to proceed from here with respect to disputed claims of privilege. I commend the motion to the House, with an amendment from the Deputy Leader of the Opposition.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.47 a.m.]: I move:

That the question be amended by inserting after paragraph 4:

- (5) That any document authorised to be made public by the committee under this resolution is deemed to have been presented to the House and published by the authority of the House.
- (6) That notwithstanding anything to the contrary in the resolution establishing the committee, for the purposes of performing the function provided in this resolution:
- (a) the committee consist of eight members; and
 - (b) the additional member be Dr Kaye.
- (7) That notwithstanding anything in the standing orders or resolution establishing the committee, a member of the Legislative Council who has a disputed claim of privilege shall be notified of a meeting of the committee to consider the report of the Independent Legal Arbitrator and shall be entitled to participate in the deliberations of the committee but may not vote, move any motion or be counted for the purposes of any quorum or division unless he or she is a member of the committee.

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [10.48 a.m.]: The Government supports both the motion and the amendment as they closely replicate my motion on the *Notice Paper*. To my mind, it is a sensible way forward.

Question—That the amendment of the Hon. Adam Searle be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Adam Searle agreed to.

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

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. WALT SECORD [10.49 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. 2117 outside the Order of Precedence, relating to an order for papers regarding NSW Health Infrastructure, be called on forthwith.

Members will be aware that on 11 November I gave notice of a motion calling for papers under Standing Order 52 on NSW Health Infrastructure and documents relating to its private-public partnerships. I will be brief in my comments as I am aware that most members support the motion and want to see the release of the documents relating to NSW Health Infrastructure, its private-public partnerships and the private provision of health and hospital services in New South Wales. I have made numerous attempts to secure these documents in formal business, however, the Government has repeatedly objected.

This matter is urgent as today is the last sitting day of this term of Parliament before the March 2015 election. I will not unnecessarily take up much time of the House but these matters need to be dealt with before we rise this afternoon. There is no more urgent matter in the area of public policy than health. The contents of the call for papers will help inform the community on a clear choice for the March 2015 election. I conclude with a direct quote from the Attorney General, Mr Brad Hazzard, who was so proud of the Liberal's private hospital plans that he gleefully referred to them as being "bigger than Ben Hur". There is no greater reason to release the documents surrounding the Government's health and hospital privatisation plans. It shows the mentality involved. I commend the motion and urge members of the House to support urgency.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [10.51 a.m.]: The Government opposes urgency. With respect, the Hon. Walt Secord has clearly failed to establish the basis for urgency of this motion. He has failed to establish why this matter is more urgent than any other matter on the *Notice Paper*. Clearly this motion fails on the basis of urgency. The Government is currently preparing documents in relation to a further Standing Order 52 from last week on the Northern Beaches Hospital. This matter is not urgent because the Minister for Health has answered questions on these issues in the media and during budget estimates hearings.

This matter is not urgent because several questions without notice and on notice on these issues have already been answered. This matter is not urgent because this is simply an election stunt by the Hon. Walt Secord. It is the last day of this term of Parliament and this is an absolute stunt. The Hon. Walt Secord knows there is no urgency. He did not articulate why this matter is urgent and why it should be addressed before every other matter on the *Notice Paper*. This matter is not urgent because the Hon. Walt Secord and Labor have taken no interest in this issue until their recent scare campaign. In government, the Labor Party supported private sector involvement in the delivery of health services.

The Hon. Walt Secord: Point of order: Mr President, you have repeatedly ruled that this stage of debate should relate to urgency. The Minister is canvassing the contents of the motion and not speaking to urgency.

The PRESIDENT: Order! Most of the Minister's comments have been directed towards urgency. The Minister may have been about to stray. I would encourage him not to.

The Hon. JOHN AJAKA: The reasons for urgency outlined by the Hon. Walt Secord clearly show that this is an election stunt. When in government Labor was a supporter of private sector involvement.

The Hon. Lynda Voltz: Point of order: The Minister is required to argue why this matter is or is not more urgent than any other matter on the *Notice Paper*. The Minister is now speaking to the substantive debate on the health department's record over the past 20 years, which is not relevant to urgency.

The PRESIDENT: Order! The Minister is certainly walking a fine line, but an argument can be made that his comments are still in order by placing them in a particular context.

The Hon. JOHN AJAKA: This matter is not urgent because Labor is clearly seeking to waste the time of the department and the Ministers and diverting them from getting on with their job of delivering services to the people of New South Wales.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 20

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

Noes, 15

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

Pairs

Ms Fazio	Ms Cusack
Mr Moselmane	Mrs Pavey
Mr Wong	Mr Lynn

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Walt Secord agreed to:

That Private Members' Business item No. 2117 outside the Order of Precedence be called on forthwith.

NSW HEALTH INFRASTRUCTURE**Production of Documents: Order**

The Hon. WALT SECORD [11.02 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 resolution the following documents created since 1 April 2011 in the possession, custody or control of the Minister for Health, NSW Health Infrastructure, the NSW Ministry of Health, NSW Treasury, the Treasurer, the Premier, and the Department of Premier and Cabinet:

- (a) all documents, including but not limited to ministerial briefing notes, email correspondence, financial documents, memos, file notes, meeting papers and meeting minutes relating to NSW Health Infrastructure and its examination and scoping of private-public partnerships, privatisations, market soundings and the private provision of health and hospital services in New South Wales including proposed projects under consideration and the results of those considerations; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Members will be aware that on 11 November I gave notice of the motion calling for papers under Standing Order 52 on NSW Health Infrastructure and documents relating to private-public partnerships. I will be brief in my comments as I am aware that many members support this call for papers. All members of the Opposition and the crossbenches want to see the release of the documents relating to NSW Health Infrastructure and documents relating to private-public partnerships and the private provision of health and hospital services in New South Wales. I have made numerous attempts to secure the release of these documents during formal business notices of motions and they have been thwarted repeatedly.

However, my desire for these documents is simple. This is about public examination and scrutiny of the Government's plans. I disagree with the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for Health, when he claims that the Minister has answered questions on this in the Parliament in the budget process. That is absolutely incorrect. Her answers to the budget process in fact raised more questions than they answered. She has repeatedly refused to discuss, describe or detail any of her plans. We all know the release of these documents will lift the lid on the secrecy on the Government's privatisation plans for the health and hospital system.

We will know about the business case, the private-public partnership agreements, the relationship between the provision of public health services and private health services, the provision of privately run

surgical services and other health services, medical services, workforce issues and the market sounding process for the provision by private providers at various hospitals around the State. The Government has confirmed at least three privatisations and is looking at a fourth. They include the Northern Beaches Hospital proposal, some aspects of Byron Central Hospital, the new Maitland-Lower Hunter Hospital and now Goulburn Base Hospital.

New South Wales families are all too familiar with privatisation plans and the legacy of the Port Macquarie hospital. After 10 years of unsatisfactory service and a dud deal by the Greiner Government, Port Macquarie had to be purchased in 2005 by the State Labor Government, so the community has a right to be worried. Furthermore, the Baird Government is trying to flog off 8 per cent of the land at Royal North Shore Hospital, which happens to be one of the smallest campuses within Sydney at a major teaching hospital. If the land is sold it will prevent any future expansion of clinical services. As a general principle, hospital land should be for patients.

In all aspects of health and hospital policy in New South Wales one sees the Liberals and Nationals embarking on the Americanisation and/or privatisation of our hospital system. When it comes to health and hospitals, the Premier wants to see New South Wales become the fifty-first State. We see examples of this rolling in. On the mid North Coast the Liberals and Nationals are trying to privatise the x-ray unit at Kempsey District Hospital. On 22 October staff took industrial action over the direction being taken at the hospital by Mid North Coast Local Health District. Furthermore, the Liberals and Nationals have privatised the State's food testing laboratories. Earlier this week I tabled a petition of more than 1,500 signatures relating to the Forensic and Analytical Science Service Food Testing Laboratory at Lidcombe. On 17 October it was closed and its activities sent to a private provider in Melbourne. The petition was presented earlier this month to New South Wales Leader of the Opposition, John Robertson, the shadow Minister for Primary Industries, Steve Whan, and me.

There is more. On 29 October the Premier, Mike Baird, and the Minister for Health, Jillian Skinner, announced that the Northern Beaches Hospital would be privately run. It would be the largest public-private partnership in the State. The Liberals and Nationals have similar plans for Port Macquarie Hospital and the new Maitland-Lower Hunter Hospital and there is now the matter of the Goulburn Base Hospital redevelopment. Labor wants to continue to offer New South Wales communities a genuine public health system where priorities are dictated by—

Mr David Shoebridge: I am persuaded.

The Hon. WALT SECORD: Okay. I will do that to you next time, David.

Mr David Shoebridge: That is okay. You can—in May.

The Hon. WALT SECORD: I do it in my mind all the time when you speak, David.

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! The member will direct his comments through the Chair and not respond to interjections.

The Hon. WALT SECORD: Labor wants to continue to offer New South Wales communities a genuine public health system where priority is dictated by community health needs. Labor sees health care as a public priority. The Liberals and Nationals see it as a private problem. That is why a vote in March for the Liberals and Nationals is a vote for more privatisation and cuts. The Baird Government has cut \$3 billion from New South Wales health funding and has failed to stand up to Tony Abbott's cuts to our hospitals. It is also an endorsement of Tony Abbott's \$7 general practitioner [GP] tax and his extra charges on follow-up tests. Before the last election Prime Minister Tony Abbott emphatically promised that there would be no cuts to health but he has cut \$1.2 billion from New South Wales hospitals, with a plan to cut a further \$15 billion over the next 10 years. That is \$1.5 billion a year for a decade.

Unfortunately, the Premier shares the Abbott American vision of health and hospitals. Less than a week after becoming the Premier, he said he would consider privatising the State's public hospitals. He went on to say that private sector involvement was a way to, "transform and improve health care". He highlighted a role for the private sector in running New South Wales hospitals. This call for papers is about lifting the lid on the Premier's vision for an Americanised health system. The Premier has said that his vision of privatisation for hospitals should be extended, "... anywhere from cleaning, to public-private partnership to design, build, operate and maintain ..." new hospitals.

When hospitals are run for shareholders and not for patients, New South Wales families lose out, especially rural and regional families. We need only look at the last time the Liberals and Nationals went down the privatisation route. That was the disastrous failure of the Port Macquarie Hospital. That is why, in October, Deputy Labor Leader Linda Burney and I, with Labor candidate for Ballina, Paul Spooner, announced that a Labor Government will build Byron Central Hospital and keep it in public hands with no privatisation of surgical services. Labor would guarantee that Byron Central Hospital would be a government-run facility providing day-stay services, procedures such as colonoscopy, endoscopy, orthopaedic, and gynaecological services. On 30 October we made a similar pledge with the Maitland Labor candidate, Jenny Aitcheson, and the Labor Leader, John Robertson, to the families of the Lower Hunter in relation to a second hospital in the Maitland area. The Liberals and Nationals are refusing to provide the funding model or details on how that hospital would operate.

I can affirm that the new hospital in Maitland-Lower Hunter will be run by the State Government and not a private consortium. It will be run for patients, not shareholders. Labor's way is patient-driven but this call for papers will show that the Liberals and Nationals are profit and shareholder-driven. The Liberals and Nationals are about putting shareholder profits ahead of patients. The communities of New South Wales are rightly concerned about the direction that this Government is taking on health and hospitals. That might be the American way but it is not the Australian way. I thank the House for its consideration and commend the motion.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [11.01 a.m.]: I speak on behalf of the Government to oppose the motion of the Hon. Walt Secord. I move the following amendment:

That the question be amended by omitting the words "14 days" and inserting instead "21 days".

I thank the Hon. Walt Secord for his indication that he will agree to the amendment. Sadly, again Labor is putting policies before patients by continuing to scare the community about privatisation of government services, particularly in the area of Health. Despite the fact that the Government has been open and transparent about projects such as the Northern Beaches Hospital and the Maitland Hospital, New South Wales Labor continues to scaremonger and claim that a cloak of secrecy surrounds those projects. I again confirm that there are no plans to privatise Goulburn hospital or Byron District Hospital.

One can see a dramatic change in tune by the New South Wales Labor Party since it was in government. When in government Labor arranged public-private partnerships for Health projects such as Orange Hospital, Bathurst Hospital and the Royal North Shore Hospital. That was a success. It is a dramatic change in tune for the Hon. Walt Secord, who spent a number of years working effectively for Hawker Britton at a time when it advertised its government relations expertise in public-private partnerships.

The Hon. Greg Donnelly: Point of order: The member knows full well—he is an experienced member of the House—that, in making a case he ought to not reflect on members of the House. Clearly his comments are designed to do just that. I ask that he be reminded to deal with the matter appropriately.

The Hon. JOHN AJAKA: To the point of order: It was a genuine compliment but, if the Hon. Walt Secord is offended by it, I withdraw it. Is he for public-private partnerships or against them? Does the New South Wales Labor Party support private sector involvement and public-private partnerships or is it against them? This is typical of Labor—it does one thing in government and another in opposition. The Labor Party is running fear campaigns across all issues at the moment, including the privatisation of health services. Labor's credibility with the public is in terminal decline with its careless disregard for the public interest.

We had some hope for Labor's Health policies under the former shadow health Minister. Just a few months ago the Labor Party's former Health spokesperson, Dr Andrew McDonald, said that the new Maitland Hospital, "... has to be a public hospital, possibly with some private involvement as part of a public-private partnership". When in government the New South Wales Labor Party made it its core business to bring in the private sector to build billions of dollars worth of projects, such as Orange Hospital, Bathurst Hospital, Royal North Shore Hospital, the Cross City Tunnel and the Lane Cove Tunnel. What has changed? Well, Labor has a new Health spokesperson. Is there a reason why the new Labor Health spokesperson would not debate the Health Minister on the 7.30 NSW program? Could it be because New South Wales Labor is deeply compromised on the issue of private sector involvement in the delivery of government projects?

Let us allow the people of New South Wales to make their decision—which they will do at the next election. As it has done at the Northern Beaches Hospital and with the new Maitland Hospital, this Government

has always maintained that public patients will receive free treatment in our hospitals and that remains the case. Furthermore, there will be no cuts to hospitals and health services in New South Wales. Since March 2011 the Government has invested nearly \$5 billion in more than 130 projects to redevelop or upgrade hospitals and health services across New South Wales. Since March 2011 we have invested \$2 billion in more than 90 projects to redevelop or upgrade hospitals and health services in regional and rural New South Wales.

The New South Wales Liberal-Nationals Government continues to increase the Health budget to meet patient demand. This year the budget rose by 5.2 per cent, to a record \$18.7 billion. This is a 20 per cent increase since Labor was in office. This puts to bed another Labor lie—the claim that there is a \$3 billion cut to Health. This is not correct; it is a straight-out lie. In fact, the recurrent Health budget has increased by more than \$3 billion since the Liberal-Nationals have been in government. This year's budget comprises funding for 800 extra emergency department admissions—up from 69,000 last year; 40,000 extra patient admissions to hospital—up from 34,000 last year; and includes 3,000 extra elective surgeries—equal to last year. We deal with increased demand every day and continue to develop innovative models of care to manage the bigger patient numbers. Our recent performance in both elective surgery and in emergency shows that we are caring for more patients faster than ever.

Labor's mismanagement of the State's health system has not been forgotten. It has no credibility when it comes to Health in New South Wales. The Hon. Walt Secord likes to quote the Auditor General, Tony Harris's report, on the Port Macquarie Hospital project. It is worth noting that Tony Harris made damning comments about the Labor Government after the \$680 million Cross City Tunnel went into receivership shortly after it opened. The Government respects the comments of people such as Tony Harris, which is why the Northern Beaches Hospital will not be like the Port Macquarie Hospital project or the Cross City Tunnel. There are a number of significant differences between the Northern Beaches Hospital contract and that used at Port Macquarie more than 20 years ago. Lessons have been learned, in particular relating to contract flexibility and transparency.

At the end of the Northern Beaches Hospital contract period, the public portion of the hospital can be handed back to the New South Wales Government at no additional cost. Healthscope then has a further 20 years to provide services to private patients before the remaining part of the hospital can be returned at no cost. The Northern Beaches Hospital has in part been modelled on substantial Western Australian experience, which has seen a private operator successfully delivering public healthcare services for more than 15 years. More locally, New South Wales currently has successful partnerships with the private and non-government sectors in providing health services for public patients. HammondCare provides palliative care and the Sydney Adventist Hospital provides oncology services on behalf of the local health district. As highlighted earlier, this is not a new concept.

As is the case with those partnerships, the new hospital operator will be required to meet stringent national and State quality and safety healthcare standards. The Opposition's Health spokesperson makes all sorts of claims about the impacts of having private involvement at the hospital. Let me be clear: public patients will receive free public healthcare in this hospital. That should dispel the scaremongering claims made by the Labor Party. Members opposite ask whether people without private health insurance will be able to use the new hospital. The answer is, absolutely, yes. Public patients will be able to use the new hospital, including the emergency department, in the same way that they use the emergency departments at Manly and Mona Vale hospitals or any other public hospital.

Manly and Mona Vale hospitals treat both public and private patients within their existing facilities, with approximately 40 per cent of patients electing to use their private health insurance. Members opposite have also asked whether in an emergency people with private health insurance will be prioritised over those who do not have it. The answer is no, that will not happen. As happens in every hospital that provides emergency care, every patient will be prioritised according to their health needs and not according to whether they are a public or private patient.

I will highlight the benefits of the new Northern Beaches Hospital—a hospital promised by Labor and which it claimed would be built by 2010. A new level five hospital will be designed, built, operated and maintained by Healthscope. This is the first new greenfields hospital to be built in Sydney in more than 20 years. After a rigorous evaluation process, the Government is proud to announce that Healthscope's proposal for a modern, nine-storey hospital will contain 488 beds, 1,400 car spaces and a helipad; 1,300 staff will be employed; and the total number of beds available on the Northern Beaches will increase from 300 to 554 by 2018. Public patients will no longer be required to travel out of the Northern Beaches to

access hospitals offering higher-order health care. The hospital project will be valued at about \$1 billion, including the \$400 million worth of road upgrades. In addition, 700 jobs will be created during the construction phase.

The Government's partnership with one of Australia's leading healthcare providers means that the Northern Beaches Hospital can be built more quickly and at a lower cost to taxpayers. The money saved can be reinvested by the Government in front-line health services. The Northern Sydney Local Health District will enter into a long-term partnership with Healthscope to provide public patient services over the next 20 years. It is worth noting that the Labor Government signed a long-term contract with the private sector for components of the Royal North Shore Hospital. The final contract arrangements for Northern Beaches Hospital are expected to be completed by the end of this year. Preparatory activities are underway on the site, with construction due to begin in early 2015. The new hospital is scheduled to open in 2018.

Since March 2011, the Government has invested nearly \$5 billion in more than 130 projects to redevelop or upgrade hospitals and health services across New South Wales. Upgrades are commencing at Gosford, St George and Sutherland and also at Westmead. We will see the biggest upgrade undertaken since Westmead Hospital opened—a hospital which was first constructed by the Askin Liberal Government. Only the Liberals and The Nationals can be trusted to deliver better health outcomes for patients.

I now turn to Byron District Hospital. Ms Jan Barham said all that anyone needed to say last week, and I congratulate her on doing so. The Labor Party has lost all credibility with its scare campaign about the privatisation of hospitals. The Byron community does not need any of the fearmongering that is coming from the Hon. Walt Secord. They prefer to listen to Ms Jan Barham. It is clear that the Labor Party is all spin and no substance and cannot get its story straight about the new Maitland Hospital. On 22 May this year, former Labor shadow Health spokesman, Andrew McDonald, said about the new Maitland Hospital:

It has to be a public hospital, possibly with some private involvement as part of a public private partnership, but it has to be the Lower Hunter Public Hospital.

I said that earlier and I repeat it because it is important to make it clear. When Metford was announced as the site for the new hospital, Labor's member for Cessnock, Clayton Barr, said:

It is just absurd. What about those people further up the valley?

Mr Barr told the *Maitland Mercury* that the hospital would be better located near growth areas such as Branxton, Greta and Lochinvar on the Hunter Expressway. Despite that, the Labor Party has committed to building the new hospital on the current site with public money. However, it has not said how much it will cost nor how it will be able to fund it. Newspapers have reported will cost more than \$500 million. This is the first time that the Labor Party has committed to building hospital in the Maitland area. An ABC transcript of a program broadcast in January 2011 states:

The State Government says there are no immediate plans to build a second public hospital in the Maitland region despite the growing population. A Government Regional Planning Strategy released a few years ago identified the need for an extra hospital but health Minister Carmel Tebbutt says it's not on the agenda.

