

LEGISLATIVE COUNCIL

Wednesday 28 October 2009

The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (HEAVY VEHICLE REGISTRATION CHARGES) BILL 2009

SURVEYING AMENDMENT BILL 2009

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Tony Kelly agreed to:

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a later hour.

AUDITOR-GENERAL'S REPORT

The President tabled, pursuant to the Public Finance and Audit Act 1983, the Auditor-General's Financial Audits, Report Volume Three 2009, focusing on electricity, dated October 2009.

Ordered to be printed on motion by the Hon. Tony Kelly.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 1 postponed on motion by the Hon. Roy Smith.

Business of the House Notice of Motion No. 2 postponed on motion by the Hon. Tony Kelly.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. DON HARWIN [11.07 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 227 outside the Order of Business, relating to Abbotsford Public School, be called on forthwith.

The case for an urgent debate about the proposed use of Building the Education Revolution funds at Abbotsford Public School is straightforward. Correspondence from the Minister for Education and Training dated 16 October 2009 and received at the end of last week makes it clear that the Department of Education and Training has absolutely no intention of working with the school and the broader community to develop an alternative plan for the Building the Education Revolution funding, one that would better meet the school's needs. Neither the Minister nor the department has any intention of discussing alternatives or negotiating amendments to the current plan with the school and the school community. Instead, the correspondence from the Minister clearly stated that the proposed works would proceed as planned and without further delay. Despite opposition from the school community, the department is determined to press ahead with its flawed and disgracefully wasteful plan.

I am advised that managing contractors visited the school on Monday afternoon this week to begin implementation of the department's plan. I am further advised that the work is to commence next week and the local Federal member, John Murphy, will officiate at a soil-turning ceremony. Given that contractors have already visited the site and that work is due to commence next week, debate on this motion must take place immediately if it is to achieve its stated aim of seeking an immediate hold on work at the school until an alternative outcome has been secured through engagement with the school and the local community. Putting off debate on this motion will only delay scrutiny of this very troubling situation until it is really too late for an improved outcome for the school to be agreed to.

The Abbotsford Public School community cannot afford for this debate to be delayed until demountables have been sourced, paid for and located on site. The school community cannot afford for this debate to be delayed until demolition of block H has begun; yet this is imminent. The need for the Minister for Education and Training to personally intervene and work with the school community is urgent. Consequently, it is imperative that this motion be debated today.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

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

Noes, 16

Mr Catanzariti	Mr Macdonald	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Fazio	Mr Robertson	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Hatzistergos	Mr Tsang	Mr Donnelly
Mr Kelly	Ms Voltz	Mr Veitch

Pairs

Mr Colless	Ms Robertson
Mr Pearce	Mr Roozendaal

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Don Harwin agreed to:

That Private Members' Business item No. 227 outside the Order of Precedence be called on forthwith.

ABBOTSFORD PUBLIC SCHOOL

The Hon. DON HARWIN [11.17 a.m.]: I move:

That this House:

- (a) condemns the Rees Labor Government for failing to reach an agreement with Abbotsford Public School about the capital works to be undertaken with a \$2.5 million Building the Education Revolution grant from the Federal Government,

- (b) notes that the current plan to demolish the four classroom Block H and replace it with a new block of four classrooms and special tuition space is opposed by the school's principal, staff, council and parents and citizens association, as well as by local residents,
- (c) notes that the current plan will result in four air-conditioned classrooms being replaced with four non-air-conditioned classrooms,
- (d) notes that the current plan will result in \$200,000 of the grant money being spent on temporary demountables,
- (e) notes that under the current plan as much as 35 per cent of the grant money will be spent on management, surveying and contingency fees,
- (f) notes that the current plan does not address the capacity problem facing the school which already means students of English as a Second Language must receive tuition in a hallway and next year may force the school to give up its music room or its dedicated Italian room,
- (g) calls on the Minister for Education and Training to put an immediate hold on work at Abbotsford Public School and visit the school to meet with the school leadership,
- (h) calls on the member for Drummoyne to actively support her local community and secure an outcome that meets the school's needs and aspirations, and
- (i) notes that Abbotsford Public School is not the only primary school in New South Wales being forced to accept Building the Education Revolution works that do not have their full support and do not address their priority needs.

I have just been handed an email advising me of a development in this matter, which I will share with the House later.

[Interruption]

It concerns a call received from the office of the Deputy Prime Minister.

The Hon. Catherine Cusack: You've already got some action, Don.

The Hon. DON HARWIN: The Opposition has already got some action because someone from Julia Gillard's office was on the telephone. On 9 September 2009 I raised the Building the Education Revolution grant to Abbotsford Public School during debate in this place. The situation at that school is a striking example of money being wasted because of the refusal of the State Government to listen to local communities and work with them to achieve the service requirements they actually want. This situation could be considered farcical if it were not so serious. Sadly, it has been almost two months since I last spoke on this matter and the Government has continued to ignore the Abbotsford Public School community. The Minister for Education and Training has refused to meet with the school or to respond directly to correspondence.

