

# LEGISLATIVE COUNCIL

Tuesday 22 September 2009

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**The President (The Hon. Peter Thomas Primrose)** took the chair at 2.30 p.m.

**The President** read the Prayers.

**The PRESIDENT:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## ASSENT TO BILLS

Assent to the following bills reported:

Aboriginal Land Rights Amendment Bill 2009  
 Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009  
 NSW Lotteries (Authorised Transaction) Bill 2009  
 Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009  
 Parliamentary Remuneration Amendment (Salary Packaging) Bill 2009  
 Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009

## CRIMES (FORENSIC PROCEDURES) AMENDMENT (UNTESTED REGISTRABLE PERSONS) BILL 2009

**Message received from the Legislative Assembly returning the bill without amendment.**

## DISTINGUISHED VISITORS

**The PRESIDENT:** Order! I draw the attention of the House to the presence in the President's gallery and the public gallery of four former distinguished members: former President the Hon. Max Willis, former Leader of the Opposition the Hon. John Hannaford, the Hon. Patricia Forsythe and the Hon. John Ryan.

## DEATH OF THE HONOURABLE VIRGINIA ANNE CHADWICK, AO, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL, A FORMER MINISTER OF THE CROWN AND A FORMER PRESIDENT OF THE LEGISLATIVE COUNCIL

**The PRESIDENT:** I report the death on 18 September 2009 of the Hon. Virginia Anne Chadwick, aged 64 years, a former President and member of this House from 1978 to 1999. On behalf of the House I have extended to her family the deep sympathy of the Legislative Council in the loss sustained.

*Members and officers of the House stood in their places as a mark of respect.*

**The Hon. TONY KELLY** (Minister for Lands) [2.33 p.m.]: I move:

1. That this House expresses and places on record its deep sense of loss sustained by the State by the death on 18 September 2009 of the Hon. Virginia Chadwick, a member of this House from 1979 to 1999, a former President of the House and Minister of the Crown.
2. That this resolution be communicated by the President to the family.

The New South Wales people have lost a strong representative with the passing last Saturday of the Hon. Virginia Chadwick at the age of 64. The term "trendsetter" was never more appropriate to describe anyone as it was to describe for Virginia. She was the first female Liberal Minister in New South Wales, the first female Opposition Whip and, very importantly, she was the first female President of the Legislative Council.

As Minister, Virginia took responsibility for some tough portfolios and handled each with integrity and determination. She was well regarded as a politician and as a colleague by many of us on both sides of the House. A Newcastle girl born and bred, she was educated at Newcastle Girls High School and the University of

Newcastle, where she continued to work as a teacher before entering the world of politics. Virginia was a very true and strong Novocastrian. Virginia also had a long-standing association with the ethnic communities of New South Wales. For several years she served as trustee of the Ethnic Communities Council of NSW as also served as a member of the council.

As I have mentioned, Virginia was the first female Minister for the Liberal Party in New South Wales. But that was only one of her many achievements. She played an integral part in ensuring that disability services became a separate portfolio. Not only was Virginia the first female President of the Legislative Council; she was also the first female President not to wear the wig and gown. She remarked to the Clerk at the time that she would receive enormous pleasure if the Clerks no longer wore the traditional wigs and gowns. The very next day not one of the Clerks wore a wig or gown. Virginia was indeed a trendsetter.

There were some reports recently in the media about the use of long bell in this place. It was suggested that it had not been used since 1888, or thereabouts. But I can remember in my time here the long bell being used on three occasions, and the most memorable was when Virginia Chadwick was President of this House. Current members who were in the House at that time will recall that the Leader of Government Business in this House at that time, the Hon. Jeff Shaw, wandered outside the Chamber to talk to his staff. Virginia, ensuring that the rules of the House were adhered to, stood up and ordered the bell to be rung and said, before proceeding to the President's chamber, that she would return when there was a Minister in the House. Jeff Shaw was a bit put out and refused to come back into the Chamber. We had a bit of a problem, firstly, trying to get him to come back into the Chamber and, secondly, convincing Virginia to resume the Chair. She was a stickler for the rules but in a very amicable way.

After leaving politics, in 1999 Virginia moved to Queensland to take up the position of Chief Executive and Chair of the Great Barrier Reef Marine Park Authority. Upon her retirement she moved with her husband, Bruce, back to the Newcastle area, the place where her journey began. The passing of Virginia Chadwick should serve as a reminder to all of us, both as politicians and as citizens who genuinely care about the community, that excellence is only achieved through hard work, that the provision of services to the people of New South Wales is our primary focus and that it is possible to be fierce in politics whilst still having an open heart. Virginia was a true friend to many of us here. On behalf of the House I extend condolences to all of Virginia's family and friends. She was an example for us all.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [2.38 p.m.]: As Leader of the Opposition in this House I pay tribute to the Hon. Virginia Chadwick, who passed away from this world on 18 September 2009 at the age of 64. I extend my personal heartfelt condolences to her husband, Bruce, to Amanda and David and to her grandchildren. Virginia was a Novocastrian through and through—the first Liberal woman of Newcastle. Born in Newcastle in 1944 she returned from a short stay in the United Kingdom to attend Newcastle Technical College and gain her Bachelor of Arts and Diploma of Education at the University of Newcastle. She went on to teach in our high schools before entering the Legislative Council in November 1978.

Virginia served this House well for the next 20 years, 3 months and 28 days before retiring at the 1999 State election. She was a true pioneer, not only for this side of politics but also for women in Parliament. Virginia was the first Opposition Whip and the first female President of this House, in which position she was succeeded by another female. Prior to her appointment as President of the Legislative Council she was the first New South Wales female Minister for Education, between July 1990 and April 1995. Her first and hardest task was to broker a peace settlement with the Teachers Federation over a long-running pay dispute.

Virginia was New South Wales's first Liberal female Minister when she was appointed the Minister for Family and Community Services in the Greiner Government, a position she held from March 1988 to July 1990. After retiring—if one could call it that—from public life in 1999, Virginia accepted a request from the Federal Minister for the Environment Robert Hill to take up the position of Chair and Chief Executive Officer of the Great Barrier Reef Marine Park Authority, a position she held until 2007. Virginia Chadwick was appointed an officer of the Order of Australia in the 2005 Queen's Birthday Honours. The honour bestowed upon her was for services to conservation and the environment through management of environmental heritage and economic sustainability issues affecting the Great Barrier Reef and to the New South Wales Parliament, particularly in the areas of child welfare and education.

Shortly after joining the Great Barrier Reef Marine Park Authority in 1999 Virginia was back into the swing of politics, facing questioning by yet another ABC radio journalist, this time Gerald Tooth, who was

doing a major report on the protection of the Great Barrier Reef. Virginia had been tasked by Robert Hill to lead the negotiations between all three levels of government, fishers, farmers and tourist operators to protect the reef. In classic style, Virginia faced the ABC radio national interview head on. The transcript of that interview reads as follows:

Gerald Tooth: We're at the headquarters of the Great Barrier Reef Marine Park Authority in Townsville, to talk with the newly installed head of the organisation, Virginia Chadwick.

She was hardened in the arts of political battle after serving in New South Wales Liberal governments in the late '80s and early '90s as both Education and Tourism Minister. Now she's running an area the size of a State, in fact the size of Victoria and Tasmania combined, and is dealing with some very sensitive political issues, such as advising Robert Hill if he should use his World Heritage powers.

Virginia Chadwick: Well that's not a matter for me to comment on, it's a matter that you should ask Minister Hill.

Gerald Tooth: But you will be advising the Minister on that, won't you? I mean, that's part of your charter.

Chadwick: I can give the Minister advice on any matter that relates to the Heritage area or the Marine Park; what he determines to do with that advice to him is my business and his business. But it's entirely up to him what he does with that advice.

Tooth: You don't want to say whether you would advise the Minister to invoke those powers?

Chadwick: I most certainly would not be telling you whether I'd advise the Minister to do that or anything else.

Tooth: Why not?

Chadwick: Because it's a matter between me and the Minister.

Tooth: Could you say at what point Federal government intervention would be justified?

Chadwick: No.

Later in the interview Tooth said:

Virginia Chadwick does not have any background in environmental issues. I asked her if Robert Hill has appointed her to the position because of her political skills, in expectation of a showdown with Queensland.

Chadwick: Oh my goodness. That certainly wasn't written into my performance agreement or work contract. I think a strong management focus and someone who is very clear about what the authority should be trying to project and protect, is probably why Robert Hill appointed me. But in the terms of my appointment he did not tell me that I was girding my loins for any great showdown at OK Corral or the Barrier Reef.

Virginia's obvious political skills served her well during her time at the authority and earned her and the authority well-deserved recognition. In 2004, the authority was awarded the Banksia Environmental Foundation's Banksia Award. Virginia accepted an appointment to the Australian Maritime Safety Authority Committee and was recognised with her appointment to lead the Australian delegation to the United Nations Convention on the Law of the Sea. Virginia also served on the Pacific Congress on Marine Science and Technology International, the Queensland Fishing Industry Development Council, the International Union for Conservation of Nature and the Commission on Education and Communication. The respect that Virginia Chadwick gained was more than evident in a press release issued by the World Wildlife Fund on Saturday which stated:

"Virginia was a great Australian whose legacy to the Reef will live on" said Mr Nick Heath, WWF's Reef Program Leader.

"Ms Chadwick's legacy is an inspiring example of the difference one person can make. All Australians can be immensely proud of what she has achieved," said former WWF employee, Ms Imogen Zethoven, who led WWF Australia's Great Barrier Reef campaign during this period.

"Without Ms Chadwick's extraordinary leadership, judgement and people management skills, the protection of one-third of the Reef from fishing would not have happened" Ms Zethoven said.

"The thoughts of all WWF staff—both past and present—are with Ms Chadwick's family. Inspired by her, they will continue her work to protect the Reef from harm" said Mr Heath.

Earlier this year James Cook University announced that Virginia would receive doctorate at the university's graduation ceremony on 28 March. The announcement said:

Ms Chadwick, who served as NSW Education Minister from 1990-1995 and Tourism Minister from 1993-1995, will be recognised for her outstanding service to the North Queensland community and for her commitment to the conservation of the Great Barrier Reef with an Honorary Doctorate of Science.

When I first arrived in this Parliament in 1996, I had the pleasure of sitting on the backbench with the likes of Charlie Lynn, Mark Kersten and Virginia Chadwick. It was an interesting crew of people to be introduced to as a new member. Like many others in this place, I knew of Virginia's reputation, her wit and her intellect. I also knew that she was a true lady. The way that she would engage Ministers across the table, particularly Ron Dyer, was incredibly memorable. This House and the gallery would be packed and Ron would get to his feet to answer a question and all of a sudden Virginia would start. She would put her head to one side, smile and then interject. It would not be a loud interjection, but all would hear it. It was as though the Chamber was all but empty. The dialogue between Ron Dyer and Virginia, Michael Egan and Virginia or Jeff Shaw and Virginia was most memorable. She commanded respect and caution from all members on the Government benches and, I am sure, from members of the crossbench. No-one took anything she said for granted. She knew her stuff and was always ahead of the game. All members respected her contributions to debates, and particularly her interjections during question time. And when she interjected everyone knew that she was absolutely spot on.

Virginia was also a great storyteller. The Hon. Charlie Lynn and I would sit on the back bench and listen to her stories about a place called "1770". I had never been there and until then had not heard much about it. She would describe her property in this far-flung part of North Queensland and I could imagine her out clearing the property of weeds and facing all the difficulties that came with realising her great dreams for it. As she described it we could feel ourselves being transported there. It seemed appropriate to me that when some time later Robert Hill was looking to appoint someone with great passion for that part of Australia and its coast that Virginia was appointed.

Like many members, I knew that Virginia had been ill and I took the time to write to her to express not only my respect for her but also my gratitude to her for taking the time to teach me so many things when I first arrived in this place and also when I was Leader of the Opposition during her term as President of the Legislative Council.

I am pleased that John Ryan is in the gallery because he was sitting beside me on the day that we heard that a member on our side of the House had decided not to remain a member of the Coalition and was seeking the presidency of the House without the support of the party members. Mr President, no-one will convince me—not you nor Michael Egan, the former leader of the Government—that your absence was anything less than connived. It was most certainly well thought through. It was great to be in this place when the announcement was made that Virginia Chadwick would become the first female President of the Legislative Council.

It was a great day not only for the Liberal and National parties; I believe it was a great day for Parliament. Virginia was elected President at a time of some difficulty for the Legislative Council. There had been considerable effort by people outside this House to run down the role and responsibilities of the Legislative Council, and Virginia was prepared to stand for the position. Not only did she stand for and win the position; she did the House proud in the role she played, displaying great wit and intellect in the knowledge that she could do the job, and do it incredibly well.

It was a sad day when Virginia left the House in 1999, as it was a sad day last Friday when she left this world, but she could be proud of the job she did in her role as a Minister looking after, particularly, young children. I first met her as a young detective when she visited Gosford in her role in community services. She was very passionate about her job and believed in what she was doing. She displayed that same passion in every task that was given her—right to the very end. I would like to think that she lifted the standard for all of us and helped us to believe that we can do anything well provided we have the same work ethic, commitment and passion as that which Virginia Chadwick displayed. Of course, Virginia took over from Max Willis in the role of President of the Legislative Council. The words of Max Willis on 29 June 1998 are as fitting today as they were in 1998. The Hon. Max Willis quoted Tennyson and said:

"The old order changeth, yielding place to the new,  
And God fulfils himself in many ways,  
Lest one good custom should corrupt world." ...  
If thou shouldst never see my face again,  
Pray for my soul. More things are wrought by prayer  
Than this world dreams of.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [2.52 p.m.]: I acknowledge our friend and colleague Virginia Chadwick—Ginny. I acknowledge former President Max Willis, former Leader of the Opposition John Hannaford, my great friend Patricia Forsythe and John Ryan, amongst others in the gallery. It is a sad day in many ways, but it is worth reflecting on a woman who was truly a Liberal's liberal. She epitomised that degree of liberalism espoused by Bob Menzies, with compassion, caring and strength. She was a

fearsome and fearless operator in the House. The many current members who served with Virginia in this House will recall that she took no prisoners when it came to a matter she believed in. Yet, she had great compassion, and that was how she was able to perform so well in her many roles.

She had a long list of firsts as a woman, but all were deserved because of her unbelievable ability rated against anyone. She came to the role of education Minister at a time when the Parliament had just witnessed its greatest protest. Members on the Government side well remember the recent homage to Michael Costa and other eminent Labor colleagues, all of which packed in the protesters in front of Parliament House. But the education protest saw double those numbers—at the front of Parliament House and out the back! Shortly after that protest Virginia took on the role of education Minister. Without totally changing policy and by engaging with and talking to people to better articulate our arguments, she was able to negate the public angst. She went on to become a great education Minister and a great Minister for Family and Community Services.

I served as Virginia's deputy when she was President of this House. It was hardly an onerous job; there was not a lot to do while she was President. Everything ticked along pretty well. My first experience of Virginia was in 1987 when I visited this Chamber, also for the first time, with Peter Cochrane, who later became the member for Monaro. I was running Peter's campaign and we had organised for Virginia to ask Jack Hallam a question on forests. When we arrived and sat in the visitors gallery Peter Cochrane, in his inimitable style—he was a mountain horseman, a Vietnam veteran, a good knockabout bloke and a gutsy defender of his area and his people—said, "We are wasting our time. Why in the hell would we want to be up here with that lot?" We watched Virginia ask her question of Jack Hallam, who was not shy of spirit, mind or voice by any stretch of the imagination. Jack pinned his ears back attacked her like you would not believe. Well, Virginia came straight back at him on a subject she knew absolutely nothing about—the question was handed to her as she walked in the door. She tackled Jack Hallam and beat him. From that day on Peter Cochrane had a huge respect for Virginia Chadwick, as I did.

Virginia was a terrific person. We will miss her. She was a good friend. We enjoyed her company not only in the House debating politics, but also during a talk and while having a drink afterwards. On behalf of The Nationals I offer condolences to Bruce and family.

**The Hon. CATHERINE CUSACK** [2.57 p.m.]: Virginia Chadwick was born Virginia Walls and was first and foremost a proud and parochial Novocastrian. She loved her humble Newcastle roots and friends. She handed out flyers for the New State Movement at the 1967 referendum, which was narrowly defeated. She was forever grateful for her educational opportunities at Newcastle Girls High, which she regarded as having opened the door to everything else that happened in her life. The closure of that school—when specialist schools fell out of favour—and, as she described it, metaphoric bulldozing by the Labor Party, profoundly influenced her political sympathies. She was determined throughout her career to re-establish selective education for students in the Hunter, and she accomplished this and much more.

Virginia met John Carrick when he was secretary of the Liberal Party and she was still a young girl. She joined the Young Liberals in 1960 and always proudly referred to herself as a Carrick Liberal. Sir John would play a second major role in her life when he conducted the most extensive community consultation ever in education and produced the Carrick report, which led to the excellence and equity white paper and was the basis of Chadwick's comprehensive reforms to the education curriculum, including the establishment of an independent Board of Studies, the introduction of key learning areas and the accreditation of vocational studies in schools. Virginia was a Commonwealth scholarship student and the first member of her family to study and achieve a tertiary education. She had many wonderful stories, including one she placed on record when former member Liz Kirkby departed from here. She said:

Remembering student politics in the 60s, as a member of the Liberal Party I would have been considered a very strange student activist. The work of the Hon. Don Chipp in the important area of censorship made me very proud as a Liberal to be able to say that he was a Minister from a party of which I was a member. When Don Chipp came to Newcastle university there was a riot because the engineers, the male engineers, at Newcastle ... rioted and Mr Chipp and I had to be rescued from the building by the police. The engineers said that he should not let their sisters or mothers read wicked books; it would be the end of society as we knew it. An example of the ludicrous laws that Don Chipp was able to overturn is that when I was an arts student a compulsory component of my course was to read, study and be examined on a book such as *Lady Chatterley's Lover*. I could not buy the book or borrow it from the university library. The only way that students could read that compulsory text was to take our student cards to the library to prove that we were doing the course and be escorted like pariahs to one end of the library, where we sat with the book.

All the engineers were looking at us because if we read that book it meant that we were loose women. When we had finished reading the book we had to sign it back into the custody of the librarian. I certainly admired Don Chipp ...

Virginia was very witty. Every election she would hand out for the Liberals in Newcastle and exhorted Liberal voters to say a prayer to St Jude. St Jude, of course, is the patron saint of lost causes. Virginia said the only way to win a seat in Newcastle would be for the Liberals to convince the commissioners to abandon their rigid approach to drawing boundaries according to landmarks and instead draw seats on the basis of topography. She actually drew up such a seat just to prove her point that one could be won in Newcastle.

Each of her seven years as Minister she played an April Fools' Day joke on the department and every year they fell for it. Only one director general failed to see the humour. That year she issued a memorandum expressing her concern that schools were complaining that the head office of the department was out of touch with their needs. To address this perception Chadwick directed that every member of the department senior executive should spend two weeks of work experience in a school. She asked them to please reply by the end of the week, filling in the attached form nominating which school and on what dates. There was, of course, pandemonium throughout the department when the memorandum hit. Just as she expected, nobody noticed the 1 April date. Those eager to impress began faxing in schools and dates. The then director general arrived breathless to clarify that the instruction could not and did not apply to him. Only one wag was clever enough to fax in a nomination form, nominating Lord Howe Island.

Virginia was a sparkling conversationalist and public speaker. She delighted us all with her unique use of language, which was sprinkled with masterful allegories drawn from literature but used in a unique, earthy way. She often called upon Banquo's ghost, a reference to past mistakes coming back to haunt us; or being locked up like Lady Chatterley's lover, as a reference to close supervision. She used to describe her own po-faced expression as being "my best Pollyanna look". She said she always knew when she was in trouble with Vern Dalton because he would put on his Easter Island face. There were a few Winnie the Pooh ones as well. She had a special way with words. She had what Chaucer called true "solace and sentence", that is, wisdom and wit. In her maiden speech Virginia's allegory was taken from Lewis Carroll's *Through the Looking Glass* as follows:

"Well, in our country," said Alice, still panting a little, "you'd generally get to somewhere else—if you ran very fast a long time, as we've been doing." "A slow sort of country!" said the Queen. "Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

How true and full of meaning this charming piece of prose selected by Virginia proved to be. For her entire career Virginia had to fight twice as hard as everyone else, and four times harder every step of the way forward. On her last day in Parliament the then Leader of the Liberals, the Hon. John Hannaford, whom I acknowledge in the gallery today, alluded to this saying:

The Hon. Virginia Chadwick fought her way through—I emphasise that she fought her way through—the Liberal Party to achieve preselection. Her victory was sweet for her because at the time she was strongly opposed by organisations within the Liberal Party that did not want someone from the Hunter Valley, let alone Virginia Chadwick, in this House. It is important to recognise Virginia's great role as a Minister in the Greiner and Fahey governments. It is appropriate for me to acknowledge the disappointment that she experienced, but would never publicly acknowledge, in not becoming the Leader of the Opposition in this House. Many honourable members, myself included, acknowledge her disappointment and recognise that perhaps that should have occurred.