That is what members opposite said when they were in government: It is not on the agenda. In almost 20 years, the Labor Party has promised the world but produced nothing to improve health services for Maitland. In stark contrast, the Liberals and The Nationals have committed \$20 million for planning and site selection for the new hospital, chosen the site at Metford, progressed remediation of the site, started the comprehensive planning process, appointed the lead design team to plan the building, held a community information session to involve locals in the process, and committed to building it within five years of planning completion. That is what this Government is doing. It is clear for all to see that the Labor Party is putting politics before patients. In contrast, this Government puts patients before politics. Unlike the Government, the Labor Party cannot be trusted.

Dr JOHN KAYE [11.26 a.m.]: I support the Hon. Walt Secord's motion calling for documents to be made public. I do so for two reasons. First, the Government's proposed public-private partnership represents a large-scale transformation of public healthcare provision. To put it mildly, this approach has had mixed results elsewhere. The development of the Sunshine Coast University Hospital was put out to tender by the Queensland Government only to be abandoned by the private sector and built by the public sector because the Newman Government could not find a private tenderer that could meet public sector standards. That raises serious questions about what compromises have been made in the development of the Northern Beaches Hospital in New South Wales. Were compromises made on the standard of health care?

The Minister's very impassioned speech was full of rhetoric, and I congratulate him on his excellent rhetoric. He said, "No, public patients will be dealt with in exactly the same way that they are dealt with elsewhere." However, he did not provide any reason for us to believe that to be anything but an assertion. It is simply an assertion made by the Minister for Ageing, and Minister for Disability Services in this place and the Minister for Health, Jillian Skinner, in the other place without any evidence to support it. Of course, when a private sector operator builds and operates a hospital that operator will be seeking to make a profit. There is nothing wrong with making a profit when providing tomatoes, but it is very different when we are talking about people's lives.

We are dealing with complex decisions about how we deal with people at the end of their life, who will be admitted to hospital and who will remain on trolley block, delivering compassionate outcomes for people whose loved ones are dying, and developing our healthcare system. Is it appropriate to do that on the basis of what delivers the greatest profit to Healthscope? On the other hand, should we do what we have done in the past, that is, make decisions based on community standards and public sector delivery? The reality of this motion is that it is about uncovering what happened during that transformation in NSW Health.

The Hon. Robert Brown: Healthscope is a bunch of bastards.

Dr JOHN KAYE: I acknowledge the interjection of the Hon. Robert Brown that Healthscope is a "bunch of bastards".

The Hon. Robert Brown: Personal experience.

Dr JOHN KAYE: He says so from personal experience. I do not wish to verbal the honourable member as he clearly has experience, but what he is saying—

The Hon. Duncan Gay: Point of order: Apart from the comments probably verging on unparliamentary language, I raise the issue of relevance. This is not relevant to the motion before the House and I request the honourable member be brought back to the motion.

Dr JOHN KAYE: To the point of order: I would argue it is deeply relevant. We are talking about a number of hospitals, one of which has been handed over to Healthscope. The quality of Healthscope and the compromises made to sign the contract are directly relevant. If the honourable member has had experience of Healthscope and says they are not a good provider—and I can take his word on that—it is another piece of information that is relevant to this debate.

The Hon. Walt Secord: In reply—

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! If the Hon. Walt Secord interrupts again he will be stretching a friendship. Dr John Kaye is wandering from the point and I invite him to address the matters contained in the motion of the Hon. Walt Secord.

Dr JOHN KAYE: The reality is this motion goes to the heart of accountability in a wholesale transformation. Patients who think they are going to a public hospital will be dealt with by doctors and nurses employed by a large multinational corporation operated for profit. The quality of that corporation has been questioned in this Chamber and elsewhere. Patients will be dealt with by employees of the corporation who are not responding to public health imperatives but to profit imperatives. It is important that we understand this.

I congratulate the Hon. Walt Secord for bringing forward this motion. I am genuinely pleased that the Labor Party has recognised at last that this is a significant matter. The Labor Party's record in government was poor, particularly at Royal North Shore Hospital. It is great to see Labor in opposition has understood the error of its ways and is working with doctors, nurses, The Greens, the Shooters and Fishers Party and the Christian Democratic Party to make sure that we have accountability over this transformation.

These documents are important to an understanding of what happened, but the debate that has to ensue now about the future of our health system is more important. The Greens stand foursquare and solidly for a public health system operated in the public domain by publicly employed nurses and doctors. Anything else is a compromise too far from the promise of quality health outcomes for the community.

The Hon. WALT SECORD [11.32 a.m.], in reply: I thank members for their contributions and I look forward to examining the documents upon their release if the motion is successful. This March State election will be a clear choice. A vote for the Liberals and Nationals will be a vote—

The Hon. Duncan Gay: Point of order: It is bad enough having this motion before the House without the member trying to inflict a Labor political slogan on us. That is totally outside the motion before the House and I ask the honourable member to desist.

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! I uphold the point of order. The member should appropriately address the matter before the House in reply, not engage in an election speech.

The Hon. WALT SECORD: I thank the various members for their contributions and look forward to examining the documents upon their release if the motion is successful. I commend the motion to the House.

Question—That the amendment of the Hon. John Ajaka be agreed to—put and resolved in the affirmative.

Amendment of the Hon. John Ajaka agreed to.

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

The House divided.

Ayes, 20

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

Noes, 15

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

Pairs

Mr Foley	Ms Cusack
Mr Whan	Mr Lynn
Mr Wong	Mrs Pavey

Question resolved in the affirmative.

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Dr John Kaye agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 2045 outside the Order of Precedence, relating to the Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014, be called on forthwith.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 2045 outside the Order of Precedence be called on forthwith.

DRUG LEGISLATION AMENDMENT (CANNABIS FOR MEDICAL PURPOSES) BILL 2014

Bill introduced, and read a first time and ordered to be printed on motion by Dr John Kaye.

Second Reading

Dr JOHN KAYE [11.45 a.m.]: I move:

That this bill be now read a second time.

The Drug Legislation Amendment (Cannabis for Medical Purposes) Bill 2014 is a bill for people who are dying. It is a bill for people who are suffering appetite loss and nausea from chemotherapy and radiation therapy treatment for cancer. It is a bill for people for whom opioids and other drugs do not provide relief from neuropathic pain or on whom the side effects are so drastic they cannot use them. It is a bill for very young people who are suffering from the debilitating and life-shortening impacts of intractable epilepsies, including Dravet syndrome. It is a bill for people who suffer from spasticity and other diseases and syndromes that cause spasms and who do not receive benefits from other drugs available to them.

This is a bill of compassion and empathy. This is a bill of rationality and courage. It is a bill to end the timidity and the hysteria induced by the war on drugs. This is a bill that will lay down a benchmark on medicinal cannabis policy and show that it is possible to make real progress without stimulating the recreational drugs market. This bill has its origins in the May 2013 report of General Purpose Standing Committee No. 4 entitled, "The use of cannabis for medical purposes". That committee recommended that a medicinal cannabis card be created for the terminally ill and those suffering from the effects of HIV and that the possession of the card would create a complete defence from prosecution for the possession of 15 grams of crude cannabis by a patient holding a card and by a carer holding a card.

I sat on that committee and we dodged the issue of supply, arguing that people were obtaining cannabis in any event through the illegal market and that a medicinal cannabis regime would take cannabis off the recreational drug market and divert it to a purpose of medicinal outcomes. All parties on that inquiry supported that outcome. On 15 November 2013 the Government delivered its response and I was deeply disappointed by the response of the Minister for Health, Jillian Skinner. She rejected the key findings of the inquiry, arguing that the potency and safety of crude cannabis was unknown, variable and unregulated.

To be clear: Yes it is true; when it is provided on the street the potency of crude cannabis is unknown. But it is exactly for the reason that it is safe, that is, it is not associated with overdoses—there has not been an overdose death from cannabis in recorded history—that it is a low-harm drug. In her response the health Minister spoke about the risk of diversion to recreational drug use, but she ignores the fact that recreational cannabis is widespread in its use and is available on most street corners. The reality is that there is no risk of diversion into the recreational drug market; the only risk is of diversion out of the recreational drug market into medicinal purposes.

The health Minister claimed that it is a harmful drug. All drugs are harmful, all substances are harmful, and decisions are made on a daily basis to weigh up the harms versus the benefits. What is clearly emerging from the experience in the United States of America and in Holland and other countries around the world is that the benefits outweigh the harms. If we were to say that a substance cannot be used because it is harmful, we would not use any opioid drugs. No opioid drug comes without some degree of harm associated with it. Nonetheless we use opioid drugs because we recognise that the benefits associated with them outweigh the harms, as is the case with medicinal cannabis.

On 24 May 2014, after a long process, I launched my first medicinal cannabis bill, which implemented the recommendations of General Purpose Standing Committee No. 4 to create legislation around a medicinal cannabis card and protection from prosecution for those who hold the card. Two days later, on 26 May 2014, Premier Mike Baird, in response to pressure from the Haslam family in Tamworth whose son Dan is dying of cancer and who uses cannabis to treat the symptoms of chemotherapy, and in response to massive outpourings of community and media sympathy for Mr Haslam and others in similar situations, announced that he was inviting the member for Tamworth, Kevin Anderson, to come forward with a medicinal cannabis bill. At that time it was envisaged that Mr Anderson's bill would solve the supply issue; we would move ahead from the finding of General Purpose Standing Committee No. 4 to address the supply issue. At that point, recognising that there was an opportunity for real progress—

DEPUTY-PRESIDENT (The Hon. Trevor Khan): Order! There is too much noise in the Chamber. Members are having difficulty hearing Dr John Kaye speak.

Dr JOHN KAYE: At that point I made the decision to park my bill. The Greens felt that we wanted to create policy space and time for Mr Anderson to develop a bill. We gave our support to Mr Anderson, as did many other people throughout New South Wales. On 16 September 2014 Premier Mike Baird in the Legislative Assembly, with the Haslam family present, announced his terminal illness cannabis scheme. Unfortunately, I can only say I was deeply disappointed. The Greens felt strongly that an opportunity genuinely to move forward had been squandered. It was not a micro step but a nano step forward. There was no legislation to be put in place; instead, the police guidelines would be amended. The Premier's document at the time stated:

The terminal illness cannabis scheme will provide guidelines for NSW police officers to assist them in determining appropriate circumstances in which to use their discretion not to charge adults with terminal illness who use cannabis leaf, oil or resin, or carers who assist them.

That left the power in the hands of the police. It was still a discretionary matter. Those who are terminally ill, those who seek relief from their symptoms, those who seek to restore their appetite, and those who seek to achieve some relief from their pain by using cannabis remain at risk from prosecution. They are still making a decision between whether they achieve relief from their symptoms and whether they obey the law. They are still at risk of criminal prosecution. That is an inadequate outcome. It takes away any opportunity to create certainty about who is exempt and it takes away from those who are forced to use the drug because it is the only line of defence they have to restore some standard of living. Those people remain without the protection of the law.

Secondly, the Premier announced an expert working group to define and establish a clinical trial. To date, the group has been quite secretive. I understand that the Parliamentary Secretary, the Hon. Catherine Cusack, is consulting on the matter. I wish her the best of luck in that task. This Friday and Saturday there will be a symposium in Tamworth to discuss these matters. I wish that symposium every possible success. However, I want to make it clear: A clinical trial relates to a new pharmaceutical drug. Crude cannabis and cannabis oils are not pharmaceutical drugs. They fall into an entirely separate category. They have been around for thousands of years. A clinical trial is unlikely to uncover any information other than what is already known.

Mr Scot MacDonald: It is still a poison.

Dr JOHN KAYE: Mr Scot MacDonald makes a valid observation. Cannabis is still defined by the law as a poison. But that is a political decision, not a pharmaceutical decision; nor is it a decision made in the full understanding of the experience in the United States of the benefits of medicinal cannabis. The Greens are not opposed to a clinical trial. However, we do not believe that a clinical trial, which is largely a trial about a pharmaceutical product manufactured by a pharmaceutical company with the intention of marketing the drug, is relevant to what we are talking about today. This bill will do nothing to stop a clinical trial. It simply creates a separate process that provides access to medicinal cannabis.

To be absolutely clear, a clinical trial will cost a lot of money and take years to conduct, and it is unlikely to uncover anything other than what is already known: that some harms and some benefits are associated with cannabis. But it does not provide additional information with respect to the use of crude cannabis. In the end, it is likely only to talk about pharmaceutical cannabis, cannabis that is manufactured such as nabiximols, which turn out to be extremely expensive and in many cases impractical. We believe that medicinal cannabis should be dealt with in the same way as when a doctor tells a patient, "You have a neck injury"—as happened to me—"you should have a glass of wine every night before you go to bed." That was sage advice from a sage doctor. The Greens are concerned that time will be wasted on a clinical trial that is unlikely to produce an outcome that will add to the body of what we already understand.

During the time we were waiting for Mr Anderson's work to reach its conclusion, we did not simply sit around. The Greens continued to consult with the community, and we came up with an alternative model, which is the bill before the House today. The Greens learned that there is a need for registration and definitely a need for legislation to protect users who hold registration cards from prosecution. In this bill we adopt the key unanimous finding of General Purpose Standing Committee No. 4: to create a medicinal cannabis register with a medicinal cannabis card that provides protection for those who hold the card, and their carers, from prosecution for possession of 15 grams of cannabis.

This bill requires people to register with their doctor, with their registration being reported to the Secretary of the Ministry of Health. This is to stop doctors from handing out registrations as a way of making

money. It will ensure that the process is properly regulated. We also learnt it was necessary to cover a broader range of illnesses and symptoms to be treated. In addition to the issues of terminal illness and HIV-AIDS, this bill will authorise the issuing of a medicinal cannabis card to people who are suffering nausea, vomiting and appetite loss as a result of chemotherapy, those who are suffering from cancer pain or neuropathic nerve pain, those who are suffering symptoms described by the regulation and those who are suffering a symptom or disease that their treating medical practitioner says would benefit from medicinal cannabis. We have included that final provision because we believe that medicinal cannabis is about health care and it should be regulated through and dealt with by healthcare professionals. It is not up to politicians to say that an individual is not an appropriate recipient of medicinal cannabis.

Finally I turn to a provision that I think is controversial, but it needs to be debated. The Greens have become increasingly convinced that it is essential to protect children under the age of 18, and their parents or guardians who receive a medicinal cannabis card in respect of children who have intractable childhood epilepsies, including Dravet syndrome. There is strong anecdotal evidence that high cannabidiol [CBD] to tetrahydrocannabinol [THC] cannabis has effects that reduce the severity and frequency of fits among children with epilepsy. The high ratio of cannabidiol to tetrahydrocannabinol means that these cannabis do not have a psychotropic effect. Instead, they have an effect on fitting. Nobody knows exactly why, but the anecdotal evidence is strong and makes even stronger the case for compassionate need.

Some parents in New South Wales are facing severe penalties for treating their children in this way. The Greens believe that the majority of patients over 18 years will be regulated on the say-so of one doctor. But for a child with epilepsy, because of the serious nature of the matter, three doctors will be required to sign the application for a medicinal cannabis card, one of whom will have to be an expert in the treatment of childhood epilepsy. We have put that highest level of regulation in place to ensure that the procedure will not be abused in any way. I find it hard to imagine a situation in which a doctor would agree to the provision of medicinal cannabis to a child except in extreme cases.

The Greens recognise that this is a controversial provision but we also recognise the pleas for help from parents who have contacted our offices saying that they are terrified of losing their children. If they provide their child with the high CBD to THC cannabis, they are worried that they will be prosecuted and have their children taken away from them. If they do not provide that cannabis, they are concerned their children will die. These children face a very grim future. The severity of their fits will destroy their intellectual and physical capacity and send them to an early grave.

This is a most difficult provision and one of the most important. The Greens urge the Chamber to approach this provision with an open mind. The media has been very sophisticated in the way it has dealt with this matter. Commercial media outlets which normally engage in a war on drugs have recognised the moral and compassionate imperative of standing with these parents who are trying to create a better future for their children.

It has been put to The Greens on a number of occasions that our bill goes too far or it does not go far enough. I am happy to entertain both propositions: Does the bill go far enough? Does it go too far? The Greens accept that people will take different positions on the bill. For example, I have been contacted by the mother of a child who has a particularly nasty and fatal brain tumour. They travelled to the United States of America to treat the condition with certain standards of cannabis. Again, anecdotal evidence specifically relating to astrocytomas tells us that high levels of THC—the drug that does have a psychotropic effect—will slow the growth of these brain tumours and, in conjunction with traditional treatments, may even reverse the disease. Why did I not include that in this legislation? I hope that question is answered during the public debate that will inevitably follow the introduction of this bill.

The principle is to strike a balance between showing compassion and exposing particularly young patients to the danger of harm. It has to be balanced on the probabilities of harm and benefit. I am convinced that a public debate on this matter will produce a sensible and compassionate outcome. Premier Mike Baird challenged Kevin Anderson, the member for Tamworth, to solve the issue of supply. This legislation does that in two ways. It allows authorised patients and carers to grow up to six mature plants and a larger number of immature plants, but only if one of them registers as a producer and the cultivation is purely for the purposes of the patient and only one carer or patient can register. This measure will reduce the cost of medicinal cannabis and will allow individuals who are uncomfortable dealing with the illegal market to get access to medicinal cannabis. It is not for everybody. The bill contains a number of provisions that are specifically designed to ensure that there is no leakage to the recreational market.

Division 5 of the bill creates an authorisation for a State government sector agency to cultivate, provide and supply medicinal cannabis to registered medicinal cannabis patients. The Greens have allowed for a State government sector agency to contract out, for example, the growth of plants to individuals but not to corporations. Before the Government Whip leaps to his feet and says, "This is yet another socialist plot", I state that this is not an expression of politics; it is an expression of constitutional reality. If it involves a State government agency or a contractor to a State government agency, The Greens understand that the Constitution means it becomes a State government matter; it is not captured by the Therapeutic Goods Act or by the Commonwealth Therapeutic Goods Administration [TGA].

I put on record my support for the Therapeutic Goods Administration. It is a wonderful organisation that does a great job keeping Australians relatively safe compared with the rest of the world. Nothing I say is an attack on the TGA, but medicinal cannabis is not a prescription drug, a therapeutic good in the meaning of the Act federally. It is best kept out of the hands of the standards of proof of the Therapeutic Goods Administration and better dealt with by doctors. Being a drug of relatively low harm and high benefit, it provides a better outcome at lower cost for the patient. The State should proceed along the path proposed by The Greens. By allowing a State government agency, at the discretion of the Executive government, to cultivate, produce and supply cannabis, it will be done by a Crown agency and therefore will not be captured under the Constitution by Federal regulation.

This bill has many protections against the exploitation of drugs in the recreational market. Every user of medicinal cannabis envisaged under this bill will be required to be registered with the Health secretary who will monitor the medical practitioners who are providing medicinal cannabis. As to the premise that a doctor may go into business and sign medicinal cannabis forms in order to create a recreational supply, under the cover of medicinal supply, that would be captured by the Health secretary very quickly and the doctor would face penalties accordingly. It will not happen under this bill. The bill provides for close monitoring, especially of children who are using cannabis products and of cannabis producers. That close monitoring is specifically designed to stop leakage to the recreational market.

The bill requires that the legislation be reviewed within one year with respect to supply to children and within two years with respect to the over 18-year-old provisions and that the review be tabled in Parliament and be available for public debate. This bill is a tribute to those who had the courage to speak up against the irrational outcomes of a prohibition regime and about the impact on those who are sick and dying. I pay tribute to a former member of this House, Mr Paul O'Grady. Mr O'Grady gave very powerful evidence to the inquiry of the General Purpose Standing Committee No. 4 which was persuasive on a number of members and on the media.

The Hon. Trevor Khan: It was persuasive on all of us.

Dr JOHN KAYE: It was persuasive on me. I note the interjection of the Hon. Trevor Khan, with which the Deputy Leader of the Opposition and the Hon. Sarah Mitchell agree. As has occurred throughout the life of this fine gentleman, Mr Paul O'Grady has had the courage to speak up and say loudly what many people believe. He has put the issue into the public domain and has caused a change in belief. I thank him for his courage and I wish him all the best.