The local Labor member, the member for Drummoyne, Ms Angela D'Amore, having initially indicated support at the meetings of the school's parents and citizens association, has now recanted from the school's cause and meekly backs her ministerial colleague, the member for Balmain. Ms D'Amore has not once taken the opportunity in the other place to speak out on behalf of the school. Meanwhile, the Department of Education and Training, and the Building the Education Revolution program office have stubbornly refused to amend the proposed capital works to address the concerns and meet the needs of the school community. Frustratingly, despite strong opposition, the flawed and wasteful project is being forced heavily on an unwilling school community.

The school council and the parents and citizens association have made every effort to secure a sensible, common sense outcome for the school, one that complies with the Building the Education Revolution guidelines and remains within the scope of the grant, but also provides the school with value for money and addresses the present need for increased classroom capacity. Through letters, emails and phone calls to local, State and Federal members, the State and Federal education Ministers, the Premier and the project director of the Building the Education Revolution program office, the school community leadership has pleaded over several months for the opportunity to work together with the State and Federal governments to develop a better and more suitable project for the school. Their efforts have been ignored, stonewalled and dismissed. On 25 May this year the principal of Abbotsford Public School signed off on a \$2.5 million grant for the school under the Building the Education Revolution program. The president of the school council has explained that:

The principal believed he was signing off on a plan to accept the grant and that the proposal was subject to negotiation.

The document referred to "four new CDR home base block and associated outdoor learning spaces". The principal had every expectation that having formally accepted the grant money the school community subsequently would have the opportunity to discuss the configuration and precise location of the new block of classrooms. There was no reason for the principal or the school community to expect the New South Wales Department of Education and Training to submit plans to the Commonwealth Department of Education, Employment and Workplace Relations with absolutely no consultation.

Similarly, there was no reason for the principal and school community to anticipate that such plans would involve the demolition of block H, as prior to this whole Building the Education Revolution debacle that building had never been identified as substandard or in need of replacement. Quite contrary to the ill-informed and wholly inaccurate remarks made by the Deputy Prime Minister in the Federal Parliament on 9 September this year, the building is structurally sound and in good condition. The classrooms are light and bright, air-conditioned and newly refurbished, following fundraising efforts by the parents and citizens association. The staff are most happy to teach in the rooms and the Teachers Federation has inspected the rooms and found them to be entirely adequate and suitable.

The principal, just two days after he accepted the Building the Education Revolution grant, contacted the New South Wales Department of Education and Training to discuss the school's wishes. He was informed, just two days after accepting the grant, that it was already too late for the school to have any input into the project, as the department had already submitted a proposal to Canberra for approval. All reference to covered outdoor learning areas had been removed from the proposal and the project now involved the demolition of block H and its replacement with a new block of four classrooms—albeit lacking air-conditioning and storage spaces, which the current block H classrooms possess. Apparently it is suitable for the Department of Education and Training to make changes to the proposed project according to its own agenda, but evidently such revisions are not possible to meet the needs of the school. What a joke!

On 2 June 2009, eight days after the principal signed off on the grant money, the school council and the parents and citizens association wrote to the Department of Education and Training and the Building the Education Revolution program office to request that the proposed project be varied in order to better suit the school's needs. The school community offered sensible and practical alternatives, such as the construction of new classrooms alongside the existing block H. I viewed the site last Monday. The school's offer is an entirely feasible and viable alternative. Having received the correspondence from the school, the Department of Education and Training could have put the entire process on hold and awaited the outcome of discussions with the school community. But the department and the Government were not interested in hearing from the school. They were not interested in the school's needs. They were not interested in consultation or working with the local school community.

Instead of putting the project on hold and working with the school to develop a better project that the school community wanted and supported, the department chose to completely disregard the correspondence from the school. With full knowledge of the school's objections, the department immediately put the project to tender. According to the Building the Education Revolution project director, the tender process was completed within one week. That a key stakeholder could be so blatantly, deliberately and arrogantly shut out of such a process is simply disgraceful. It is important to emphasise that the school community has never given its consent to the project. Indeed, consent has never been sought. This point is central to understanding the situation at Abbotsford Public School. It is one that seems to have eluded both the Minister for Education and Training and her Federal counterpart.

In response to questions on the matter, both Verity Firth and Julia Gillard have stated that the school community accepted the proposed capital works in May. This is entirely false. The school does not and never has endorsed the department's plans. The parents and citizens association at the school does not and never has endorsed the department's plans. The school community does not want and never has approved the department's plans. To persist in stating otherwise demonstrates either a wholly inadequate understanding of the situation at Abbotsford Public School or a wilful disregard for the facts of the case. I add that it is a blatant breach of the Building the Education Revolution guidelines. The Building the Education Revolution response form presented to the school principal for completion in May this year clearly states at point 0.14 "P and C endorsement of scheme is required". The Department of Education and Training, and the Building the Education Revolution program office were made aware before the project went to tender that the plan did not have the endorsement of the parents and citizens association. The Minister for Education and Training has been aware for months that the project at Abbotsford Public School does not have the endorsement of the parents and citizens association.