Politics was harder for Chadwick than everybody else because she was a reformer. To those of us in the Young Liberals she was more than that: she was a rebel leader, overflowing with grand ideas, brandishing ambitious plans and just causes. She always said that when she retired from politics she wanted to be either a hippy or the governor, and she was not sure which. Sometimes when she returned to the ministerial office from her Baffle Creek holidays with Bruce, covered in rashes from removing lantana from their little patch of rainforest, and sometimes even having cut her own hair, we did wonder whether she had brought forward those much discussed plans to "drop out"! We loved her lateral thinking, her rapier view of what was really going on—so many profound insights, all beginning with the words, "I'm from Newcastle and it looks to me as though ...".

As I have said, from day one Chadwick had an intuitive understanding that her life was to be lived through the looking glass. She saw that the real world and politics were two completely separate and at times inverse universes. I venture to say that few politicians ever grasp the difference. There is an old and comfortable expression, "politics is the art of the possible". This never applied to Virginia. For her, politics was the art of the remarkable. She was grateful to have what she self-effacingly called "one shot at making a difference" and, by God, she was not going to waste it. She always knew that this approach would make her own life harder.

The curse carried by many true reformers is, of course, the curse of seeing and knowing too much. Chadwick loved Martin Luther King's "I have a dream" address. It is clear to us in earlier versions of that speech that King could clearly see the personal costs of his activism and knowingly embraced a great personal ordeal.

True leadership carries high risks of failure and humiliation, and disturbing the comfortable status quo guarantees one will create bitter and committed enemies, the most dangerous being those who are invisible, whose names one will never know. This is the greatest burden of real leadership. In Virginia's case she had a special power for knowing, for inspiring and for generously leaving the door open for all those who would, as she often put it, "see the light" and join her grand adventure to put things right for our children.

Many people underestimated Virginia. When she moved from Community Services to Education it was like walking into a major disaster zone. There was a huge expectation that Virginia would abandon all the controversial reforms and virtually no appreciation that Virginia herself had been a key architect of our education policies in opposition and there was zero chance of anything being abandoned. I think what did shock her at the time was the extent to which none of the reforms had actually been implemented. She said to me that it was as if Humpty Dumpty had been smashed to pieces and thrown in the air but nothing had been put back together again.

Of course, the department's staff were very pleased and relieved when Virginia arrived. One of them said to her, "We are so glad you are here. We won't have to have any more of those ridiculous pre-dawn meetings." Virginia politely inquired as to what they were. The officer explained that these were meetings between the senior executive and the Minister every Monday morning at 7.30 a.m. The officer said, "We're so very glad to see the end of them." I remember thinking to myself, "Oh dear, that was a silly thing to say to Virginia." The pre-dawn meetings were, of course, continued and many were held at 7.00 a.m. There was too much to do and Chadwick was on a timetable and relentlessly focused on outcomes.

She battled away on an astonishing number of levels and fronts, all the time maintaining a surface appearance of grace, serenity and control. Her so-called charm offensive was her most potent weapon. Those of us who were privy to the intricacies of the battle watched in awe as pieces of the reform puzzle seemed to slide naturally and of their own accord into their proper places. Aside from Premier Nick Greiner himself, Virginia was the most assiduous reformer in two terms of that very busy Liberal-National Government. At the same time she defied Machiavelli's dictums on politics by simultaneously becoming one of the most popular and respected Ministers in the State's history. On the face of it, it makes no sense but it makes perfect sense to those of us privileged to view her accomplishments through the looking glass.

It is unreasonable to think any of the rest of us could replicate the likes of Chadwick, but if there is one outstanding lesson for Liberal members it is in her legendary loyalty to the party, which managed to deliver her both the greatest opportunities and the worst experiences of her life. Prior to Nick Greiner's victory in 1988 Virginia spent 10 difficult years in opposition, enduring revolving leadership, embarrassing flip-flops and policies with which she strongly disagreed, such as the reintroduction of corporal punishment in schools. The party completely messed up on its public funding position and I think actually bankrupted itself. Whatever the scenario, Chadwick was a self-described Carrick Liberal, who held her head high for the Liberals, even though I am sure at times she must have been inwardly seething.

To borrow one of her own expressions, Chadwick was as tough as old nails about loyalty and professionalism. She did not complain and could be relied upon to bear her disappointment with complete privacy and dignity. That was not always in her favour given the unique form of what I think of sometimes as the Macquarie Street disease, the industrial deafness that is brought on by the incessant shriek of squeaky wheels. Chadwick was certainly never one of those. She was almost unique in her discipline and focus and her refusal to complain. But those fortunate enough to be part of that special and exhilarating Chadwick circle always knew there was one great rider in our own unwritten contract with Virginia—not doing anything to intentionally cause harm to the reputation of a colleague, the Government, the Liberal Party or the National Party. I spent last weekend, like Tennyson's flawed Sir Bedivere, trawling through my Chadwick memorabilia. I rediscovered a piece of prose that captured the Chadwick ethic wonderfully. It states:

If you work for a man, in heaven's name work for him! If he pays you wages that supply you your bread and butter, work for him—speak well of him, think well of him, stand by him and stand by the institution he represents. I think if I worked for a man I would work for him. I would not work for him a part of the time, and the rest of the time work against him. I would give an undivided service or none. If put to the pinch, an ounce of loyalty is worth a pound of cleverness.

In her more than 20 years as a distinguished member and Minister, Virginia made her way—the right way—towards the eighth square on the chessboard where the Red Queen had gaily promised: "In the Eighth Square we shall be Queens together, and it is all feasting and fun!" In much the same way that liberalism has been criticised for being "all about chasing the carrot but never the eating of it", Virginia did not technically make the eighth square as leader of her party in this House. There was never any "feasting". But, it must be said, such pursuits

bored her. But there was always lots of fun—and that pursuit was mandatory. Over the weekend John Fahey described her to me as the most alive and energetic person in his Government. Coming from John, that is a serious compliment!

As a fitting tribute to her career, Virginia was elevated to being President of this Chamber. And in even the short time she held that office she peppered it with reforms and precedents that strengthened the House and its powers. This included aggressively asserting the constitutional rights of Parliament in a momentous dispute with the Executive Government. In many ways, by preserving the ancient power to order the production of papers, Virginia helped save the reputation of the Legislative Council she served so well and with such respect. This power has helped modernise our work and created far greater accountability for Executive Government. Every time that power is exercised I give quiet thanks to Virginia.

Being a Carrick Liberal, Virginia's philosophy in politics imbued her personal values and approach to people. She did not just talk like a Liberal; she walked, breathed and lived liberalism. She spoke exactly the same way to every person she encountered, whether it be the Governor of the State or one of thousands of long-time residents including prisoners of every age she met and spoke with in various State institutions. She broke the mould in so many ways, not only for women but for all engaged in the business of public service. She had charisma and an aura of authority, but not the slightest hint of airs and graces. She was the first Minister in my experience who insisted that every adult and child call her Virginia. And her warmth was such that people found they could actually manage to do this. So much of the handwritten correspondence that poured into the office began with the words "Dear Virginia". It was a lot for the old school in the public service to adapt to. But, as I have said, like so many of Virginia's changes, it was a "nice-but-not-optional change" the departments simply had to make. Notwithstanding such informality, Virginia never referred to the children of New South Wales as "kids"; they were always respectfully referred to as "children", and numerous press releases and speeches had to be amended to conform with this approach.

I do not think any of us can truly plumb the depths of the chasm Virginia's passing has left in our worlds, both our individual worlds and the one we all share. I think of Virginia's family—Bruce, Amanda and David, and their children. We live in a world where we are increasingly thanked for things we have no choice in: your flight is delayed an hour, thank you for your patience; your electricity has temporarily been cut off, thank you for your understanding; your wife and mother was a member of Parliament and Minister of the Crown, thank you for sharing so much of her with us. Our "thanks" seems so inadequate. No matter how great our debt is to her family, I am acutely aware it was Virginia's own love and gratitude that were so profound, and I hope it has meaning for them as they ponder their own sacrifices as a family. No one world was big enough to hold Virginia's boundless spirit and ambition to deploy her formidable gifts for the good of her State and country. I hope the family's pride in Virginia and the gratitude of so many ordinary citizens consoles them in this time of grief.

I have not spoken at length about Virginia's service to the nation in her second career as Chairman and Managing Director of the Great Barrier Reef Marine Authority, but I must briefly refer to it. It was tough, very illustrious in terms of achievement, and the rezoning and increased protection of the reef were internationally acclaimed as the gold standard in reef conservation. It is regarded nationally as Virginia's greatest legacy. As a person close to Virginia, I am somewhat blinded by the enormous personal price she paid, including in terms of her health, during the bitter disputes and negotiations that she successfully concluded to protect the reef. I visited her in Townsville with my family, and there was no question that she was on a mission. She was proud of its significance, and she made it very clear she was immensely grateful to have a second career after serving in the Greiner and Fahey governments—a second chance to make a genuine difference. It was Virginia's way, and there was certainly no stopping her, especially with the suggestion that she needed to have some regard for herself. Albert Pine wrote:

What we do for ourselves dies with us. What we do for others and the world, remains and is immortal.

The loss of Virginia is simply enormous. There are just so many people, from all walks of life and from the astounding number of dimensions in her life who are left behind in deep mourning—so many lives she changed through her reforms and so many lives she changed directly through the force of her personality. I recently met John Tanzer, who was Virginia's deputy at the Great Barrier Reef Marine Park Authority, where there is yet another legion of Chadwick followers whose lives have been deeply touched and who are today grieving. Virginia was greatly respected in tourism in Queensland and New South Wales, and she has many friends around the country.

At a personal level, I can say unashamedly that for 27 years I have idolised Virginia Chadwick. She was amazingly generous to our family. As a Young Liberal I wanted to work only for her. In 1986 Virginia



introduced me to her great friend Ted Heagney, who on the basis of one meeting advised Virginia that I was a little lamb to the slaughter. It was rare for Virginia to disagree with Ted, but she did comment that she was certain I would toughen up. I was her driver in the 1988 campaign. The muffler on her Mazda completely fell off and we were embarrassed when the smoke literally stopped the traffic on the freeway. "Don't stop," she told me, "we have to keep going." And so we did, although I am sure I was lucky not to have been arrested!

I was with Virginia on day one at Legal and General House when Vern Dalton sent flowers to graciously congratulate her and then promptly offered his resignation. It was the beginning of an incredible friendship between the two. She conspired with Liz Kirkby to marry me off to Armon Hicks—which, as I explained to her at the time, was outrageous, because Armon is like a brother and you cannot marry your brother! Virginia attended my actual wedding to Christopher at my home in Yass. A year later I knew she was wondering what we were doing about children when she planted a life-size photo cut-out of a baby on my desk. When children eventually did arrive, Virginia was duly presented with each of my sons. She also attended my thirtieth birthday, and flew to Sydney from Townsville with Bruce for my fortieth. We in turn stayed with the Chadwicks in Townsville. I have wonderful memories of those times.

I am certainly not alone in my experiences. Those of us who followed her and were honoured to serve her quite simply loved her. We share a special bond of friendship. In her final speech in this Chamber Virginia thanked us for our loyalty, but she said it was more important to be loyal to each other. The people she mentored and helped include the likes of Mark Scott, now General Manager of the ABC; Michael Tidball, Chief Executive Officer of the Law Society; Joan Warner, Chief Executive Officer of Commercial Radio Australia, the industry's peak body; and Jenny Stephenson; Irena White, Company Secretary of Integral Energy; and Di Hindley of the Hunter Water Board and Sydney Water. We all had had a big leg-up from Chadwick.

Many of us have treasured honey pots from Virginia's pottery period. At one time I asked her to make me a few tiles for a splashback in my kitchen. Instead she made me a huge and amazing mural of the 12 days of Christmas—which could not be embedded in a kitchen but was framed and hangs in my home at Lennox. During Virginia's time at Townsville she went through what she called her "water" period and, I believe, made an entire dinner set as a wedding gift for Alexis Lindsay, another former staffer. The generosity of Virginia Chadwick! In the next two weeks we will regroup, as Virginia would expect, and struggle through the sadness of this momentous event in our lives.

Virginia received an Order of Australia and honorary degrees from three universities. The Great Barrier Reef Marine Park Authority received 17 awards for the remarkable rezoning. Even so, in my opinion Virginia never received the full accolades in life to which she was entitled—but, it must be said, nor did she seek them, and everything had to be organised sneakily behind her back. She wanted as her legacy that those she had assisted in turn assist others. She told me very sternly, "That is how you can repay me." John Donne wrote:

All mankind is of one author, and is one volume; when one man dies, one chapter is not torn out of the book, but translated into a better language; and every chapter must be so translated.

**The Hon. ROBERT BROWN** [3.18 p.m.]: I did not have the privilege of knowing Virginia Chadwick but in one respect I feel I know her because I have heard so much about her. My friend and predecessor, John Tingle, had the highest regard for Mrs Chadwick and spoke of her very often as a remarkable, accomplished person who, he felt, could achieve anything she set out to do. My impression from John is that she was a dedicated, sensible woman of quick intelligence and ideally suited to the role of being a member of Parliament. Knowing the person who made that comment, John Tingle, that is probably a pretty accurate assessment. Other members have outlined Virginia Chadwick's many "firsts". Indeed, her record shows that she set a standard that those of us who are members of this place now can only hope to reach.

John had known her long before he was elected to this Parliament. He interviewed her frequently in her various ministerial portfolios. He has told me she was never fazed and never at a loss when taking calls from listeners. She was always on top of her portfolio, fully briefed and showed a clear understanding of the role of whichever ministry she happened to be in charge of at that time—a salutary standard perhaps to be set for all Ministers and shadow Ministers. Because of her professional background, she revelled in the Education portfolio and introduced many reforms which changed the system for the better. In particular, she set up a groundbreaking body called the Ministerial Advisory Council on Teacher Education and the Quality of Teaching. She did that because she recognised what should have been apparent to everybody, but what had never really been expressed before, that the quality of education given to teachers would directly affect the quality of the education that teachers would in turn be able to offer to the school system.

That council was chaired by the then Director General of Education, Dr Ken Boston, and included some 42 academics and experts in the education field, drawn from university and TAFE campuses all over New South Wales. Incidentally, I am told that there was one slight hiccup when the council was first set up: it was rich with knowledge but it lacked one thing—there was no teacher or worker at the coalface, as it were, on it. When that was pointed out to Mrs Chadwick she, with characteristic swiftness, remedied that shortcoming and the council went on to make very significant recommendations to the Minister to improve the quality of teacher education.

I am also told she was a remarkable and caring person. Soon after the Labor Government was elected and she found herself in opposition Mrs Chadwick did one of those important personal things for which she was very well-known. One morning when she was crossing Macquarie Street she encountered someone who had been a member of her office staff during her time as Minister for Education. Stopping in the middle of the street, she asked the lady whether or not she had a job with the change of government. The woman responded that she was looking for work. Mrs Chadwick then took her firmly by the hand and marched up to the office of John Tingle, who she knew was looking for a researcher. On Mrs Chadwick's strong recommendation, John took the lady on to his staff, where she remained as a valued member for more than 10 years.

When Virginia Chadwick was elected the first woman President of this House the reformer in her came to the fore. She decided to bring the House into the modern era by dispensing with the wig and gown traditionally worn by Presidents and abolishing the gowns and wigs worn by the Clerks of the Parliament. A woman reformer—fantastic! Her death at the early age of 64 has taken from this State, and from this country, someone who is widely recognised as having been one of its most effective and forward-looking legislators. Again, that is perhaps a pointer to us all. She was a person of clear thought and determination but she also had a very rich sense of humour and a limitless humanity. We offer our condolences to her family. She is sadly missed.

**Mr IAN COHEN** [3.22 p.m.]: On behalf of the Greens I pay my respects in this condolence motion for the Hon. Virginia Chadwick. I knew Virginia from when I was first elected in 1995 until she retired before the 1999 election. Virginia always treated me with friendliness, firmness and respect despite my perceived vast difference of political persuasion. I always felt that she was a Coalition member open to the ideas and perspectives of others. After the stepping down of the previous President, Virginia Chadwick was refreshingly elegant with her soft silk scarves and her impeccable dress sense. From my perspective, this was a welcome change after the formality of the previous President.

Many attempted to make me conform: I was left until last in question time and challenged about my dress sense by parliamentary staff. Of course, I refused the pressure. After all others had failed, Virginia Chadwick touched my heart, if not my dress sense, when she told me one day in her wonderfully formal but friendly manner—and I will never forget this—"Ian, I am going to buy you a tie you will not be able to resist wearing." So she did. I now stand in this House a-tied, so to speak, with great respect to simply say Virginia Chadwick was a wonderful parliamentarian, a reformer and a generous spirit with a fine—perhaps it is more appropriate to say refined—sense of humour.

Virginia has been described as achieving a towering gold standard in her work with the Great Barrier Reef Marine Park. There can be no doubt that through her efforts the world's largest network of marine sanctuaries was established. Protection of one-third of the reef from fishing happened under her stewardship of the Great Barrier Reef Marine Park Authority. She established another inspiring benchmark in her work with people with disabilities. In Parliament, she recognised the plurality of the Legislative Council and generously stated in her final speech to this House:

All members work full-time, are popularly elected and have duty roles across the State. Through crossbenches and a variety of represented interests we provide an accurate and broad representation of community views.

Furthermore, as a Minister and the first woman President of the New South Wales upper House her parliamentary work was inspirational—others have spoken in depth about this—yet to me she talked of her growing of trees with a passion. What more could one ask from an exceptional member of Parliament and one who took the time to also be a friend, obviously, as I feel included, to a broad spectrum of people. Virginia Chadwick, you are an inspiration to many, many people in all walks of life, including Greens and conservationists. We all owe Virginia Chadwick a great deal.

**The Hon. IAN MACDONALD** (Minister for Primary Industries, Minister for Mineral Resources, and Minister for State Development) [3.26 p.m.]: I speak to the condolence motion for Virginia Chadwick. I knew

Virginia from my early parliamentary days all the way through and she was always an absolutely dominating force in this Chamber. She had the rare ability—and I do not think a lot of us have it—of being able to somehow reach out to the other side. Throughout whatever battles we were having over a couple of bills—and we had plenty of them: in those days when this House really did work we would sit from 2.30 p.m. on one day and, on one occasion, we finished at 5.30 the next day—we would have breakfast together—

**The Hon. Duncan Gay:** That was p.m.

**The Hon. IAN MACDONALD:** That is correct. That has not happened all that regularly in recent times. Despite the clashes that we used to go through she was always one of the most intelligent, witty, and fun characters of this House. No matter what was going on she was always prepared to have a joke and be friendly to everybody. She was not the exclusive type of person who comes into the House with his or her own agenda and does not reach out to anyone else. That approach made her and a number of others in her group at that time—I will not name them—so special. I found that trait very engaging because I think that is the way I am myself, and I doubt anyone would disagree. From my first moment in this Parliament I got on well with Virginia, despite the fact that she was a small "I" Liberal and I was a leftie internationalist socialist, as I was described in an estimates committee hearing the other day.

To be very honest, the relationship between the Teachers Federation and the Government of the day reached a new low after the Cavalier period—which was pretty low—and Terry Metherell. I have nothing against Terry but I remember the educational difficulties of that period very well. Virginia stabilised the situation and was able to resolve some rather difficult disputes. It is a great testament to her ability that she could approach the other side to resolve the situation. She did that throughout her time.

Following a turbulent period for the presidency of this Chamber, Virginia became President of the Legislative Council and restored the prestige of the presidency, which has been a feature of this place ever since. As a small "I" Liberal, she and I had many views in common, as did her group. We were both keen on a number of issues, particularly around individual rights and perspectives on the State doing the right thing by the vast majority of people who need assistance. She did not take the attitude of not wanting to help. I remember debating an education bill in this Chamber to which we moved 80 amendments. We fought it day and night. If I remember rightly, we had 80 divisions—it was a record. We would have 20 minutes of debate and then the bells would ring.

**The Hon. Duncan Gay:** That was IR.

**The Hon. IAN MACDONALD:** No, the industrial relations bill was as bad, but this education bill was extraordinary. Despite the animus that would have been created by that legislation, no member on any side took it out on Virginia because of her personality and ability to reach out to people from all sides of politics. I learnt of her illness recently. I could not believe that it had progressed so rapidly. The age of 64 is young in this world. We have lost someone who was a titan of this House. For the 11 years I was here and the 21 years Virginia was here, she was an absolute titan. The condolences reflect the broad support and affection that she drew during her period here.

I recall her great achievement in increasing the size of the Great Barrier Reef Marine Park. She ramped it up from about 4.5 per cent to 33 per cent. I have been the Minister responsible for fisheries for a long time. Virginia set a benchmark that is written in iconic law as the way to create a marine park in this country. It was an awesome decision to take and follow through, with nearly every one of the stakeholders agreeing that it was a great initiative. She could not have a better reference to her ability and talent than that. I wish her family all the best and convey our most heartfelt condolences. I hope in the future that her many achievements will be brought further to the fore by all of us and by our successors.

**The Hon. JENNIFER GARDINER** [3.32 p.m.]: I join with colleagues in offering my condolences to the family and loved ones of Virginia Chadwick, AO, the one-time history teacher who became an outstanding Minister for Education and Minister for Family and Community Services and a very impressive President of the Legislative Council. In her first speech she was proud to note that she was one of the first members of this House who was popularly elected. Of course, she talked about Newcastle—her home and the home of her forebears—and her belief that Newcastle one day would achieve a happy marriage of industry and environment. Indeed, it has achieved that state today. Virginia referred fondly to:

... that lost tribe—the Liberals of Newcastle. For us, it has been such a long, and often lonely time in the wilderness ...