This bill is also a tribute to Mr Dan Haslam, a courageous young man whom we have spoken about many times in this Chamber and who will be spoken about many times in the future. It is a tribute to him, his remarkable wife and his equally remarkable mother and father. It is also a tribute to the people of Tamworth. Even though they did not vote for us in large numbers in the last election, the people of Tamworth showed remarkable courage in standing up with the Haslam family in saying that this man should not be prosecuted for wanting some relief from the symptoms of chemotherapy in his young life. It is also a product of the police in Tamworth, who stood up and made very courageous statements about what they would and would not do.

I have been extremely moved every time I have dealt with the Haslams. Those who have dealt with the Haslams—the community, police, the council and indeed people throughout New South Wales—have been moved. They have had their views on medicinal cannabis challenged and have responded rationally and accordingly. Mr Haslam and Mr O'Grady are heroes for so many who will benefit inevitably from medicinal cannabis. Many others are speaking out, too many to name this afternoon. Mothers, grandmothers, fathers and grandfathers have spoken out about children with epilepsy who do not respond to other drugs but who do respond to illegally obtained cannabidiol and tetrahydrocannabinol. They know that without access to this form of cannabis they will face an appalling future.

This bill is a tribute to every user of medicinal cannabis who has stood up and said, "We will not stand by and allow others to have to break the law. We want to change the law." This bill is a way forward to a better future. We will be able to say proudly that this Parliament and this Government has not allowed irrationality to infect the necessary compassionate activities of Government and Parliament and we have stood by those who are in need. I commend the bill to the House.

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

ASSENT TO BILLS

Assent to the following bills reported:

Aboriginal Land Rights Amendment Bill 2014
Liquor Legislation Amendment (Statutory Review) Bill 2014
Motor Accidents (Lifetime Care and Support) Amendment Bill 2014
Payroll Tax Rebate Scheme (Jobs Action Plan) Amendment (Fresh Start Support) Bill 2014 (No. 2)
Environmental Planning and Assessment Amendment Bill 2014
Local Government Amendment (Elections) Bill 2014
Surveillance Devices Amendment (Police Body-Worn Video) Bill 2014

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): I report the receipt of the following message from His Excellency Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales:

Government House
Sydney 2000

T. Bathurst
LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, His Excellency General the Honourable David Hurley, AC, DSC, (Ret'd) being absent from the State, he has assumed the administration of the Government of the State.

Thursday 20 November 2014

POLICE INTEGRITY COMMISSION

Report

The Deputy-President (The Hon. Natasha Maclaren-Jones) tabled, pursuant to the Police Integrity Act 1996, a report of the Police Integrity Commission entitled "Montecristo Report 2014", Volumes 1 and 2, dated November 2014.

Ordered to be printed on motion by the Hon. John Ajaka.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Ms 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. 1405 outside the Order of Precedence, relating to the Wellbeing Indicators Bill, be called on forthwith.

Order of Business

Motion by Ms Jan Barham agreed to:

That Private Members' Business item No. 1405 outside the Order of Precedence be called on forthwith.

WELLBEING INDICATORS BILL 2014

Bill introduced, and read a first time and ordered to be printed on motion by Ms Jan Barham.

Second Reading

Ms JAN BARHAM [12.15 p.m.]: I move:

That this bill be now read a second time.

I am very proud to introduce the Wellbeing Indicators Bill 2014 as it goes to the heart of my views about our purpose as elected representatives to care for the quality of life of all citizens of New South Wales. As The Greens representative with responsibility across the human service portfolios, including family and community services, disability, ageing, housing and Aboriginal affairs, I have spoken in this place on many occasions about issues affecting the wellbeing of people. I have also an overarching portfolio—community resilience, which has coloured many of the issues I have worked on since entering Parliament. I see this bill as being a key platform for pursuing a future for our communities across the State that enhances the resilience of the people of New South Wales.

This bill is about changing how we conceive the purpose of government and public policy. It is not about promoting particular policies or setting in place a specific set of constraints on how the Government can deliver services, infrastructure and programs to our communities. It is about establishing a process for the development of the indicators that can inform performance reports on how well legislation and policies deliver on the quality of life for the citizens of the State. The Wellbeing Indicators Bill seeks to broaden, clarify and establish a solid, shared basis for understanding what we mean when we ask how we are doing as a society and how the Government is performing its role of caring for the community.

I note at the outset that the focus on wellbeing enacted by this bill is not to be confined to one specific department of government. This is about a whole-of-government, all-of-society approach to measuring, reporting and acting to achieve improvement in wellbeing. This is about changing the conception of how the Government allocates its resources and determines its policy priorities, instead of a government that is single-mindedly focused on how many dollars are allocated and how the funds are spent for each government agency. This is about establishing a measure of how well the funding and policies deliver outcomes. This bill envisions a government that asks what allocation of its resources is needed to provide the best economic, social and environmental outcomes for the present and future quality of life for the people of this State.

This bill is a significant step for New South Wales to join a growing movement towards wellbeing measurement and reporting by governments and non-government organisations in countries around the world. The contemporary wellbeing and progress movement extends far beyond the classic example of Bhutan's Gross National Happiness Index initiative which began several decades ago. It draws on the work done to build understanding and support about the need for wellbeing measures carried on by organisations like the Australia Institute and the New Economics Foundation in the United Kingdom through the Development of the Wellbeing Manifesto.

In 2005, along with nearly 10,000 others, I signed the Wellbeing Manifesto and endorsed its proposal of nine areas in which government could improve national wellbeing, including the proposal to "Measure what matters" by having national accounts of wellbeing that report on "the quality of work, the state of our communities, crime rates, our health, the strength of our relationships, and the state of the environment." It can be seen in initiatives such as the Organisation for Economic Co-operation and Development's Measuring the Progress of Societies project and its Better Life Index and the Canadian Index of Wellbeing, in the work of France's Stiglitz-Sen-Fitoussi Commission on the Measurement of Economic Performance and Social Progress, and in many other local, regional, national and international projects.

These initiatives aim to address the increasingly obvious limitations of a focus on narrow measures of economic performance, such as gross domestic product. These measures, and our general tendency to focus on overall indicators of economic performance, do not capture the full range of issues that affect the quality of life. They can capture as economic benefits a range of activities that are actually harmful to quality of life or that deplete our natural resources and damage our environment in a way that puts the sustainability of our quality of life and our biodiversity at risk.

They do not reflect the distribution and inequality of outcomes within a society and an economy, which can be the source of social and economic disadvantage that harms the most vulnerable and undermines the strength and capacity of our communities. The danger of defining our progress by gross domestic product was eloquently expressed as long ago as March 1968 by then United States presidential candidate Robert Kennedy, when he told an audience at the University of Kansas:

It counts special locks for our doors and the jails for the people who break them. It counts the destruction of the redwood and the loss of our natural wonder in chaotic sprawl.

It counts napalm and counts nuclear warheads and armoured cars for the police to fight the riots in our cities. It counts Whitman's rifle and Speck's knife, and the television programs which glorify violence in order to sell toys to our children.

Yet the gross national product does not allow for the health of our children, the quality of their education or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials.

It measures neither our wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country, it measures everything in short, except that which makes life worthwhile.

The Australian Greens leader, Senator Christine Milne, recognised the need for genuine measures of progress in her speech to the National Press Club in September 2012 on: "How do we build an economic system that serves the needs of people and nature, both for today and for tomorrow?" She made the case that:

We have to limit our use of GDP to those purposes it is suited to and measure our true progress as a nation with different tools. The Greens will redouble our efforts to support development of the best possible economic tools and work to see them adopted across Government and society so we can build and measure the wellbeing of people and nature for the long term.

In short, the Greens do want to see growth, but growth in quality of life, growth in equality of society, and growth that plans for the long term.

The leaders of some nations—including those with conservative governments—have recognised the same need to broaden our vision of how we should measure the progress of our society. Six months after assuming office in 2010, the Prime Minister of the United Kingdom, David Cameron, directed the Office of National Statistics to develop and begin reporting measures of wellbeing. Since that directive, the United Kingdom's Office of National Statistics has initiated a national public debate, produced a range of specialised publications and begun public reporting of detailed statistics that measure wellbeing.

In Australia, the Australian Bureau of Statistics [ABS] work on Measures of Australia's Progress—a project initiated more than a decade ago and enhanced following a public consultation process in recent years—has identified and presented a set of statistical indicators as well as highlighting areas that relate to our progress but where gaps exist in the available data. Peter Martin, the Economics editor of the *Age* reported in June that Federal budget cuts had forced the ABS to axe the project along with a range of other social and industry statistics, leading Martin to suggest that, "It is as if the Government is navigating an economic highway while dimming the lights."

Although we can hope that the Federal Government's short-sighted shuttering of independent measures of national progress will be reversed, the non-government sector is contributing to a push for wellbeing to be a key part of the national conversation about how we are faring. The Australian National Development Index initiative has provided a non-government directed initiative within Australia, and the networks and partnerships supporting wellbeing measurement in this country continue to grow. In July 2013 a collaborative project involving academic and government departments, along with social and environmental non-government organisations and peak bodies, released the report on their pilot project called, "Australia's Progress in the Twenty-First Century: Measuring the Future We Want". The project aims to provide a cross-disciplinary scientific foundation for measuring societal progress, to develop tools and information that will support informed policy debate and choices by government and the community, and to build a strong and effective national research network that connects to the growing global movement on measuring societal progress.

In some important areas we also see government and non-government groups acting to measure and report on progress in addressing key social, health and other outcomes. The national focus on eliminating the shameful inequality of outcomes and opportunities for Aboriginal and Torres Strait Islander people is assessed annually through reporting on the Australian Government's Closing the Gap targets, together with the non-government Close the Gap Shadow reports. These are important initiatives to provide an indication of whether we as a nation are making progress and acting effectively to address the disadvantage and inequality

that exists for Aboriginal and Torres Strait Islander people. They would suggest that we should consider implementing State-based targets and reporting requirements as well for Aboriginal and Torres Strait Islander people. These could be incorporated into the framework this bill provides.

All of these moves to advance our understanding are crucial to improving our capacity to consider the way in which public policy is affecting our society. But what most of these initiatives lack is any direct incorporation of those measures into government decision-making and public policy. Whether they are supported by government agencies or advocated by non-government organisations, most of the initiatives for wellbeing measurement do not ensure that the relevant government or legislature will give consideration to the measures, will use them to evaluate the performance of public policy or will develop directions for future legislation and policy initiatives.

New South Wales has the opportunity to lead the way with a robust, evidence-based and transparent approach to bringing wellbeing measures into our concept of good government. This bill provides a framework that would ensure that in New South Wales wellbeing is not only measured but is placed at the centre of government decision-making and accountability. It does not define how wellbeing will be measured. That is not a concept to be defined by any one political party or government. It must be based—as the growing body of research I have mentioned makes clear—on public input about the things that matter in people's lives and on the best available evidence about how those elements can be measured.

Upon the commencement of the bill, a parliamentary Joint Committee on Wellbeing will be established. The first task of the joint committee will be to conduct an inquiry into the definition, development and publication of wellbeing indicators. It will consider the broad societal values on which a definition of wellbeing should be based, the availability of data through existing government sources, any gaps that exist in the things we measure and a range of other considerations. The Committee on Wellbeing is to report on this initial inquiry within 12 months.

The bill establishes an independent statutory office of the Commissioner for Wellbeing, who will have regard to the inquiry's recommendations but will then be responsible for developing, maintaining and reporting a list of measures that indicate the wellbeing of people, communities and ecosystems in the State. The commissioner's objectives will be to report on matters relating to wellbeing, to enhance knowledge and understanding of wellbeing issues, and to encourage decision-making that promotes wellbeing.

Every two years the commissioner will produce a wellbeing of the State report, which will assess how we are progressing across the State and report on any issues or trends affecting wellbeing based on the indicators. The commissioner may also conduct inquiries and provide special reports addressing any specific issues relating to wellbeing, including regular annual reports of the commissioner's activities. In any of these reports, the commissioner may make recommendations to the Government about matters relating to wellbeing, in which case the Treasurer shall provide a response to any recommendations within six months.

After completing its initial inquiry, the parliamentary joint committee will monitor and review the exercise of the commissioner's functions and examine each report issued by the commissioner, and may inquire into any issues relating to the functions of the commissioner. This framework will ensure that the commissioner is independent from government but provides clear evaluations and advice to which the Government will be required to respond about our State's progress in improving wellbeing. It will also ensure that the consideration of all issues raised by and evaluations from the commissioner will be examined by the Parliament and will be transparent to the public through the joint committee.

Along with the independent statutory role of the commissioner, the bill provides that the Government's progress with regard to the State's wellbeing will be addressed through the inclusion of wellbeing issues in the annual reports of departments and statutory bodies, the Auditor-General's performance audits of any government agency, and Ombudsman's reports of investigations where conduct has been detrimental to wellbeing. These provisions will ensure that the links between public policy, government programs and the outcomes for this State are considered through a comprehensive framework based on the adopted set of wellbeing indicators.

It is essential that the public is engaged in the conversation about the wellbeing of our people, communities and ecosystems. This begins with the public inquiry that will identify the values on which our notion of wellbeing should be based. However, the commissioner will be responsible for ensuring that the measures of wellbeing, current and historical, relating to the State as a whole and, wherever possible, the detail about the wellbeing of specific localities and communities is made available in a way that is accessible to all

members of the public. The commissioner's functions will also include public awareness and education activities to support public authorities, local governments, non-government organisations and communities in considering and promoting wellbeing.

I have spoken in this Parliament about many issues that relate to the wellbeing of communities and ecosystems. I have made reference to many of the challenges we face and the data that has been presented to inform us about how we can address those issues. These include deep and persistent disadvantage; the affordable housing crisis and the continued challenge of homelessness; the large numbers of children being placed in out-of-home care and the alarming overrepresentation of Aboriginal and Torres Strait Islander children; the impact of a changing climate and the changing coastline on people's lives and our environment and the loss of biodiversity; and the barriers to ensuring the right of people with disability and older people to have equality of participation and choice in all aspects of their lives. These are all factors that affect the wellbeing of our society.

I have also spoken about the importance of targeted investment in early intervention and support services to deliver benefits to people's lives, to address risks, and to prevent future burdens on our society and governments. All of these things are underpinned by the idea that our role as members of Parliament, and the role of the Government, is to direct all of our efforts toward improving the lives of all people in this State, preventing harm to those who are vulnerable and at risk, and ensuring that we deliver the same or greater opportunities and quality of life to future generations.

This bill will provide the mechanism to inform the Parliament and the community of New South Wales about the performance of Parliament, legislation, funding and policy on people's lives. I will be seeking the support of communities across the State and consulting with all political parties and organisations that work to advance our society, to reduce vulnerability and disadvantage and to promote wellbeing. I take this opportunity to thank David Mallard, who is in the President's gallery. David works with me and has undertaken the detailed work involved in preparing this bill. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. WALT SECORD [12.34 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion be moved forthwith that Private Members' Business item No. 2123 outside the Order of Precedence, relating to an order for papers regarding nurse-to-patient ratios in the New South Wales health and hospital system, be called on forthwith.

Question put.

The House divided.

Ayes, 19

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

Noes, 15

Mr Ajaka	Mr Gay	Mr Pearce
Mr Clarke	Mr Khan	
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

Mr Foley	Mr Lynn
Mr Moselmane	Mr Blair
Mr Whan	Mrs Pavey

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Walt Secord agreed to:

That Private Members' Business item No. 2123 outside the Order of Precedence be called on forthwith.

NURSE-TO-PATIENT RATIO**Production of Documents: Order**

The Hon. WALT SECORD [12.44 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 April 2011 in the possession, custody or control of the Minister for Health, the NSW Ministry of Health, NSW Treasury, the Treasurer, the Premier, and the Department of Premier and Cabinet:

- (a) all documents, including but not limited to ministerial briefing notes, email correspondence, financial documents, memos, file notes, meeting papers and meeting minutes relating to nurse-to-patient ratios in the New South Wales health and hospital system including costings, scoping studies and possible implementation plans; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Members will be aware that on 11 November I gave notice of my motion regarding a call for papers under Standing Order 52 on nurse-to-patient ratios. I am aware that most members support the motion, so I will be brief in my comments. Most members of this Chamber want to see documents relating to nurse-to-patient ratios. In Australia there are more than 331,000 registered nurses and midwives, with New South Wales home to 48,000 of them. These 48,000 nurses and midwives are the public face of our health and hospital system and provide world-class care around the clock to more than 5,600 people who visit hospitals every day.

The nursing profession comprises the most dedicated and altruistic individuals in our society. It will come as no surprise to members that recent studies of community attitudes to various professions found that nurses are among the most respected professions in Australia. Anyone who has had to visit a hospital, at a time of distress or on more joyous occasions, can see how devoted nurses are. I thank the NSW Nurses and Midwives' Association and, in particular, the general secretary, Brett Holmes, who has been at the forefront of the fight against the privatisation of hospitals and the health system. These documents will enlighten and assist in the development of public policy in regard to nurse-to-patient ratios. I commend the motion to the House.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [12.47 p.m.]: The Government values the priority that nurses and midwives place on providing safe, quality care and their work in putting patients first in everything they do. These are not just hollow words: let us look at the Government's commitment to Health. This year the New South Wales Government is investing a record amount in Health. With a recurrent budget of \$18 billion in 2014-15, Health spending has increased 5.2 per cent since last year. That is an increase of \$929 million. This figure is 20 per cent higher than it was in 2010-11 under the last Labor Government, when the Health budget was \$15.5 billion. I move:

That the question be amended by omitting the words "14 days" and inserting instead "21 days".

The nursing and midwifery workforce continues to be a critical part of our increasing investment. Before the 2011 election a commitment was made to employ an additional 2,475 nurses and midwives in our first term. The New South Wales Government has met and surpassed that commitment, increasing the nursing and midwifery workforce by more than 4,600. In full-time equivalent terms the increase in the nursing and midwifery workforce is more than 3,400. The Government has enhanced the nursing and midwifery workforce with

additional clinical nursing and midwifery educators and specialists, supernumerary nurses in charge of various emergency departments and clinical support officers in the community health and community mental health services.

When it comes to nursing staff levels in the New South Wales public health system, patient need determines the nursing staff levels. There is not a one-size-fits-all approach to complex medical and clinical situations. Different patients have different care needs. The kind of facility, not its geographic location, determines which kinds of patients a facility will care for and which it will refer to other services for more specialised care and treatment. Patients in large, complex facilities require high levels of intensive care and complex specialised treatment. Patients in smaller, less complex facilities do not generally require the same high-level specialist treatment. It does not mean that a patient having a knee replacement is allocated less nursing care in a small hospital. A patient having a knee replacement is given the care they need wherever they may be.

New South Wales does not use fixed nurse-to-patient ratios on a shift. Instead, for suitable wards, New South Wales public hospitals use a more flexible method which allocates an average number of nursing hours that should be provided in a ward over the course of a week. This method is called nursing hours per patient day and it gives nurse managers the flexibility to allocate nursing staff in a way that matches the busiest times and patient needs. Nursing hours per patient day was established in a 2004 agreement for particular types of wards and units that suited this approach. In 2011 nursing hours per patient day were enhanced and extended under an industrial agreement between the Ministry of Health and the NSW Nurses and Midwives Association

The current system was agreed to by the association and the former Government and the current Government has honoured that agreement. Nursing hours are not rationed out on a daily basis to each patient. A patient with greater needs might receive more of a nurse's time than a patient who is not as sick. In this way the degree of care provided or the number of nurses in relation to the number of patients is flexible shift by shift, not fixed regardless of what is needed. While certain staffing methods, such as nursing hours per patient day, have been developed for certain kinds of wards and units, in every facility across New South Wales nursing and health service management makes an assessment of staffing requirements, using professional judgement based on a range of factors including specific patient safety, patient needs, previous experience and safe systems of work.

Our election commitment was to provide 2,475 additional nurses and midwives by headcount in our first four-year term. I am proud to confirm that 4,600 additional nurses and midwives by headcount and 3,400 additional nurses by full-time equivalent have been provided. We have shown further support for nurses and midwives by listening to their needs. We have provided 1,000 tablet devices to community nurses, giving them access to real-time patient-specific clinical information and freeing up more time for them to spend with patients. Thirty new clinical support officers have been provided for smaller acute hospitals and mental health units to relieve nurses and midwives of non-clinical duties such as paperwork. Thirty new facility nurses have been provided for smaller acute inpatient facilities, who will provide a supernumerary nursing resource. These nurses can be deployed across the facility to assist in managing unplanned spikes in activity. They operate over and above the planned nursing hours per patient day allocation.