The school's objections to the project in its current form are essentially two-fold. Firstly, it does not address the school's actual needs. Second, it does not represent value for money. Enrolments at Abbotsford Public School are increasing. Recent housing developments in the area, which the Government anticipated would mainly appeal to elderly residents, have in fact attracted younger couples with small children. As the front page of the *Inner West Courier* stated on 6 October 2009, the area is experiencing a baby boom. Consequently, next year it is likely that Abbotsford Public School will increase its number of kindergarten classes from three to four. As a result, an additional classroom will have to be found for regular tuition. This will further exacerbate a capacity crisis that the school is already experiencing. The students at Abbotsford Public School who receive special tuition under English as a Second Language and learning support programs already are forced to sit in a hallway foyer for their lessons. As Lyn Reynolds, president of the school council, explained:

At present, ESL and learning support classes are taught in corridors and foyers with minimal screening from view or noise. This is disrespectful and insensitive, in the least, for these students and not at all in their best interests for meeting their academic and personal needs. We need extra classroom capacity now to meet this imperative.

With the school already unable to provide sufficient classrooms for its teaching needs, the necessity to accommodate an additional kindergarten class will force the school either to convert its music tuition room or to scrap its dedicated Italian language classroom. The loss of music tuition or Italian language classes will be a very regrettable blow to the students at Abbotsford. The principal has invested considerable time, effort and resources building up a commendable music program at the school, while it is worth noting that more than 40 per cent of students at Abbotsford Public School come from an Italian background. The loss of dedicated learning spaces for either of those programs is just unbelievable.

The Hon. Marie Ficarra: Unacceptable.

The Hon. Trevor Khan: Shameful.

The Hon. DON HARWIN: As my colleagues the Hon. Marie Ficarra and the Hon. Trevor Khan said, it is unacceptable and shameful. Increasing classroom capacity is overwhelmingly the school's number one priority. In every request and proposal put to the Government with regard to its Building the Education Revolution grant, additional classroom capacity has been the central element—as well it should be. It is quite extraordinary that the Minister for Education and Training and her department think that it is acceptable to spend \$2.5 million at a school that is desperate for additional classrooms, without increasing the number of classrooms. The school's second objection to the Building the Education Revolution project, as determined by the Department of Education and Training, is value for money. Page 16 of the Building the Education Revolution guidelines states:

States and Territories must ensure that tendering and procurement arrangements for BER funded projects require the projects to demonstrate value for money.

In her letter to the Minister for Education and Training, Lyn Reynolds states:

The school community, which consists of a range of tertiary-educated professionals including engineers, builders, architects, lawyers [and] public servants ... are astounded that such a project as that proposed by the DET, even including its classroom specifications, the installation and removal of four demountables and necessary groundwork, would cost \$2.5 million. We believe that this is not value for money; we have unsuccessfully sought cost breakdowns; are bewildered why DET employ such practices and products that are quadruple the cost of what could be obtained in the free market and are deeply concerned that taxpayer's money is not used in this manner.

The school community has reason to be concerned. Another school in the inner west apparently will have a three-classroom block demolished and a new four-classroom block in a two-up, two-down configuration erected in its place for just \$2 million. Of course, it is not a government school. The Catholic school system is apparently sourcing classrooms that meet the specifications of the Department of Education and Training for between \$200,000 and \$300,000 each. Then there is the matter of management, surveying and consultancy fees.

A project expenditure breakdown provided to the school reveals that in excess of 30 per cent of its Building the Education Revolution grant will be consumed by such fees as \$125,000 in contingency fees, \$32,500 in IPO project management costs, \$79,625 in managing contractor's incentive fees, \$26,939 in MC project management costs and \$134,694 in site management costs. Given the Government's appalling track record on the issue of delivering capital works and infrastructure in time and on budget, one can assume that the proportion of the grant consumed by fees will, in fact, end up being even higher—as much as 35 per cent.

When Senator Guy Barnett of Tasmania visited the school last month, he was informed that the State Labor Government had already spent \$85,000 of the school's grant on plans, architects and consultants—all without consulting the school community or obtaining their endorsement or consent for the shape of the project. While the failure to address the school's capacity problem and doubts over the issue of value for taxpayers' money are the general reasons for objecting to the project in its current form, there are also other more specific issues.

The four classrooms of block H at Abbotsford Public School are air-conditioned. The system was installed a couple of years ago as a result of a 50:50 funding arrangement between the Howard Government's Investing in Our Schools program and the exemplary fundraising efforts of the school's hardworking parents and citizens association. Astonishingly, the school has been informed that the scope of the Building the Education Revolution grant does not provide for the replacement block of four classrooms to be air-conditioned. In this regard the students at Abbotsford will be having their learning environment downgraded. It is also a massive slap in the face to the parents and citizens association, which will see the fruits of its labours tossed aside and its fundraising agenda sent back to square one.