Virginia did the Liberal Party proud in lifting the profile of the party in the Hunter Valley. She never let anyone forget where she came from, who she was and her background. As other members have noted, Virginia was an extraordinarily professional operator in the business of politics and helping to run government. She could be, I think, a fairly hard taskmistress, as former Leader of the National Party and Virginia's Parliamentary Secretary for Education the Hon. Rick Bull could testify. In her first speech, not surprisingly, Virginia referred to the importance of the field of education. She said:

Though I applaud the aim of the well-balanced individual, I defy anyone to show me in this complex society a well-adjusted illiterate.

In relation to problems she perceived as afflicting the New South Wales education system at that time, she said:

The answer lies further back along the school chain in an effective learning process tempered with human understanding.

I believe that saturated her philosophy as a Minister. As Minister for Education she set about continuing with a reformist agenda. I recall having a red wine one evening with a National Party colleague and Virginia in her office. It was not an infrequent event. Virginia probably would have been Minister for Education at the time. She told us of the relatively short life expectancy of her forebears and said that any day she lived over a certain age she regarded as a bonus. It was a jolting comment. I imagined that she, as a still youthful woman, had a great comprehension of mortality and of the finiteness of time that one has to do whatever there is to be done. Upon her passing, one of her colleagues at the Great Barrier Reef Marine Park Authority noted that he regarded her as a driven person. And so she was. That exposure to premature death in her family had informed Virginia that she needed to pack so much into whatever time she had on this earth. Poignantly, looking back, Virginia concluded her first speech by saying:

I hope that I may give account of myself in the words of Saint Paul "I have fought the good fight, I have finished my course, I have kept the faith.

Indeed, you did, Virginia. And in so doing you inspired so many people in New South Wales and way beyond the bounds of this State.

**The Hon. DON HARWIN** [3.36 p.m.]: This afternoon we pay tribute to Virginia Chadwick, who had an outstanding record of service to the people of New South Wales and Australia. But, as will be apparent from the remarks of those who preceded me and served with her and those to whom she was personally close, she was a remarkable and much-loved individual whose passing is felt deeply by all her friends. As many members have mentioned, hers was a career of firsts. Having been number one on the joint Coalition ticket for the Legislative Council in 1978—the first election for this House since responsible government was achieved in 1856—she could claim to be the first member of the Liberal Party declared elected to the Legislative Council by the people of New South Wales. She led the Coalition ticket again in 1988.

Virginia was the first woman from the Liberal Party to hold the position of Whip and is the only woman to have held the position of Opposition Whip. I note that all four of the women to serve as Whips have been from our Chamber. She was the first woman from the Liberal Party in New South Wales to serve as a Minister in either the State or Federal parliaments, having been appointed by Nick Greiner as the Minister for Family and Community Services in 1988. She was also the first woman ever to serve as our State's education Minister. Finally, she was the New South Wales Parliament's first female presiding officer, having served as President of the Legislative Council from 29 June 1998 until 5 March 1999, when she retired.

It is important to note that Virginia was a strong role model for the many Liberal women who have followed and will follow her. But she was so much more. She was, in my view, one of the most effective political operators elected by the New South Wales Liberal Party to serve in the New South Wales Parliament, and respected, as Peter Collins wrote in his memoirs, for her "shrewd political mind". She had a long commitment to the Liberal Party, beginning with the Newcastle Young Liberals and later the Newcastle branch. When preselected, she was the principal organisational player in the Hunter region and a regional president on the State Executive. She impressed everyone with the way she was helping build the party in a traditional Labor area, dealing with a number of organisational challenges along the way.

Virginia cared very deeply about the Hunter, and we had many discussions about how we could possibly find a way of drawing a seat in Newcastle that would be won by the Liberal Party. We decided that the only way to do it was to follow the 100 feet above sea level contour, and we tried very hard to put that in our 1990 submission. She was absolutely delighted to see in the 1988 State election result the fruits of her hard work

in the region. I remember her sitting in the other place behind the Speaker's chair weeping tears of joy during George Keegan's maiden speech as the member for Newcastle. That was certainly one of her happiest moments as a member.

Her first ministerial appointment was as Minister for Family and Community Services, and she took on responsibility for the Women's Affairs portfolio as well. Both portfolios were immensely challenging but, as Nick Greiner said in his tribute issued on the weekend, she was an outstanding Minister for Family and Community Services, overseeing the transformation of the department's focus to families in need. Our colleague the Hon. Catherine Cusack spoke eloquently and at length about Virginia's time as the Minister for Education, as have other colleagues. She was tremendous in that area and so much could be said about that time. But perhaps it is best summarised in an explanation she gave as to why she loved the Education portfolio so much. She said:

In education you have the capacity to truly make a difference in your community, to make a difference on the world. And nobody goes into politics, or nobody should go into politics, unless they wish to make a real contribution to the community. And in education what you do and how you do it has a critical importance for the next generation. I find that wonderful, despite the tough weeks I've had. It is the best job.

When she assumed the position of Minister for Education, Virginia stepped into the most contentious position in the Greiner Government. The Government's reforms were fiercely resisted in some quarters and were generating considerable heat in the media. Within two years she had implemented the substantive elements of the Government's reforms. Far from being a poisoned chalice, the Education portfolio enhanced Virginia's standing as a consummate politician and an effective administrator.

Virginia was the most popular Minister in the Government, confirmed by published polling, and it was no surprise that a substantial lobby wanted her to take the leadership after the resignation of Nick Greiner. Peter Collins recorded in his memoirs that, had she been willing to contest, both he and fellow contender Bruce Baird would have withdrawn and given her their support. Despite the support of colleagues and the community, Virginia chose not to stand for the leadership of the Liberal Party. She wanted her family to remain in the Hunter region, which had always been her home, and she believed that moving to a lower House seat in order to stand as Premier was impractical in the context of Greiner's resignation at the time. If there had been an orderly transition without the peculiar circumstances of Greiner's resignation, the outcome might have been different.

I think Virginia was probably more surprised than anyone, Mr President, when she ended up in your chair after a controversial 21-19 victory over the Hon. Helen Sham-Ho. The most common recollection is what a good President she was and how much members would have liked her to be in the position even longer. But she had so much more to do, and after she retired from the House in March 1999 it was not long before the Howard Government decided to make use of her talents. In fact, just four months later, in July 1999, Virginia accepted an appointment as chair and chief executive officer of the Great Barrier Reef Marine Park Authority, a position she held for eight years. She brought her considerable political skills and experience to bear on difficult negotiations with fishermen, tourist operators and government to achieve an increase in highly protected areas on the reef from 4.5 per cent to 33 per cent.

My good friend Trent Zimmerman, who is in the gallery today, as a ministerial adviser to former environment Minister Robert Hill, worked very closely with Virginia during this period and he confirms what others, including the World Wildlife Fund have said: she deserves much personal credit for the outstanding outcome in relation to this important national treasure and for her deft handling of a significant restructure of the authority, which has enhanced its capacity to protect the reef. Other members have noted that in 2005 Virginia was appointed an Officer of the Order of Australia, and certainly she was a very worthy recipient of that award.

Virginia Chadwick was a trailblazer for women, one of our Liberal greats and had a public life that exemplified compassion, determination and empathy. She is also remembered by her close friends as a wonderful person with a tremendous capacity for joy and, more than just occasionally, quite a bit of mischief. Amongst her close friends and colleagues she inspired enormous affection and loyalty. There are many people hurting right now and experiencing a huge sense of loss—most of all, her family and friends. I think particularly of our colleague the Hon. Catherine Cusack, who, as I think we all know, revered her as an inspiration and a mentor, but most of all as a friend. I join my colleagues in expressing my support for this motion of condolence before the House this afternoon.

**The Hon. GREG PEARCE** [3.45 p.m.]: I join my colleagues in paying tribute to the Hon. Virginia Chadwick, AO. Others have acknowledged her political career. For my part, my association with Virginia began

in 1998 when I decided I would seek preselection for the Liberal Party for a position in this House at the 1999 State election. Being the experienced lawyer but the political novice that I was—and perhaps still am—and not being aware of the arcane realities of the Liberal Party, I sought out people of influence, and Virginia was named very quickly to me as one of those people. She was one of the few, though, who actually saw me. Virginia, with her usual directness, greeted me, told me that she had been through my curriculum vitae and what great qualities I had but that she could not support me because she was already supporting some others. However, she told me that she would be prepared to give me advice and assistance. I was very grateful for that, and it was to be the case.

I was successful in that preselection but to an unwinnable spot—the beauties of politics! I was surprised later when Virginia called me to talk about the preselection and other opportunities. Therefore, I saw her as a mentor, as she was to many other people. Not long after, she called me and said that she was extremely pleased to be embarking on her second career and that she would like me to join her in beginning that new career. She asked me whether I would chair the Fisheries Advisory Committee. She said, "It will be the toughest and most frustrating job you will ever do. The participants are a cantankerous group. They have been at loggerheads with each other for decades". I said it was a great idea and off I went to Townsville to conduct my first meeting as chair of that committee. Suffice to say, Virginia's assessment was absolutely accurate: the first meeting was a bit like a Balkans peace meeting in 1914. But I must admit I enjoyed having a glass of red with Virginia after the meeting.

I saw Virginia then manage the beginning of the reform of that authority. One of the things that really stood out, and many others have mentioned this today, was her inclusiveness. She was able to bring all the stakeholders on board and build a common purpose, which had never been achieved before. She gained great respect. Somebody mentioned that she did not have great environmental credentials, but she learnt the science and very quickly became respected as someone with a great understanding of environmental issues and a great ability to manage. It is her legacy. As chair and chief executive officer of the authority she achieved an enormous amount in protecting one of the world's greatest natural wonders. I am pleased that she enjoyed her time in Townsville. She was a gracious, witty and engaging person. As I said, I was astonished at her generosity with her time, spirit and advice. I extend my condolences to her family.

**The Hon. MELINDA PAVEY** [3.50 p.m.]: Today I went to a Martin Place florist to buy some flowers for my good friend Catherine, who as we can appreciate is particularly sad this week at the passing of Virginia Chadwick. I chose a beautiful bunch of tulips, peonies and roses. The girl wrapping the flowers asked me whether the bouquet was to celebrate something. I said that it was to commemorate the passing of Virginia Chadwick, a very dear friend of a friend of mine. The young girl, Jo Yarroll, said, "I know that name. I was in year 7 at Chester Hill High School in 1990 and she presented me with an award." She went on to say, "She wasn't like those normal politicians. I really remember her. She was amazing." It is a beautiful story that I thought should be recounted in this place because it encapsulates so much of what people felt when they were touched by Virginia Chadwick. I first met Virginia when I was about 20 and a junior staffer in the Greiner-Murray Government. Unlike so many others, she made you feel that you were important and that you had something to contribute. She rose almost to the top in politics, but she was not like some who reach the top and then pull the ladder up behind them. She looked down and beckoned others up.

I come from Coffs Harbour, and I acknowledge the presence in the gallery of a former member from that area, the Hon. John Hannaford. Our community has much for which to thank Virginia and the Greiner-Murray Government. In 1994, Virginia Chadwick signed a memorandum of understanding that led to the establishment of the Coffs Harbour Education Campus. It is an amazing educational institution, encompassing Southern Cross University, New South Wales TAFE and a senior campus incorporating years 11 and 12. The campus was officially opened in February 1995 and Virginia sent her trusted lieutenant, the then director general of the Department of Education, Warren Grimshaw, to oversee it. As the Hon. Don Harwin rightly pointed out, education is the key to the future and Virginia felt that empowering people and communities was all about enabling them to get an education. Many people in our community are empowered by the fact that they do not have to travel away to university or to a very good TAFE. They can do amazing work at the campus, which includes years 11 and 12 as part of a senior education concept.

Thank you, Virginia, not only for what you have done for the North Coast but also for what you have done for people across this State and the way in which you have touched so many hearts with your warmth, inner and outer beauty, your empathy, your hard work and, most of all, your lack of airs and graces that enabled you to connect with a range of people across the State and beyond.

**The Hon. ROBYN PARKER** [3.53 p.m.]: I offer my condolences to the family of the Hon. Virginia Chadwick AO. I do so as a Liberal woman from the Hunter and a member of the Legislative Council. I did not know her as well as other members did, but I do know that she has left a legacy not only to the people of New South Wales but also, in particular, to Liberal women and the people of the Hunter. When I talk about Virginia I do so with a smile. Even though it is a sad time, that is how I remember her. As many have said, she was a trailblazer. She achieved many firsts and is a great role model. I found her inspirational. She established a path for others in the Hunter to follow, particularly Liberal women. Another woman from the Hunter is in the gallery today. I refer to the Hon. Patricia Forsythe, a former member of this place and a former teacher. I am very proud to be a Liberal woman and a former teacher following in the footsteps of another girl from the coalfields, as Virginia often described herself. She frequently started sentences with, "I'm from the Hunter", and she was a passionate advocate for the area.

When I was having difficulties working in the Liberal Party and for preselection, Virginia was always there with words of encouragement. After particularly difficult meetings she would console me. I knew she had been through that and more to get preselected and to become a member of Parliament. When we talk about preselection, I remember her famous response to someone who asked her how she would manage with small children. She said, "Well, I'll tie them to the clothesline and give them a bowl of water." That was a flippant remark, but it said so much more about her and also the difficulties facing members representing a regional area. I complain about travelling down the F3, but it was a much longer journey for Virginia. She had a small family, but she managed them the way she managed everything—efficiently, brilliantly and without complaint. When I visit schools now I hear only positive comments about Virginia Chadwick, and I hear them from people who probably never have voted and never would vote Liberal. However, they appreciate her influence on this State's education system and are grateful for it. One does not often hear those positive comments about Ministers, past or present.

Virginia had a smile and an infectious laugh. We can only aspire to achieving her great integrity. She was known in our house for a long time as the "Bee Lady". We went to visit her house on the water at Bolton Point where she had beehives. The children were told not to go near them, but my son Dylan, who was about seven at the time, managed to convince his young brother Heath, who was about three then, that he should knock on the beehive. Dylan moved upstairs to be well out of harm's way. I can remember Heath coming screaming around the corner with a swarm of bees following him. I can also remember Virginia's reaction. Virginia Chadwick leaves a great legacy. We are very proud of all her achievements. She achieved so many firsts and established a pathway for Hunter women and Liberal women across the board to follow. We will do our best to do her proud.

**The PRESIDENT:** With the concurrence of the House, I propose to delay the calling on of questions at 4.00 p.m.

**Reverend the Hon. Dr GORDON MOYES** [3.58 p.m.]: I express my sympathy on the death of Virginia Chadwick. I knew her for more than 30 years and I speak not of her role in this Parliament but in the wider community. She came into this Parliament not long after I became the superintendent of Wesley Mission. In those days I had 250 staff and only one woman in any senior or management position. I indicated that I wanted to start a springboard and mentoring program for women at Wesley Mission. When I looked around for a suitable person to work with some of our younger women I was directed towards Virginia Chadwick, who had newly arrived in this House. Virginia served us faithfully and well, meeting with younger women, including women who were secretaries, and we indicated that we would fund everybody who undertook a course at the Australian Institute of Management or who wanted to go into graduate studies. We sent people down to Mount Eliza, to the administrative staff college with Monash University, and also to the Australian Graduate School of Management.

It was an extremely successful program that ran for more than 25 years so that when I left Wesley Mission we had 3,500 women in positions of management. Virginia Chadwick was one of the regular women assisting that program. I could also mention the name of Franca Arena from this House, whom we also involved, particularly in helping ethnic women to understand how they could come through to positions of leadership and management in spite of some of the difficulties they faced over the years. I also involved her by her coming to Wesley Mission for dinners. I remember once the Hon. Patricia Forsythe did exactly this same thing to meet with senior staff, as well as the Hon. John Hannaford, so that we might learn how to lobby, how we could work with governments in various forms of relationship that a major charity would have with the State Government.

I also had later connections with Virginia through her becoming an officer of the Order of Australia. I had taken as part of my responsibilities of being named a companion of the Order of Australia to write, twice a

year, to everybody who received an award. I wrote to Virginia back in 2005. I say for the sake of members that on Thursday of this week, when senior people from the Order of Australia gather—incidentally, in our Strangers dining room—we will be remembering the life and significance of Virginia Chadwick AO. I commend her memory to all members of the House and I thank you, Mr President, for the privilege of saying these few words.

**The Hon. MARIE FICARRA** [4.01 p.m.]: Friday 18 September 2009 saw the loss of one of Australia's most influential and finest female parliamentarians—as we have heard from the multitude of speakers before me—the Hon. Virginia Chadwick AO. Virginia was a great pioneer of the Liberal Party and of the New South Wales Parliament. I was fortunate to serve with her for a term between 1995 and 1999, whilst she was President of this House. She was passionate and dedicated not only to her own community but New South Wales and Australia at large. Indeed Virginia Chadwick was a role model for women such as me, encouraging us to get involved with Liberal political representation at the local, State and Federal levels. Virginia was so helpful to me in my preselection for the seat of Georges River and subsequently in my first term in that other place.

Born in Newcastle and educated locally, Virginia joined the Newcastle branch of the New South Wales Young Liberals in 1960 at the early age of 16 and became both an active and constructive member. Graduating from her local high school and progressing to tertiary education, she studied at the University of Newcastle and graduated with a Bachelor of Arts and Graduate Diploma in Education. Virginia became a well-respected local high school teacher and businesswoman, and a popular and proactive member of her community. Recognising her commitment and enthusiasm, her Hunter Liberal Party branches supported her elevation to important positions within the party and eventually she gained support across the New South Wales Division to be elected a member of the executive of the New South Wales Liberal Party.

At the age of 33, in 1978, Virginia was elected to the New South Wales Legislative Council. She served the party and Parliament faithfully and became the first female Opposition Whip. When the Greiner Government swept to power she became the first female New South Wales Liberal Minister and was responsible for family and community services. Bringing her passion and dedication to the job, she was an outstanding Minister and oversaw the transformation of the department's focus to families in need. With her knowledge and experience in the educational sector and her success as Minister for Family and Community Services, Virginia was appointed this State's first female Minister for Education. As we have heard, having been appointed at a time of great instability within the department she became the driving force for reform and through her leadership endeavoured to bring about change in the education sector. Some of her achievements include establishing many selective and specialist schools to provide greater choice in the public education system in western Sydney and successfully establishing the New South Wales Board of Studies.

In 1998, she again made history by becoming the first female to hold the position of President of this House. She will be remembered as a fair and balanced presiding officer. In 1999 she retired from politics and with her husband sought a sea change when she took up the position of chief executive officer of the Great Barrier Reef Marine Park Authority in Townsville. She took on this role with the same vigour displayed in her previous positions and brought together the key stakeholders and local, State and Federal governments to achieve remarkable results. She worked hard and, through her leadership, increased the highly protected areas of the marine park from 4.5 per cent to 33 per cent. Recognition of this achievement was gained in 2004 when the Banksia Environmental Foundation presented the authority with a Banksia Award. She was then appointed to the Australian Maritime Safety Authority and led a delegation to the United Nations concerning the International Law of the Sea.

In 2005 she was duly recognised for her achievements and appointed an Officer of the Order of Australia for service to conservation and the environment through management of the environmental, heritage and economic sustainability issues affecting the Great Barrier Reef, and to the New South Wales Parliament, particularly in the areas of child welfare and education. In 2007 she retired back to the Central Coast with her husband, Bruce, to spend time with her children and grandchild, whilst beginning a long battle with cancer. She regrettably lost that battle last Friday. The Hon Virginia Chadwick will be truly missed by all who knew her. She will be remembered by both sides of the House, and by the crossbenchers, as we have heard today, as one of New South Wales' finest and foremost female parliamentarians.

Virginia will be particularly remembered for her passion and dedication to the Liberal Party, commitment to her community and her determination to make New South Wales and Australia a better place for all. My colleagues and I extend to Virginia's husband, Bruce, and her family our heartfelt and deepest sympathy.



It is not how a person dies but how they lived that will be remembered. Virginia Chadwick certainly lived her life to the fullest and, most importantly, to the benefit of the citizens of New South Wales and Australia, for which we are all indebted.

**Reverend the Hon. FRED NILE** [4.07 p.m.]: I support the condolence motion in memory of the Hon. Virginia Chadwick, who served in many outstanding roles—as the first female President of the Legislative Council, the first female Opposition Whip, the first female Liberal Minister, and the first female education Minister. All of those roles are outstanding, when one takes into account what is very much a male-dominated area of politics. Virginia was also instrumental in restructuring disability services, moving them from under the umbrella of Health and ultimately into a separate portfolio. She had an outstanding period of service after serving in this Council, as the chief executive officer and chairwoman of the Great Barrier Reef Marine Authority until 2007. I express my deep sympathy to her husband, Bruce, to her daughter, Amanda, and to her son, David.

**The PRESIDENT:** I take the opportunity to express my wholehearted support for the motion before the House and to extend my condolences to Virginia's family.