Further enhancements have been made to the role and number of nurse practitioners. Nurse practitioners are registered nurses who are qualified to function autonomously in an extended clinical role, providing access to services for patients in rural and remote communities. We made an election commitment to employ 275 more clinical nurse/midwife educators and clinical nurse/midwife specialists and we have delivered more than that. We have recruited 315 clinical nurse/midwife educators and clinical nurse/midwife specialists and 40 extra clinical nurse educators/specialists for small to medium rural facilities announced in August 2013.

This year marks the fourth year of our commitment to deliver additional clinical nursing and midwifery educators and specialists with a total of 315 additional positions across the State. We will be dedicating 45 of the 115 new positions for this year to community health and community mental health services. We have reintroduced the workforce training program "take the lead" and 313 nursing/midwifery unit managers in New South Wales are enrolled in the program. As part of the New South Wales Government's commitment to Closing the Gap, 78 Aboriginal nursing and midwifery cadets have now graduated and a further 67 cadets are currently enrolled in the program. In 2014 NSW Health has offered more than \$100,000 in scholarships for both undergraduate and postgraduate Aboriginal nurses and midwives.

In relation to rural workforce enhancements, 1,600 full-time equivalent—2,300 headcount—of these new nurses are now working in rural and regional hospitals. This represents a 9.1 per cent—11.8 per cent

headcount—increase in the rural and regional nursing workforce since the election. This Government has shown it is committed to supporting nurses and midwives working in rural and regional areas and it is assisting our hospitals to attract and retain staff by providing increased professional support. This Government has shown that what is necessary is being done and more. On that basis, this Government opposes the motion of the Hon. Walt Secord, who, again, simply uses the motion for political purposes.

The Hon. WALT SECORD [12.54 p.m.], in reply: I thank the Hon. John Ajaka for his contribution. I commend the motion to the House.

Question—That the amendment of the Hon. John Ajaka be agreed to—put and resolved in the affirmative.

Amendment of the Hon. John Ajaka agreed to.

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

The House divided.

Ayes, 20

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

Noes, 15

Mr Ajaka	Mr Gay	Mr Pearce
Mr Clarke	Mr Khan	
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 Blair
Mr Foley	Mr Lynn
Mr Whan	Mrs Pavey

Question resolved in the affirmative.

Motion as amended agreed to.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into the President's gallery the Minister for the Diaspora in the Government of Ireland, Mr Jimmy Deenihan, member of the Dáil Éireann; the Ambassador of Ireland, Mr Noel White; and the Consul General of Ireland, Ms Jane Connolly. All three of them are here today as guests of the Parliamentary Friends of Ireland. They are most welcome to our Chamber.

[The President left the chair at 1.03 p.m. The House resumed at 2.30 p.m.]

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

QUESTIONS WITHOUT NOTICE**PACIFIC HIGHWAY UPGRADE**

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Freight. Given that population modelling of the proposed Pacific Highway upgrade deviation from Broadwater to Wardell—section 10—has shown that a nationally significant koala population will be wiped out and the stringent conditions imposed by Federal environment Minister Greg Hunt are unable to be met, will the Minister ask Roads and Maritime Services to provide a costing for an alternative route utilising the existing highway corridor?

The Hon. DUNCAN GAY: The honourable member's question is totally inaccurate. He started off by saying that a koala colony is going to be wiped out. Koala colonies are not going to be wiped out on the North Coast with the Pacific Highway upgrade. World's best practice is being put in place to protect for the rest of their lives the gorgeous little things that we all love. In fact, we are putting in place a 50-year program of caring, consoling and looking after the koalas. We are planting extra trees and we are building underpasses and overpasses, in case any of them are height challenged; they can go under or over. We are not only building them, after the highway is put in place, being smart and being good—

The Hon. Rick Colless: Before; we are building them before.

The Hon. DUNCAN GAY: The Hon. Rick Colless gets it; the Leader of the Opposition doesn't get it. We are building them beforehand because we care for koalas. We are continuing to consult with the community. If there is anything we have missed, we are more than willing to listen and build it into what we are doing because we are about saving the koalas. But we are also about saving lives. This highway has to be built to protect the lives of the people who use that highway on a daily basis. For the people of those communities, that is their local road, and young people, older people and others are currently losing their lives on a road that frankly should have been built 20 years ago.

The Hon. LUKE FOLEY: I ask a supplementary question. I thank the Minister for his answer and ask him to elucidate further on costing of an alternative route using the existing corridor.

The Hon. Dr Peter Phelps: If koalas could vote they would vote Nationals. That's how much they love them.

The Hon. Steve Whan: They've got very small brains.

The Hon. DUNCAN GAY: They could sit with Country Labor. They would be right with him on the losers lounge, with all the rest of the small brains. Obviously I do not have the cost differentiation with me but costings and proper appreciation of the pros and cons have been done and on the environmental issues, the costing issues and the timeliness of the projects, this one came out well and truly on top. There was blue sky between the two of them. When we are evaluating, we put a very high degree of concern into protecting the environment and getting the right route, particularly with the koala populations, to make sure we get the right answer.

The PRESIDENT: I welcome once again to the President's gallery someone who is always very welcome, the incomparable Mrs Katie Gay.

ROADS MAINTENANCE FUNDING

The Hon. DAVID CLARKE: My question is addressed to the Minister for Roads and Freight. Will the Minister update the House on the New South Wales Government's historic levels of funding for road maintenance?

The Hon. DUNCAN GAY: I just love hearing those words "historic levels of funding".

The Hon. Steve Whan: Even though you make it up. The only thing historic in here is you.

The Hon. DUNCAN GAY: I hear from the losers lounge that we are just making it up. He has been reading Labor policies again. I cannot help it. He comes in here from his office, fingering through the Labor

Party policies, and there he is, making it up again. Those words we hear every day from this Government are music to my ears because they are true. Why? Because this Government knows the importance of investing in this great State. Just one of the critical areas where this Government has delivered historic levels of funding is road maintenance. Through the previous Government's gross underinvestment Labor left a long wave of infrastructure destruction, resulting in a multi-billion dollar maintenance backlog—one I might add Labor never publicly reported. Frankly, that is disgraceful, yet I am not surprised. It is typical of Labor.

When the Coalition came to government, we made it our mission to fix these shoddy, half-cut Labor repairs—a mess that Labor let the people of New South Wales suffer for 16 long neglectful years. In our last two budgets the New South Wales Government committed a historic \$1.5 billion each financial year towards the maintenance of roads and bridges on State and council-owned networks. This yearly investment is a whopping 22 per cent higher than past average Labor yearly spend—22 per cent is a huge increase. Our historic maintenance commitment is the direct result of this Government delivering record levels of funding for road and freight infrastructure and services, more than \$20 billion since March 2011.

This historic funding is not just going towards delivering big State projects like WestConnex and the Pacific Highway. It also goes to small council works such as repairing a timber bridge at Captains Flat near Queanbeyan—one that was left from the previous member and the previous Government—and upgrading the Mount Lindesay Road near Tenterfield. A prime example is our \$3.6 million upgrade of Canterbury Road, which I am delighted to say is on track to be completed in the next few weeks.

True to form, Labor neglected the people of Canterbury—which is in their heartland but Labor always neglects the people in their heartland—and left Canterbury Road in such a poor condition that when the Government started work, the concrete had completely deteriorated. This is what happens when something is left under the control of Labor—it ultimately declines and fails. Of course, the Government got on with fixing the issue. The cracked asphalt was removed, the worn pavement was resurfaced with new concrete and bitumen, the old kerbs were replaced and the line markings are being improved. While we were undertaking that work, Labor members were complaining in the House that traffic on the highway had been stopped. Labor members complained that we were getting on with the job of fixing it. We fix it while those opposite whinge. No wonder they are on the losers lounge. That is the difference between the Government and the Opposition—we are fixing what Labor neglected.

PACIFIC HIGHWAY UPGRADE

The Hon. ADAM SEARLE: My question without notice is directed to the Minister for Roads and Freight. Will the Minister confirm that an upgrade route of the Pacific Highway at Wardell, which would have utilised the existing highway corridor, was not investigated due to representations by a prominent New South Wales Nationals party member?

The Hon. DUNCAN GAY: I can tell you that if I listened to prominent members of The Nationals the Pacific Highway would be taking a very different route. The members of the New South Wales Nationals are not exactly enamoured with the route we have chosen. I have to counsel the Deputy Leader of the Opposition because he has a particular view and he has a particular way of doing things but he should not put his thoughts and his conscience on to us, because we do not operate in the same way.

NSW NATIONAL PARKS POCKET GUIDE

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Fair Trading, representing the Minister for the Environment. I refer to the NSW National Parks Pocket Guide, Edition 1, which is free and was handed out at the World Parks Congress in Sydney this week—a plug for the Office of Environment and Heritage. Is the Minister aware that, of all the facilities the booklet highlights, there are only nine boat ramps in national parks for the entire New South Wales rural coast? There are seven on the North Coast and two on the South Coast. Will the Government commit to installing more boat ramps in national parks if it is returned to office for another four years?

The Hon. MATTHEW MASON-COX: I thank the member for another detailed question—and they are terrific questions. I will be pleased to take the question to the Minister and come back with an appropriately detailed answer in due course.

EMPLOYMENT WORK SKILLS PROGRAM

The Hon. NIALL BLAIR: My question is addressed to the Minister for Disability Services. Will the Minister update the House on the New South Wales Government education partnerships for people with disability?

The Hon. JOHN AJAKA: I am pleased to advise the House of an innovative partnership between TAFE NSW and the Australian Foundation for Disability [AFFORD] that is providing people with disabilities with new opportunities to expand their skills and increase their job opportunities. The Employment Work Skills Program has been developed over a three-year period by TAFE NSW and AFFORD. This program is the first of its kind delivered in New South Wales and provides participants with a fully recognised TAFE NSW qualification. The program is studied over eight weeks and covers subjects such as communications skills in the workplace, managing workshop information, and active participation in the workplace health and safety process. These are exactly the kinds of skills that students, industry and employers want. It is delivered to small groups of employees in their workplace. They complete the program during working hours and are mentored by the Australian Foundation for Disability employees. The course is designed to meet all levels of capability and experience with delivery customised for each individual.

There are currently five groups with five students in each group. To date, 15 students have completed the course and 10 more are due to complete the course on 2 December 2014. This great program was recently awarded the NSW Disability Industry Innovation Award for Excellence in Workforce Development. As the Minister for Disability Services, I was pleased to present this award on 8 October 2014. The awards, run by National Disability Services, celebrate the many creative initiatives developed by non-government disability service providers and community groups who are thinking beyond traditional support models.

Cliff Haynes, the Executive Director at AFFORD, said that the skills development program enhances the work life of people with disability. He said that AFFORD is committed to helping to improve the quality of life for people with a disability and offers opportunities for employees to grow, learn and develop new skills. He added that, when assessing the skill development opportunities available to AFFORD employees, he discovered that there were no courses specifically designed to grow workplace skills in workers with an intellectual disability. I agree with Mr Haynes when he says the Employment Work Skills Program is the beginning of an education revolution, recognising that the 22,000 employees with disability across Australia are important contributing members of the Australian workforce who can be assisted to reach their full potential through structured and relevant training programs.

This program is great news for people with disability. The New South Wales Government certainly encourages partnerships of this kind to ensure that we continue to protect the vulnerable people in our State. We often hear baseless criticism from those opposite about how we do not consider people with disability in education. This is proof that my colleague the Minister for Education, the Hon. Adrian Piccoli, and I are getting on with the job of improving education and services for people with disability.

The New South Wales Government is about livable and inclusive communities in the workplace and the community. Livable communities are those that allow employee opportunities such as those offered by AFFORD and NSW TAFE that enable people with disability to live rich and fulfilling lives. They create communities that are livable and inclusive for all, benefiting the broader community. Creating more livable communities has been identified as a priority of NSW 2021 as well as more specifically in the NSW Ageing Strategy and the NSW Carers Strategy. It is also specified in the National Disability Strategy NSW Implementation Plan and will be a key component of the NSW Disability Inclusion Plan. I congratulate the New South Wales Minister for Education, the Hon. Adrian Piccoli, and AFFORD on getting this wonderful program off the ground.

WYONG SPECIAL AREA (PROTECTION) BILL 2014

Mr JEREMY BUCKINGHAM: My question is directed to the Hon. Luke Foley, the Leader of the Opposition. On 25 March this year I moved to suspend standing orders in order to introduce the Central Coast Water Catchments Protection Bill 2014, which aimed to implement the Government's promise of no mining or exploration in water catchments—no ifs or buts—a guarantee. Labor agreed that it was urgent but opposed the suspension, stating that it had a superior approach to the protection of water catchments. When will the Leader of the Opposition and Labor move the Wyong Special Area (Protection) Bill 2014 or has it been forgotten about?

The Hon. Dr Peter Phelps: Point of order: I cannot see under what possible standing order that question could have been asked of the Leader of the Opposition.

The Hon. Luke Foley: To the point of order: I submit that under Standing Order 64 (2) the question is entirely in order—and I would be quite prepared to answer it.

The Hon. Duncan Gay: To the point of order: The member was asked a question without notice. The question was obviously not without notice because he already had the standing orders open at that particular page. So I contend he has breached the standing orders by being asked a question on notice.

The PRESIDENT: Order! This is a matter on which I ruled in April 2012. The question is in order. However, if the Leader of the Opposition strays very far he will be sat down very quickly.

The Hon. LUKE FOLEY: I thank the member for his question. I want to get some practice answering questions before I am doing it full time when we are back here in May.

The PRESIDENT: Order! I invite Mr Jeremy Buckingham to mention which particular private members' business item outside the Order of Precedence he is referring to.

Mr JEREMY BUCKINGHAM: I will have to think about that.

The PRESIDENT: Order! I will give the member a little more time to think about it and perhaps come back to the issue later in question time. That was a good try, Jeremy.

GOVERNMENT PERFORMANCE

The Hon. CATHERINE CUSACK: I address my question—which is entirely without notice—to the Minister for Fair Trading, representing the Treasurer. How is this Government delivering for the people of New South Wales?

The Hon. MATTHEW MASON-COX: I thank the honourable member for that question because while members opposite are dreaming of being in government again, the Government has been delivering for the people of New South Wales in spades. It would be a nightmare to have members opposite back in government. What we have been doing over the past 3½ years is worth celebrating. I will reflect on that for a moment. On coming to government, the Coalition faced a \$30 billion infrastructure backlog, but it had a purpose and a plan—NSW 2021. That plan proposed investing \$61.5 billion in infrastructure to address the backlog.

The Government was confronted with a wide range of issues and problems, not the least of which was the hangover from the gentrader sale. It has been almost four years since this Parliament was prorogued by members opposite to stop an inquiry into the sale. I salute the Hon. Greg Pearce for his efforts in undoing the damage caused by the gentrader sale. I gave some thought to how the sale might be framed in history and that great Labor historian Frank Sartor came to mind. He said in his book *Fog on the Hill*:

Implementation of [Labor's failed] power sale should get a permanent place in textbooks on government studies as a great case study in how not to do things. It is only rivalled by the sheer incompetence of the solar bonus scheme, which also scored on the trifecta of flawed policy, dumb politics and appalling implementation.

That is what we now have in the other place. The Leader of the Opposition—old Captain Solar—was responsible for the flawed solar bonus scheme. This Government has had to fix the gentrader problem that the Labor Government left behind. To do that it has had to address a range of consequent problems, not least of which is the \$1.5 billion that the Labor Government committed to opening the Cobbora coalmine. It has been estimated that the diminution in the value of assets as a result of the gentrader sale is \$5.3 billion. That would probably be reduced to zero if we were to remove contingency items and the rest. It is worth looking at exactly what that great Labor historian Frank Sartor said about that. I am sure members opposite have read *Fog on the Hill*—

The Hon. Amanda Fazio: Point of order: My point of order is that the Minister should no longer be heard because he is boring us.

The PRESIDENT: Order! I apologise to the Minister. The Minister has the call.

The Hon. MATTHEW MASON-COX: The Hon. Amanda Fazio simply does not want to remember how bad it was, and this Government has had to deal with the consequences. I will finish with another quote from Frank Sartor's book:

Tripodi's misguided enthusiasm, Roozendaal's financial literacy and the poor judgment of 2 Premiers during this period ... a net loss of \$4b.

[Time expired.]

BALMAIN EAST TRANSPORT INTERCHANGE

The Hon. PENNY SHARPE: I direct my question to the Minister for Roads and Ports, representing the Minister for Transport. Will the Minister ensure that the plans for the Balmain East wharf and transport interchange guarantee a seamless interchange between the ferry wharf and buses—an interchange that avoids the need for passengers, including those with mobility issues, to cross a busy main road, and the need for buses to reverse in a tight bus turning area at the end of Darling Street?

The Hon. DUNCAN GAY: I thank the honourable member for her question. It is one of the rare questions that she has asked relating to the Transport portfolio. She does not ask questions because she knows that we have a star in Gladys Berejiklian. She is getting on with the job. I would have thought that somewhere there would be a Labor policy dealing with what is happening at the Balmain East interchange. What is the Opposition's policy? There is obviously no policy.

The Hon. Amanda Fazio: Point of order: My point of order is relevance. The Minister was asked a question and he should answer it. He should not ask questions of the questioner.

The PRESIDENT: Order! I thank the honourable member for her point of order. I believe the Minister was asking a rhetorical question and was not expecting an answer. In any case, he was being generally relevant.

The Hon. DUNCAN GAY: The question was about coordination of the interchange. If members know anything about Gladys Berejiklian it is that if she produces a plan it will be comprehensive. It will not be a glossy brochure like the brochure that members opposite produced on the Rozelle metro, which cost \$500 million. The Hon. Walt Secord, who is sitting on the losers lounge, was the architect of that \$500 million project, but not one metre of track was delivered.

The Hon. Penny Sharpe: Point of order: My point of order is relevance. I asked a very specific question about the development and upgrade of Balmain East wharf. If the Minister does not know the answer he should take the question on notice and ask the Minister for Transport to provide an answer.

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

The Hon. DUNCAN GAY: Unlike members opposite, the Hon. Gladys Berejiklian is doing something. It is not my job to feed information to members opposite so that they can come up with a policy. The Hon. Penny Sharpe should not sneak in here and try to get information to flesh out her policy rather than simply provide a glossy brochure with nothing in it. If I have missed something, I will refer the question to my colleague the Hon. Gladys Berejiklian. The Hon. Walt Secord has reminded me once again that my colleague the Hon. Gladys Berejiklian has run several competitions to name the big boring machines. Who comes to mind when we think about a big boring machine? Who comes to mind? We are having a competition and I could not tell you who is going to be the winner.

WOMEN'S REFUGES

Dr MEHREEN FARUQI: My question is directed to the Minister for Ageing, the Minister for Disability Services, and the Minister for the Illawarra. How many staff of the specialist women's refuges across New South Wales have lost their jobs as a consequence of the Going Home Staying Home program?

The Hon. JOHN AJAKA: I thank the honourable member for her question. I will refer it to the Minister and come back with an answer.

BALMAIN EAST WHARF

The Hon. PETER PRIMROSE: My question is directed to the Minister for Roads and Freight, representing the Minister for Transport. What is the Government's response to community concerns about the consultation process between the Roads and Maritime Services [RMS], Transport for NSW and local residents and public transport users in relation to the Balmain East Wharf? Will the Minister direct the RMS to meet with the Balmain East Residents Transport Hub Action to resolve these issues?

The Hon. DUNCAN GAY: This question is very similar to the one I was asked a moment ago. If there are concerns, and in the rare event that the honourable member is correct—and the Government can only rely on the member for his interpretation of whether there are concerns, a bit like the Leader of the Opposition saying a koala colony is going to be wiped out—the organisations will take the concerns seriously and talk to those involved. I will refer the question to the Minister for Transport, who has the main carriage of this matter.

WESTCONNEX

The Hon. RICK COLLESS: My question is addressed to the Minister for Roads and Freight. Will he update the House on how the New South Wales Government is getting on with WestConnex? Will the Minister also advise the House of any alternative policies?