The project is also flawed for the unnecessary waste of funds inherent in the replacement aspect of the plans. While the school seeks an additional building alongside the existing block, the Department of Education and Training plan insists on demolition and replacement. Consequently, the Department of Education and Training plan involves demolition costs and the expenses involved in identifying, relocating, occupying and removing four demountable classrooms for the duration of the construction period. At \$50,000 per year per demountable, this is a \$200,000 line item in the plan of the Department of Education and Training that could be otherwise spent on improvements for the school. Under the Catholic school system, a new classroom could be obtained by the amount that the Department of Education and Training is spending at Abbotsford on demolition work and demountables.

In contrast to the Government's flawed and wasteful project, the school has put forward a sensible and commonsense alternative. The school wants a new four-classroom block in a two-up, two-down configuration to be erected on a separate site adjacent to the existing block H, as the Department of Education and Training has done in other schools in the inner west for an even smaller cost. This would increase classroom numbers by four, thus accommodating both the school's current and future needs. The plan would preserve block H to be utilised for the full extent of its useful life, which ought to be another 20 years, given its sound structural condition and its endorsement from the staff and the Teachers Federation.

The plan would cost less than the proposal of the Department of Education and Training by eliminating the need for demolition works, demountables and the dismantling and re-erection of a covered walkway. This cost saving would allow funds to be redirected to covered outdoor learning areas and the re-turfing and drainage issues besetting the school's playing field. The plan would also result in considerably less disruption to the students and surrounding residents. As Lyn Reynolds, chairman of the school council, explained, the school's alternative plan "would be a far superior outcome for our school, as it addresses all our present and future needs and would ensure that taxpayers' money is used more widely and efficiently".

Given the obvious advantages of the school's proposal, why is the Government insisting on pursuing its current flawed plan? It would appear that the uncooperativeness of the Government is predicated on a suite of reasons. Firstly, the Government appears to be self-interestedly seizing the opportunity to use Federal funding to rid itself of the need to use State Government funding in future budgets to maintain and eventually demolish and replace block H. Secondly, there is a natural reluctance to admit incompetence, mismanagement and the cutting of corners procedurally. Thirdly, it would appear that the Building the Education Revolution program office is fearful of conceding to variations and thus setting a precedent for numerous other schools, such as Baulkham Hills North, to seek variations to its own plans.

The Department of Education and Training and the Building the Education Revolution program office have both cited commencement and completion deadlines for their own inflexibility. However, the Building the Education Revolution guidelines concerning variations clearly state that these deadlines can be waived and that alternative appropriate time constraints can be imposed with the consent of the Department of Education, Employment and Workplace Relations. Page 17 of the Building the Education Revolution guidelines states:

Any project variation that has an impact on the scope of the project must be approved by DEEWR prior to any work on the project variation commencing.

Project variations which will be considered under this category include: where an approved project is to be cancelled and replaced with a new project; or where an approved project is varied in some way without impacting on the overall BER approved funding for that project.

Consequently, the State and Federal Ministers can still intervene to secure a positive outcome for Abbotsford Public School. The Premier can still demonstrate leadership by directing his Minister for Education and Training to halt the project immediately and to speak with the Deputy Prime Minister. Regrettably, to this stage the Premier has simply referred the matter to his Minister for Education and Training, who has dodged personal involvement. She has refused to meet with the school leadership and has neglected to respond directly to their written submission, replying instead via the local Labor member of Parliament. Meanwhile, the local Labor member has failed to deliver for the community that has been relying on her. The member for Drummoyne has not raised the matter in the other place and has failed to secure an outcome acceptable to the Abbotsford Public School community.

The failure of the Minister for Education and Training, Verity Firth, even to visit Abbotsford Public School over the past few months is astonishing. After all, she is the member for the adjoining electorate. Her statements on the matter in the other place are also markedly telling. When questioned on 23 September by the shadow Minister for Education, Adrian Piccoli, Minister Firth replied:

The BER program office has recommended that the project that schools originally agreed to, a project which has gone to a tender that has now closed, proceed as planned.

Her answer is revealing. The BER office has recommended proceeding as planned, and that is that so far as the Minister is concerned. She has fallen quickly and smartly into line with the BER program director, Angus Dawson, rather than investigating herself. One wonders who is making the decisions, especially given that Mr Dawson reportedly told the secretary of the Abbotsford Public School Parents and Citizens Association that it was he who would decide the outcome of the dispute over the grant and that no politician would be making any decision about it. It is terribly frustrating that stubborn bureaucratic obsession with artificial deadlines is being allowed to overrule a school's commonsense best practice outcome because of ministerial impotence.

Abbotsford Public School needs additional classrooms, not new classrooms. It is a school with numerous immediate funding needs that could easily be addressed by a \$2.5-million grant that was flexible and adaptable. The school has self-managed a \$150,000 National School Pride grant extremely well with an outstanding refurbishment of toilet facilities. One can only imagine the numerous excellent outcomes that the school could achieve with \$2.5 million if it were empowered to control the funding in the way that Catholic schools have been allowed to do. Of course, that is why they are getting so much better value for money. That much money could resolve the capacity problem and could address the returfing and drainage problems affecting the playing field.