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

**Motion agreed to.**

*Members and officers of the House stood in their places as a mark of respect.*

#### MINISTRY

**The Hon. JOHN HATZISTERGOS:** I inform the House that on 14 September 2009 Her Excellency the Governor accepted the resignations of the following Ministers:

The Hon. Carmel Mary Tebbutt, MP, as Minister for Climate Change and the Environment, and Minister for Commerce  
The Hon. John Hatzistergos, MLC, as Minister for Health, and Minister for the Central Coast  
The Hon. Verity Firth, MP, as Minister for Women  
The Hon. Ian Michael Macdonald, MLC, as Minister for Energy  
The Hon. Anthony Bernard Kelly, MLC, as Minister for Police, and Minister for Rural Affairs  
The Hon. Barbara Mazzel Perry, MP, as Minister Assisting the Minister for Health (Mental Health)  
The Hon. Michael John Daley, MP, as Minister for Roads  
The Hon. Jodi Leyanne McKay, MP, as Minister Assisting the Minister for Health (Cancer)

On the same day Her Excellency the Governor appointed the following persons to the offices indicated:

The Hon. Nathan Rees, MP, as Minister for the Central Coast  
The Hon. Carmel Mary Tebbutt, MP, as Minister for Health  
The Hon. Linda Jean Burney, MP, as Minister for Women  
The Hon. Michael John Daley, MP, as Minister for Police  
The Hon. John Cameron Robertson, MLC, as Minister for Climate Change and the Environment, and Minister for Energy  
The Hon. Jodi Leyanne McKay, MP, as Minister for Commerce  
The Hon. David Lawrence Borger, MP, as Minister Assisting the Minister for Transport  
The Hon. Steven James Robert Whan, MP, as Minister for Rural Affairs  
The Hon. Barbara Mazzel Perry, MP, as Minister Assisting the Minister for Health (Mental Health and Cancer)

#### LEADER OF THE GOVERNMENT IN THE LEGISLATIVE COUNCIL

**The Hon. JOHN HATZISTERGOS:** I inform the House that today I was elected Leader of the Government in the Legislative Council.

#### REPRESENTATION OF MINISTERS IN THE LEGISLATIVE ASSEMBLY

**The Hon. TONY KELLY:** I inform the House that in representation of Government responsibilities in this Chamber I shall act in respect of my own portfolio and the following Ministers in the other House and all matters concerning their portfolios:

The Hon. Kristina Keneally, MP, Minister for Planning, and Minister for Redfern Waterloo  
The Hon. Steve Whan, MP, Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs  
The Hon. Paul Lynch, MP, Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs  
The Hon. Barbara Perry, MP, Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health and Cancer)

The Hon. John Hatzistergos, MLC, Attorney General, Minister for Industrial Relations, Vice-President of the Executive Council, will act in respect of his own portfolios and will represent the following Ministers in the other House in relation to all matters concerning their portfolios:

The Hon. Nathan Rees, MP, Premier, Minister for the Arts, and Minister for the Central Coast  
The Hon. Carmel Tebbutt, MP, Deputy Premier, and Minister for Health  
The Hon. Verity Firth, MP, Minister for Education and Training

The Hon. Eric Roozendaal, MLC, Treasurer, will act in respect of his own portfolios and will represent the following Ministers in the other House in relation to all matters concerning their portfolios:

The Hon. David Campbell, MP, Minister for Transport, and Minister for the Illawarra  
The Hon. Joe Tripodi, MP, Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways  
The Hon. Jodi McKay, MP, Minister for Commerce, Minister for Tourism, Minister for the Hunter, and Minister for Science and Medical Research  
The Hon. Phillip Costa, MP, Minister for Water, and Minister for Regional Development

The Hon. Ian Macdonald, MLC, Minister for Primary Industries, Minister for Mineral Resources, and Minister for State Development will act in respect of his own portfolios and will represent the following Ministers in the other House in relation to all matters concerning their portfolios:

The Hon. Linda Burney, MP, Minister for Community Services, and Minister for Women  
The Hon. David Borger, MP, Minister for Housing, Minister for Western Sydney, and Minister Assisting the Minister for Transport  
The Hon. Kevin Greene, MP, Minister for Gaming and Racing, and Minister for Sport and Recreation

The Hon. John Robertson, MLC, Minister for Climate Change and the Environment, Minister for Energy, Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State will act in respect of his own portfolios and will represent the following Ministers in the other House in relation to all matters concerning their portfolios:

The Hon. Michael Daley, MP, Minister for Police  
The Hon. Virginia Judge, MP, Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts  
The Hon. Graham West, MP, Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs

## PARLIAMENTARY SECRETARIES

**The Hon. TONY KELLY:** I inform the House that today the following persons were appointed as Parliamentary Secretaries:

The Hon. John Aquilina, MP, Parliamentary Secretary to the Premier, Leader of the House in the other place  
The Hon. Henry Tsang, MLC, Parliamentary Secretary to the Premier, and the Treasurer on Trade and Investment  
The Hon. Barry Collier, MP, Parliamentary Secretary to the Attorney General, and Minister for Justice  
The Hon. Penny Sharpe, MLC, Parliamentary Secretary to the Minister for Transport  
The Hon. Sonia Hornery, MP, Parliamentary Secretary to the Minister for Roads  
The Hon. Andrew McDonald, MP, Parliamentary Secretary to the Minister for Health  
The Hon. Angela D'Amore, MP, Parliamentary Secretary to the Minister for Police  
The Hon. Karyn Paluzzano, MP, Parliamentary Secretary to the Minister for Education and Training  
The Hon. Phil Koperberg, MP, Parliamentary Secretary to the Minister for Emergency Services  
The Hon. Lylea McMahon, MP, Parliamentary Secretary to the Minister for Energy, and Minister for Mineral Resources  
The Hon. David Harris, MP, Parliamentary Secretary to the Minister for the Central Coast

**Pursuant to sessional orders business interrupted at 4.20 p.m. for questions.**

## QUESTIONS WITHOUT NOTICE

### JOBS CREATION

**The Hon. MICHAEL GALLACHER:** My question is directed to the Treasurer. In light of revelations from the Treasury Secretary in estimates hearings last week that the 160,000 jobs the Government claims to be supporting through its infrastructure spending are not all New South Wales jobs but in fact Australian jobs, can the Treasurer inform the House when he first knew this to be the truth and why he continues to state that these 160,000 jobs are all located in New South Wales?

**The Hon. ERIC ROOZENDAAL:** I have to give the Opposition points for consistency. Since we have seen the first green shoots of recovery in this economy at the national and State level, Barry O'Farrell and the Coalition have consistently talked down the New South Wales economy and talked down the State of New South Wales. Let us look at the facts. There has been more investment into infrastructure in this State than at any time in the history of New South Wales, that is, \$62.9 billion over four years. This year alone \$18 billion is being invested into job-creating infrastructure in New South Wales.

It is important to think about what that means for the people of New South Wales and for Australia. New South Wales is the economic engine room of the nation. Of course, when one invests in infrastructure in this State, it has a ripple effect throughout the whole nation, and so it should. What the Opposition does not understand or chooses to ignore is that New South Wales is not an island or a colony. We are part of the great nation of Australia. For instance, when Victoria invests in infrastructure such as the desalination plant, where did it source the 45,000 tonnes of steel? It was from BlueScope in the Illawarra, which is one of the main producers of steel in the State. That is an example of where infrastructure investment in another State has a direct ripple-through effect on jobs in New South Wales.

It does not stop there. Where do the dunderheads in the Opposition think the steel for the Federal Government's new air warfare destroyers, which are being built outside New South Wales, is coming from? It is coming from the great region of the Illawarra, where the steel is being produced. The Opposition is an embarrassment, at a time when more jobs are being created than in any other State—with 160,000 being supported by our \$62.9 billion spend. Yet what can the whingers say? The Leader of the Opposition and his sidekick stand and pretend that jobs cannot come from somewhere else in the country. This is a classic example of dunderhead politics. We invest more into infrastructure than any other State government; more in four years than any other State government; more in one year—\$18 billion in one year—than any other State government, yet we have these whingers talking down the State economy because they have nothing better to contribute. Their no-policy announcements the other day are proof they have nothing to say and no contribution to make to this State.

### ECONOMIC STIMULUS MEASURES

**The Hon. LYNDIA VOLTZ:** My question is addressed to the Treasurer. Will the Treasurer update the House on the delivery of the Government's economic stimulus measures?

**The Hon. ERIC ROOZENDAAL:** Members opposite should listen to the question. It is about economic stimulus measures. They are consistent on that matter, too. They do not want to know about jobs; they do not want to know about investment in infrastructure. What is their position on the stimulus measures of State and Federal governments? Federal Opposition Leader Malcolm Turnbull is staggering around in his tail coat, while Barry O'Farrell is being dragged around clinging onto Malcolm Turnbull's tail coat. They are the only two people in the nation who do not support the stimulus measures. G20 finance Ministers support these stimulus measures. The United States Reserve Bank supports the stimulus measures. Every credible commentator in the country supports the stimulus measures. The only people who do not support them are these clowns over here, and Barry O'Farrell and Malcolm Turnbull. No doubt they are taking their advice from emails that are still flowing in from Godwin Grech!

Let us talk about the projects we are delivering right now. We are in the process of upgrading the Pacific Highway, the largest-ever road infrastructure project this country has seen. In the 2009-10 budget the Pacific Highway will receive \$700 million in capital and maintenance funding as part of the Government's record \$4.4 billion Roads budget this year, which is delivering right now for the people of New South Wales. This is the biggest road investment program in New South Wales' history and an increase of \$400 million on last year's budget. By the end of 2009 the New South Wales Government will have spent around \$2.5 billion on the Pacific Highway.

The Pacific Highway upgrade has transformed 277 kilometres of one of the nation's major transportation routes into dual-lane carriageways. That has created jobs for New South Wales workers, improving the competitiveness of road freight operators, and lowering the death toll on New South Wales roads. More improvements are on the way. Residents of south-western Sydney are set to benefit from Macarthur's newest piece of infrastructure with TransGrid's \$50 million substation. The new 330-kilowatt substation has the capacity to supply enough power for 100,000 homes and businesses.

The added capacity the new substation will bring to the electricity network will help to maintain high levels of reliability for customers in this rapidly developing region. The substation features two state-of-the-art

transformers and has been designed with the latest technologies in safety, security and environmental protection. The project is part of the biggest energy program in the State's history to put in place the infrastructure needed for major economic growth in the future. Again, we are investing now into infrastructure for future economic growth in this State and nation. More than \$16 billion is expected to be spent over the next five years and one-third of the State's electricity infrastructure will be replaced, renewed or upgraded. Projects like these also have a tremendous effect on local economies with over 100 local contractors employed during construction.

I am pleased to advise the House that the final aboveground piece of desalination pipeline from Kurnell to Erskineville has been lifted into place. The desalination plant is now more than 85 per cent complete and the project is on time and on budget to help drought-proof Sydney.

### SHARK MESHING PROGRAM

**The Hon. DUNCAN GAY:** My question without notice is directed to the Minister for Primary Industries. Does the Minister recall the three serious shark attacks in Sydney's waters last summer? Is the Minister aware that Channel 9 found nine large holes in only 70 metres of 150-metre-long nets off Freshwater Beach that were supposed to be in full working order? Is it the case that these nets are supposed to be checked every 72 hours? If so, can the Minister explain why there were so many holes in these nets? Given the rising amounts of baitfish attracting more sharks this year, can the Minister give an assurance to swimmers and surfers in New South Wales that this is not the case for all nets off the New South Wales coast?

**The Hon. IAN MACDONALD:** I thank the Deputy Leader of the Opposition for his question and his continuing interest in this issue. I think the honourable member has one fact wrong. My understanding is that three holes were found in the net to which he refers. However, I stand to be corrected. The question reflects a misunderstanding about what these nets are about. The nets do not serve as a physical barrier; they are not designed to create a total barrier to sharks in a particular area. The nets are designed to interrupt the desire of a shark to create territory. The theory is that once a shark enters an area, the shark's sensory system detects the net and this encourages the shark, rather rapidly, to leave the area.

The proof of the pudding is that over the last 72 years, on the 51 netted beaches there has only been one death, and that was in 1950. There has not been a death since that time. Prior to these nets being put in place off our beaches in Sydney, Newcastle and Wollongong, there was roughly one death per annum on these beaches. I think the proof of the pudding is in the fact that the nets work. They are not designed to be a physical barrier, as with an ocean pool where the net provides a clear separation from the sea and it is only the overflow from waves—

**The Hon. Duncan Gay:** Well, why did you bother fixing the holes at all? Your story is illogical.

**The Hon. IAN MACDONALD:** The Deputy Leader of the Opposition does not understand anything about this. I know it is scientific. Scientists do a lot of research on the issue. I know it is hard for the Deputy Leader of the Opposition to grasp the intellectual concept behind the nets.

**The Hon. Duncan Gay:** If your story is true, why do you bother fixing the nets?

**The Hon. IAN MACDONALD:** I have never, in this place or anywhere else argued that these nets are a physical barrier to sharks in an area. They provide, for want of a better term, a psychological barrier to sharks wanting to move away from the area, because of the obstruction in the water. That is the scientific evidence in relation to the meshing program. The nets do not serve as a physical barrier in the sense that they enclose the particular area.

In relation to the repair program, the environmental assessment into the meshing program that has been completed this year—which endorsed the program based on the scientific evidence presented—suggested a number of changes, including enhanced monitoring. As a result, we have reduced the interval between checking the nets. Each net will now be checked every 72 hours, rather than every 96 hours or longer as was previously the case. If we discover a hole in a net is created, usually by a shark or a large sea animal such as a stingray, we cut it out so that we reduce the by-catch. The nets will be repaired more rapidly due to the enhanced monitoring. I could go into the issue in great detail; I could read a lot of scientific evidence on it. Essentially, the nets are there as a psychological barrier to the sharks. [*Time expired.*]

### GRAYTHWAITE ESTATE

**Ms LEE RHIANNON:** I direct my question to the Treasurer. Given that the *Sydney Morning Herald* in August reported a Government spokesperson as stating that the Government had a responsibility to get the

"best price possible" for the historic Graythwaite estate at North Sydney, is the Government maintaining its position of pursuing a sale of the property to the highest bidder? Will Treasury factor in the benefits to the community of retaining this property and the associated parkland when making its decision on the future of the property, or will it be a simple matter of whoever makes the highest bid? How many tenderers have there been for the property? Is Treasury prepared to begin dialogue with the Federal Government and the Friends of Graythwaite to find a solution that works for future generations? When can the community expect a final decision on the sale of the estate?

**The Hon. ERIC ROOZENDAAL:** I thank Ms Lee Rhiannon for her question. The member seems to be under a misapprehension that this issue is part of my responsibility. I am advised that the former Minister for Health, the Hon. John Hatzistergos, has answered this question previously, and I refer to his answer.

### FINE DEBT

**The Hon. PENNY SHARPE:** My question without notice is addressed to the Attorney General. What is the latest information on Government initiatives to reduce the impact of fine debt on people?

**The Hon. JOHN HATZISTERGOS:** I thank the honourable member for her important question. Fines are generally a cost-effective and prompt way of punishing people for lower level infractions. But the system can cause unintended harm to disadvantaged people, such as the homeless, the mentally ill and the chronically poor. Such people often find it harder to understand or access procedures for challenging fines or asking for an extension of time to pay. When fines are not paid they are automatically progressed through the strict hierarchy of sanctions and their debt increases. There is also the related issue of secondary offending. This happens when people who have had their licence or registration suspended or cancelled because of fine defaults continue to drive, thereby committing a very serious offence.

Over the last year, the Government has brought in new reforms to assist disadvantaged people to manage fine debt. At the operational level, the Local Court and the State Debt Recovery Office have made significant administrative improvements, including clearer and more accessible information about procedures; simplified methods for applying for time to pay and flexible payment options like Centrepay. Last year the Government passed the Fines Further Amendment Bill 2008 with several new legislative reforms, including more flexible payment options, such as periodic deductions, clarifying that all enforcement officers can issue an official caution instead of a penalty notice for minor infractions, and making it clear that all government agencies can review penalty notices to ensure they were appropriately issued.

The bill also allowed for the introduction of the innovative new Work and Development Order Trial Scheme. A work development order allows vulnerable people to satisfy their fine debt through the performance of unpaid community work with an approved community organisation. Alternatively, they can complete educational, vocational or life skills courses, counselling, drug and alcohol treatment, or a mentoring program with an approved organisation. Under the two-year trial, which commenced on 10 July this year, 2,000 fine recipients experiencing acute hardship will be able to apply for a work and development order from the State Debt Recovery Office. However, people cannot just apply themselves. They need to have their application, including the proposed treatment or activities they will undertake, endorsed by their doctor, nurse, registered psychologist, or by the approved organisation which will be providing the treatment or unpaid work.

Accordingly, the first step in getting the scheme up and running has been to encourage suitable organisations to get accredited for participation. The response so far has been very encouraging. Since the commencement of the trial just two months ago, 17 organisations have been formally accredited. They include large charitable organisations, youth services, drug and alcohol services, neighbourhood centres, mental health service providers, and emergency accommodation and casework providers. These organisations come from a range of different areas across the State, including west and south-west Sydney, inner city Sydney, Sutherland shire, Central Coast, North Coast, Dubbo and Newcastle. A further 25 organisations have submitted applications for accreditation, and these are currently being processed. Six health practitioners have also submitted forms agreeing to supervise their patients' treatment in accordance with the reporting and record keeping requirements in the work and development order guidelines. Now that the scheme is up and running, with 17 community organisations accredited, and applications received from a further 25, we should soon see significant numbers of individuals given an opportunity to pay off their fine debts and hopefully turn their lives around.

### GENETICALLY MODIFIED CANOLA

**Mr IAN COHEN:** My question without notice is directed to the Minister for Primary Industries. Is the Minister aware that plants testing positive as GM canola were found along a stretch of the Riverina Highway

east of Berrigan in New South Wales last week? The property of the farmer who found the plants has a GM-free status. How can such farmers keep their very marketable GM-free status when GM canola has become a roadside weed after only one season? What steps will the Minister take to ensure GM crops are transported in conditions where seed cannot leak in transit? Are councils liable for roadside cleanup of these plants? Will councils have to use stronger herbicides to kill these poison-resistant plants?

**The Hon. IAN MACDONALD:** I thank the honourable member for his question. I do not have any details before me relating to Berrigan. I will ascertain the required information and come back to the member with an answer.

#### OFFICE OF INDUSTRIAL RELATIONS

**The Hon. GREG PEARCE:** I direct my question without notice is to the Attorney General, and Minister for Industrial Relations. Last week at estimates the Minister described the efforts of the Office of Industrial Relations relating to advisory, education and compliance activities as quite "impressive". What is impressive about the result indicators that show that only 85 per cent of information provided by that office was accurate last year and that only 85 per cent of investigations of employers were actually subject to New South Wales laws? How impressive is it that around one-fifth of information provided by that office is not accurate and one-fifth of the investigations conducted were of employers who are not subject to New South Wales laws?

**The Hon. JOHN HATZISTERGOS:** If the honourable member had managed enough interest to turn up to the estimates hearings and directed his question at the appropriate time, he would have obtained an answer. I think the question today is more impressive because it actually relates to my portfolio. The Government has a very proud record in relation to providing information to employers.

**The Hon. Eric Roozendaal:** Hear! Hear! Three cheers for Greg.

**The Hon. JOHN HATZISTERGOS:** Yes, indeed, we should be cheering because anyone who has been following the attempts of the Hon. Greg Pearce to ask a question on industrial relations would realise it has taken him this long to be able to—

**The Hon. Don Harwin:** Point of order: My point of order is that the Minister is clearly debating the question.

**The PRESIDENT:** Order! I remind members that although there are various rules governing the asking of questions, the standing orders are largely silent with regard to rules relating to the answering of questions. The only specific restriction on answers is that they must be generally relevant to the question asked and that Ministers must not debate the question. Ministers may, however, address the actual issue to which the question refers. If the Minister is seeking to address the actual issue to which the question referred, he is in order. However, if he is otherwise debating the question, he is out of order.

**The Hon. JOHN HATZISTERGOS:** I am not debating the question. I am being very relevant to the question, which goes to the shadow Minister's interest and knowledge in relation to these portfolios and the inaccuracy of the details that he supplied in his question.

#### ENVIRONMENTAL DEGRADATION AND SUSTAINABILITY

**The Hon. KAYEE GRIFFIN:** I address my question to the Minister for Climate Change and the Environment? What is the New South Wales Government doing to support the many community organisations, local councils and businesses around New South Wales to address environmental degradation and sustainability in this State?

**The Hon. JOHN ROBERTSON:** I thank the honourable member for her question. The New South Wales Government has been a long-term partner and supporter of individuals, households, organisations, businesses and communities who are committed to tackling environmental challenges across this State. The New South Wales Environmental Trust is an independent statutory body, established by the New South Wales Government, to support exceptional environmental projects. It is celebrating its eleventh year and is now a core part of the Government's efforts to sustain strong community action on the environment. The trust gives grants to community groups, non-government organisations, Aboriginal organisations, local councils, the business community and State agencies under a range of programs. At any one time the trust may be supporting up to 600 projects across the State. These projects address priority environmental issues such as climate change, river and ecosystem health, community involvement and local environmental sustainability priorities.