The Hon. DUNCAN GAY: I thank the honourable member for this question. Recently I became aware that there were two proposals.

The Hon. Rick Colless: Two?

The Hon. DUNCAN GAY: There is the Government's proposal, which is out in the public and going through the planning process, and there is another one. The Leader of the Opposition, John Robertson, said:

Labor will get on with the job of building the North West Rail Link, the M4 East and M5 East.

We won't let four years slip away. We will hit the ground running. We will get construction underway. Labor will get these projects built.

Delegates, Labor will get the job done.

That was several months ago. Since then we have seen nothing. No-one has a clue where it is going. Will it go through Yasmar? Will it go through Ashfield Park? Will it go up King Street in Newtown? Will it remove the Roxy Theatre? The Greens need to take note of this.

Dr Mehreen Faruqi: We are.

The Hon. DUNCAN GAY: The Greens are very keen on business plans and the community knowing what is happening.

Mr Jeremy Buckingham: No-one has a clue.

The Hon. DUNCAN GAY: We are about to face an election and the Labor Party has made a key election promise but we have no details whatsoever, except that they are going to build it. Those opposite sat in here like six blind mice and applauded when I re-read Robbo's words. They have never asked: How much is it going to cost? How is it going to be paid for? What is the toll going to be? Is it going to be \$50? Is it going to be \$100? Will those opposite put money into it? If they are going to put money into it—

The Hon. Trevor Khan: Where is it coming from?

The Hon. DUNCAN GAY: —where is the money coming from? Is it going to be underground? Where are the stacks going to be? Is there going to be a stack in the Town and Country Hotel at St Peters? Will the route go through the quadrangle of the University of Sydney? Where is it going? Is it underground or is it above ground? What is going to happen to Royal Prince Alfred Hospital [RPA]? Will it go through RPA? Will it go through Chippendale? What is going to happen to Stanmore? Where is the route? Where is it going? Where is the magical mystery road going?

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The Minister was asked specifically about plans for the WestConnex. The Minister is now ranting about every suburb in Sydney on some hypothetical, airy-fairy chase. I ask that he be brought back to the leave of the question.

The Hon. Duncan Gay: Sit down, blondie.

The Hon. Lynda Voltz: I ask the Minister to withdraw that remark.

The PRESIDENT: Order! I did not hear the remark, but it may assist the balance of question time if the Leader of the Government considered voluntarily withdrawing the remark. I am not ruling it to be unparliamentary language because I did not hear it.

The Hon. DUNCAN GAY: I voluntarily withdraw saying, "Sit down, blondie".

The Hon. Lynda Voltz: Point of order: When a member withdraws he should do so unconditionally.

The PRESIDENT: Order! I did not rule the remark to be unparliamentary language because I had not heard it. I am sure the only reason the Leader of the Government repeated his remark was so that I knew what it was. I consider that he has voluntarily withdrawn his remark.

The Hon. RICK COLLESS: I ask the Minister a supplementary question. Will the Minister elucidate his answer in regard to the WestConnex project?

The Hon. DUNCAN GAY: We might joke about the alternative WestConnex proposal put out by the Labor Party, but it is no joke to the people of Sydney. The Labor Party is putting itself up as an alternative government. It has made a promise that is unfunded and with no details. Those opposite sit in this Chamber day after day, week after week hypocritically calling for papers and details of plans that the Government has taken to the public. They have done nothing. We do not even know whether the Grace Brothers building in Broadway is going.

The PRESIDENT: Order! The Hon. Walt Secord will remain silent.

The Hon. DUNCAN GAY: What would Mr Grace say if the Grace Brothers building in Broadway went? I have a house near the route and I do not know whether my place in Redfern will be taken. It is bad enough that the lord mayor put a shared car space outside my house.

The Hon. Steve Whan: Where is it? Is it big enough for a smoke stack?

The Hon. DUNCAN GAY: I might get a smoke stack there. We do not know whether it will go underground. We do not know how many thousands of houses are going to be bought in Croydon, Haberfield, Strathfield or Burwood if it goes underground because recently we have learned those opposite do not like tunnels. When you play fast and loose, make promises without any detail and without any funding, these are the sorts of questions the community will ask. Those opposite do not like it because they have been caught out as the hopeless mob of losers they are. They can make promises but they cannot deliver anything. This is the metro all over again, the one they tried to put in place but did not deliver. They should leave Parliament knowing they are a mob of losers making promises they cannot deliver. [*Time expired.*]

The PRESIDENT: I welcome to the President's gallery Lorraine Vass from the Friends of the Koala, who is a guest of the Leader of the Opposition.

RURAL AND REGIONAL POLICE OFFICER HEALTH PROGRAMS

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Ageing, representing the Minister for Police and Emergency Services. I refer to the Minister's recent announcement that police officers suffering from post-traumatic stress disorder would be the subject of an investment of \$15 million in welfare-focused programs. How will the Government commit to ensuring that these programs are accessible to help officers in rural and regional areas as effectively as those officers in metropolitan areas?

The Hon. JOHN AJAKA: I thank the member for his question. I will refer it to the Minister for Police and Emergency Services and come back with an answer.

SNOWY REGION VISITOR CENTRE

The Hon. STEVE WHAN: My question without notice is directed to the Minister for Fair Trading, representing the Minister for the Environment. Over the past couple of years the Government has cut staff and hours at the Snowy Region Visitor Centre in Jindabyne. Now the department is advertising for volunteers to work at the visitor centre. Why is the Government seeking to replace people employed with appropriate conditions and pay with volunteers?

The Hon. MATTHEW MASON-COX: I thank the member for that question. I find it a little rich that the member is pretending that he cares for the people of Monaro. This will no doubt be his last question in any parliament in this country and it is pretty rich that he is speaking about the people of Monaro because, quite frankly, the people of Monaro are represented by an absolutely outstanding member, the Hon. John Barilaro.

The Hon. Steve Whan: Point of order: My point of order relates to relevance. I asked the Minister a direct question about staffing at the Snowy Region Visitor Centre in Jindabyne and the replacement of staff with volunteers. I ask you to draw the Minister back to the question.

The PRESIDENT: Order! I uphold the point of order.

The Hon. MATTHEW MASON-COX: As I was saying, the member for Monaro is a magnificent local member and he is—

The PRESIDENT: Order! I counsel the Minister that I have made my ruling. If the Minister has nothing relevant to add he will resume his seat.

The Hon. MATTHEW MASON-COX: I will, of course, be happy to take the detail of the question on notice and provide an answer in another parliament, in another place, at another time.

ILLAWARRA INFRASTRUCTURE AND SERVICES

The Hon. TREVOR KHAN: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. Will the Minister update the House on what the New South Wales Government is doing to improve infrastructure and services in the Illawarra?

The Hon. JOHN AJAKA: I thank the Hon. Trevor Khan for his question. Like me, the Hon. Trevor Khan is a Wollongong boy and has a great interest in the Illawarra. After 16 dismal years of waste and mismanagement by those opposite when they were in government, not only in the Illawarra but across New South Wales the people of this once great State voted for change. They removed an incompetent, lazy and self-interested Labor Government. On 26 March 2011 the people of New South Wales voted to make New South Wales number one again.

In particular, the people of the Illawarra were sick of being taken for granted and they were sick of being neglected by a party that had turned its back on the region. The people of New South Wales, and in particular the Illawarra, elected the New South Wales Coalition to clean up Labor's mess and rebuild New South Wales. They elected a new member for Kiama, Gareth Ward, and they elected a new member for Heathcote, Lee Evans—two great members doing a great job for their electorates.

The Hon. Steve Whan: Point of order: My point of order relates to relevance. The Minister was asked a question about infrastructure in the Illawarra and I do not see Gareth Ward as part of the infrastructure. I ask you to draw the Minister back to the question.

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

The Hon. JOHN AJAKA: Straightaway the New South Wales Government got on with the job of rebuilding the Illawarra, delivering record infrastructure and improving services for the region and its people. I give credit to the Hon. Greg Pearce for his tireless advocacy for the Illawarra in his time as Minister for the Illawarra and for kicking off this Government's record of delivering in this term. The Baird Government has delivered massive funding for health, education, transport, disability services, and police and emergency services. This financial year the Hon. Duncan Gay has announced a staggering \$217 million for roads alone. The people of the Illawarra thank him.

Key road spending includes \$11 million to progress future planning on the F6, \$1 million to continue planning for the future M1 Princes Motorway bypass at Albion Park Rail, and \$76.5 million to complete the Gerringong Princes Highway upgrade. This Government is delivering projects to improve travel time and road safety for motorists and freight operators. Importantly, it took this Government to restore democracy for the people of Wollongong and Shellharbour. After five years under administration, elections were held for those two councils. However, despite this obvious work, those opposite and their mates who inhabit the region have done nothing but run an agenda of negativity.

Reclining on their losers lounges both in this place and elsewhere they have done nothing but complain. They have no positive ideas, only criticism and negativity, despite the massive improvements being delivered to the region. They complain because those improvements come courtesy of a Liberal and Nationals Government. How can those opposite not be positive about these key projects? How can they recline further and criticise when they had 16 years to deliver for the region but instead chose to feather their own nests and indulge in economic vandalism in the State? How can the Labor Party look this Government in the eye and not be thankful for the benefits it is delivering to the good people of the Illawarra? Let us not forget the rank hypocrisy of those opposite, who in this place voted against the long-term lease of Port Kembla. [*Time expired.*]

The Hon. TREVOR KHAN: I ask the Minister a supplementary question. Will the Minister elucidate his answer on infrastructure in the Illawarra?

The Hon. JOHN AJAKA: As I indicated, let us not forget the rank hypocrisy of those opposite, who in this place voted against the long-term lease of Port Kembla, trying to deny the people of the Illawarra \$190 million in economic benefits and investment. Again, all those opposite did—as they still do—was to complain and be negative. This two-faced behaviour which the people of the Illawarra grew so tired of is what we have come to expect from those opposite on the losers lounge. I am proud of the record infrastructure funding the New South Wales Government continues to deliver for the Illawarra.

One only has to look at yesterday's *Daily Telegraph* to see that this Government is continuing to invest in the Illawarra. This Government will never take the region for granted like those opposite did. This side of the House is working hard for the people of the Illawarra. Unlike those opposite, we are rebuilding New South Wales and we are rebuilding the Illawarra. I look forward to returning to this place next year and continuing to update the House on the positive work this Government is accomplishing for the Illawarra.

BAYS PRECINCT EDUCATION INFRASTRUCTURE

Dr JOHN KAYE: My question without notice is directed to the Minister for Ageing, representing the Minister for Education. My question relates to Treasury modelling showing an extra 15,000 dwellings to be located in the Bays Precinct area. Can the Minister inform the House what discussions have taken place within and involving the Department of Education and Communities about planning for the future educational provision, and inevitable requirement, for an increase in public education enrolment in this area? Have those discussions become part of the planning for the Bays Precinct?

The Hon. JOHN AJAKA: I thank the member for his question. It is an excellent question and one which seeks considerable specifics. I will refer the question to the Minister for Education and come back with a detailed answer.

VALLEY HEIGHTS TRAFFIC MANAGEMENT

The Hon. HELEN WESTWOOD: My question without notice is directed to the Minister for Roads and Freight. Why was the right-hand turn lane from Macquarie Road onto the Great Western Highway at Valley Heights closed during the community consultation phase and before the results of the community consultation were known?

The Hon. DUNCAN GAY: I thank the Hon. Helen Westwood for her question. I acknowledge that it is probably the last question she will ask in this place. The question is important because it represents community concerns about the issue. I thank the member for the compliment she has paid me. With more than 4,600 projects operating across New South Wales, she expects me to have the details in my head. Obviously the details are not in my head. However, the issue is of genuine concern to her, so I will find out the details. I wish the member all the best for the future.

SUMMER SAFETY SUNDAY

Mr SCOT MacDONALD: My question without notice is addressed to the Minister for Fair Trading, representing the Minister for Local Government. Will the Minister update the House on Summer Safety Sunday?

The Hon. MATTHEW MASON-COX: As Summer Safety Sunday is this Sunday it is appropriate to update the House. Summer Safety Sunday is about encouraging pool and spa owners to check it, fix it and watch their pools this summer. Members opposite can move from the losers lounge to the pool lounge this summer; they will have a wonderful time inspecting their pool and perhaps taking a dip in the spa. It is worth reflecting on this matter as it has a serious tone. Shocking figures show that in the past 10 years in New South Wales 60 children died in backyard swimming pools, 70 children suffered neurological damage as a result of immersion in a backyard swimming pool and 1,000 children were admitted to hospital due to a near drowning in a backyard swimming pool. It is a serious issue.

This Sunday is the time for people to ensure that their pools and spas are ready for the swimming season. Far too many tragedies have occurred in backyard pools; every drowning is one drowning too many and has a big impact on families and local communities. It is especially important that pool owners act now, as swimming pool laws have changed. From 29 April 2015 all properties with a swimming pool or spa that are sold or leased must have a valid swimming pool certificate of compliance. It is critical that people take action now and ensure that their pool or spa meets the required safety standards.

This campaign follows the Royal Life Saving National Drowning Report 2014, which shows for the first time since 2010 that swimming pools have overtaken beaches as the location with the second-highest number of drowning deaths nationwide. Nationally, the backyard swimming pool continues to be the location that poses the highest risk for young children; 70 per cent of the 20 drowning deaths of children under five happened in swimming pools. That statistic is tragic and one that every pool and spa owner contemplates with terror should someone they love drown. People should do those checks this Sunday to ensure that pools and spas are safe.

Many people do not realise that whether they are selling, buying or leasing a property with a swimming pool or spa, they must have a certificate of compliance for the transaction. Without one, it is not legal to sell, buy or lease the property. Under the Australian Consumer Law a new mandatory safety standard has applied to all suppliers of portable pools. The new Consumer Goods (Portable Swimming Pools) Safety Standard 2013 now requires all portable pools and their packaging to carry warning labels about the active supervision of children and the appropriate storage of pools when not in use. For portable pools of 300 millimetres or more in height pool fencing laws apply and consumers should consult with their local council before purchasing this product.

Over the past nine months NSW Fair Trading has been conducting a series of education and compliance programs to ensure that businesses are aware of and complying with the mandatory standards. In April NSW Fair Trading visited 104 retailers and eight importers and distributors. As a result of those checks, five traders were each issued with penalty notices and 24 traders received formal warnings due to non-compliance. Retailers and other suppliers should proactively check the product safety website for any safety standards and bans applying to the products they sell. Businesses can also register for free email updates telling them when there are changes to the law. I encourage all members and everybody who owns a pool and a spa to check them to ensure that they are safe and ensure the safety of those using them over the Christmas break.

ZOE'S LAW

Reverend the Hon. FRED NILE: I ask the Minister for Roads and Freight, representing the Premier, a question without notice. Is it a fact that Judge Conlon recently said, concerning the death of Jacqueline Sparks' unborn baby Mia, that "Lest there be any doubt about my use of the phrase 'life of an infant', one only has to look at the photograph of Ms Sparks in the hospital bed looking down at her perfectly formed, although dead, baby daughter in her arms. However, the court must work within the parameters set by the Legislature"? In view of the demands for action by many mothers who have lost their babies through violence or accidents, will the Government support Zoe's unborn child protection bill? As it is not an abortion bill, will the Government support the bill as a government bill on behalf of those mothers, in view of the 63 votes in the Legislative Assembly for this important bill?

Dr John Kaye: Point of order: The question is seeking a policy announcement from the Government and, therefore, it is out of order.

The PRESIDENT: Order! As it is a private member's bill, the question is clearly requesting an announcement of the Government's policy. Therefore, it is out of order.

ROADS AND MARITIME SERVICES COMPULSORY ACQUISITION

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Roads and Freight. Given that the residents of 49 Onslow Street, Granville, whose property is being compulsorily acquired by Roads and Maritime Services, will only be able to complete settlement on a new property on 19 December when the RMS settles with them, why is the department insisting on charging these people \$600 per week to access the house to remove furniture and fittings after this date?

The Hon. DUNCAN GAY: Obviously I am not aware of the circumstances of the owners of 49 Onslow Road, Granville. In general, Roads and Maritime Services staff are exceptional in understanding the personal—

[Interruption]

The Hon. Lynda Voltz asked the question. She should listen to the answer.

The Hon. Walt Secord: Would you like to insult her again?

The Hon. DUNCAN GAY: I will name another machine. I am not aware of the personal circumstances of the owners of 49 Onslow Road. Our staff try wherever possible to assist families who have particular problems. If the Hon. Lynda Voltz can provide the details of the issue to my staff, I will get them to talk to RMS to review the situation and see if anything can be done within the rules. We are allowed to operate within the rules in this area, provided there is no litigation currently. The member may be aware of litigation but I am not. If there is no litigation, that makes it easier to look into the matter. If the member can provide the details, we will get our staff to review the case and, if necessary, contact the people involved.

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

The House continued to sit.

ROADS AND FREIGHT INFRASTRUCTURE

The Hon. GREG PEARCE: My question is addressed to the Minister for Roads and Freight. I congratulate him on his outstanding work as a Minister.

The PRESIDENT: Order! The Hon. Greg Pearce should know better. He will ask his question.

The Hon. GREG PEARCE: Will the Minister further update the House on major road and freight investments and initiatives in New South Wales?

The Hon. DUNCAN GAY: I thank the Hon. Greg Pearce for asking such an important question, which may be the last question in question time this year.

The Hon. Amanda Fazio: And you finish on a dorothy dixer.

The Hon. DUNCAN GAY: The criticism is that I am finishing on a dorothy dixer. I would have thought if the Opposition were desperate to ask questions of the Government it would have asked them instead of trying stunts. It is obvious to anyone in this House that the Opposition is happy with this Government and thinks it is doing a good job and has no real points to raise. If the Opposition were not happy it would use every waking moment to put the Government under the blowtorch and prosecute a case against it. Instead, the Opposition has organised questions from The Greens. In this last question time of this Parliament the Opposition has thrown up the white flag—I am sorry, I was just warming to another subject. Yesterday I started to highlight the appalling failure of Labor over 16 years to build and maintain critical transport and freight infrastructure in this State. For the benefit of the House, I think a sequel to yesterday's question is warranted.

The Hon. Amanda Fazio: It is about time, after four years, that you started talking about what you have finished. Stop whinging and start talking about your actions.

The PRESIDENT: Order!

The Hon. DUNCAN GAY: I hear white noise. At the very least the sequel will help educate the Opposition on how a responsible forward-thinking government should operate in respect of delivering critical infrastructure and services, not like what the Opposition has done with its announcement. Did Labor ever provide historic levels of funding to council-owned roads? No. Since March 2011 more than \$1.5 billion in grants has been provided to council-owned and managed roads—a 40 per cent increase on Labor. Did Labor ever introduce a funding program specifically designed to upgrade local and regional roads and bridges owned by councils? No. Early next year \$37.5 million will start flowing to rural and regional councils under our Fixing Country Roads funding program. This money is on top of, or additional to, the \$1.5 billion in grants to councils.

I am trying to select the good news: there is too much. Did Labor ever invest more than a quarter of a billion dollars over five financial years to upgrade and repair grain rail lines? No. Did Labor ever introduce a funding program to upgrade and extend rail sidings at key intermodal freight sites across country New South Wales? No. Did Labor ever allow modern road trains from the Newell Highway to access the Gunnedah Regional Saleyards? No. Did Labor ever develop, design and finance the construction of the missing road link between the M1 and the M2—a project we call NorthConnex? No, it did nothing.

The time for questions has expired. If members have any further questions, I suggest they place them on notice.

BALMAIN EAST WHARF

The Hon. DUNCAN GAY: Earlier in question time the Hon. Peter Primrose asked me a question about consultation with people affected by the new Balmain East Wharf. I am told by Roads and Maritime Services—mistakenly I thought it was by my colleagues, because some of us are fallible; others make mistakes and do not admit them—

The Hon. Steve Whan: That is not a very nice thing to say about Gladys.

The Hon. DUNCAN GAY: No, I was talking about you.

The Hon. Steve Whan: You should have been clearer; you made another mistake.