It could also restore the English as a Second Language and learning support funding that the State Labor Government recently cut. The school had funding for an ESL and learning support teacher three days a week, but that was recently cut by 50 per cent to just one and a half days per week. Fortunately, the hardworking parents and citizens association has been able to fund half a day a week, thus mitigating the impact of the funding cut and enabling the school to maintain two days a week of ESL and learning support tuition. One wonders where the local member, Mrs D'Amore, was when her Government reduced the amount of funding for ESL tuition to a school in her electorate with more than 46 per cent of students from a non-English speaking background. It is a disgrace.

A better outcome for Abbotsford Public School must be secured. The BER guidelines clearly allow for a project, even one that has gone to tender, to be cancelled and an alternative project introduced. As this motion states, the Minister for Education and Training must urgently intervene, put an immediate hold on work at Abbotsford Public School and personally visit the school and meet with the school community leadership. The member for Drummoyne must stand up and stridently fight for the school community. The capacity issue must be addressed with the BER funding. A less wasteful project needs to be proposed—one that does not squander grant moneys on endless fees and unnecessary demountables. The students of Abbotsford Public School should not be left without air-conditioning and forced to continue indefinitely to take their ESL and learning support tuition in an open hallway foyer. Finally, the Government must abide by the BER guidelines and obtain endorsement for the scheme from the parents and citizens association.

As I alluded to earlier, the chairman of the school council has just had a message from the Deputy Prime Minister's office and the BER task force stating that they wish to discuss our problem. I am told that after hearing about our situation the officer concerned was going to recommend to her superiors that a hold be put on the project until it can be reviewed. Julia Gillard's office seems to be interested and wants to respond. Let us consider why. It is curious that a response has been received on the very day that I planned to move this motion. It has known for months that the school community was unhappy. Julia Gillard's spin machine has mobilised in

an attempt to kill the story. I note that this Government, the Minister for Education and Training and the member for Drummoyne are not motivated enough to do something to deal with the school community's needs. This motion is one final plea for sanity on this issue and I commend it to the House.

The Hon. IAN WEST [11.47 a.m.]: New South Wales is making great strides in bringing the Building the Education Revolution [BER] package to every corner of our great State, from the smallest bush community to schools in the big cities. I am pleased to advise this House that as of last Friday, all 1,641 approved projects in rounds one and two of the Primary Schools for the 21st Century—or P21—program have had orders placed. That is by far the largest spend under the BER program. Physical starts have occurred at 484 schools and more and more are starting every day. In fact, the first P21 project has been completed at Ebor Public School with the construction of a new covered outdoor learning area, refurbishment of the administration building and new covered walkways and pathways.

The Government is using managing contractors to roll out the main spend of the BER to ensure that the projects deliver value for money, that they are built on time and are delivered with quality and safety assurance. The Opposition's claim in this motion that management fees will eat up 35 per cent of funding is absolute nonsense, and members opposite know that. Members of this Chamber were last week shopping a fake list of fees to newspapers around the State despite knowing that these costs are part of the general construction costs involved in these projects, as they are with any other building project. The rubbery figures being thrown around by Coalition members is typical of their sloppy, misleading approach to these matters. This grubby tactic has only served to heighten the anxiety of parents, teachers and students at the school. I am happy to set the record straight.

As part of the package, the Commonwealth Government provided 1.5 per cent of funding in addition to the funding for schools to pay for overall program management. That does not come out of the school budget and members opposite know that. That funding pays for staff dedicated to managing program strategy, planning, coordinating funding applications, delivery, reviewing value for money, and reporting. Four per cent of a school's budget is set aside for management of a specific project, covering procurement including contract administration, scoping and nomination management, planning, and coordination of supplies. These are modest figures in comparison with the Howard Government's Investing in our Schools Program, the favoured program of those opposite, which set aside 10 per cent of the budget for project management fees. I do not remember members opposite—the Hon. Don Harwin in particular—shopping around every electorate in the State attacking that figure. A small proportion of a school's budget will act as a performance incentive for the managing contractors. The statewide average for the incentive fee is 1.64 per cent.

The incentive payment is available only when the managing contractor delivers under the benchmark range for the project and in advance of the scheduled completion date. Again, this is well understood by members opposite. Managing contractors are being given an incentive to finish early. Finishing early means more money flowing into the economy and more employment over a shorter period. This is the largest education capital works program ever undertaken in schools in New South Wales. The Government has spread the risk on delivery and budget to the managing contractors in the delivery of the \$3 billion P21 program. Buildings do not just miraculously appear on school sites. Other costs are involved in delivering this work.

This project is so large and has to be delivered so quickly that it cannot be done only in school holidays. That means schools across New South Wales—with half a million children aged between 5 and 12—will become building sites, whether or not we like it. Site supervision is extremely important when children are at school and there are trucks and cranes around. Site supervision is a construction cost, not a profit item for contractors. The program creates particular and unique challenges on the projects, and that comes with a price tag, but if the price ensures child safety then this Government is willing to pay it. The Government has also insisted on children checks being done on people who are coming onto school sites. It is absolutely vital that those checks are done on people who are going to come into the schools and will be working on the school sites. If we did not do that, there would be all sorts of outcries from those opposite. To ensure the safety of children and teachers we must ensure the quality of the work, and that cannot be done without paying people to do the planning and checking. The statewide average cost for site supervision is 6.6 per cent.