Building on achievements of past rounds of trust programs, I am very pleased to provide an update on the 2009 round of contestable grants through the environmental trust. Through the current round, 659 applications were received from community organisations, local councils, schools, universities, and regional and State agencies. The independent technical assessment is being completed on all applications, and recommendations will be provided to the trust for approval over the next few months.

Approximately \$6.5 million worth of funding in 10 programs will be allocated to successful applicants to maintain the momentum of environmental action around the State. These programs include the Protecting Our Places Program, which provides individual grants of up to \$35,000 for Aboriginal organisations to address environmental issues, such as illegal dumping, water pollution or degradation in areas of significance to Aboriginal people. Smaller grants of \$2,500 will be made available under the Eco School Grants Program for schools to ensure that the next generation of Australians gain direct exposure to our environment and begin to understand their responsibilities in its protection.

An example of an innovative project currently funded by the trust is the Lake Wooloweyah Water Quality and Aquatic Habitat Improvement Program, which will help to restore an extensive area of degraded wetland and salt marsh ecosystem that is connected to Lake Wooloweyah, an important coastal lake on the Clarence River. The project will restore tidal exchange to a large area of watercourses, wetlands and salt marsh that have been isolated by a flood mitigation levee that was constructed in the 1960s. The project also will increase the knowledge and capacity of landholders to manage wetlands and waterways on their properties.

A much smaller scale project, but by no means less important, is the Evans River K-12 School's whole school waste reduction and recycling project. The school has been provided support to implement a recycling program. The project has allowed the school to establish its own efficient recycling format for paper, newspapers, cardboard and green and organic waste throughout the school. The funds also have been used to set up composting and worm farms in a safe enclosed area of the playground. These are the sorts of proven projects that can be replicated by communities, local councils, business associations, non-government organisations and agencies across New South Wales. The New South Wales Government is proud to support the initiative and enthusiasm of individuals and groups dedicated to addressing the State's most pressing environmental challenges. The Government will continue to support these initiatives. While the 2009 round of applications is now complete, the 2010 round of Environmental Trust contestable grants will open in early 2010. [*Time expired.*]

#### METROPOLITAN SPECIAL PROGRAMS CENTRE LOCKDOWN

**Ms SYLVIA HALE:** I address my question to the Minister for Corrective Services. Is it the case that the General Manager of the Metropolitan Special Programs Centre, Mr Peter Maa, sent a memorandum to all staff last Thursday stating:

Effective from 9 October 2009 the structured lockdown procedure for MSPC Area 3 will change to a full day lockdown consistent with the procedure being implemented in MSPC areas 1 and 2.

Minister, are these lockdown regimes contrary to clause 53 of the Crimes (Administration of Sentences) Regulation 2001, which states:

Each inmate ... is to be allowed at least 2 hours each day for exercise in the open air.

Will the Minister take action to ensure that any lockdown regime is consistent with the regulation? Will the Minister find out why Commissioner Woodham denied the existence of this lockdown regime when I asked him about it in a budget estimates hearing last week?

**The Hon. Greg Donnelly:** Point of order: Ms Sylvia Hale is seeking an opinion. Her question is out of order.

**Ms SYLVIA HALE:** To the point of order: I asked the Minister to provide factual information as to whether a memorandum had been issued to staff. I subsequently asked him whether it was consistent with the regulation. I primarily asked him why Commissioner Woodham had denied the existence of a lockdown regime during a budget estimates hearing last week.

**The Hon. John Hatzistergos:** To the point of order: The question sought to ascertain whether the procedures set out in the memorandum were a violation of the provisions of the statute. That is a legal issue.

**The PRESIDENT:** Order! I propose to take this matter on notice and give a ruling later in question time.

*Later,*

**The PRESIDENT:** Order! I am advised that upon seeking advice Ms Sylvia Hale has agreed to withdraw her question. Therefore, there is no need for me to rule on the matter.

#### **MALABAR POLICE STATION NATIVE TITLE CLAIM**

**The Hon. DON HARWIN:** My question without notice is directed to the Minister for Lands. With specific regard to his role as Minister for Lands, when did the Minister become aware of a native title claim against Malabar police station at 1234 Anzac Parade? Considering the application for native title was lodged in July this year, why was the sale allowed to continue up until 48 hours before the scheduled auction?

**The Hon. TONY KELLY:** There are about 10,500 native title claims in this State. I believe that 1,000 claims have been lodged in the past three to nine months. I may be wrong about that period. I am not advised of individual claims that are lodged. From memory, this claim was lodged within 24 hours prior to the sale being withdrawn.

**The Hon. Melinda Pavey:** How did you find out?

**The Hon. TONY KELLY:** I was told by one of my staff members. The land claim on Malabar police station was lodged with the registrar on 27 July 2009 by the New South Wales Aboriginal Land Council. The claim was lodged under the New South Wales Aboriginal Land Rights Act. It is not a native title claim, as has been suggested by some. As the Crown lands Minister for the purpose of Aboriginal land rights, I am responsible for determining land claims against the eight eligible criteria contained in that Act. As I said, I am not routinely informed of the lodgement of any individual land claim, nor am I involved in the processing of any of those claims. They are processed in the normal fashion and come before me for final sign off. My role is strictly as defined by the Act, to determine whether to refuse or grant an Aboriginal land claim. The 1,000 land claims that I alluded to earlier were launched in the past two months. Apart from the 10,500 claims, 1,000 have been lodged in the past two months and I am not routinely advised of them. The Land and Property Management Authority will thoroughly investigate that particular claim and a recommendation will be made to me before the determination of the claim.

#### **WINTER CROPS PRODUCTION**

**The Hon. MICHAEL VEITCH:** My question without notice is addressed to the Minister for Primary Industries. What is the outlook for the State's winter crops following August's dry weather?

**The Hon. IAN MACDONALD:** The latest figures from the State Government's official grains report show that the prospects for all New South Wales winter crops have plunged. This follows extremely dry, warm conditions throughout August. Industry and Investment NSW estimates that just 4.3 million hectares of winter crops will be harvested this year, from more than five million hectares of sowings. This significant reduction will have a severe effect in the bush, where farmers and rural and regional communities already are suffering under the pressure of the worst drought on record. Rain in early September helped save many crops in the north of the State, but the outlook in the central and southern cropping zones is bleak. Without significant rain very soon, the harvested area and yield in most of central and southern New South Wales will decline rapidly.

Only a few months ago growers were hopeful of a bumper wheat crop from around 3.3 million hectares of plantings, following a good start to the season. However, this year's wheat crop is already forecast to have dropped to 2.8 million hectares and the State's yield reduced by more than one million tonnes, which is around 20 per cent of the wheat crop. I repeat: 20 per cent slashed off the wheat crop. This reduced tonnage is due in part to an expected below average yield. On average, New South Wales wheat crops yield 2.2 tonnes per hectare, but this year the forecast is around 1.95 tonnes per hectare.

The outlook for other winter cereals is similar to that of wheat. The barley crop is expected to be down on earlier forecasts to 560,000 hectares, with little or no rain received in the last two months in many of the major growing regions. Continuing drought conditions and high livestock prices may significantly reduce an estimated 187,000 hectares harvest of oats. About 11,000 hectares of the State's 134,000 hectares of canola



already have been lost to drought. Most failed canola crops have been abandoned, as they offer very little grazing value. In all areas, apart from the north of the State, dry seasonal conditions also are taking their toll on pulse crops, with the potential yield from field pea and lupin crops being affected. Early sowing and recent rain have improved faba bean and chickpea yield potential. The prospects for summer crops are similar to the outlook for winter crops at this early stage. Summer crop conditions are reasonable in the north and very poor in other parts of the State. Plantings of summer crops are estimated currently to be 336,000 hectares, excluding rice plantings.

As the crop outlook shows, much of New South Wales is still in the grip of drought, with 65.9 per cent of the State in drought—an increase of 2 per cent from last month's figure. There has also been a significant increase in the area considered marginal, rising from 11.7 per cent in August to 24.3 per cent in September. The area of New South Wales that is considered satisfactory is now only 9.8 per cent of the State. Conditions have been very warm for this time of year, with the national mean August temperature being the highest since records began in 1950. In the northern half of the State only one to 10 millimetres of rain were recorded.

The State Government remains committed to helping ease the pain of this drought. The drought hotline has taken 16,755 calls since the beginning of this long dry, offering assistance, advice and information to our farmers. Almost 150,000 people have attended 2,837 drought workshops and events across the State, and more than 140,000 drought transport claims have been processed. Overall, this Government has committed almost \$500 million in drought assistance measures, and will continue to stand shoulder to shoulder with farmers and battle the ongoing dry.

#### **METROPOLITAN SPECIAL PROGRAMS CENTRE LOCKDOWN**

**Ms SYLVIA HALE:** I direct my question to the Minister for Corrective Services. Is it the case that the general manager of the Metropolitan Special Programs Centre, Mr Peter Maa, sent a memo to all staff last Thursday stating "Effective from 9 October 2009 the structured lockdown procedure for MSPC Area 3 will change to a full day lockdown consistent with the procedure being implemented in MSPC Areas 1 and 2"? Will the Minister take action to ensure that any lockdown regime is consistent with regulation 53 of the Crimes (Administration of Sentences) Regulation 2001, which states, "Each inmate is to be allowed at least two hours every day for exercise in the open air"? Will the Minister find out from Commissioner Woodham why he denied the existence of this lockdown regime when I asked about it in budget estimates last week?

**The Hon. JOHN ROBERTSON:** Lockdowns of inmates are used to deal with circumstances that may arise from time to time within our corrections system. I am advised that Corrective Services NSW remains very mindful of its obligations under the relevant legislation. However, I will take on notice the matters referred to, as I am not aware of the specifics that the member raises.

#### **RECYCLING**

**The Hon. CATHERINE CUSACK:** My question is directed to the Minister for Climate Change and the Environment. As the Minister would be aware, council-run waste collection services are passing on higher costs to ratepayers due to expansion of the size and scope of the waste and environment levy. Given that Victoria—with a substantially smaller levy that reinvests strategically in the waste sector—recycles around 20 per cent more than New South Wales does, why is New South Wales not avoiding higher charges to ratepayers by investing a greater volume of the waste and environment levy to raise our poor recycling rates?

**The Hon. JOHN ROBERTSON:** The New South Wales Government offers waste and sustainability improvement payments to assist councils in certain areas to invest in actions that will improve waste avoidance, resource recovery and environmental sustainability across their local government area. These payments are funded through the Department of Environment, Climate Change and Water. Payments for the next seven years are locked in by regulation and will raise a total of \$256 million to support local councils. The payments are focused on encouraging councils to implement new waste and environmental sustainability programs and actions that will improve councils' environmental bottom line. They are not recycling bounties; they are payments to help councils invest in the future.

To qualify for the payments this year, councils in the greater Sydney region were required to continue to meet standards from previous years, including the provision of recycling services and data; ensuring that approvals for new developments include consideration of waste and recycling; continuing the changeover of bin

lids to Australian Standard colours; and including recycling initiatives in new household cleanup contracts. Councils must also commit to new standards by developing and adopting action plans that contain performance milestones that will contribute to councils reaching the 2014 municipal waste target of 66 per cent recovery and sustainability action plan targets to improve the environmental bottom line of councils and local government areas.

A number of councils in north-eastern New South Wales, along with the Blue Mountains and Wollondilly councils, were recently added to the areas that receive waste and sustainability improvement payments. The councils are required to commit to ensuring that residents have access to dry recycling services, providing the department with information on recycling and domestic waste and participating in a survey to determine the status of sustainability planning and programs to provide a blueprint for future funding. Payments are allocated to councils in proportion to their population under a formula agreed with the Local Government and Shires Association.

The waste and environment levy is working. It makes waste avoidance and recycling cheaper than landfilling, providing a strong economic incentive to change the way we deal with waste. The levy has been in place a number of years in Sydney, the Hunter, Illawarra and the Central Coast. In these areas the levy will increase over the next seven years to about \$120 per tonne in today's dollars by 2015-16. The increases over the next seven years will make the New South Wales Government's waste and environment levy an even stronger economic instrument to reduce waste being generated and will promote resource recovery. The levy has also been extended to the Blue Mountains, Wollondilly and 19 councils in the north-east of the State. This extension was implemented given the growing population in those areas.

From 1 July 2009 waste disposed to landfills in these areas will attract a levy of \$10 per tonne. The levy will then increase by \$10 each year, plus inflation adjustments, until it reaches \$70 per tonne in today's dollars by 2015-16. The increases to the levy will enable the New South Wales Government to enhance and extend our largest environmental funding program—the City and Country Environmental Restoration Program—for a further five years. That program has already supported the development of new marine parks, expanded council waste services and a stronger Environmental Trust grants scheme, and has delivered \$105 million to buy back water for the environment. In Sydney the levy has meant that even as population and incomes have increased, waste disposal across the metropolitan area has decreased by 3 per cent between 2000 and 2007-08.

### HISTORICAL LANDS RECORDS

**The Hon. TONY CATANZARITI:** My question is directed to the Minister for Lands. Will the Minister provide details of how the Rees Government is preserving and making available historical records and how this is being acknowledged by respected world bodies?

**The Hon. TONY KELLY:** The Land and Property Management Authority, formerly the Department of Lands, is the custodian of a vast number of historical documents that date back to the earliest days of the colony in the late 1790s. This large collection of heritage documents is invaluable to the history of this State and this nation. The authority's commitment to preserve and make them available to the public has now been recognised by the United Nations. I am pleased to inform the House that UNESCO's Memory of the World Register has formally recognised the authority's historical records known as the Old Register. The Old Register comprises, in fact, nine registers of the early colonial history of our country, from 22 January 1794 to 15 May 1824.

While documentation commenced in 1802, legal matters dating back to 1794 were to be received and recorded. The original paper records are now over 200 years old and are in an extremely fragile condition. Later I will table a photocopy of the Old Register. As part of their presentation, the authority has made them available in DVD format also, and that allows any member of the public to explore these early valuable documents and records of our nation's history. UNESCO launched the Memory of the World program to guard against what it calls "collective amnesia", to preserve valuable archive holdings and library collections all over the world to ensure their wide dissemination. Its recognition of the preservation of the Old Register is like presenting the authority with an Olympic gold.

Other items on the UNESCO register include James Cook's *Endeavour* journal, the Mabo case transcripts and the landmark constitutional documents of the Commonwealth of Australia. The Old Register is of unrivalled significance for Sydney and Australian history. It contains the first record of the day-to-day history of New South Wales. It also discloses a social history fabric of the early days of New South Wales that in those days included—quite rightly and perhaps should still include—Port Philip, Van Diemen's Land, Norfolk Island and even New Zealand. In fact, this House was once responsible for all of those places.

**The Hon. Charlie Lynn:** It used to run this State.

**The Hon. TONY KELLY:** That was before 1855. The Old Register contains detailed information about the types of legal and business transactions, which will make it possible for historians to gain an understanding of the nature, demographics and values of the colony. This detail is not available elsewhere and is revealing about the legal transactions made by significant figures in the history of Sydney and New South Wales, including D'Arcy Wentworth, Mary Reiby and Reverend Samuel Marsden.

Included in the Old Register is significant documentation of the early history of what became the city of Sydney—the street names and numbers, the land dealings and the location of early businesses such as shipbuilding, sealing and whaling. No other comparable record exists of Australian history for that period. The Land and Property Management Authority is proud of our heritage and of the events and people that have shaped our history. I congratulate the authority on being recognised for having these early colonial records placed on such a highly respected United Nations register of important Australian historical documents. I know that the House will congratulate the authority on its honour.

### ELECTRICITY PRICES

**Dr JOHN KAYE:** My question is directed to the Minister for Energy. Is the Minister aware of successful legal action taken by the privately owned electricity retailers AGL and Origin against the Queensland regulator—the Competition Authority—which resulted in significant increases in electricity prices in that State? What steps is the Minister taking to ensure that the ability of the Independent Pricing and Regulatory Tribunal—the New South Wales regulator—to set prices for New South Wales household electricity consumers is not similarly severely restricted by court action taken by the retailers after they have been privatised?

**The Hon. JOHN ROBERTSON:** I am not aware of the case to which the member referred but he can rest assured that I will make myself aware of it. The member knows that New South Wales has had a pricing system for some time. The Government has said that it is committed to the continuation of the Independent Pricing and Regulatory Tribunal and to the regulation of domestic electricity prices until 2013. A review will be conducted at that time to establish whether regulated pricing of electricity is still required in light of competition in the electricity market. The Government is committed to ensuring that this State has a rigorous, independent body to regulate prices for consumers. It is also committed to ensuring that electricity remains affordable and accessible to everybody in this State.

### TAMWORTH FLIGHT TRAINING

**The Hon. TREVOR KHAN:** My question is directed to the Minister for State Development. Does the Minister recollect that I asked him a question on 1 September about the flight training facility at Tamworth? Does he remember that he responded that the Government would take whatever steps it could to retain this important employment generating facility at Tamworth? Can the Minister advise the House about the steps he has taken to assist in the retention of this facility?

**The Hon. IAN MACDONALD:** I have received representations from the member and the Hon. Christine Robertson about this matter. Last week I met with Mr John Quaife, the General Manager of BAE Systems Australia, and the Hon. Trevor Khan to discuss the defence contract opportunities for this significant regional employer. BAE Systems Australia employs 55 full-time staff and 25 contractors at its Tamworth flight training centre, delivering fixed-wing pilot screening and basic flight training for the Australian Defence Force, the Republic of Singapore Air Force and the Royal Brunei Air Force. Tamworth regional airport screens more than 275 Australian Defence Force personnel and trains more than 150 in basic flight training. In addition, the centre provides training to 220 Republic of Singapore Air Force air-grading students, 55 Australian Army intermediate pilot training students and representatives from the Royal Brunei Air Force. The airport is one of only six long-term worldwide detachments of the Republic of Singapore Air Force.

The current contract with the Department of Defence expires in December 2011. The Federal Government has released a new tender for future pilot training to be delivered from 2017 called Project Air 5428. An interim contract will cover the period between December 2011 and the commencement of Project Air 5428 in 2017. Tamworth Airport is facing strong competition for the tender and the interim contract from West Sale and East Sale in Victoria. The Tamworth flight school has a proven track record in basic flight training, with more than 7,000 students having been trained at its facility over the past 10 years.

Tamworth regional airport has world-class weather conditions for basic flight training. It represents the best possible location for this important project, offering the Australian Defence Force clear training advantages, including ideal flying weather and mountainous regions and plains and a second airstrip to keep flight training independent of regular passenger transport. Tamworth Regional Council has committed to investing in road and security upgrades if the Project Air 5428 contract bid is successful. There is a view that completion of the upgrades prior to the interim contract decision would strengthen Tamworth's bid and would address Australian Defence Force security concerns.

The New South Wales Government will make every effort to secure this bid and it has set a path with our defence adviser—Mr Blackburn—and the department to work with Tamworth Airport and BAE Systems Australia to make representations to the Commonwealth. The Government has already made some representations and Industry Investment is working and will continue to work with BAE and Tamworth Regional Council. I thank the member for his interest in this matter and for assisting in organising the meeting.

### **VANUATU LEGAL SECTOR STRENGTHENING PROJECT**

**The Hon. GREG DONNELLY:** I address my question to the Attorney General. What is the Government doing to assist Australia's neighbours to maintain stable and responsible legal systems?

**The Hon. JOHN HATZISTERGOS:** The New South Wales Government is seeking to preserve security and promote economic development in our wider region. The cornerstone of a stable and prosperous society is a system of law that is just, fair, respected and efficient. That is why the Department of Justice and Attorney General has been providing assistance to the Government of Vanuatu through the Vanuatu Legal Sector Strengthening Project.

The aim of the project is to build a sustainable administrative and legal capacity within each of Vanuatu's public legal offices, including the State Law Office, the Public Prosecutor's Office and the Public Solicitor's Office. The origins of the program go back to 1996, when the Government of Vanuatu requested assistance from the Australian Government. In 1999 the Australian Agency for International Development, or AusAID, approached the New South Wales Attorney General's Department, as it was then known, to manage the program. The department was subsequently contracted to act as project manager.

The project commenced with a strategic review of the Vanuatu legal sector, which found that the system was under severe pressure. Key public legal offices were facing major problems with resources and operational capabilities, including administrative, managerial and legal capacity, and coordination with other government agencies. Complexities also existed in the legal system itself due to the inherent mix of French and English laws, the interweaving of customary and Western law, and the relative youth of the system. I am advised that since its establishment the project has made considerable progress. This has included building relationships conducive to the professional development of local staff.

Legal officers are sent to Australia for placements at related organisations, such as Legal Aid New South Wales, the New South Wales Office of the Director Public Prosecutions and the New South Wales Parliamentary Counsel's Office, for mentoring, training and support. The project has also deployed several long- and short-term technical advisers in various public legal offices. Such advisers are expected to assist their Vanuatu counterparts through mentoring, transferring skills and helping to develop sustainable systems. One example is an adviser in the State Law Office who is assisting in the drafting of civil procedure rules for Vanuatu.

In 2008 the Government of Vanuatu established the Ministry of Justice and Social Welfare, incorporating several public legal offices and agencies. The project is currently providing support to the new ministry in helping to strengthen service delivery for legal services. I am pleased to report that successes have already been witnessed, particularly in the area of corporate governance. In May 2009 the ministry was provided with assistance in preparing the first ever law and justice sector strategy for Vanuatu. The majority of stakeholders in the sector have prepared individual strategic and business plans that align with the strategy. These are being used for the first time in the Government's 2010 budget submission process.