The Hon. DUNCAN GAY: Roads and Maritime Services held a community information session on 26 June 2014 to inform the public of a proposal to upgrade the Balmain East Ferry Wharf. A community update was distributed in June 2014 by a letterbox drop to local residents in the vicinity of the wharf. Those local residents adjacent to the wharf were doorknocked and advised of the proposed upgrade and the information session. The community information session was held well before construction started to give Roads and Maritime Services enough time to review the feedback, and consider the need for any changes in the proposal. Meetings were held with key resident groups after the community information session, and refinements made to the location of the pontoon based on feedback from the community. Community members attended another information session on Wednesday 15 October to learn more about the proposed changes.

MEDICINAL CANNABIS

The Hon. DUNCAN GAY: On 15 October 2014 Dr John Kaye asked me a question about the trials on medicinal cannabis. The Premier has provided the following response:

Following discussions at the Council of Australian Governments [COAG] on 10 October 2014, New South Wales will lead a collaborative trial, with the support of the Commonwealth and other States and Territories, to explore further how cannabis can offer relief to patients suffering from a range of debilitating or terminal illnesses. A New South Wales working group is already driving this reform and the New South Wales Government welcomes the support for the establishment and conduct of the trial.

The New South Wales working group will consider all relevant issues including the scope of the trial, as well as advice from experts regarding the most appropriate way to advance the availability of safe and effective cannabis derived products. The working group is being informed by an expert panel which is chaired by the NSW Chief Health Officer and is comprised of medical experts and experts in clinical trial design, including the Chief Cancer Officer and CEO of the NSW Cancer Institute; a clinical neurologist; a palliative care expert; clinicians with expertise in pain management; a clinical pharmacologist; and the Chief Pharmacist of NSW.

ROYAL NORTH SHORE HOSPITAL

The Hon. DUNCAN GAY: On 15 October 2014 Reverend the Hon. Fred Nile asked me a question about the Government's plan to sell part of the Royal North Shore Hospital grounds. The Premier has provided the following response:

The Minister for Health and Minister for Medical Research has advised that:

Government Property New South Wales has called for expressions of interest [EOI] for the delivery of important support services needed by the patients and staff of Royal North Shore Hospital. These support services include staff and carer accommodation, childcare services, health administration and car parking.

The expression of interest involves 8 per cent of the total Royal North Shore site which is to be used for these support services rather than clinical services. Whether this will involve lease or sale of the land will be determined by the EOI process.

Further, the new Royal North Shore Hospital master plan allows for future expansion of all services, including clinical services, from their current area of 164,040m² to 331,380m².

JINDABYNE PUMPING STATION

The Hon. DUNCAN GAY: On 16 October 2014 Dr John Kaye asked me a question about Jindabyne Pumping Station. The Minister for Natural Resources, Lands and Water has provided the following response:

Jindabyne pumping forms part of Snowy Hydro Limited [SHL] routine operations to balance storages for meeting western rivers and environmental release obligations and optimum power generation, relative to storage inflows.

Environmental releases in fact occur each and every day of the year and so will inevitably coincide with the pumping requirements of the Snowy Scheme.

Contrary to the suggestion by the Member, it is also a fact that due to the requirements of environmental releases, Jindabyne lake levels are held several metres higher than they would otherwise be.

These Snowy environmental releases, and in particular the peak releases undertaken in spring each year, are bringing tremendous environmental benefits to the Snowy River.

For the member to imply that Snowy Hydro's business operations are being used to create resentment against the environmental releases is ludicrous.

In fact the Office of Water recently hosted a cultural event in the Snowy to mark the occasion of the Snowy spring releases. This was celebrated with the elders of the Aboriginal peoples with historic connection to the Snowy, and the community.

ISIS GRAFFITI

The Hon. DUNCAN GAY: On 16 October 2014 Reverend the Hon. Fred Nile asked me a question about action the Government is taking to combat violent and fear-inciting graffiti and student support for Islamic State. The Premier has provided the following response:

On 22 September 2014 the Premier and Minister Dominello met with a group of Muslim community leaders to discuss the community harmony impacts of the 18 September 2014 counter-terrorism operation [Operation Appleby] in Sydney. A subsequent meeting was held on 3 November to provide further advice on actions taken following the initial meeting. This includes the activation of a new "Speak-Out" hotline to protect people from race and religion-based harassment, intimidation and abuse, increased patrolling around mosques and schools and engagement with Australian customs to discuss exit and entry criteria.

CHILD SEXUAL ASSAULT SENTENCES

The Hon. DUNCAN GAY: On 16 October 2014 Reverend the Hon. Fred Nile asked me a question about recommended mandatory minimum sentences for child sexual assaults when the child involved is under 10 years of age. The Premier has provided the following response:

I thank the honourable member for his question. Child sexual assault is a heinous crime against the most innocent and vulnerable members of the community, our children.

Convictions relating to child sexual assault are listed on the BOCSAR website.

The Joint Select Committee on the Sentencing of Child Sexual Assault Offenders has delivered a comprehensive report that includes 29 recommendations. I note that the Committee has not recommended the introduction of mandatory minimum sentences for child sexual assault offences.

The submissions from Bravehearts and the NSW Police Association are available on the New South Wales Parliament's website, along with those from other contributors to the Inquiry.

The New South Wales Government is committed to providing a system that delivers justice to victims of child sexual assault, aligned with community expectations, and is carefully considering its response to the Joint Select Committee's recommendations.

WAVERLEY BOWLING CLUB LAND REZONING

The Hon. MATTHEW MASON-COX: On 16 October 2014 Mr David Shoebridge asked me a question about the rezoning process of Waverley Bowling Club land. The Minister for Planning has provided the following response:

I am advised:

The proposal has not been submitted to the Department of Planning and Environment for its consideration, either as a planning proposal or a pre-gateway review.

Questions without notice concluded.

Pursuant to sessional orders Government business proceeded with.

PETROLEUM (ONSHORE) AMENDMENT (NSW GAS PLAN) BILL 2014

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2014

OMBUDSMAN AND PUBLIC INTEREST DISCLOSURES LEGISLATION AMENDMENT BILL 2014

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

TABLING OF PAPERS

The President tabled the following papers:

- (1) Annual report of the Department of the Legislative Council for year ended 30 June 2014
- (2) Annual report of the Department of Parliamentary Services for year ended 30 June 2014
- (3) Parliament of New South Wales—Financial Performance 2013-2014 report

Ordered to be printed on motion by the Hon. Duncan Gay.

TABLING OF PAPERS

The Hon. Matthew Mason-Cox tabled the following papers:

- (1) Energy and Utilities Administration Act 1987—Report of NSW Climate Change Fund for year ended 30 June 2014
- (2) Independent Pricing and Regulatory Tribunal Act 1992—Report of Independent Pricing and Regulatory Tribunal entitled "Energy distribution licences—Compliance Report for 2013/14: Report to the Minister for Resources and Energy", dated October 2014
- (3) Protection of the Environment Operations Act 1997—Report of NSW Environment Protection Authority entitled "New South Wales Litter Report 2012"

Ordered to be printed on motion by the Hon. Matthew Mason-Cox.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: The Promotion of False and Misleading Health-related Information and Practices

The Hon. Paul Green tabled report No. 5/55, entitled "The Promotion of False and Misleading Health-related Information and Practices", dated November 2014.

Ordered to be printed on motion by the Hon. Paul Green.

The Hon. PAUL GREEN [3.38 p.m.]: I move:

That the House take note of the report.

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

SEASONAL FELICITATIONS

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [3.39 p.m.]: I move:

That this House notes its thanks to the members and staff of the Parliament and wishes seasonal felicitations to all.

We have come to the end of another year in the Legislative Council and as with all years in the Legislative Council it has not been without its interesting moments. I have been asked more than 440 questions in question time this year.

The Hon. Shaoquett Moselmane: And you have answered none.

The Hon. DUNCAN GAY: I have answered nearly all of them, and some of them were pretty handy but some of them needed a little more work. So I am setting homework over the Christmas break for members to sharpen up on their question tactics and questions for next year. Congratulations to all. We have passed 82 bills this year, which is not a bad effort considering everything that has been happening. We have certainly had a busy year. I take this opportunity to thank all those who work so hard to ensure that the Legislative Council functions so well as a House of review.

We have fulsome debate; we take no prisoners, but there are friendships that leave this place at the end of the day and there is goodwill that goes right across the parties in the House. We endure the late nights, changes to the schedule, last-minute amendments and motions mostly with expertise, professionalism and without too much angst, considering what it means. In that respect I pay tribute to the Clerk of the Parliaments, David Blunt, the Deputy Clerk, Steven Reynolds, the Usher of the Black Rod, Susan Want, and the wonderful Katie Cadell—I love a Katie; I am married to a Katie, so I reckon they are fantastic. I thank you for your assistance and advice; it has been invaluable. I thank Hansard—sometimes our message does not get to you on late nights and I can only apologise for that—on your professionalism considering the quality of the notes and the delivery from most of us in the Chamber.

The Hon. Mick Veitch: Speak for yourself, Duncan.

The Hon. DUNCAN GAY: No, I said most of us, not all—there are some that are really good. I am not one of those. I pay tribute to the great people in the Table Office—Stephen Frappell, Rebecca Main, Samuel Griffith, Allison Stowe, Christine Nguyen and Sarah Henderson. I thank the bloke who runs the day-to-day stuff, Robert Stefanic, Julie Langsworth and their team in the Department of Parliamentary Services. I thank Maurice and his team of attendants. They have to sit and watch with inscrutable faces the antics that they would probably chastise their children for in another place, but they do it so well. These people help the place to run smoothly.

I thank my parliamentary colleagues for a successful year. I thank the Deputy Leader of the Government, John Ajaka. I thank Minister Matthew Mason-Cox, who has had a promotion and is doing a great job. I thank the great Legislative Council Nationals team—JAG, Niall, Rick, Trev, Sarah and Mel. I do not always enjoy your rulings, Mr President, which probably means you are doing a damn good job. You are proving to be an excellent President, so congratulations on what you are doing. I congratulate Luke Foley as Leader of the Opposition and Adam Searle as Deputy Leader of the Opposition on the job that you are doing. You deserve at least another four years in that role!

Working with Reverend the Hon. Fred Nile and Paul Green is terrific. If I talk to you and get an agreement it remains, and the honesty that you bring to the House is appreciated. Robert Borsak and Robert Brown from the Shooters and Fishers Party give me a lot of grief, but the same can be said of them: If you agree to something with them, they will look you in the eye and shake your hand and that is the way it will be. The Premier, Mike Baird—who came in halfway through the year—has had a terrific year. I am pleased to welcome the fantastic new Deputy Premier, Troy Grant, to the team.

As to my colleague Jennifer Ann Gardiner, who could believe she has attended her last question time? It just will not be the same without her. Her friendship and support over the years have been exceptional and her service to the Parliament and our political party is one that people will talk about for generations to come. It is a poor party that cannot have a Jennifer Gardiner in their team. As she said so aptly yesterday in her valedictory speech, "Those who drink the water should not forget those who dug the well."

I pay tribute to a former Premier with whom I came into government, Barry O'Farrell—a good and decent man, who did a terrific job. What is unfortunate is that I would not be doing this role if it were not for a really tough year for my friends Mike Gallacher and Judy. They are good, decent people. Mike Gallacher sat beside me for years and years. Frankly, I never had any suspicion or saw any indication that he would do anything wrong. I wish them well. They have had a tough time, both professionally and personally, this year. They are top people. I hope next year is a much better year for them.

Finally, I congratulate my staff on another year kicking goals—my chief of staff, Jason de Sousa, and deputy chief of staff, Andrew Huckel, who is responsible for some of the stuff I get wrong in the House, Marie, Emma, Siobhan, Sally-Anne, Ramza, Clementine, Nadia, Natalia, Adam, Pat, and the people from my team who work with you on a daily basis, John and Susanna. They appreciate the friendship they have with you. The way all of you from the various parties have been decent, courteous and welcoming to John and Susanna is certainly appreciated. It is a bit of a difference for me having someone like John on my team.

The Hon. Mick Veitch: That is a compliment, isn't it?

The Hon. DUNCAN GAY: That most definitely is a compliment. His curriculum vitae at some time in the long distant future when he leaves me is going to be so much better because, for the first time in his working life, he is now using a computer for work.

The Hon. Amanda Fazio: Not for gaming?

The Hon. DUNCAN GAY: Not for all the other things that computers can be used for. I thank the members of my team who have gone on to bigger and better things this year—Lance, Matt, Wayne, Liz, Jess and Yolanda. I wish everyone in the House a great Christmas and a happy New Year. Please be careful on the roads. As much as I clash with you, I like you all and I do not want any harm to come to you or your families. I wish you all the best success in the New Year—although some not as much as others!

The Hon. LUKE FOLEY (Leader of the Opposition) [3.49 p.m.]: I support the motion moved by the Leader of the Government. On behalf of Labor members I thank a number of people. First, I thank the Clerk of the Parliaments, David Blunt—who is such a respected source of advice for us all—and all the Clerks and staff of the Department of the Legislative Council who serve us so well. I thank all the workers in the Parliament who help us in our duties: the cleaners, the catering staff, the special constables, the attendants, the Hansard staff, the IT staff, the staff of the Parliamentary Library, and the staff of members of the Legislative Council. None of us could do our jobs without the good work of those staff members. To members of all persuasions who will not be coming back—whether voluntarily or at the hands of electors or preselectors—I wish you all well and thank you for your contributions to this place.

Mr President, I thank you. You are respected by all Labor members. Your chairing of the Chamber is fair and we respect you for that. I wish the Hon. Mike Gallacher well. It has been the toughest of years, professionally and personally, for him. He sat opposite me as the Leader of the Government in the Legislative Council. I want to wish him, his wife and family all the best. I wish members and workers in this building all the best for Christmas and the New Year, as members enter into a long, hot summer of election campaigning. I hope that everyone can have a merry Christmas and a happy New Year.

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra) [3.51 p.m.]: I support the motion moved by the Leader of the Government not only as Deputy Leader of the Government but also as Leader of the Liberal Party in this House. As we come to the end of 2014 and the first term of our Government, I can say that it has been a great honour for me to serve as a Minister, as the Deputy Leader of the Government and as the Leader of the Liberal Party. I send my best wishes to the only two leaders I have known for most of my time in this place: the Hon. Barry O'Farrell and the Hon. Mike Gallacher. They were my first leaders when I was elected in 2007 and continued for that four-year period in Opposition and they were my leaders when we won government in 2011. I thank them for all their advice, support and trust. I truly believe I would never have had the opportunities for the advancement that I have been honoured to receive if it was not for all the advice, support and trust.

I acknowledge you, Mr President, for the impartial and fair way in which you preside over this Chamber, ensuring that we comply with the standing orders, particularly in question time. I know that we often require your intervention and wise rulings. I thank the Deputy-Presidents and Assistant President for their wise rulings and efforts in ensuring that this Chamber continues to operate in an appropriate way. To the Leader of the Government and Leader of the House, the Hon. Duncan Gay: I thank you for your excellent leadership of the House that ensures the smooth conduct of business. We have passed 82 bills this year under your leadership as Leader of the House.

I thank my parliamentary colleagues from the Liberal Party and The Nationals for your support and outstanding work this year, including the Government Whip, the Hon. Dr Peter Phelps, and the Deputy Government Whip, the Hon. Rick Colless. I must thank the Whips on both sides of the House for all their great work. They have the unenviable task of keeping us in line. They ensure that we are always here on time. The difference between this place and the rabble in the other place is that we show up on time because our Whips make sure we are all here.

I thank the Leader of the Opposition, the Hon. Luke Foley, and the Deputy Leader of the Opposition, the Hon. Adam Searle, and all Opposition members. I thank you for all your courtesy and for taking it easy on me all year round. I know you could have gone much harder and I appreciate the fact that you did not. To the crossbench, the Christian Democratic Party, the Shooters and Fishers Party and The Greens: Thank you for your cooperation, assistance and advice. Some of the crossbenchers want to provide advice all the time—especially The Greens!

I thank the members who will be leaving us. The Deputy-President and Chair of Committees, the Hon. Jenny Gardiner, has been an incredibly staunch advocate not just for regional New South Wales but also for the State. You will be greatly missed. I do not think any future Chair of Committees will be able to go through a bill with the speed that you could. I think you broke a few records and someone should have timed you. The Hon. Charlie Lynn has served the Chamber since 1995 and he has proudly served the country in the Australian Army for 21 years. The Hon. Helen Westwood: You have been intricately involved with people with disability, in particular the deaf community. I hope we have an opportunity to continue to work together in that area.

The Hon. Marie Ficarra came into the Legislative Council at the same time I did and has played a key role in ensuring that we won government in 2011 due to her great work and perseverance. I enjoyed our joint battles against those opposite. I admit I enjoyed some of the battles against one another. I will truly miss you. The Hon. Amanda Fazio—a former President of this House and chair of a number of committees on which I served when in opposition—more than anyone has taught me how to chair a committee and respond to a point of order. It was interesting that, when I gave the same rulings that she had done in the past, she always seemed to object to them. I know, Mr President, you have had the same experience.

I thank the members who are leaving for their service to the people of New South Wales. I am sure I speak on behalf of everyone when I say that you will be missed and that you have given great service to this place and to the people of New South Wales. I refer to those who are leaving to contest seats in the other place. The Hon. Steve Whan will contest the seat of Monaro, which is very brave because that is an impossible task. The Hon. Penny Sharpe will contest the newly formed seat of Newtown. The Hon. Melinda Pavey is contesting the preselection as The Nationals candidate for the seat of Oxley. I wish you all the best.

I send greetings to the Clerk, Mr David Blunt, and to the Deputy Clerk, Steven Reynolds, and thank them for the priceless advice they provide to us all. I thank the Usher of the Black Rod, Susan Want, and all the parliamentary staff. I mention the attendants, who never cease to amaze me with the speed with which they are at our side when we need assistance or need to hand them something. I thank Hansard for somehow always making me look better on paper. Thank you for bringing out the best in me.

I thank my staff: my chief of staff, Adam Zarth, Chelsea Collignon, Alasdair Cameron, Vanessa Rofe, Nicolle Nasr, Barry Heyder, Warren Hudson and Amelia Lincoln together with the department liaison officers, Tegan Summerill, Stephanie Wright and Mary O'Connell. I have gained much this year as a Minister—including the five kilos of weight I have put on!

The Hon. Trevor Khan: Only five?

The Hon. JOHN AJAKA: Only five—that I am prepared to admit to! At the same time, there is always a loss. In service of the people of New South Wales we are all too often kept from our families. So to my

beautiful, understanding and hopefully forgiving wife, Mary, my six daughters and my new grandson, John: I promise that I will try my best to spend a little more time with you. I look forward to 2015. I wish you and your families a merry Christmas and a healthy, safe and prosperous New Year.

Reverend the Hon. FRED NILE [4.00 p.m.]: I support the motion moved by the Hon. Duncan Gay and his seasonal felicitations. On behalf of the Christian Democratic Party, the Hon. Paul Green and I wish all members of the House a very merry Christmas. I thank all members for their friendship and cooperation. I particularly thank the Leader of the House, the Hon. Duncan Gay, for helping us and informing us of government legislation and plans. It is always helpful to have that information and to know what is happening. I also thank John Macgowan, who has been a great help to us with bills, motions and so on.

I particularly thank the President, the Hon. Don Harwin, whom I have endeavoured to assist, and the Deputy-President, the Hon. Jenny Gardiner, whom I wish all the best as she moves on from this place, for their help and support. I also particularly thank the Hon. Barry O'Farrell for his assistance and guidance on a number of issues while he was Premier. I thank Premier Mike Baird for his cooperation and briefings. I also put on the record my appreciation of the support that I have had from the Hon. Marie Ficarra. It is a pity that her preselection could not have been delayed until the Independent Commission Against Corruption cleared her. If that had happened she would have had a fair opportunity to return to this House representing the Liberal Party. Like other members, I thank the Hon. Mike Gallacher for his help and support while he was the Minister for Police and Emergency Services. I thank the two Roberts—the fellow members of the Guns n' Moses team—for their support. We will wear the t-shirts one day.