This is the most heavily audited public expenditure program ever undertaken in New South Wales. It is being audited by the Building the Education Revolution audit squad and Department of Education and Training auditors; by Deloitte, the probity auditor of the Nation Building and Jobs Plan Taskforce; by the New South Wales Audit Office; and, finally, by the Australian National Audit Office. We have also set up a website that progressively and transparently displays all the costs incurred on each project. It is an unprecedented investment

in our schools, and there are thousands of projects supporting about 15,000 full-time jobs each year. Taking that together with the record capital expenditure in schools, the New South Wales Government is supporting 160,000 full-time jobs a year.

What is so unbelievable is that the Opposition is carping and criticising when, if it had its way, none of this money would have ever gone into schools in the first place. The Liberal-Nationals Opposition wanted an education stimulus package of \$3 billion rather than \$16 billion. The Opposition opposes stimulus spending in Parliament and then its members crawl back to their electorates and duty seats desperately hoping that the voters do not pick up the fact that they did not support the stimulus package. Their hypocrisy is never ending. Why do they not stand up and let the parents and schoolchildren of New South Wales know which schools across the State should have had their projects cancelled. Why does the Liberal Party—the so-called party of small business—not stand up and let the hundreds of tradies, architects and suppliers who have found work through the Building the Education Revolution know which of them should have gone to the wall during this time of economic downturn? But policy consistency is beyond the rabble opposite. They are too lazy to craft any kind of consistent education or stimulus policy. This mob opposite, whose education policy after 14 years—

The Hon. Greg Donnelly: What is their education policy?

The Hon. IAN WEST: That is a good question. As I understand it, from what I can gather from all the documents that have come forward, their education policy consists of six principles and four goals. I do not know whether they are playing football or soccer, or what, but they have six principles and four goals—uncosted and unfunded. They will be the first ones out in their electorates and duty seats trying to nudge in on the photo opportunities when these new buildings are opened. They will be there trying to cut the ribbons and get their names in the school newsletter. I guarantee they will make no mention of their opposition to this stimulus spending or their attempts to derail the program. At the opening of each school they will be standing there with big grins on their faces, shaking the hands of the principals, saying, "Here I am, I'm your man." This policy-free Opposition is trying to slide into government on the cheap with a smile, by kissing a baby, by turning up at schools and saying, "I am all for you," but it opposes the stimulus packages and tells members in this place that we should not be stimulating the economy. They do not want green shoots; they just want to mow the lot down.

The Hon. JOHN AJAKA [11.57 a.m.]: I support the motion of my colleague the Hon. Don Harwin and endorse his concise remarks on this issue. What I find extraordinary is that the Hon. Ian West in no way dealt with the motion. Not once did he mention why four classrooms are being demolished to be replaced with four classrooms of less effect. The Hon. Ian West had the audacity to say that it was unbelievable that the Hon. Don Harwin moved the motion. What I find unbelievable is that the Hon. Ian West did not once set out the reason, and I know why. There is no logical reason whatsoever. It was typical spin; the member made it all up and proceeded with it.

The Building the Education Revolution program for primary schools for the twenty-first century has been demonstrated repeatedly to be a grossly inflexible approach to education funding that has fallen to an appalling level of waste and mismanagement. That is what it is, and that is why the member could not answer questions about the program. Schools across New South Wales are being forced—and that is the key word—to accept capital works projects that do not address their priority needs. School communities have been inadequately consulted about projects or entirely shut out of the project development process. The member criticised Opposition members for meeting principals and talking to them—at least we talk to them and listen to them. This Government's Ministers will not even talk to them. They will not meet them; they are not interested in meeting with them. They could not care less. That is the reality of it. Abbotsford Public School is one of the most striking examples of the program's flaws.

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

QUESTIONS WITHOUT NOTICE

POLICE PROPERTY SALES

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Treasurer. Is the Treasurer aware that 13 New South Wales Police Force residences and parcels of land other than police stations

have been sold or will be sold in the current financial year? Can the Treasurer assure the House the entire proceeds from these sales will go to improving current New South Wales Police Force houses, far too many of which have significant structural issues and some are quite simply uninhabitable?

The Hon. ERIC ROOZENDAAL: My advice is the answer is yes.

ELECTRICITY SUPPLY SECURITY

The Hon. PENNY SHARPE: My question is addressed to the Minister for Energy. What action is the Government taking to ensure the reliability of Sydney's power supply into the future?

The Hon. JOHN ROBERTSON: With 45 per cent of Sydney's office space and 38,000 residents in the central business district [CBD], a considered, long-term approach is important to our city's future power needs. EnergyAustralia's \$1 billion City Grid project is the key to securing these power needs in the future. I am pleased to advise the House that this important project is advancing well. The City Grid project will contain Sydney's transmission cables in a series of dedicated underground tunnels that will connect with a ring of new and upgraded substations.