Other key current projects include the constitution of a Law Reform Commission, the development of a national drugs policy, the review of the Ombudsman Act and leadership code, the construction of a new complex for the State Law Office and the introduction of an electronic case management system. Helping our

Pacific neighbours is not just the right thing to do; it is essential to maintaining peace, stability and security within our region. The New South Wales Government is proud to be part of building on our already strong relationship with Vanuatu through this project.

### HIGHER SCHOOL CERTIFICATE EXAMINATION SPECIAL TIME PROVISION

**Reverend the Hon. Dr GORDON MOYES:** My question is directed to the Attorney General, representing the Minister for Education and Training. Is the Minister aware of a student studying at Oxley High School who has been assessed as having dyslexia, dysgraphia and severe scotopic sensitivity or Irlen syndrome? Is the Minister aware that the New South Wales Board of Studies has declined to grant Joshua Cox the appropriate special provisions of extra time to read and write for his Higher School Certificate examinations? In particular, is the Minister aware that Professor Max Coltheart, head of cognitive science at Macquarie University, advised that such provisions should be a normal part of assisting students with disabilities? Since legislation was passed in November 2008 recognising dyslexia as a disability has there been any review within the Board of Studies seeking expert advice to bring its guidelines in line with international best practice? Given that the Higher School Certificate examinations commence next month, will the Minister allow special provisions for Joshua Cox so that he has the opportunity to enter tertiary level courses? [*Time expired.*]

**The Hon. JOHN HATZISTERGOS:** I am not aware of the details of the matter. I will refer the matter to the Minister for Education and Training, obtain an answer and advise the House in due course.

### COMMUNITY SERVICES GRANTS PROGRAM

**The Hon. JOHN AJAKA:** My question is directed to the Minister for Primary Industries, representing the Minister for Community Services. Given the 2007 Community Services Grants Program review recommended \$45 million for community services grants be delivered in New South Wales over three years, why has the Government ignored the findings of the review and failed to adequately fund vital front-line community services in the St George area? What do we say to organisations such as Kogarah Community Services and The Pole Depot Community Centre who are being forced to reduce services because of the Government's failure to increase community services grants funding? Will the Minister ensure that the Government implements the recommendations made in 2007?

**The Hon. IAN MACDONALD:** That is a very good, very detailed question and demonstrates that there is some talent over in the Coalition.

**The Hon. Amanda Fazio:** I wouldn't say that.

**The Hon. IAN MACDONALD:** Why not, Amanda? Sometimes Amanda is rather disingenuous. I am going to be in trouble with this? I will need the Hon. Lynda Voltz to help me out.

**The Hon. Rick Colless:** Tell her to plead guilty.

**The Hon. IAN MACDONALD:** No, Amanda is a very good member of this House, an extremely good member of this House. I think that was a very good question. I will think about it and I will refer it to the appropriate Minister.

**The Hon. Michael Gallacher:** Is Amanda reading a book?

**The Hon. IAN MACDONALD:** I am sure whatever Amanda is reading will be useful in this House at some time in the future to whip this Opposition. I am absolutely sure of it. There is no doubt that some of them, like their leader here, desperately need the occasional whipping to get them into line.

**The Hon. Michael Gallacher:** You promised you were not going to say anything!

**The Hon. IAN MACDONALD:** And you keep telling me don't verbal me. The secret life of the Leader of the Opposition. That is very good.

**The Hon. Duncan Gay:** Macca, what was the Hellfire Club like?

**The Hon. IAN MACDONALD:** The Hellfire Club? Is that not something from the eighteenth century? I do not know, I have never been to a Hellfire Club in my life.

**The Hon. Michael Gallacher:** They remember you, big boy.

**The Hon. IAN MACDONALD:** No, no. The next thing you will accuse me of is going to Stonewall. I have never been there. I will take this question on notice and will duly forward it to the appropriate Minister.

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

**Questions without notice concluded.**

### **HISTORICAL LANDS RECORDS**

**The Hon. TONY KELLY:** During question time I said that I would table a photostat of the Old Register, but I did not seek permission to do so. Now that question time has ended I do not need leave to do so. I now table the document.

**Document tabled.**

### **LEGISLATION REVIEW COMMITTEE**

#### **Report**

**The Clerk** announced the receipt, pursuant to the Legislation Review Act 1987, of a report entitled "Legislation Review Digest No. 12 of 2009", dated 21 September 2009, received out of session and authorised to be printed on 21 September 2009.

### **MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART**

#### **Production of Documents: Return to Order**

**The Clerk** tabled, according to resolution of 2 September 2009, documents relating to an order for papers regarding Mr Tony Stewart, MP, received on 16 September 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

#### **Production of Documents: Claim of Privilege**

**The Clerk** tabled a return identifying those documents for which privilege is claimed and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available only to members of the Legislative Council.

### **GOVERNMENT AGENCIES RESTRUCTURE**

#### **Production of Documents: Return to Order**

**The Clerk** tabled, according to resolution dated 3 September 2009, documents relating to Treasury modelling and restructure of government agencies received on 17 September 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

### **INNER WEST BUSWAY PROJECT**

#### **Production of Documents: Tabling of Papers Reported to be Not Privileged**

**The Clerk** tabled, according to resolution of 9 September, the final form of the 13 schedules to the Project Alliance Agreement, dated 28 November 2007, identified as not privileged in the report of the independent legal arbiter, Sir Laurence Street, dated 23 July 2009, on the disputed claim of privilege on papers relating to the Inner West Busway Project.

## PETITIONS

### Marine Parks, Sanctuaries and Habitat Protection Zones

Petition requesting a moratorium on the creation of all new proposed marine parks, sanctuaries and habitat protection zones and rejecting extensions to existing parks, sanctuaries and zones that further restrict fishing activities and removal of the National Parks Association report "The Torn Blue Fringe" for consideration by the Parliament, received from the **Hon. Duncan Gay**.

### Unborn Child Protection

Petition requesting that the House uphold the sanctity of human life defend the fundamental rights of unborn children and reject all attempts to initiate legislation that emulates the Victorian Abortion Law Reform Act 2008, received from the **Reverend the Hon. Fred Nile**.

## BUSINESS OF THE HOUSE

### Withdrawal of Business

**Private Member's Business item No. 98 outside the Order of Precedence withdrawn by Ms Sylvia Hale.**

**Private Member's Business item No. 165 outside the Order of Precedence withdrawn by Ms Sylvia Hale.**

**Private Member's Business item No. 209 outside the Order of Precedence withdrawn by Reverend the Hon. Fred Nile.**

## BUSINESS OF THE HOUSE

### Postponement of Business

**Business of the House Notice of Motion No. 1 postponed on motion by the Hon. Tony Kelly.**

**Government Business Orders of the Day Nos 1 to 6 postponed on motion by the Hon. Tony Kelly.**

### CRIMES (APPEAL AND REVIEW) AMENDMENT (DOUBLE JEOPARDY) BILL 2009

#### Second Reading

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.31 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

The Government is pleased to introduce the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009.

The bill gives effect to proposals to reform the law of double jeopardy that were agreed by the Council of Australian Governments. New South Wales has led the nation in reforming double jeopardy laws, releasing an exposure draft bill in 2003 and passing laws to allow retrials in serious cases in 2006.

The rule against double jeopardy is the legal principle that a person should not be tried twice for the same offence. New South Wales amended the rule by allowing retrials of people in two situations.

Firstly, if a person is acquitted of a life sentence offence and 'fresh and compelling evidence' has subsequently arisen. Secondly, where a person is acquitted of an offence carrying a penalty of 15 years imprisonment or more where the acquittal was 'tainted'.

Following this State's initial reforms, COAG agreed on a series of recommendations for double jeopardy law reform—the vast majority of which drew upon the New South Wales Act. However, there were a number of recommendations that went beyond our existing provisions.

Now that our double jeopardy provisions have been in place for some time, it is appropriate to revisit the Act and undertake further reform.

There are two key reforms in the bill.

The first is to ensure that where an acquittal is 'tainted', the acquitted person can be tried again without interference, whether the tainted acquittal arises in the first trial or any subsequent retrial.

The second is to remove the principle of 'sentencing double jeopardy'. The effect of this will be that, where a lower court has made an error, appeal courts will be allowed to impose a penalty which fully reflects the criminality of the offending, without reducing the sentence because of the sentencing double jeopardy principle. I will expand on this in more detail later.

Together, these reforms will enhance public confidence in the criminal justice system by ensuring that appeal courts will be able to impose the sentence which fits the crime, unfettered by double jeopardy considerations, and that people will not be able to escape justice by interfering with the trial process.

I now turn to the main detail of the bill.

The bill inserts into the Crimes (Appeal and Review) Act a new section 68A, which specifies that an appeal court must not dismiss a prosecution appeal against sentence, or impose a less severe penalty than the court would otherwise consider appropriate, because of any element of double jeopardy.

Under the current common law principles that apply to Crown appeals against sentence, the appeal court has a wide discretion to refuse to intervene and adjust the sentence, even where an error has been shown. In considering whether to intervene, the court currently takes into account the fact that the person is facing 'double jeopardy' in the sense that they are re-sentenced for a second time.

Further, even where appeal courts have decided to intervene and impose a new sentence, under this principle they have historically imposed sentences that are less than that which they would otherwise have imposed, again on the basis that the prisoner is facing being sentenced for the second time.

The Double Jeopardy Law Reform Working Group, which reported to COAG, considered this issue. They gave weight to the argument that, where an appeal court finds that a sentence imposed at first instance is inadequate, but through the operation of sentencing principles (in particular the principle of 'sentencing double jeopardy') the inadequacy remains uncorrected, this does not serve the community's interest in seeing crimes appropriately punished.

The Government agrees, and the provision in the bill will make sure that where an offender has received too lenient a sentence because of an error made by the sentencing court, an appropriate sentence will be imposed on appeal, because the court will not be bound to give an 'automatic discount' because the offender is being sentenced a second time for the same offence.

It is worth noting that, although the term 'double jeopardy' has been used by the courts in relation to this sentencing principle, there are differences between the principle in retrials and in sentencing. For the affected person, the prospect of being found guilty after having been acquitted is far more onerous than the prospect having the sentence varied. In the Government's view, the public interest in seeing the imposition of an appropriate sentence which fits the crime, outweighs any impact this might have on the convicted offender.

General sentencing principles will continue to apply. Firstly, Crown appeals on sentence are, and should continue to be, rare. Secondly, an appeal court should only intervene where an error has been shown, and, moreover, only intervene where the sentence has been shown to be manifestly inadequate or inconsistent. Only consideration of issues of double jeopardy will be removed by the new provision.

It is also intended that the provision apply to all appeal courts where sentences are considered. However, it is noted that the bill is not intended to apply to the industrial court, which deals with sentencing matters under occupational health and safety legislation. Complex negotiations are currently underway regarding the possible national harmonisation of OH&S law. In this context, it is not considered appropriate to extend this reform to that area of the law at this time.

New section 105 provides that a person can be retried again if their retrial acquittal is 'tainted'. Tainted acquittals occur where a person has been convicted of an administration of justice offence in connection with the acquittal, and it is more likely than not that, but for the administration of justice offence, the person would have been convicted. Administration of justice offences include bribery of, 'or interference with, a juror or witness, perversion of the course of justice and perjury.

Under the current provisions, a person can only be retried once under the double jeopardy provisions. However, under the proposed changes, where a double jeopardy retrial is itself found to be tainted, an application can be made for another retrial. No criminal should be able to escape justice by interfering with jurors or witnesses.

The bill represents a tightening of our ground-breaking double jeopardy laws to ensure that offenders face the appropriate punishment for their crimes and can not cheat the justice system.

I commend the bill to the house.

**The Hon. DAVID CLARKE** [5.31 p.m.]: The Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009 is not opposed by the Opposition. The bill arises from an agreement arrived at in April 2007 by the Council of Australian Governments [COAG] that jurisdictions would implement the recommendations of the Double Jeopardy Law Reform Council of Australian Governments working group. The shadow Attorney



General, Greg Smith, is to be congratulated on his perseverance in pushing for the recommendations of that working group to be legislated into law by his introduction on 25 June 2009 of a private member's bill to remove the principle of double jeopardy in sentencing, the effect of which appears to have been to, after some two years, prod the Government into action.

The Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009 amends the Crimes (Appeal and Review) Act 2001 to, first, enable a person acquitted of a serious offence in a retrial under the exception to the rule against double jeopardy to be again retried if the acquittal was tainted because of an administration of justice offence; and, second, to provide that an appeal court must not dismiss a prosecution appeal against sentence, or impose a less severe sentence than it would otherwise consider appropriate, because of any element of double jeopardy involved in the respondent being sentenced again.

The rule against double jeopardy states that a person should not be tried or punished twice for the same offence. Its purpose is to ensure that the State, with its advantage of greater resources, does not engage in repeated attempts to convict a person of the same offence. In the past many jurisdictions, including New South Wales, have been moved to place some restrictions on the operation of the rule against double jeopardy. A series of court cases in recent years has shown a need for the amendments to the rule proposed in the bill. As the shadow Attorney General, Greg Smith, has in the other place dealt in some detail with the unfortunate consequences arising from some of these cases because of the application of the rule against double jeopardy, I do not propose to traverse the same ground here. However, the decisions in those cases illustrate the need for amendment of the rule against double jeopardy.

The first thing we should keep in mind is that the bill does not abolish the rule but seeks its modification so as to get the balance right between safeguards for defendants and the need to ensure that offenders do not evade commensurate punishment for the crimes they have committed. The bill will serve to build public confidence in our system of justice. Justice and equity demand that those who have been rightly convicted of a crime receive a punishment that reflects the severity of the crime, and very often that may be obtainable only in an appeal by the Crown to a higher court. The bill will help to ensure consistency in sentencing. Often we hear of cases with similar facts but widely inconsistent sentences. The result is an erosion of public confidence in our legal system and a miscarriage of justice. We need to maintain consistency—where justice is served, where punishment does fit the crime—whilst at the same time maintaining all the reasonable safeguards that defendants are entitled to expect.

Could anyone possibly believe that justice is served where a person has obtained an acquittal or a reduced sentence because of interference with a juror or a witness? Does anyone seriously suggest that such a perversion of the law in this way should not be remedied on appeal? The bill helps ensure that the rule against double jeopardy is not abused. It assists in ensuring that the rule is not subverted so as to permit the circumvention of our justice system. It does not involve dismantling the rule. Specifically, the bill amends the Crimes (Appeal and Review) Act 2001 so as to provide that an appeal court must not, first, dismiss a prosecution appeal against sentence; or, second, impose a less severe sentence on any such appeal than the court would otherwise consider appropriate because of any element of double jeopardy involved in the respondent being sentenced again. This section extends to an appeal under the Criminal Appeal Act 1912, and accordingly a reference in this section to an appeal court includes a reference to the Court of Criminal Appeal.

The bill amends section 105 of the Act so as to provide, in subsection (1), that not more than one application for the retrial of an acquitted person may be made under this division in relation to an acquittal and, in subsection (1A), that an application may be made for a further retrial of a person acquitted in a retrial under this part but only if it is made on the basis that the acquittal at the retrial was tainted. The argument put forward by some of the bill's opponents that convicted persons are placed at jeopardy because they may face sentence twice for the same offence does not negate the reasons for the bill. As the shadow Attorney General, Greg Smith, said in the other place:

The bill is intended to ensure that an appeal court will not be fettered by the need to reduce the sentence that should have been given in the first place ... to accommodate an outmoded and outdated principle. The sentence ... should fit the crime. Trial judges will be more inclined to hand down sentences that are appropriate to the crime ... The bill will remove the double jeopardy obstacle currently facing appeal courts in relation to Crown appeals against the manifest inadequacy of sentences imposed, whatever the crime.

This would discourage weak sentencing judges from imposing inadequate sentences, realising that the appeal courts were empowered to impose a much heavier sentence. As I indicated, the Opposition does not oppose the bill.

**Reverend the Hon. FRED NILE** [5.37 p.m.]: The Christian Democratic Party supports the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009. The bill gives effect to proposals to reform the law of double jeopardy that were agreed by the Council of Australian Governments. The bill is straightforward; it sets out two key reform areas. The first is to ensure that, where an acquittal is tainted, the acquitted person can be tried again without interference whether the tainted acquittal arises in the first trial or any subsequent trial. The second is to remove the principle of sentencing double jeopardy. The effect of this will be that, where a lower court has made an error, appeal courts will be allowed to impose a penalty that fully reflects the criminality of the offending, without reducing the sentence because of the sentencing double jeopardy principle.

Together these reforms will enhance public confidence in the criminal justice system by ensuring that appeal courts will be able to impose the sentence that fits the crime, unfettered by double jeopardy considerations, and that people will not be able to escape justice by interfering with the trial process. Such a reform would certainly receive widespread community support. I note that general sentencing principles will continue to apply. First, Crown appeals on sentence are, and should continue to be, rare. Secondly, an appeal court should intervene only where an error has been shown and, moreover, only where the sentence has been shown to be manifestly inadequate or inconsistent. Only consideration of issues of double jeopardy will be removed by the new provision. It is also intended that the provision will apply to all appeal courts where sentences are considered. We are pleased to support the bill.

**Ms LEE RHIANNON** [5.39 p.m.]: The Greens oppose the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009, as we opposed the double jeopardy laws introduced previously by the Government. In 2006 then Premier Morris Iemma earned the dubious honour of making New South Wales the first jurisdiction in Australia, and one of the first in the Western world, to discard its century-old double jeopardy laws. The Greens rejected the so-called double jeopardy reforms as a disaster for justice in New South Wales. They were designed for electoral gain. We argued at the time that they would not make our communities safer, and they certainly have not. Instead, they have worked to undermine the presumption of innocence. Here again we see the issue being revisited but not with the intent to improve justice and safety within our communities; it is about electoral gain and space in tabloid papers. Just as they did in 2006, today we have seen the Government and the Coalition come together in an attempt to pass an onerous piece of legislation that further strips away important legal rights, vying for coverage in the tabloid law and order papers.

In 2006 the Greens tried to restrict the reach of the Government's radical changes by stopping the new double jeopardy laws applying retrospectively. I foreshadow that the Greens will again move in Committee to stop the Government's amendment from being applied retrospectively to an appeal that was commenced but not finally determined before this amendment becomes law. It is worth recalling that then Premier Morris Iemma in his second reading speech on the double jeopardy law changes in 2006 referred to the case of *The Queen v Carroll* as a justification for the change. The former Premier gave a very selective reading of the judgement of our High Court judges, failing to heed the key points in support of the tradition of double jeopardy. In that case, the joint judgement of Justice Gleeson and Justice Hayne stated:

A criminal trial is an accusatorial process in which the power of the State is deployed against an individual accused of crime. Many of the rules that have been developed for the conduct of criminal trials therefore reflect two obvious propositions: that the power and resources of the State as prosecutor are much greater than those of the individual accused and that the consequences of conviction are very serious. Blackstone's precept "that it is better that ten guilty persons escape, than that one innocent suffer" may find its roots in these considerations.

It is most disappointing that former Premier Iemma did not report on that when he spoke to this issue. There exists a developed body of law in this matter. Legal advice received by the Greens on the current amendment also cites the judgements of several chief justices who have reaffirmed the inherent injustice in being sentenced again for the same offence, and the need for a proportionate discount to occur for the offender. Both the Law Society of New South Wales and the New South Wales Bar Association have provided advice to the Greens opposing proposed section 68A. The Law Society called this amendment:

A legislative incursion, proposed to give the courts the ability to consider appeals unfettered by consideration of the effect of the appeal on the defendant.

It pointed out:

This is a matter that the Courts consider a just consideration.

Further, it agrees that the impact of this legislation will be that the Crown appeal may no longer be considered as rare, and that the effect of these new laws could be that the courts will become overwhelmed with appeals in

indictable matters. In his agreement in principle speech in the Legislative Assembly Mr Barry Collier stated that this legislation implements a recommendation by the Double Jeopardy Law Reform Council of Australian Governments working group. I challenge that assertion following advice I have received that the Council of Australian Governments communiqué containing the recommendation to abolish the principle of sentencing double jeopardy gave no explanation of or justification for the move and that there had been inadequate consultation. That statement by Mr Collier in the lower House should therefore be clarified and corrected. Jon Stanhope, the Chief Minister of the Australian Capital Territory, also criticised the lack of consultation in developing the double jeopardy recommendations. In a media release dated 12 May 2007 he said:

It is tempting for politicians to make legal reforms in response to high profile, emotional cases, but it doesn't always make for good law.

Certainly experience in New South Wales has shown that. He continued:

The need for such a fundamental reform should be demonstrable, evidence-based and proportionate. That is why I have asked that the issue be referred to the Law Reform Commission for detailed exploration.

The Greens agree with Mr Stanhope. We call on members of this House to oppose this legislation and call instead for the proposal to be examined by the Law Reform Commission. Surely that is the responsible thing to do: gain some advice on this matter rather than again going down the law and order path with the result that justice is further undermined in this State.