I thank the Clerks, David Blunt, Beverley Duffy and Susan Want, the Procedure Office staff and parliamentary committee staff, especially Teresa, who is working hard on the Newcastle inquiry. I also thank the Hansard staff; the attendants, particularly Lucy and Mark; the special constables; the parliamentary staff; the dining room staff; and the room service staff. Paul and I also thank our own staff on the eleventh level: Judy Russell, Belinda Dover, Marie Mirza, Alex Burton and Yvette Hanna. Every year for the past 33 years I have made a brief comment about why we celebrate Christmas. As members know, the answer can be found in the Bible, and particularly in the Gospel of Luke, chapter 2, verse 10, which refers to when the angels appeared to the shepherds and said:

Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people. For unto you is born this day in the city of David a Saviour, which is Christ the Lord. And this shall be a sign unto you; You shall find the babe wrapped in swaddling clothes, lying in a manger. And suddenly there was with the angel a multitude of the heavenly host praising God, and saying, Glory to God in the highest, and on earth peace, good will toward men.

Finally, in answer to the question of why Jesus came in the first place, Jesus gave the answer himself in the Gospel of John at chapter 3:

And as Moses lifted up the serpent in the wilderness, even so must the Son of Man be lifted up; that whoever believes may in Him have eternal life.

For God so loved the world, that he gave his only begotten Son, that whomever believeth in him should not perish, but have everlasting life.

For God sent not his Son into the world to condemn the world: But that the world through him might be saved.

We all experience that message of Christmas and salvation. May you all enjoy Christmas and the opportunities it brings for you to be with your families and friends. God bless you and have a merry Christmas.

Dr MEHREEN FARUQI [4.03 p.m.]: On behalf of The Greens, I support the motion moved by the Leader of the House. This year, 2014, was my first full year in this Parliament. It certainly has been an eventful year. I have had good fun sparring with the Leader of the House on all things planes, trains and automobiles. I believe we have had some good and not so good debates in this House. It has been a real honour to speak on behalf of The Greens many times on many different issues and with the hope of representing and advocating in the best interests of the people of New South Wales. Every day here is an absolute privilege for me. I note the impending departure of a number of my colleagues and members of this Chamber. It has been illuminating to listen to their valedictory speeches this week and to hear the passion and conviction with which they have served the community of New South Wales. I thank them for their contributions to the House and wish them all the very best in their future ventures.

Since coming into this place I have been in complete awe of the parliamentary staff, their hard work and the good humour with which they do it. I thank the maintenance staff, the catering staff, the staff of the cafe

and the dining room, and those who operate the loading dock, the printery and the stores. Their behind-the-scenes work is not forgotten or ignored. I also thank the security staff, who keep the Parliament secure. I thank all the attendants for looking after us so well every day of the year. My office gives the library staff plenty of work to do, and I thank them for the incredibly well-researched reports that they produce to help and to advance our work. I thank the Chamber and support staff, the Clerk, the Deputy Clerk and their staff. The level of support and the invaluable advice we get from them is truly phenomenal. The committee staff deserve special praise for their constant and difficult work. I was lucky to serve on a number of committees this year and I have had a great deal of interaction with them. They are always professional and a real delight to work with.

I also thank John Macgowan for his mostly very cooperative approach to organising and endeavouring to do his best with what is often a confusing government agenda. On behalf of my staff, I also thank John for his wit and humour. It is very much appreciated, especially on difficult days. I thank the Hansard staff, who do such detailed work with accuracy. Whatever we say, you make it look so much better. Thank you for weaving your magic. We have had our offices renovated this year. The staff involved in moving us around and providing alternative accommodation have been so patient. However, I must say that I am not a huge fan of the new carpet.

Thank you, Mr President, for the excellent job you do and for your fairness and even-handedness in a very difficult role. I thank the Chair of Committees, Jenny Gardiner, for her patience and diligence in Committee debates. I wish everyone in Parliament a very enjoyable and safe holiday season, whatever holiday you celebrate at the end of the year. In George Costanza's words, "Happy Festivus". We all need some rest and relaxation at the end of the year. I hope everyone can take some time off from politics. Turn off your phones and think about and reflect on other things. Enjoy the summer cricket and spend time with your families, friends and loved ones. Finally, Naya sal mubarik—all the best for the new year.

The Hon. ROBERT BORSAK [4.07 p.m.]: I am not the leader of the Shooters and Fishers Party. We are all equal—all two of us.

The Hon. Sophie Cotsis: There might be some hunting over Christmas.

The Hon. ROBERT BORSAK: The honourable member wants a hunting story. I have done some good hunting this year, but I will not provide the details. I am ending the fourth year of my term in this place, and I have learnt a lot in those four years. It has been very interesting and sometimes challenging. I have learnt that, although we go at each other hammer and tongs at times and what we believe in or do not believe in is markedly different, we are all here in the service of democracy. The Shooters and Fishers Party, being on the crossbenches, does appreciate the democratic nature of this House. We have had easy times this year, and we have had some difficult times this year.

I particularly thank David Blunt for the guidance and help he has given me and our party. His door is always open and he has always answered questions honestly and fairly in a non-partisan way. I really appreciate that, David. The same goes for all your staff who have been essential in enabling me to operate in this place. I must admit I find the standing orders somewhat difficult to follow from time to time, but the guidance has been fantastic. I thank you all very much.

I really appreciate our President, Don Harwin. His rulings have always been fair and even-handed, as far as we are concerned. Don, I am a little disappointed you have not put me on one call to order. There is no time to fix that. A couple of months ago I was sitting in my office thinking I had not been bad enough as I have not been on a call to order. I asked Don, "Why haven't you put me on a call to order?" He said, "You haven't been bad enough. Why don't you try harder?" It is too late to try harder now. I will not push my luck, this year anyway.

I thank members of the Government for all the opportunities you have given me in a target-rich environment. The year started off difficult and went downhill from there, especially in our relationship with the original Premier, whose name shall not be mentioned.

The Hon. Luke Foley: Would you like to reply to what he said about you?

The Hon. ROBERT BORSAK: For that you will have to wait for my speech on the adjournment debate. I particularly thank Mike Gallacher, who is not in the House at the moment. I would like him to bounce back in the next Parliament, when we start in 2015. He is a good and fair man who works very hard for his party. Although he is not always right, he is a very good person to do business with.

I thank Duncan Gay, who as Leader of the Government in this House took on a very difficult job midstream, since April. Thank you, Duncan, for your counsel. Sometimes you are quite emphatic, especially when you use your right hand. Duncan is always sincere and has a good point to put. He is always quite good at putting us on the spot, but when no is no, that is it.

To my good friend John Ajaka, I really appreciate the counsel you have given me and I admire the way you have risen in this Parliament in the past four years, particularly in the past 12 months. The rise and rise of John Ajaka is astounding. Congratulations on your movement through the ranks.

Mr David Shoebridge: Very surprising.

The Hon. ROBERT BORSAK: I would not say it is surprising. To the Government Whip, Peter Phelps—

The Hon. Dr Peter Phelps: Shame!

The Hon. ROBERT BORSAK: I have admired the way you have objected to everything and today you objected to one of our formal notices for the first time. I appreciate the way you did it. I particularly look forward to your contributions on various debates. I know my colleague Robert Brown often chuckles at them in his office, not to mention that I am nearly falling off the bench.

As far as the Opposition is concerned, I thank Luke Foley for his counsel and help. It has been an interesting and productive year for all concerned. I also thank Adam Searle for his counsel. I will not mix you up with Amanda, as someone else did a few moments ago. Your hair is greyer.

Mr Scot MacDonald: Natural.

The Hon. ROBERT BORSAK: No, I did not say that. Walt Secord is always up for a bit of fun—thank you, Walt. He is probably the trickiest bloke on the Opposition's front bench. I thank the Opposition's team for the way we have worked together this year.

I particularly thank Reverend the Hon. Fred Nile and Paul Green from the Christian Democratic Party. They are a tower of strength when it comes to working on various issues with us, and that is good. I really appreciate The Greens. I do not see Jeremy Buckingham in the Chamber.

Mr Scot MacDonald: He's with Jacqui Lambie.

The Hon. ROBERT BORSAK: No, he is not working with Jacqui Lambie. I appreciate him and I appreciate the intellectual contributions from all The Greens, in particular John Kaye and David Shoebridge. We very rarely agree on anything, but on certain issues in the Committee of the Whole, whether or not I am the Chair, I find I get a useful, thought through and quite often wrong contribution from them.

I wish all those who are leaving this place all the best for the future. To all those contesting seats, I will not go one way or the other but I hope that you win. To those who are not contesting and who may be going into retirement, thank you. It has been a real pleasure knowing and working with you all.

I really appreciate John Macgowan. I do not understand how he puts up with the likes of Robert Brown and me, but he manages to do so. John said a couple of months ago, "I hope you blokes don't come back, because if you come back I'm not coming back!" John, we will be here, so if you come back you would be most welcome at our door and I will make you a sandwich any day of the week.

I wish all the staff a happy and safe Christmas break. Spend as much time with families as you can. Get out and campaign hard and I look forward to seeing you in 2015.

The PRESIDENT: The Leader of the Government was going to seek leave to speak a second time to include some remarks he accidentally left out, but he has asked me to do it for him. He was going to mention The Greens and acknowledge their unique contribution and he promises he was going to be nice. He apologises for having left out The Greens. He also apologises to a member of his staff, Reg Fisk, with whom I think I worked years ago. He has been a fine servant of the State for a long time.

At the outset, I pay tribute to the Deputy-President and Chairman of Committees, the Hon. Jenny Gardiner. Our association stretches over some 25 years and I am glad to say that I have been able to work with her in this role during the Fifty-fifth Parliament. She deserved all of the tributes that have been paid to her and more.

I thank the Assistant-President, Reverend the Hon. Fred Nile, and the Temporary Chairs, without whom this place would grind to a halt. Natasha, Trevor, Sarah, Paul, Jan and, until recently, Helen, your assistance has been very much appreciated.

I thank the Whips, because the Whips are never thanked enough. In particular, I am very grateful to the four Whips who have acted as a sounding board on matters to do with parliamentary administration during the course of the term. On a number of issues their behind-the-scenes support has been extremely helpful.

I commend the excellent service to this place of the Clerk and the Deputy Clerk, and the extraordinary team of procedure, committee and Chamber support staff they lead. The entire Department of the Legislative Council performs at an exceptional standard and they thoroughly deserve the praise they have received from members this week in committee reports, valedictory speeches and in these felicitation remarks.

It has been a pleasure working with the Department of the Legislative Assembly during this term. That is not something that many Presidents have been able to say over the years, but I regard that as a tribute to my friend, Madam Speaker, who has joined us in the Chamber and also to the new Clerk of the Legislative Assembly, Ronda Miller.

During the Fifty-fifth Parliament I have been exceptionally well served in the office of the President. Dominic Kelly, Alexander Ng, Samuel Ison and now Joel Schubert have given valuable research and administrative support. Andrew Isaacs, Simon Schwab and Stephen Marriott have been sources of invaluable advice on matters of parliamentary administration. William Klaasen loved his work with us and, more recently, Janet Parnwell has overhauled the administration of the office and has helped keep me on a far more even keel.

There are not enough superlatives for my chief of staff, Dr Brian Lindsay. After 11 years of service he has outdone himself this year by taking on project management of our upcoming Fountain Court exhibition "Politics and Sacrifice". I doubt he thought that his PhD in history would be put to use in this way but we are very grateful for it. To all of my current and former staff, thank you for putting up with me.

There are some things that I have made a priority and I am proud of what has been achieved. I first started working in the parliamentary precinct on 11 February 1987 and have spent most of the past 27 years in and out of this place. It is a special place and to be its custodian is a responsibility I take very seriously. The current program of capital works is, as all members know, long overdue. In particular, I thank the former and current Premiers, O'Farrell and Baird, for the commitment they made to keep this workplace secure, safe, sustainable and efficient with the program of works now underway. Without them, none of it would have been possible.

Within a week of assuming this office it was clear to me why we needed to reform the arrangements relating to the employment of members' staff, and from then Premier O'Farrell the Speaker and I got more than just a sympathetic hearing. The Members of Parliament Staff Act is a tremendous step forward and will give members the flexibility they need to effectively undertake their parliamentary duties. I thank Julie Langsworth and Andrew Kiejda for the work they did supporting the development and implementation of this initiative. Indeed, I am very grateful for the way they have handled industrial issues here in the Parliament.

I have previously placed on the record at budget estimates hearings how impressed I am with the way IT services has made tremendous advances during this term under the leadership of Simon Chalmers and Neil Dammerel from the Department of Parliamentary Services. With the rate of technological change it is almost impossible to keep up with the demand of members, but by being more flexible I believe that we have ended the term with far greater user satisfaction than there was in 2011. It is a similar story with parliamentary catering. Thank you Phillip Freeman, David Learmonth—our fantastic new head chef—and the team, along with the ubiquitous and always professional backup we have from Clifford Wallace. The proof is in the compliments I hear from all of you.

As part of a historic precinct, I believe Parliament has a responsibility to play its role engaging the thousands of people who visit the building every year. Here, of course, my aspirations are frequently not met.

We are not a cultural institution and it is a constant struggle to find the resources needed. I remain in awe of what some parliaments are able to do engaging visitors in their precincts. Nevertheless, there have been some very worthwhile initiatives in this Parliament. My principal initiative has been a series of annual exhibitions coinciding with the summer school holidays and the Australia Day public holiday when visitation to the building peaks.

In 2012 and 2014 we held two very successful exhibitions of the Parliament's art collection, the first focused on paintings, the second on our photographs. For the first time, members of the public have been able to see some of the excellent works that have been bequeathed to us and the people. In 2013 we launched "Twenty Five: Stories from Australia's First Parliament". The exhibition was premised on three things. First, our Parliament is the custodian of some unique objects never put on public display, even to our own members of Parliament. Secondly, we have an ethical obligation to share them. Finally, we should use them to illuminate our work as a Parliament for visitors. The result of the exhibition was a triumph and I am glad to say we were able to publish a book, which is a permanent record of the outstanding effort of all those who worked on it.

None of this would be possible without the generous support of sponsors I secured. Other sponsorship I found has helped us keep the NSW Parliament Plein Air Landscape Painting Prize alive and has enabled us to bring back a NSW Parliament Landscape Photography Prize in association with Head On. Both are acquisitive prizes, adding to the Parliament's collection. But our next initiative, the "Politics and Sacrifice" exhibition, focusing on the New South Wales Parliament and the Great War, will be the culmination of four years work to build a visitor engagement strategy which informs and interests visitors to the precinct while honouring the service of the members and staff who serve their country. I hope all members take the time to visit it.

Ultimately, the role of the President is about this Chamber and the work of its committees. We have made some important changes to procedure in relation to the *Notice Paper* and private members' business and experimented with others, particularly the recent trial of new procedures in Committee of the Whole. Personally, I would have liked them to go further, but the tradition is that the Procedure Committee takes a consensual approach to recommending change. Question time in its current form needs some work. The Procedure Committee has been given a reference and this will be an issue for the Fifty-sixth Parliament, which I hope we will grapple with early in the term.

Twenty-five years of experience with our modern committee system was marked during this Parliament and an interesting theme emerged. A number of people attending the C25 Seminar suggested it might be time for a review—a bit like the Committee on Committees did under Ron Dyer's chairmanship back in 1986. That is also a matter we could consider early in the next term. Meanwhile, there has been considerable committee work of value in the Fifty-fifth Parliament and, as usual, the committee staff have been outstanding in their support of the work of members. The Select Committee on the Law of Provocation has obviously been a highlight for many of us; it is great to see all the work translated into a change in the law. The work of the Law and Justice Committee on Bowraville obviously has moved the whole House. There are many other examples as well.

I place on record my thanks to the Privileges Committee, under the capable chairmanship of the Hon. Trevor Khan. It has had some quite unprecedented challenges to confront during this term. The Mount Penny inquiry was, perhaps, the most obvious example, and it sounds like they may have an interesting summer ahead. I will be watching with interest. There have been many innovations in the committee space during the term, particularly with the use of social media. I have convened a Chairs Committee so we can share information relating to the inquiry process. This committee has also supported my suggestion that the standing committees produce legacy support reports to inform their successor committees of work that would benefit from further inquiry in the next Parliament, and to make recommendations about the inquiry process.

I have tried to take seriously my constitutional obligations to be an independent and impartial chair. I will leave it to others to judge how successful I have been. Some of you have been kind enough to tell me privately, others on the record yesterday and today. I must admit the temptation to interject in question time is very great. For instance, it is next to impossible to stay quiet and not cheer during the Leader of the Government's excellent Princes Highway funding answers or Minister Ajaka's shameless pandering to my rugby league allegiances.

I have entered public debate on only one issue during the term and that is marriage equality with the submission I made to the Senate committee on 2 April 2012. It seems that I was the first parliamentarian in my party, State or Federal, to give public support for marriage equality when I spoke on the Relationships Register Bill in this Chamber back in May 2010. It is remarkable how quickly public opinion has shifted and, indeed, our

House has voted to support marriage equality in principle, in May 2012. I hope that my many friends who are waiting for the opportunity to marry will not have to wait too much longer for the Commonwealth Parliament to reform the law. I rejoice in the opportunities gay and lesbian young people have today. Life is so different for them from what it was for me. Much has been achieved since then and perhaps my travails in less happy times gave me the determination I needed to pursue this role.

For those of you who are not returning to this place, I thank you for your service to our State and for your participation in the important debates we have had here about its future. I wish you every success with your future endeavours. I wish all members a happy and safe Christmas and New Year.

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

Motion agreed to.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Freight, Minister for the North Coast, and Vice-President of the Executive Council) [4.29 p.m.]: I move:

That this House do now adjourn.

SHOOTERS AND FISHERS PARTY

The Hon. ROBERT BORSAK [4.29 p.m.]: As this is the last sitting day of this Parliament, it is appropriate to look back at the operation of this House over the past four years. The people of this State entrusted the Shooters and Fishers Party, along with the Christian Democratic Party, to hold the balance of power in the Legislative Council and ensure that Government legislation was properly scrutinised and, if necessary, amended to improve it. I thank them for that trust, and I hope they have seen enough in the past four years to vote us back into this position in March next year. We have worked closely with all parties in this House and have been heavily involved with committee work and various inquiries. We have not been zealots; nor have we held the Government to ransom.

Any legislation that was amended by us in this place was done so with the support of the majority of the House. That is how democracy works, and it has worked well here for the past four years. However, it has not been easy for the Shooters and Fishers. Now I am only speaking about my party. We have had to deal with a Premier who was untrustworthy and had only one aim. That was to make us look like zealots so he could pursue his desire to abolish the Legislative Council, after which he would be in total control of the State. What a disastrous situation that would have turned out to be, knowing what we do now about his character. We should, however, have guessed.

Members might recall his reaction to this place after this House amended the first bill he sent here; that was the graffiti bill. His petulance towards sensible amendments was remarkable, to say the least. I do not know the former Premier, apart from a couple of meetings shortly after I entered this place, but for some reason he seemed to take a personal dislike to me. That has been reflected in anything he has had to say about me ever since. Given the mandate on which the Government had won and on the back of voters being fed up with the previous 16 years of Labor Government, we thought that the former Premier would do something to get the place moving. For the first two years we watched, thinking we may need to be the steady hand on the tiller because he may suddenly burst into unrestrained action. But there was no need—the ship of State was going nowhere fast. He was a genuine disappointment as Premier; he could have done much for New South Wales.

It seems he was happy to be Premier but not so happy to do the work that comes with the job. The Shooters and Fishers Party quickly learned that the former Premier was quick to forget his promises and undertakings to us, just as easily as he forgot receiving a bottle of Grange. That was why the relationship between the Shooters and Fishers Party and the Government went pear-shaped. It was his "total control" attitude and his preference not to take any advice from his staff or colleagues because he knew everything there was to know. He not only forgot his commitments to the Shooters and Fishers but also dreamt up a plan to get rid of the Game Council and to take away shooting in State forests.

The former Premier apparently had some deluded plan whereby the Shooters and Fishers Party would vote with the Government to abolish the Game Council. Talk about an emperor with no clothes. That was never

going to happen. Every hunter and shooter knows it was the Liberal-Nationals Coalition, together with The Greens, that voted to kill the Game Council and hunting on public land. And do not think that they will forget that before March next year. After abolishing the Game Council, the former Premier set about implementing a secret deal to have a trial of hunting in national parks, which he knew would not work, would not be cost effective and would reflect badly on hunters when they removed feral animals from national parks. I remind members that official figures show the so-called pest control trial has killed fewer than 200 animals at a cost of \$7,150 each.