The Sydney central business district upgrade includes the construction of four major substations and cable tunnels providing about six kilometres of dedicated underground tunnels. These tunnels will carry more than 100 kilometres of 132,000-volt transmission cables to connect the substations. I inspected one stage of the City Grid project recently—the impressive city north substation in the central business district—and I saw firsthand the progress being made. Planning approval has recently been granted for the City Grid concept plan. As part of that plan, EnergyAustralia is pushing ahead with the \$125 million Belmore zone substation, in the south of the city.

EnergyAustralia has bought land to prepare to build its \$100 million Riley Street switching station and has purchased a \$75 million property in the central business district to allow construction of the city east substation. Construction work on the city north substation and the city west cable tunnel are well underway. On my visit to the new city north zone substation, I saw that the electrical fit-out, testing and commissioning of the substation is on track and I am told parts of the substation are expected to be powering the electricity network as early as February 2010.

City north is an eight-storey substation; it is the biggest substation this city has ever seen. Five 50-megavolt ampere transformers have been installed and will provide enough electricity to power up to one-quarter of the Sydney central business district. Work to connect this substation to homes and businesses via up to 100 separate 11,000-volt cables is now underway, including about 20 kilometres of protection cabling. Currently about 40 EnergyAustralia substation technicians are working to install modern, state-of-the-art electrical equipment. These include around 12 electrical apprentices, installing cables, testing protection systems and preparing the substation for connection to the electricity network. These apprentices are some of the 600 apprentices currently in training, who have joined EnergyAustralia to help deliver this and hundreds more capital works projects across the electricity network.

On my recent tour, I walked through part of the 1.7 kilometre city west cable tunnel. Constructed about 40 metres below ground level, the tunnel connects the city north zone substation with TransGrid's bulk supply point at Haymarket via high voltage power cables. As well as the City Grid project, EnergyAustralia has fully repaired and overhauled key parts of its network following interruptions in the central business district earlier this year. The cause of the last interruption was an external contractor dangerously digging into a 132,000-volt cable in North Sydney. That damage was extensive, but I am informed it has now been fully repaired and is back in service.

EnergyAustralia has also installed the latest generation protection system on the cables, using state-of-the-art digital fibre optic equipment. This new fibre optic protection system has now been installed on all key sections of the four cables that run from the northern central business district to Lane Cove. A world-class city like Sydney deserves nothing less than a world-class electricity supply—and the City Grid will deliver exactly that.

ELECTRICITY INDUSTRY AND ASBESTOS-RELATED DISEASES

The Hon. DUNCAN GAY: My question is directed to the Minister for Climate Change and the Environment, Minister for Energy, Minister for Corrective Services, Minister for Public Sector Reform, and

Special Minister of State. Is the Minister aware that asbestos is widespread within New South Wales power stations? Is the Minister also aware that many workers within the New South Wales power industry have worked for decades within this environment? Given that the Minister has expressed what I believe are genuine concerns about asbestos, can he inform the House what the situation is for these workers? Has the department put aside money to address the health concerns of government energy workers into the future, similar to the James Hardie Fund, which the Government fought to establish?

The Hon. JOHN ROBERTSON: As I said last week in the House, this is a significant issue. It is being dealt with on an ongoing basis in a whole range of industries, including the energy sector, whether in power stations or locations where people work in distribution networks. This problem is being addressed properly and adequately through ongoing audits to identify the location of asbestos to ensure that workers are provided with personal protective equipment in accordance with the New South Wales Occupational Health and Safety Act. We are making sure that those workers are protected from the effects of asbestos if they find themselves in those circumstances.

I might add that there is an ongoing process of removal of asbestos in those locations throughout the energy sector to ensure that those workers are not exposed. All workers who find themselves in the circumstances to which the Deputy Leader of the Opposition refers are properly trained to ensure they understand the circumstances in which they work. The Government takes this matter very seriously, as do all employers in the energy sector. If it is a workers compensation matter and they are affected by asbestos, they will attract benefits through the workers compensation system. As I have said previously, I feel very strongly about this matter. The Deputy Leader of the Opposition made reference to that. This is a significant matter, which we must continue to address. We must ensure that those workers are not exposed to the effects of asbestos and do not become the victims of asbestosis, mesothelioma or any other asbestos-related diseases. However, if they are, we should ensure that we do the right thing and provide those workers with appropriate compensation and medical services.

The Hon. DUNCAN GAY: I ask a supplementary question. Can the Minister ascertain whether there is a Treasury managed fund and how much money is in that fund to cover potential liability?

The Hon. JOHN ROBERTSON: I am happy to ascertain that matter.

ELECTRICITY GENERATION

Dr JOHN KAYE: My question is directed to the Minister for Energy. Has the Minister received a letter from the Premier requesting that he "develop a comprehensive energy policy with a strong emphasis on clean energy"? Can the Minister confirm that either or both of the new baseload power generator proposals at Mount Piper and Bayswater B are now to be restricted to be gas-fired only and not coal?