**The Hon. TREVOR KHAN** [5.45 p.m.]: I briefly speak to the Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009, particularly in the context of the comments by Ms Lee Rhiannon. This is not extraordinary legislation, nor will it make some grossly fundamental or profound change. All it will do is remove an element or consideration when dealing with a Crown appeal as to the concept of double jeopardy. In this case we have the competing interests of a prisoner as opposed to the public interest to see that people are sentenced appropriately. Clearly that is a matter for debate and careful consideration.

**Ms Lee Rhiannon:** For the Law Reform Commission?

**The Hon. TREVOR KHAN:** It is a matter for the sensible and considered judgement of the people in this place, not for the Law Reform Commission. It is not a difficult matter for consideration. The question is essentially whether a prisoner who, for the sake of argument, was sentenced inappropriately should receive, in essence, a discount as opposed to the public expectation that people who have been found guilty should be sentenced appropriately. It is a simple matter. If we had a consistent system where everyone who goes through the convoluted court process is entitled to some discount, there might be some continuing validity in the argument for the application of double jeopardy. But the reality is that there are so many circumstances where a person before a court is not entitled to a discount even though they may have been churned through that system for a considerable period. For example, sometimes a person goes through a committal hearing and appears before the court time and time again whilst they wait for their hearing to proceed. They may have had their matter prepared for hearing countless times only to find that, for a variety of reasons, their trial does not proceed. When the trial finally proceeds if that person is found guilty they are not entitled to any reduction in sentence because they have been churned through the system ad nauseam.

Another example is where a person goes through the convoluted court process of committal proceedings and preparations for trial, the trial proceeds but fails or aborts—perhaps jurors are lost to illness or the like—a new trial date is set and the trial is run again. That person, if they are found guilty, is not entitled to a discount because they have gone through two or three trials. Similarly, if there is a hung jury—the hearing has gone all the way to the end and the jury cannot reach a verdict—and there is a new trial, again that person is not entitled to a discount if they are subsequently found guilty. Day in and day out in our trial process numerous circumstances occur where people do not get the advantage of a discount because they have been churned through the system in ways that are extraordinarily inconvenient and stressful to them.

Ms Lee Rhiannon said a person who is convicted and wrongly sentenced should be entitled to a discount. That is illogical and it produces a public harm because, as we have found time and again, publicity is given to inadequate sentences. Given the publicity about inadequate sentences, when a sentence is handed down on a Crown appeal that is less than expected, there is again a loss of faith by the public in the administration of justice in our criminal system. This bill is logical in that it puts a prisoner who has been inadequately sentenced on precisely the same terms as a prisoner who has been through one or more trials that have aborted. To that extent, it puts a convicted prisoner in precisely the same circumstance. As to the suggestion that the bill should

be sent to the Law Reform Commission or elsewhere, that will simply delay the making of a decision by this Parliament. We are in a position to make a decision, and we should make a decision. The House should support the bill.

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.51 p.m.], in reply: I thank honourable members for their contributions to this debate. The bill represents a tightening of our groundbreaking double jeopardy law to ensure that offenders face appropriate punishment for their crimes and cannot cheat the justice system without consequence. The provisions, which are based on recommendations approved by the Council of Australian Governments, enhance confidence in the justice system by making targeted and sensible reforms to the age-old rule against double jeopardy. I commend the bill to the House.

**Question—That this bill be now read a second time—put.**

**The House divided.**

**Ayes, 24**

Mr Ajaka	Mr Lynn	Mr Tsang
Mr Catanzariti	Mr Mason-Cox	Ms Voltz
Mr Clarke	Reverend Dr Moyes	Mr West
Mr Colless	Reverend Nile	Ms Westwood
Ms Fazio	Mr Obeid	
Ms Ficarra	Ms Parker	
Miss Gardiner	Mrs Pavey	<i>Tellers,</i>
Ms Griffin	Ms Robertson	Mr Harwin
Mr Khan	Ms Sharpe	Mr Veitch

**Noes, 4**

Mr Cohen  
Ms Hale  
*Tellers,*  
Dr Kaye  
Ms Rhiannon

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**In Committee**

**Clauses 1 and 2 agreed to.**

**Ms LEE RHIANNON** [6.00 p.m.]: I move:

No. 1 Page 4, schedule 1 [4], lines 7–10. Omit all words on those lines. Insert instead:

Section 68A, as inserted by the *Crimes (Appeal and Review) Amendment (Double Jeopardy) Act 2009*, does not extend to an appeal that was commenced but not finally determined before the insertion of the section.

In moving this amendment we are working to remove the retrospectivity of considerations of double jeopardy when proposed section 68A is introduced. The Greens have received advice from the Law Society on this matter and agrees with its position that the presumption against retrospectivity is an important component of the rule of law and that the adverse effect of this bill will be exacerbated by the fact that it will apply retrospectively. We believe that the same principle the Greens adhered to in 2006 should apply today. To limit the damage this law could cause to innocent people, this new law should not extend to an appeal that was commenced but not finally determined before its commencement.

Only a few members have spoken in this debate. If they are going to be true to the arguments that they have put forward about double jeopardy, I urge members to support this small measure to clean up this bill. The

amendment would help ensure that we protect the justice system in this State. Clearly, there is solid advice that there is a problem with this legislation as it is drafted. The amendment should be supported to put these laws back onto a reasonable footing with regard to how justice is administered in this State.

**The Hon. HENRY TSANG** (Parliamentary Secretary) [6.02 p.m.]: The Government does not support this amendment. Under the bill the sentencing double jeopardy principle will be removed for appeals that have been commenced but not finally determined. It is not correct to describe this provision as retrospective. It does not apply to appeals that have been finalised. It is the Government's view that when the Parliament has abolished the sentencing double jeopardy principle it should apply to appeals that are underway. The change affects only Crown appeals, so defendants are not being disadvantaged in appeals they have brought. But, most importantly, the Director of Public Prosecutions and public defenders were informed about the bill: They had warning that the change was coming. Therefore, if they were representing defendants in Crown appeals, they could act accordingly. The bill has been public for more than three weeks and it is clear that it commences on assent and applies to appeals on foot. This bill is about ensuring that where a sentence is manifestly inadequate that error is corrected. The principle should apply equally to current and future appeals.

**Question—That the Greens amendment be agreed to—put.**

**The Committee divided.**

**Ayes, 4**

Dr Kaye  
Ms Rhiannon

*Tellers,*  
Mr Cohen  
Ms Hale

**Noes, 24**

Mr Ajaka  
Mr Catanzariti  
Mr Clarke  
Mr Colless  
Mr Della Bosca  
Ms Ficarra  
Miss Gardiner  
Ms Griffin  
Mr Khan

Mr Lynn  
Mr Mason-Cox  
Reverend Dr Moyes  
Reverend Nile  
Ms Parker  
Mrs Pavey  
Mr Primrose  
Ms Robertson  
Ms Sharpe

Mr Tsang  
Ms Voltz  
Mr West  
Ms Westwood

*Tellers,*  
Mr Harwin  
Mr Veitch

**Question resolved in the negative.**

**Greens amendment negated.**

**Schedule 1 agreed to.**

**Title agreed to.**

**Bill reported from Committee without amendment.**

**Adoption of Report**

**Motion by the Hon. Henry Tsang agreed to:**

That the report be adopted.

**Report adopted.**

### Third Reading

#### Motion by the Hon. Henry Tsang agreed to:

That this bill be now read a third time.

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

### GOVERNMENT AGENCIES SAVINGS IMPLEMENTATION PLANS

#### Production of Documents: Return to Order

**The Clerk** tabled, pursuant to resolution of 8 September 2009, documents relating to Savings Implementation Plans received on 22 September 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

#### Production of Documents: Claim of Privilege

**The Clerk** tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

### LIQUOR AMENDMENT (TEMPORARY LICENCE FREEZE) BILL 2009

#### Second Reading

**The Hon. HENRY TSANG** (Parliamentary Secretary) [6.15 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

The Government is determined to tackle the continuing problem of alcohol-related violence.

Late last year, the Government introduced a range of measures, including a freeze on new 24-hour liquor licences, new powers for police and council rangers to confiscate and tip out alcohol in alcohol-free zones, and new penalties for minors who use fake identification to enter licensed premises or obtain alcohol. The Government also imposed new standard licensing conditions on the 48 venues across the State with the highest recorded numbers of assault incidents. The introduction of these conditions was complemented by high visibility policing in alcohol violence hotspots.

However, alcohol-related violence and anti-social behaviour are complex problems and there is no single solution available. The City of Sydney requires a special focus due to a concentration of entertainment venues and continuing high levels of alcohol-related assault.

Following representations from the Lord Mayor in regard to concerns about alcohol-related violence in the City of Sydney, a freeze on new liquor licences in certain parts of the Sydney CBD was announced on 25 June 2009. This Bill implements this commitment.

The Bill will assist in stabilising the number of persons who enter designated freeze precincts principally to consume alcohol, restrict the expansion of trading hours by certain existing licensed premises in the freeze precincts and maintain the patron capacity of those existing venues.

Most importantly, the Bill provides that no new liquor licences for new pubs, bars, clubs, nightclubs or liquor stores will be granted for premises situated in the identified freeze precincts for a twelve month period. It is also not possible to transfer certain liquor licences into a freeze precinct.

A common sense approach has been taken to the Bill and low risk venues, including licensed restaurants, cafes, cinemas, theatres and special events are generally exempt from the licence freeze. However, it is recognised that even in relation to these outlets there needs to be prudence. Consequently, the Bill also provides that existing venues are not able to extend their trading hours or generally to increase the patron capacity of the venue.

The 12 month freeze applies to liquor licence applications received from the date of the announcement - 25 June 2009 - and not determined or granted.

To ensure consistency between liquor licensing laws and planning laws, the Bill also provides a freeze on consent authorities granting development consent if the development requires a licence, approval or other authorisation which cannot be granted because of the liquor licence freeze.

It should be noted that restaurants are exempt from the freeze on development applications.

The DA freeze will only apply to applications lodged after the day the Bill is introduced in the Legislative Assembly.

The boundaries of the licence freeze precincts focus on areas with a concentration of licensed premises - particularly those with late night trading - and identified trouble spots for alcohol-related antisocial behaviour and violence.

In accordance with the announcement of 25 June 2009, the areas include Kings Cross, the Oxford Street precinct and parts of the southern CBD.

The Kings Cross precinct includes Darlinghurst Road (from Williams to Macleay Street) and Bayswater Road (from Darlinghurst Road to Ward Avenue).

The Oxford Street precinct includes Oxford Street (and Oxford Square) from its commencement to its intersection with Flinders Street and Flinders Street to Short Street. It also includes an area bordered by Oxford Street, Crown Street, Campbell Street, Bourke Street and Patterson's Lane which incorporates Taylor Square.

The southern CBD precinct is George Street from its intersection with Park Street to its intersection with Hay Street. It also includes Goulburn and Liverpool Streets from George Street to Castlereagh Street.

The freeze on new liquor licences may be extended and applied to other areas should the need arise.

The specifics of the liquor licence freeze were developed in consultation with relevant Government agencies, City of Sydney Council, Australian Hotels Association, Clubs NSW, Liquor Stores Association, and Restaurant and Catering NSW/ACT through the Sydney Liquor Taskforce, reporting to the Premier and Lord Mayor.

During the period of the licence freeze, the Taskforce will develop longer-term strategies to tackle alcohol-related violence including public transport options, individual responsibility, and strategies relevant to managing public spaces.

The Government and the Lord Mayor of the City of Sydney are committed to working together on appropriate strategies to address alcohol-related crime and anti-social behaviour while maintaining the vibrancy of Sydney and its night-time economy and enhancing the safety of visitors and amenity of residents.

The Government will be closely monitoring the affects of the freeze on both licences and development applications on the prescribed areas. The Government will implement further restrictions by Regulation should it prove necessary.

I would like to acknowledge the contribution of the Lord Mayor and the City of Sydney Council who have worked with the NSW Government to develop this legislation.

I commend the bill to the House.

**The Hon. RICK COLLESS** [6.16 p.m.]: With alcohol-fuelled violence continuing to plague communities across New South Wales and to place strain on emergency departments and front-line police, measures to combat this problem can only be welcomed. It seems that hardly a week goes by without some horror story of alcohol-related violence, from simple drunken skirmishes through to glassings and, in the most extreme of cases, shootings in and around some of Sydney's more notorious nightspots. While any effort to curb the problem of alcohol-related violence must be commended, the Government's approach has been haphazard to date and has unfairly impacted upon a number of licensed venues across New South Wales.

Of greatest concern are measures first announced by the Government in November last year that effectively saw a name and shame list of the 48 licensed venues across the State with the highest recorded incidence of assault as determined by what were then the latest figures released from the New South Wales Bureau of Crime Statistics and Research. From the outset this measure was contentious because the failure of the statistics to draw distinction between incidents of assault that have been perpetrated inside a licensed venue or immediately outside means that many licensed venues were unfairly targeted in spite of their efforts to tackle the problem of alcohol-fuelled violence by removing troublesome patrons from their premises.

Announcements from the time suggest that the list would be regularly updated to reflect changes in these figures and to ensure that those licensed venues that were effective in reigning in violent behaviour on their premises would not continue to be forced to comply with onerous licensing conditions prescribed in the new regulations. However, almost 12 months after the measures were first announced we have seen no change in the name and shame list, with the same 48 venues still targeted under these restrictions, which range from common sense measures such as serving beverages only in plastic cups after a certain point in the evening, to measures that many within the hotel industry have cited as completely counterproductive, such as allocating 10 minutes every hour when patrons would not be served alcohol. Of course, that leads only to a mad rush for service as the shutdown approaches.

The fact there is no effective recourse for licensees who have taken steps to cut the assault rates at their premises is also of grave concern. I argue that it is equally as deserving of the Government's attention as the legislation we are debating tonight. It should also be noted that the Independent member for Bligh has shown nothing other than rank hypocrisy in this debate. Members will recall her drafting and eventually pushing legislation through the Parliament last year that expressly sought to relax liquor licensing laws for small venues in the Sydney CBD. Yet, in her capacity as Lord Mayor of Sydney, she sought to achieve the opposite outcome—donning the mayoral chains—by lobbying the State Government to enforce a licensing freeze that would effectively force a temporary ban on the granting of such licenses. It seems she had a change of heart with her change of hat. Similarly, members opposite seem to have had a notable change of heart following introduction of the Liquor Amendment (Small Bars and Restaurants) Act. That Act was specifically designed to loosen licensing laws and to allow for special liquor licences to be granted to small wine bars and entertainment venues in the Sydney CBD, which will now be effectively frozen out in many instances.

This bill also removes all right of appeal to the Land and Environment Court for would-be licensees who find their licence applications barred under this legislation. Certainly it is hard to imagine a greater saturation of liquor licences than there is within the Sydney central business district, Kings Cross, Darlinghurst and Oxford Street areas, and the social problems this concentration causes are well known. On these grounds, the aims of the bill must be applauded; so too must the measures to cut any extension of late-night trading or increasing the venue capacity for the venues that fall within this geographical catchment. Although the Coalition maintains some reservations about the effectiveness and, indeed, the justness of the Government's efforts to curb the problem of alcohol-related violence, we will not oppose the bill, which I commend to the House.

**Reverend the Hon. FRED NILE** [6.20 p.m.]: The Christian Democratic Party is pleased to support the Liquor Amendment (Temporary Licence Freeze) Bill 2009, which will implement a temporary freeze on the granting of certain new liquor licences and changes to liquor licences in certain Sydney precincts and will establish a concurrent freeze on the granting of development applications to premises the subject of the liquor licence freeze. All members of the House are aware of major problems experienced in Sydney and in other major towns and centres across New South Wales with alcohol-fuelled violence—most notably on Sydney city and suburban streets and the city areas of Newcastle.

I believe, as other members have said, that Clover Moore, the Lord Mayor of Sydney, exacerbated the problems by promoting the establishment of more liquor bars in the central business district, by watering down the previous controls and by multiplying the number of alcohol outlets, replicating the New York model of a small bar on every corner. Obviously, an increased number of liquor outlets means increased liquor consumption, and increased liquor consumption equals increased alcohol-related violence, and that is what we are seeing happening now, particularly in the city of Sydney area.

The New South Wales Commissioner of Police, Mr Scipione, has spoken out very loudly and clearly on this issue. He has been very outspoken about the problems New South Wales police officers face when dealing with alcohol-related violence on the streets. It matters little how many police are on the street, the problem relates to having to control large groups of young and not so young men—and now, sadly, large numbers of young women—who are affected by alcohol. In fact, most are drunk. The problem stems from the repeal of the offence of drunkenness some years ago by a Labor government.

In response to these concerns the Premier announced the establishment of the Sydney Liquor Task Force. He announced further the introduction of legislation to effect a 12-month freeze on the issuing of certain new liquor licences and to prevent certain changes being made to existing liquor licences in designated precincts in Kings Cross, Oxford Street and the Sydney South central business district. I have reservations about the length of the freeze. The bill will implement a 12-month freeze. There is overwhelming evidence that problems have increased as the number of new liquor licences have expanded. The freeze should extend for a period of three years. In my opinion a period of 12 months is a token freeze. If we mean business and wish to combat the impact of alcohol in our city, the freeze should apply for three years, or even indefinitely. At least a three-year freeze would give us time to consider what further action should be taken if required. It may be necessary to roll back licences for some existing venues.

The freeze will extend to the following licence categories: hotel licences; club licences; on-premises licences that relate to a public entertainment venue, with the exclusion of cinemas and theatres; packaged liquor licences such as bottle shops; and producer/wholesale licences, which again have expanded in our State. I am pleased to support the bill. However, I suggest to the House that if we are serious about dealing with alcohol-related violence we should implement a three-year freeze.



**Ms LEE RHIANNON** [6.24 p.m.]: The Greens will not oppose the Liquor Amendment (Temporary Licence Freeze) Bill 2009, which implements a 12-month freeze on the granting of certain new liquor licences and prevents certain changes to existing licences in Kings Cross, Oxford Street and the Sydney South central business district. It also establishes a concurrent freeze on the granting of development applications to premises that are the subject of the liquor licence freeze. The Greens are concerned that the locations and categories of licences that are the subject of the freeze, the end date of the freeze and other matters can be amended by regulation. The Government gave no reason for suggesting that such an excessive delegation is necessary, and I note that the Legislation Review Committee stated that this provision constituted an excessive delegation of powers. I ask the Parliamentary Secretary to address that concern in his reply to this debate.

The health and social problems arising from excessive alcohol use and alcohol-related crime are complex—the Greens acknowledge that. We also acknowledge that conflicting community interests are at play. The social and health impacts from excessive alcohol use and alcohol-related crime are real. Research by experts in the field and by the Bureau of Crime Statistics and Research show that alcohol-related crime increases with the density and size of venues and extended opening hours, especially 24-hour trading. At the same time, the bill is focused on the centre of Sydney and on precincts with a vibrant nightlife. The challenge is how to best advance the cause of reducing alcohol-related violence in Sydney's busy nightspots without unnecessarily restricting the entertainment and tourist values of those areas, and while respecting the communities that live near late-night venues.

I note that the bill has been driven largely by Ms Clover Moore's wishes to freeze new licensed developments in inner Sydney. This is at odds with her position on the recent small bars reforms, and I note that this bill will apply to small bar licences. There appears to be a conflict here. Given that so few small bar licences have been awarded and given the Government's previous support for small bar licences, I wonder why small bar licences were not in the list of low-risk venues and exempted from the licence freeze. Again, this issue needs to be addressed by the Parliamentary Secretary in his reply. We face a challenge to resolve the conflicting interests here.

The bill is an attempt to buy some time but we are left wondering where we will be in nine months when the freeze is nearing expiration. What does the Government plan to change during the freeze? What will be different in a year's time? What will we be debating in this House when the Government comes up with its next plan? What studies and consultation processes is the Government undertaking during this time? Minister Green in the agreement in principle speech in the other place said:

The Government will closely monitor the effects of the freeze on both licences and development applications in the prescribed areas.

I hope that statement was the result of sloppy speechwriting. Presumably the effect of the freeze on licences and development applications will be that they will be frozen. Surely Minister Green meant to say that the Government will monitor the effects of the freeze on the social impact of excessive alcohol use and alcohol-fuelled violence. I ask the Parliamentary Secretary to clarify this matter also, because at the moment it is unclear. Minister Green's statement is clearly confusing.

I ask the Minister to set out what form the monitoring will take and with whom the Government will consult because it is integral to the Government's approach to liquor reform that it is informed by evidence and research. The Greens welcome the consultation with the City of Sydney demonstrated in the bill, as local communities bear the brunt of binge drinking and street violence. Council officers are often on the front line in receiving complaints and dealing with residents' concerns. Close consultation is not a model often seen in this Government's approach to liquor regulation.

**Debate adjourned on motion by Ms Lee Rhiannon and set down as an order of the day for a future day.**

## ADJOURNMENT

**The Hon. HENRY TSANG** (Parliamentary Secretary) [6.31 p.m.]: I move:

That this House do now adjourn.