Then came the former Premier's massive memory fail and his news conference to announce he was resigning as Premier, before going back to the Independent Commission Against Corruption [ICAC] for a second day where Mr Watson asked him, "Why should the people of New South Wales not think that you didn't give honest evidence yesterday?" He has been replaced by the current leader who is making a fair fist of the job considering the mess he had to pick up in the wake of his predecessor, not to mention the activities that have been raised at ICAC. If the electors in March again entrust us with the balance of power in this House, I look forward to working with any premier who is prepared to get in and have a go, to get things done such as building infrastructure and helping businesses, both large and small, and to create jobs and wealth for the citizens of New South Wales.

EUROPEAN UNION RELATIONS

The Hon. JENNIFER GARDINER [4.34 p.m.]: The past week has seen the eyes of the world focused on Australia as some of the world's most powerful leaders gathered in Brisbane for the G20 Summit, chaired by Australia. As the chair of the New South Wales Parliamentary Friends of the European Union and inaugural secretary of the Parliamentary Friends, I will highlight some of the activities undertaken by G8 European leaders in New South Wales that demonstrate the importance of the relationship between the European Union and Australia.

I have previously spoken about the delegation from the New South Wales Parliamentary Friends of the European Union which visited the European Union earlier this year. The delegation went to Paris and Berlin. While there, we learned from our Australian diplomatic friends of the desires of French President Francois Hollande and German Chancellor Angela Merkel to make bilateral visits to Australia in conjunction with the G20. On behalf of the Parliamentary Friends, I wrote to then Premier Barry O'Farrell to pass on that information and suggest that he ensure New South Wales was included in any such destinations for bilateral visits.

The President and the Chancellor did indeed make such visits to New South Wales. The G20 trip was the first time that the French President had visited Australia. On his trip to Sydney he visited the Westpac Bank headquarters with Premier Baird—an event also attended by The Nationals leader, Troy Grant. In Sydney the President highlighted Australia's and France's history of friendship and shared military sacrifice and said that Australia should regard France as a neighbour. He also pointed to high-tech industrial development as a way forward for our two nations.

The G20 also brought one of the world's most powerful women to our shores, Dr Angela Merkel. She was welcomed to Sydney by the Premier and gave a very well-received address to the Lowy Institute, in which she stressed the importance of trade between our two nations. In the 2012-13 financial year Germany was Australia's tenth largest trading partnership, with trade topping \$13 billion. It is also worth mentioning that more than 700 German-owned businesses and subsidiaries operate in Australia, especially in the automotive, manufacturing and clean energy industries.

The Prime Minister and the Chancellor announced a joint working group between Australia and Germany with a view to strengthening those trade links. The G20 also saw the first visit to New South Wales of the current Italian Prime Minister, Matteo Renzi who, with the Premier and the transport Minister, Gladys Berejiklian, visited the Kellyville Sky Train station, along with the Chairman of Salini Impregilo, Claudio Costamagna. The Italian Prime Minister said:

... this is a link between two areas of Sydney, and also a link between the present and the future ... but it is also a link between Australia and Italy.

There is a great deal of interest in New South Wales infrastructure projects by European businesses, and that is one of them. While the President of Russia, Vladimir Putin, did not visit Sydney, it is worth noting that he praised the Australian Government for the atmosphere at the G20 Summit in Brisbane. In the past few months I have had the privilege of meeting and participating with various delegations involving important visitors from

the European Union [EU], including the ambassadors from Kosovo and Greece and the ambassador from the European Union delegation to Australia and New Zealand, His Excellency Sam Fabrizi. I have also had the pleasure of hosting a luncheon for the Director General of the World Trade Organization, Roberto Azevedo, in which EU trade featured. I also spoke at the celebration marking the Austrian National Day for the second time.

The New South Wales Parliament was pleased to welcome a delegation from Poland's Senate. As well, I attended a panel discussion at this Parliament discussing the EU's relationship with China. The Parliamentary Friends acknowledge the assistance from time to time of the European Australian Business Council [EABC] and Jason Collins. For example, the EABC hosted a discussion between the EU Commissioner for the Digital Agenda, Neelie Kroes, and the Australian Minister for Communications, Malcolm Turnbull.

I was a guest at the EABC annual general meeting dinner, which featured dialogue between former Australian trade Ministers, the Hon. Mark Vaile and the Hon. Simon Crean. Last month I participated in the hosting of a delegation from the German Bundestag, headed by its President, Professor Norbert Lammert. Today I met with the Irish Minister of State for the Irish Diaspora, together with the Hon. Luke Foley and the Hon. Niall Blair. I thank the office bearers of the Parliamentary Friends of the European Union. I wish them well and hope they continue their fine work in the next Parliament.

ABORIGINAL LAND CLAIMS

Ms JAN BARHAM [4.39 p.m.]: There are times in this Parliament when I have seen members work together in a genuine and positive way for the people of this State. A recent example was when the report of the Bowraville inquiry was presented and debated. Then there are times when matters are brought before the Parliament that are misguided, misleading and outright wrong. The recent introduction of the Crown Lands Amendment (Public Ownership of Beaches and Coastal Lands) Bill by the Minister for Natural Resources, Lands and Water, the Hon. Kevin Humphries, MP, is one of these. The Minister in his second reading speech said that the bill's introduction was prompted by the "recent granting of a beach, in freehold, by the courts to a New South Wales Aboriginal Land Council". Legal experts and the Aboriginal land councils regard that assertion as inaccurate and have suggested that the bill was unnecessary, unreasonable and potentially in violation of the Commonwealth Racial Discrimination Act. The Minister claimed:

The prompt for this bill is an emerging risk of private ownership of beach land triggered by a recent court decision under the New South Wales Aboriginal Land Rights Act.

The Minister was referring to the decision of the Land and Environment Court regarding a section of land at Red Rock near Coffs Harbour. But his characterisation of the decision was misleading to the Parliament and the public. Contrary to the Minister's claim that the judgement granted a beach in freehold, the Land and Environment Court's judgement made clear the "foreshore" was not included in the land claim, that the Coffs Harbour and District Aboriginal Land Council and the court were both of the view that the "beach" and any land necessary for access to it was not claimable, and that the provision of an easement was adequate to ensure public access in perpetuity. That interpretation of the judgement, and the rejection of the need for this bill, is made clear in responses to the bill from legal experts and stakeholders. On 29 October the Chief Executive Officer of the Law Society, Michael Tidball, wrote to the Minister on behalf of the society's Indigenous Issues Committee noting:

... the grant in this matter was made subject to an easement for public access thereby protecting the public's right to access and use of the beach in perpetuity.

In a case note commentary and legislation digest that was prepared following the bill's withdrawal and that has been submitted for publication, John Corkill, OAM, noted:

... the bill was unnecessary since the effect of the court's decision in the Red Rock case was to guarantee public access to the beach in perpetuity.

These legal analyses were supported by the NSW Aboriginal Land Council and the network of local Aboriginal land councils, who protested against the bill and marched to the gates of Parliament. I was pleased to speak to them and assure them that The Greens oppose the bill and had called for its withdrawal. I can only characterise the purpose of this bill and of the Minister's comments as being the foundation of a scare campaign about public access to coastal land. Documents obtained under a call for papers moved by Reverend the Hon. Fred Nile show that if debate on the bill had proceeded the Government was prepared to push ahead with that scare campaign.

The documents include House file notes, draft second reading speeches, a list of "high-profile" beach and coastal areas subject to unresolved land claims, and maps showing coastal land claims. They all appear to have been crafted to suggest that the bill was needed to prevent loss of public access to beaches, despite the clarity of the Red Rock decision. This Parliament is about to rise and we are heading into an election campaign. The Government has withdrawn this misleading and racially discriminatory coastal lands bill, but Minister Humphries has suggested it will be brought back.

The Government's broader reforms on Crown lands and their disposal have been postponed until the next Parliament. Thankfully, at least, improvements to the Aboriginal Land Rights Act were recently passed following a truly consultative and cooperative process, overseen by Minister Dominello. Throughout the election campaign and into the next term of Parliament debates on these issues—Crown lands, coastal protection, Aboriginal land claims and public enjoyment of the coast—need to be undertaken in honesty and good faith. I commend those who worked to force the withdrawal of a bad and misleading bill and I hope we will not see the likes of it again.

BLUE MOUNTAINS LOCAL GOVERNMENT BY-ELECTIONS

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [4.43 p.m.]: I want to speak on recent by-election results in the City of Blue Mountains, which covered half the State electorate of the same name. The by-elections came about by resignations of a sole Greens councillor and that of a conservative Independent. Rather than serve the full four years, they allowed their inability to work with their colleagues to get the better of them and caused not only inconvenience but also significant expense for the council and the community. This is unfortunate, to say the least, and I am sure that none of us in this Chamber will take their lead.

The by-elections occurred amid the usual mix of issues: efforts to balance council budgets and deliver quality and affordable services and a possible rate rise to underpin investment in infrastructure. For the Blue Mountains at least, there was also the usual stream of conspiracy theories, promoted by fringe candidates. I congratulate each of our successful candidates: Sarah Shrubbs in ward 1 and Annette Bennett in my old ward 2. Their success is a tribute to their hard work and that of their supporters in the Labor Party and in the wider community. It is worth remembering that in the Blue Mountains a party label will not guarantee success. Their success is also due to the high standing of both the council—of sitting Labor councillors—and our mayor, Mark Greenhill.

Consider the following: his leadership into the 2012 council elections saw Labor achieve its highest level of representation on the council, not only receiving its highest vote across the city but also winning two of three positions in his ward. That is testament to his personal standing in the most conservative part of the locality. Within days of his election as mayor, he led the city and our community through the October 2013 bushfires. Perhaps even more importantly, he provided resolute leadership and support for his community during the recovery phase, in the face of State Government intransigence.

In like situations, other State governments here and interstate have provided for a clean-up after natural disasters such as bushfire. This Government did not want to. The local member was nowhere to be seen. A reasonable outcome was achieved only by the local council leadership standing firm. As mayor, Mark led the team in the by-elections, campaigning with each of our candidates. Until last Saturday, Labor had never topped the poll on primary votes in any Blue Mountains council by-election. It did so in each ward. Until last Saturday, Labor had never won a Blue Mountains council by-election. Labor won both. Labor had never before secured a majority on council. It now has. As we head to the State election next March, this is bad news for local State member of Parliament Roza Sage.

In the 2011 State election, the Liberals led Labor by 17 per cent on primary votes and 5 per cent after preferences. Last Saturday, Labor led the Liberals by 7 per cent in ward 2 and 11 per cent in ward 1. In both wards, not only did Labor win but also it is worth noting that the Liberal Party was eliminated from the count. I trust and hope that the council, and all its Labor representatives, remain conscious of the foundational importance to these outcomes of Mark Greenhill's leadership.

WATER AND NATIVE VEGETATION REFORMS

Mr SCOT MacDONALD [4.46 p.m.]: I ask members: What do you think these addresses have in common? They are level 2, 322 Pitt Street, Sydney; suite 402, 64-76 Kippax Street, Sydney; suite 2, level 1, 89 Jones Street Ultimo; level 2, 5 Wilson Street, Newtown; P.O. Box 337 Newtown; suite 3, 36 Macquarie

Street, Sydney; level 2, 33 Mountain Street, Ultimo; and 19 Eve Street, Erskineville. They are head offices of the peak environmental organisations in New South Wales. Respectively they are head offices of the Colong Foundation, the Wilderness Society, the Total Environment Centre, the Nature Conservation Council, the National Parks Association, the Wentworth Group, Greenpeace and Friends of the Earth. I could add The Greens, based at suite D, level 1, 275 Broadway, Glebe.

All are based in some of the most heavily urbanised, biodiversity-free parts of Australia. And it is those groups that are the most vocal and resolute in telling regional Australians how to manage their environment. I am not in the business of denigrating these associations. I think they perform a role and most of their people have laudable intentions, but their disconnect from the communities they seek to proselytise to is truly breathtaking. Maybe it is not a concern to them and the environmental groups are really only interested in winning the hearts and minds of the voters in the cities.

Last Sunday in Guyra I met with members of the NSW Farmers Association from Glen Innes, Guyra, Armidale and Walcha. We had a vigorous discussion about drought support policy and native vegetation reform. We agreed on some aspects and disagreed on others. But I heard again a comment I have heard many, many times from farmers and country people. And that is, "Do environmentalists understand the impact on our lives and businesses?" I heard it endlessly during the time I worked in Griffith and was immersed in the Murray-Darling Basin water reform. The Greens and the Wentworth Group wanted 6,000 or 7,000 gigalitres of water removed from irrigation. A decade or so before, they said 500 gigalitres would fix the rivers. Then it was 1,500. The goalposts are always moving. The Commonwealth finally settled on 2,750 gigalitres, but it is never enough or settled.

In that torturous period when the sustainable diversion limit was being fought over, many of us tried to engage the environmentalists. It was hard work. The interaction was tokenistic and begrudging. I still recall a campaigner from the Wentworth Group saying on a flying visit to Griffith that they had no problem with the demise of irrigation-dependent towns. He thought the closure of Yanco or Leeton was not unreasonable. The striking impression was that they were the font of knowledge, it was pointless questioning them and the only real issue was how fast their binary position could be achieved irrespective of the cost to the locals or taxpayers.

We have to recognise the price is very high. I continue to visit the Riverina. I listen to those farmers and many like them in the New England and around the State. Their challenges might vary but the common denominators are fear, fatigue and distrust of the green movement. The burden of environmental reform over the past few decades has been borne by farmers and especially irrigators. It can be harrowing listening to farmer groups or chambers of commerce talk about the impact of reform on their families, businesses and assets. Some three years after the conclusion of the sustainable diversion limit [SDL] determination, irrigation communities have been left with the implementation and consequences of the reforms.

The media interest and green groups have moved on. Pre-reform modelling claiming little or no negative economic consequences now rings hollow for affected communities. In the scores of meetings I have attended about water reform, vegetation management or drought policy, it is extremely rare to see a green or environmentalist. It is easy to drum up a meeting about coal seam gas or mining and beat up a scare campaign. As important as those issues are, it is a different proposition to do the hard yards on water or vegetation. My appeal to these peak environmental organisations is to get out of Sydney and meet the farmers and communities on whom they want to impose their policies. They should talk to the people who are trying to make a living on the land and in the towns that depend on them. They might be surprised.

For most of us in the country, there is an appreciation that we have to preserve and protect our natural resources. But it has to be a partnership. Most land in New South Wales is privately managed. It requires the understanding and will of landholders to effectively manage their environment. Regulation has a role and I have backed vegetation laws and water reform but ultimately a compliance framework can only go so far. If farmers are not willingly signed up to good environmental stewardship, our natural resources and biodiversity will degrade. I challenge these environmental peak bodies: walk in the shoes of regional Australians, accept that the best environmental outcomes will flow from a triple bottom line framework, stop being doctrinaire, work with the people who directly have skin in the game, and stop polarising these important conservation debates. We are all Australians. We all want the best, now and for future generations for this precious part of the planet. [*Time expired.*]

THE HON. AMANDA FAZIO LAST SPEECH

The Hon. AMANDA FAZIO [4.51 p.m.]: I am quite aware that some members may expect me to use this speech to attack people—and there are a number of people in this world whom I intensely dislike—but I do

not want to give such a pack of talentless, useless non-entities any publicity. I have let my views on these sorts of people be known in the past. They know who they are and those who want to know who they are can go back and look through my previous speeches. I have only one thing to say to that group of people: I only wish them anything but well in the future.

I will use the balance of my speech to address a few issues that I probably should have stated in my valedictory speech yesterday. It was very remiss of me not to wish the President, the Hon. Don Harwin, well in his role as the Presiding Officer. I know it is a very difficult role. A range of expectations and demands are placed on the President, coming from different areas, and the President has to balance them. I wholeheartedly concur with his comments. Biting my tongue and not interjecting from the chair was one of the hardest things I had to do; it really was difficult. You feel like you want to participate but you cannot. The President is doing very well in that he has been able to bite his tongue, particularly given the quality of some of the debates and answers given during question time.

One of the speeches I gave in this place received a lot of publicity, mainly negative. That was my speech some years ago on the induction of the Ramones into the Rock and Roll Hall of Fame. A lot of journalists thought that it was a trivial issue. I ask those journalists and those present in the Chamber today to open their eyes when they walk around the streets because so many people are wearing Ramones T-shirts. I am not alone in my continued respect for the Ramones. Whenever I hear a Ramones song it makes me feel happy, and that is the role of good music. An added benefit was that I was approached by film distributors to launch their documentary *End of the Century: The Story of the Ramones* in Australia. That was a really great moment. I loved that opportunity and I will be forever grateful for it.

I failed to mention also that I was one of the co-hosts, with the Hon. Trevor Khan, of Reconciliation in Parliament. I am very proud of that involvement because the one thing that we really need to do is to try to redress the problems of Aboriginal communities and that they are not being given equal opportunities, particularly given the report that came out the other day. We need to put more work into that area. I have also strongly supported the Schizophrenia Research Institute and its fellowship. The reason I do that is because schizophrenia is such a random thing; it can occur to anybody. We should put resources into research to try to overcome it.

I have been involved in a number of organisations and I hope to continue that involvement. The organisations include the Community Restorative Centre, Hepatitis NSW, the National Trust, a range of regional art galleries, the Friends of the Historic Houses Australia and Jobsupport. For nearly 25 years I have been on the board of Jobsupport, which has been able to get 600 clients into work. It is a wonderful organisation and I wish it well in the future. I intend to pursue issues that I am interested in, including drug law reform and animal welfare. I am not going to join Animal Liberation or any of those crazy organisations. My concern for animal welfare is more to do with domestic animals. I, hand on heart, promise my family that I am not going to get another dog. I think four is enough. I am glad to see there is less eggplant on the menu now we have a new chef. I am also glad to see that charges have now been laid against Ian Macdonald and Eddie Obeid. I look forward to further charges being laid as a result of subsequent investigations.

The Hon. Luke Foley: I look forward to visiting Macdonald in prison.

The Hon. AMANDA FAZIO: I acknowledge that interjection. I hope that the charges being laid will go some way to restoring public faith in the institution of Parliament. I mention two wests: I love the Western Sydney Wanderers and I hate WestConnex. I want to talk a little bit about our Labor candidates. We have a really great team, especially Jo Haylen, the Labor candidate for Summer Hill. The Liberal Party should save its nomination fee as it has preselected the disgusting Julie Passas. Honestly, the Liberals should save the \$750 nomination fee and put it into a campaign they think they can win. They should just admit defeat. The fact that the Liberals have preselected Julie Passas to run against the wonderful Jo Haylen means that they have given up on that seat.

Labor will have great new candidates who will come in here after the next State election—and a lot of really good women. If Labor does not make it over the line, the Coalition will be held to account in the future. This is my last speech in this place. I conclude by stating that I will be around until election day. I hope to catch up personally with so many people in this place who provide all sorts of services, to say goodbye and thank them for all the help and friendship they have given me over the years. I will watch carefully in the future the proceedings of this place because I believe a strong democracy is one where we encourage the public to follow what is going on. The work of the Legislative Council encourages that. Thank you.

[*Business interrupted.*]

TABLING OF PAPERS

The Hon. David Clarke tabled the following papers:

- (1) Annual Reports (Statutory Bodies) Act 1984—Report of Macquarie Generation for year ended 30 June 2014.
- (2) State Owned Corporations Act 1989—Statements of Corporate Intent for year ending 30 June 2015:

Ausgrid
Delta Electricity
Endeavour Energy
Essential Energy
Forestry Corporation
Hunter Water
Macquarie Generation
Port Authority of NSW
Superannuation Administration Corporation trading as Pillar Administration
Sydney Water
Sydney Water Corporation
TransGrid
UrbanGrowth NSW

Ordered to be printed on motion by the Hon. David Clarke.

ADJOURNMENT

[*Business resumed.*]

TRIBUTE TO ANN HILL

The Hon. Dr PETER PHELPS [4.58 p.m.]: I acknowledge a wonderful woman from Queanbeyan, Ms Ann Hill. Fifteen years ago on this very day, in what can only be described as a stroke of madness, she agreed to be my wife and today is our fifteenth anniversary. I simply would not be where I am today without her and her wonderful support. Despite the fact that for half the year she lives her life as a single mother, she has the efficiency of Henry Ford's production line. I even question whether I am needed in that household. So at this moment I say: Happy Anniversary, darling, and may we have many more together.

[*Time for debate expired.*]

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

Motion agreed to.

The House adjourned at 4.59 p.m. until Tuesday 3 March 2015 at 2.30 p.m.