## FOSTER CARE

**The Hon. MICHAEL VEITCH** [6.31 p.m.]: On Friday 18 September 2009 my wife and I attended a dinner for foster parents at the Boorowa Recreation Club. The dinner was part of activities for Foster Carers

Week in New South Wales and was supported by Department of Community Services staff from the Goulburn and Yass offices. The dinner was a great initiative that allowed foster parents to mingle and provide peer support and gave departmental staff an opportunity to simply say, "Thank you". Fostering can be quite isolating, and the aim of Foster Carers Week was to thank foster carers and parents. Being a foster parent or carer can be extremely rewarding but it can also be quite difficult. One needs a range of skills and it is recommended that people try not to get too attached, which is where my wife and I fail dismally every time. On more than one occasion we have had a combined family cry at the departure of a child who has shared our home for a short period. And not all placements work out either. Sometimes our home and the activities that may be going on at a particular moment in our home are not a good fit for a child needing a roof over his or her head.

Unfortunately, not every household in New South Wales is able to ensure the safe care of children. Since 2002 the number of children in care has increased by more than 69.5 per cent. As at 31 December 2008, there were 15,722 children and young people living in out-of-home care in New South Wales compared with 9,273 in June 2002. Of these, 5,776 were in foster care, while many other children are in kinship care with extended family members. These figures are expected to grow over the next five years. Currently, the Department of Community Services has 2,476 authorised foster carers across New South Wales. To combat the increase in out-of-home care there was an increase of 26.9 per cent in the 2009-10 budget, which took total expenditure to \$628.3 million.

The Department of Community Services is working to improve the efficiency of carer recruitment, training and authorisation processes. These include a new computer system, which was introduced in April 2009 to manage the authorisation of carers. The assessment process has been revised to use standard competency assessment techniques, and training has been improved for staff who assess carer applicants. Improved carer training is also under development, in consultation with the non-government sector. The Government has improved support for carers, including initiatives such as the introduction of foster carer support teams, which is an 80-strong network of specialist caseworkers focusing on recruiting and supporting new carers, and working closely with existing carers.

There is also the establishment of statewide foster care regional advisory groups, which comprise Department of Community Services staff and nominated foster carers who work together in partnership to strengthen foster care services to achieve better outcomes for children and young people in care. The Government is also providing \$4.35 million in funding over the next three years for Karitane to work in partnership with the Foster Parents Support Network to provide peer-based support for New South Wales foster parents and foster carers. The Government has also increased the foster carer allowances and contingencies payments in line with the consumer price index movements. New South Wales foster carers are now provided with the highest allowance in Australia and are paid contingencies for extra costs such as dental or extraordinary medical costs. I know that a number of foster carers and foster parents absorb the costs of those expenses themselves.

The Government is introducing the partnership agreement between the Department of Community Services and carers, revised and updated in 2009, which encourages open communication between Community Services and carers. It outlines the level of support that carers should expect in their day-to-day dealings with the Department of Community Services. It is also developing new communication with foster carers guidelines for staff, which were revised and updated in 2009, and which include the publishing of facts sheets for foster carers covering important topics.

Foster Carers Week is a wonderful opportunity to think about fostering a child or young person in need. New South Wales residents are being called upon to open their hearts and homes to children and young people who cannot live with their families. Many people do not realise that a range of fostering options are available, such as being a respite carer on weekends only. It is fantastic when people can make a full-time commitment to fostering, but for those who cannot, a commitment of even one weekend a month can make a real difference to a child and their family. The Department of Community Services provides intensive training to carers and backs it up with ongoing support, advice and financial assistance. I encourage anyone interested to get in touch with the Department of Community Services. I take this opportunity to thank all foster carers and foster parents in New South Wales for their time, compassion and ongoing commitment to the welfare of children in New South Wales. As a foster parent of some 15 years who has opened up our home to more than 30 children, I can inform the House that it is a rewarding experience for all involved.

## DINGOES AND WILD DOGS

**The Hon. RICK COLLESS** [6.36 p.m.]: It is with great concern that I recently read a number of research articles relating to the proposal to reintroduce dingoes into national parks and wilderness areas in

western New South Wales. The dingo is a descendant of an early wolf species. It carries the scientific name of *Canis lupus* subspecies *dingo*. *Canis lupus* is the scientific name for the white-footed wolf of South-East Asia and, as such, it is different genetically from the domestic dogs we have in Australia. It is also worth noting that the iconic Australian working dogs, the Australian kelpie and the Australian blue heeler, are in fact dingo hybrids that are now true breeding lines and are essential and faithful workers upon which all livestock producers rely for help and companionship as they go about their daily business.

Dingoes in their natural ecosystem are a valuable part of that ecosystem as the top predator that exists in Australia. Unfortunately, Australia is no longer a natural ecosystem. It is a nation that produces a huge amount of food, fibre and building materials for the world's growing human population. Dingoes still live in some areas of New South Wales, but there are very few purebred dingoes left. As a species different from the domestic dog, there are some very significant genetic differences between dingoes and dogs. One of those differences is very significant in terms of the management of wild populations of these animals.

Dogs breed twice annually and regularly rear between six and 10 pups, with each breeding pair successfully raising up to 20 pups every year. On the other hand, dingoes breed only once a year and successful breeding is generally restricted to the dominant pair. Litters rarely exceed four or five pups so only four or five pups are produced per breeding pair per year. Domesticated and working dogs will wander many kilometres to follow the scent of a bitch on heat. Any farmer knows how far a dog will travel under such circumstances. When a dingo bitch comes on heat, dogs from the surrounding properties will be attracted to her and will breed with her, producing a small litter of four to five crossbred pups. These four to five pups will breed twice yearly, with larger litters, and will not respect the dominant pair restriction that purebred dingoes observe. The result is a huge explosion in the number of wild dogs now living in an area that was once populated by a much smaller number of purebred dingoes.

To suggest, as some of the researchers are suggesting, that dingoes feed only on native animals is of course absolute nonsense. Dingoes prey on domestic livestock, both sheep and cattle. It is not only the predation by purebred dingoes that causes the problems for livestock producers but also the breeding of large numbers of wild crossbred dogs that results from the purebred dingoes being there and the resultant predation by those crossbred dogs that does the damage to livestock industries. It is estimated that wild dogs cost the wool industry more than \$24 million annually. In the Kempsey district alone, wild dogs have killed 8,325 cattle and a further 3,280 have been mauled since 2000. Such carnage must be stopped, and reintroducing purebred dingoes into western national parks will only exacerbate the problem of wild dog attacks and the resultant costs to food and fibre producers.

During a budget estimates committee hearing last week I took the opportunity to ask the Deputy Director General of the National Parks and Wildlife Service whether the New South Wales Government had any plans to reintroduce purebred dingoes into national parks. She did not answer the question. The Minister—the very new and very inexperienced Minister Robertson—indicated that the issue was a matter of policy. When quizzed further about what the Government policy is, the Minister refused to rule out the reintroduction of purebred dingoes into national parks. This refusal is of great concern to food and fibre producers around New South Wales. I now call on the Minister to categorically rule out the introduction of purebred dingoes into any national park in New South Wales.

## PERSECUTION OF CONVERTS FROM ISLAM

**Reverend the Hon. FRED NILE** [6.41 p.m.]: I wish to speak about the apostasy death threat to Christians, particularly in Iran. The United States Commission on International Religious Freedom has called on the United States Government and governments of other nations such as Australia to pressure the Iranian Government to end punishments for so-called apostasy, including the death penalty, to release religious prisoners, and to end the practice of systematically marginalising religious minorities. The commission also urged the United States Government and other governments to continue to speak out vigorously about such cases and on behalf of others in Iran who have been imprisoned solely because of their religion or belief, and to encourage other foreign governments to engage Iran on religious freedom and human rights issues. The commission's chairman, Felice D. Gaer, stated:

Iran's human rights record is abysmal, and the soon-to-be codified call for the death penalty for apostasy underlines the danger that the intolerance of the Iranian regime poses to its own people. The Iranian government should respect the international commitments it has taken on in the field of religious freedom and other human rights, including the freedom to have or adopt a religion as set out in Article 18 of the International Covenant on Civil and Political Rights, to which Iran is a party.

The Christian Democratic Party fully supports this call and has produced a special petition directed to the Federal Government to use its influence on the Iranian Government. A case in point has arisen in Iran concerning two young women. On 11 September 2009 a group of 150 Iranians and other Christian women, dressed in white, gathered outside the Iranian Embassy in London to conduct a prayer vigil in support of two Iranian believers who were being held in Tehran's notorious Evin prison after being arrested for being Christians. The two women were accused of being apostates—that is, "one who changes their faith from Islam"—a crime in Iran which, if a new law before Parliament is invoked, will carry the sentence of death for any man, and life imprisonment for a woman, who converts to Christianity or any other faith.

The women who carried out the prayer vigil wore white as a symbol of their peaceful protest. The white garments were also a striking contrast to the black burqa worn by some women in Islamic countries. There was wide support for the vigil and the release of these Christian young women from within the Christian communities in the United Kingdom, including the Anglican and Greek Orthodox churches. In addition to the cases involving these two young women, two other women have been arrested for professing to be Christians. Mayram Rostampour and Marzieh Amirizadeh Esmaeilabad had been held in Evin prison in Tehran for more than six months, often in solitary confinement. The health of both women was of great concern to their families and supporters worldwide. They had both lost a considerable amount of weight due to the very poor nutrition in the prison food, and they suffered from severe pain throughout their bodies. On 9 August they were brought before an Islamic court for examination by a deputy prosecutor. They were told they had to renounce their faith in Christ or suffer the consequences of the law. When they refused they were sent back to prison to consider their options. Their stark choice was to either deny their faith and be set free or remain in prison and suffer physical punishment—which could involve lashes—for their so-called crimes.

It has been reported that there are at least six other Christians held under similar circumstances in Evin prison. They too have faced examination in an Islamic court and have been held in solitary confinement for confessing to be Christian. We call on the Iranian Government to stop the persecution of people who change their religion and to not pass a new law involving the death sentence for apostasy.

#### PEOPLE'S REPUBLIC OF CHINA

**The Hon. HENRY TSANG** (Parliamentary Secretary) [6.45 p.m.]: I inform the House about two events I attended recently to celebrate the sixtieth anniversary of the founding of the People's Republic of China. On Monday 14 September I attended a reception hosted by the Chinese Consul General, Hu Shan. The reception was held at the Westin Hotel and was attended by more than 1,000 people, including the Chinese Ambassador to Australia, His Excellency Zhang Junsai. Premier Nathan Rees attended the event and used the occasion to acknowledge that the creation of the People's Republic of China marked the end of centuries of weakness and division in mainland China. I quote the Premier's words:

There are moments in the life of nations where the course of human history is changed forever. The creation of the People's Republic of China was such an event. The coming of the People's Republic marked the end of centuries of weakness and division in mainland China. From this historic event, China returned to the world stage united and resolute, led by one of the most remarkable—if also controversial—figures of modern times, Mao Zedong. For 60 years China has set about regaining the honour and prestige befitting the world's most populous nation and one of history's greatest civilisations.

As the Premier noted, the people of China have every right to take pride in this anniversary and to take pride in the achievements it celebrates: the forging of internal unity, the decrease in poverty, the increase in education and literacy, unprecedented economic change and reform that has seen the greatest lifting of living standards in human history, and a growing sense of global responsibility as China continues to claim her rightful place among the world's nations. As the Premier said, New South Wales has a special place in the Australia-China friendship: 2009 marks the thirtieth anniversary of our sister State relationship with Guangdong Province, with Governor Huang Huahua coming to Sydney for the Joint Economic Meeting next month. The Premier announced that he will be making his first visit to China in November, leading a high-level New South Wales delegation to Guangzhou and Shanghai which will include the official opening of the New South Wales representative office in Shanghai.

The second event I attended to mark the sixtieth anniversary of the founding of the People's Republic of China was a community celebration at the forecourt of the Sydney Opera House on Sunday 6 September. The event was attended by 10,000 people. It involved some 200 groups from the local Chinese community and a colourful display of 60 lions, set against the beautiful backdrop of Sydney Harbour. The event, which was broadcast to China, highlighted Sydney as a vibrant and harmonious multicultural city and a great destination for tourists and international students.

Premier Nathan Rees attended the event and used the occasion to congratulate the Australian Chinese community on its contribution to New South Wales and to outline what the Government has done to acknowledge the contribution of the Chinese community. Chinese have played a pioneering role in the development of New South Wales since they first began arriving on our shores in the 1800s. This enterprising spirit continued through the gold rushes of the 1850s, and continues today. The Chinese community has played a key role in promoting business ties with mainland China, and these efforts have contributed to China becoming our State's largest trading partner. As the Premier said, the New South Wales Government has acknowledged the contribution of the Chinese Australian community. The Government established the Premier's Chinese Community Service Awards in 2005 to acknowledge Chinese Australians who have provided outstanding voluntary service to the community.

The Government supports the celebration of the annual Chinese New Year Festival and, by working with the city of Sydney council, has helped the event to become the largest celebration of the Chinese New Year outside Asia, attracting large numbers of tourists to Sydney. The Labor Government established the Darling Harbour precinct in the 1980s, transforming an area of abandoned warehouses and disused railway sidings into a tourist and leisure destination. The Chinese Garden in Darling Harbour was opened in 1988 to celebrate Australia's Bicentenary and to symbolise the friendship between New South Wales and its sister State of Guangdong Province, and more generally between Australia and China. I was honoured to be the head consultant architect for the Chinese Garden, which is 21 years old this year. In conclusion I commend Premier Nathan Rees for his commitment to the New South Wales-China relationship and to the Chinese community.

## DEMENTIA

**The Hon. JOHN AJAKA** [6.50 p.m.]: Monday 21 September 2009 marked International Alzheimer's Day, a day for awareness: awareness of prevention and diagnosis of Alzheimer's and dementia. This year's theme, "Diagnosing Dementia: See It Sooner", emphasised the importance of the prompt diagnosis of the disease, as well as underlining the importance of early detection by medical professionals so that sufferers obtain the treatment they need and deserve. On a personal level, the day resonated strongly with me. It was a lucid reminder of the debilitating illness that touches so many yet which modern science and medicine cannot cure. A number of family members, including my late grandfather Iskander Ajaka and my late uncle Habib Ajaka, suffered from this terrible illness that ultimately took their lives.

Today I would like to share with the House some of findings that I was saddened to uncover through my research into Alzheimer's. Alzheimer's causes 50 per cent to 70 per cent of all cases of dementia or the progressive decline in a person's ability to function properly. It is a broad term that covers memory loss and diminished intellect, rationality, social skills and what would be considered as normal emotional reactions. In scientific terms, this gradual incapacitation is due to the disappearance or shrinking of brain cells and the build-up of abnormal material in the brain. This irregular matter then tangles in the centre of the brain, disrupting messages between brain cells. When the brain cells eventually die, information cannot be recalled or assimilated, leading to the symptoms of dementia.

However, words and science alone will never be able to express the physical, emotional and psychological hardship that dementia sufferers live with. As I said earlier, I have seen this firsthand with family members. To provide members of the House with a small insight into their world, I would like to recount some personal words of a woman caring for her elderly mother and sufferer of dementia. The daughter writes:

It's like having a child. She's frightened and panicky, constantly asking "what about me", but then she knows she's going mad. You literally lose your brain, there is no past, no future, you're just existing in the here and now. It must be terrible ... I don't want to see my mother end up this way. I'd rather she just dropped dead but I'm past feeling guilty about having thoughts like that. I have seen too many people crushed by the disease.

Almost a quarter of a million people in Australia live with dementia. This number is predicted to more than double in 20 years. Without an imminent medical breakthrough, there is little that can be done to prevent more than 1.1 million Australians from being affected by dementia by 2050. This is by no means a localised event. World wide, doctors and medical experts warn of the exponential growth in the number of dementia patients by 2050 and experts predict that a new case of Alzheimer's will develop every 33 seconds. In the next 40 years, New South Wales will be hit by a tsunami of dementia cases according to a new report commissioned by the New South Wales branch of Alzheimer's Australia.

What I find most troublesome is that for every dementia sufferer there is an immediate personal and professional network that becomes directly implicated in the support of the sufferer. Family and friends, by

mere virtue of relationship, in many ways become a means of existence to the victim. It is a hard cross to bear, but one that is often carried by friends and relatives with love and compassion. However, in practice, having a personal support network is not always feasible. Where private care is not an option, it is the professional carers who become the vital source of support for Alzheimer's and dementia sufferers. It is the doctors, nurses and professional carers who dedicate their time to helping these people lead as normal a life as possible—a fact that the State Labor Government has largely seemed to ignore.

The Garrawarra Centre at Waterfall in Sydney's south is one of the few purpose-built dementia facilities in New South Wales. It is also one of the State-run nursing homes situated on land that the Rees Labor Government is intent on selling in order to generate more than \$22 million to fill its budget black hole. Given that dementia will more than likely rise in the years to come, and that the populations of the Sutherland shire and Illawarra areas are ageing rapidly, I find this move to close down the centre not only foolish but also dangerous. It jeopardises the future of the specialist care available at the centre, putting at risk the future of patients, families, carers and hospital staff.

The gravity of debilitating diseases such as Alzheimer's cannot be ignored, especially in light of the expert medical consensus that predicts cases of dementia will reach new and previously unforeseen highs. Unfortunately, it appears that the current State Labor Government has its priorities all wrong in reacting and preparing for this impending epidemic. Instead of closing specialised dementia facilities, the Government should be working on opening further centres for Alzheimer's and dementia sufferers to ensure quality, ongoing support for them, their carers and their loved ones.

### FLUORIDATION AND IMMUNISATION

**Reverend the Hon. Dr GORDON MOYES** [6.55 p.m.]: The ever-vexed issues of the fluoridation of our water supplies and immunisation of our children have returned with great force in the past few weeks due to the waging of some online campaigns. The Internet has been a great boon to our lives but also a spreader of mischief and misinformation. There are a dozen conspiracy theories about both vaccines and fluoride, and they should not be taken seriously by anyone. I am not a research scientist, so I look to the experts in the field to guide my thinking when considering these issues. The authorities that advise eminent bodies such as the World Health Organization and the Centers for Disease Control and Prevention in the United States of America are unanimous in their belief that fluoridation is one of the greatest public health achievements of the twentieth century and that immunisation against once-common killers has saved the lives of untold millions, as well as prevented pain, misery and disability to millions of others.

We are blessed to live in an age where we are not dying from contagious diseases in plague proportions. Part of the problem is that young people do not remember knowing anyone who died from measles or rheumatic fever, was disabled by polio, or rendered infertile from mumps. But my generation remembers. It was our relatives—our brothers and sisters; a brother in my case—who died of these diseases. We are very grateful to live in this era where a simple jab can prevent those tragedies.

Through water fluoridation thousands of communities internationally have reduced rates of tooth decay and improved oral health across their populations. Studies show that fluoridation can reduce the amount of decay in children's teeth by up to 60 per cent. Anyone who has had a cavity drilled and filled by the dentist will realise how lucky people are to have fewer cavities. Fluoridation is considered safe by the experts who have studied it. Our governments are not trying to poison us, cause us deadly diseases, or cruelly inflict misery. Fluoridation is sensible and cost effective, it benefits everyone in the community, and it helps us save money, time and pain throughout our lives by having less dental decay.

There are some real grounds for objecting to vaccines. Those who are concerned about the use of animals in research will lament their suffering during the testing of vaccine reliability. Those who avoid animal products or are allergic to eggs will want to avoid the vaccines that use egg albumen as a base. In the past some vaccines have been found to contain contaminants. They have subsequently been withdrawn from use, but not before affecting a small portion of the population with some side effect. That is alarming but extremely rare. Edward Jenner, the father of immunology, is said to have saved more lives than any other human being. Vaccines are a miracle of human history and have prevented countless terrible deaths.

Vaccines are held to the highest standard of safety. The developed nations currently have the safest, most effective vaccine supply in history. Years of testing are required by strict legislation before a vaccine can be licensed for use in a population. Once in use, vaccines are continually monitored for safety and efficacy. But

immunisations, just like any medication, can cause adverse events in a small number of users. The decision not to immunise children also involves risk. Frankly, it is an irresponsible decision because it puts children and all others who come into contact with them at great risk of contracting a disease that may be dangerous or deadly. The majority of the population has to participate in immunisation programs for the so-called herd immunity to take effect.

There is much that medical science does not yet know, but it has gone to heroic lengths to provide alternatives to the terrible suffering and death that were common early last century. We have to educate ourselves, and those around us, by listening to the best authorities and tuning out the ignorant, the alarmists and the conspiracy theorists because their message is deadly. I adamantly support fluoridation of the water supply and the childhood schedule of immunisations. I believe that all responsible, educated people have an obligation to do so for the common good.

#### **MATONG DAY CARE CLUB**

**The Hon. HELEN WESTWOOD** [7.00 p.m.]: Last week I had the opportunity to attend the Matong Day Care Club's fiftieth anniversary celebrations, which were held at Chester Hill RSL. The Matong Day Care Club is a wonderful organisation that supports veterans and veterans' widows in our community by providing activities and services. Under the wonderful coordination of Brian Reeves, who volunteers his time to pick up and deliver participants to St John Marks Church, the veterans and widows participate in a range of activities and are provided with a meal. Brian and his volunteers not only purchase the food but also prepare the meal. In this way they ensure that the veterans and widows in our communities receive social support and the nutrition they need for their wellbeing.

*[Time for debate expired.]*

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

**Motion agreed to.**

**The House adjourned at 7.01 p.m. until Wednesday 23 September 2009 at 11.00 a.m.**

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