The Hon. JOHN ROBERTSON: It is true; the Premier did write to me about a clean energy policy. I can advise the House—I do not think it is a State secret because it was in the *Sydney Morning Herald*—that the Premier has written asking me to develop a clean energy policy. It is worth making the point that this Government is the first in the country to put the portfolios of energy and climate change and the environment into one office. That presents significant opportunities to develop policies that deal with, in particular, clean energy and how we deal with energy in an environment where we will operate with a Carbon Pollution Reduction Scheme. A Carbon Pollution Reduction Scheme will be introduced at some point, and climate change will continue to have an impact.

As part of the Government's reform strategy, a number of generation development sites identified by the existing government-owned generators will be made available to the private sector. The private sector, not the government, will decide where new investment in generation will occur and what fuel will be used for that generation. The following sites have been identified as gas only: Bamarang, Marulan and Tomago. The State has a fuel neutral policy for Bayswater B in the Upper Hunter and Mount Piper 3 and 4 in the Central West. Ultimately, any private sector investors that make a decision about fuel type and technology must do so in the knowledge that any new power station will be participating in the Carbon Pollution Reduction Scheme. What I will say is that gas is obviously a more competitive source of fuel for a prospective power station due to the Carbon Pollution Reduction Scheme—which is another reason why the Government supports it.

WORKPLACE COMPLIANCE, INFORMATION AND EDUCATION PROGRAM

The Hon. IAN WEST: I address my question to the Minister for Industrial Relations. Will the Minister update the House on the Government's commitment to maintaining a comprehensive workplace compliance, information and education program, and how employers and workers have benefited from these activities?

The Hon. JOHN HATZISTERGOS: I thank the Hon. Ian West for raising this important issue. I am very pleased to inform the House today that the Government has returned a staggering \$50 million in underpayments to everyday workers and their families since 1996. This is a significant milestone, and it underlines the importance of the compliance work carried out by our workplace inspectors. To ensure that all workers are paid correctly, the Office of Industrial Relations delivers Australia's most comprehensive, targeted workplace compliance program. During the last financial year alone, Office of Industrial Relations inspectors have investigated over 14,000 workplaces covering the employment of over 60,000 workers, identified more than 13,500 breaches of New South Wales industrial relations laws, and recovered \$4 million in lost wages.

While the compliance program provides vital protection for workers, it is also essential for preserving a level playing field for business owners by eliminating unfair competitive advantages gained by unscrupulous operators who flout the law. Most employers want to do the right thing, and are often unaware that they are breaching minimum employment standards. Business owners should view workplace inspections as a valuable opportunity to ask questions and seek advice to ensure they are meeting their lawful obligations. While inspectors focus on education and voluntary compliance, sometimes they encounter uncooperative or recalcitrant employers and have no choice but to use coercive powers. During 2008-09 inspectors fined or prosecuted 108 employers. Thankfully, that is the exception.

The Government has committed \$12 million for compliance activities and \$6 million for the provision of information and advice throughout 2009-10. In the year ahead, workplace inspectors will visit approximately 20,000 employers to ensure fair competition and fair working conditions, and they are well on their way towards achieving this target. A total of 3,880 investigations have been completed since 1 July 2009, with more than \$1 million worth of underpayments reimbursed to affected workers. Of course, underpinning the compliance program is a comprehensive information and education program that delivers crucial assistance and resources to both employers and their employees.

In fact, the Office of Industrial Relations is recognised as the authority for workplace help and information. In the last financial year the office responded to more than 160,000 telephone and email enquiries from business owners and workers and in 2008 its website attracted 2.6 million visitors. The website was the first in Australia to feature online compliance calculators and tools for small business, and visitors can access publications translated into 10 community languages. A customer survey undertaken in June this year found that 87 per cent of customers were either very satisfied or satisfied with the overall quality of information supplied through the office's publications, website and telephone services. This is an excellent outcome.

The office also conducts a series of popular information sessions as part of its Workplace Advice Program. A total of 154 workshops were conducted across New South Wales throughout 2008-09, attracting over 2,066 participants. The mix of free and paid workshops are delivered by experienced workplace advisors and are designed to provide practical information to help business owners and managers understand awards and employment law, and to develop practical and innovative workplace policies. An impressive 98 per cent of respondents to an evaluation survey rate the presentations as excellent or very good overall. The combined success of the information, education and compliance activities demonstrates that the Government remains committed to delivering value to the employers and workers in this State and that the money dedicated to these activities is money well spent.

TRANSGRID POWER LINE CONSTRUCTION

Reverend the Hon. Dr GORDON MOYES: My question without notice is directed to the Minister for Energy. Is the Minister aware that TransGrid is planning to construct a 215-kilometre and 330-kilovolt transmission line between Dumaresq and Lismore at a cost of \$227 million to taxpayers? Is the Minister aware that the proposed project is based on questionable demand and population projection data and has been conducted without any public consultation? In particular, is the Minister aware that TransGrid has not done a thorough examination of alternatives, which include taking into account the proposed gas-fired power station at Casino and the much larger untapped potential for gas-fired power from the Clarence-Moreton Basin? Will the Minister for Energy direct TransGrid to stop work on the project, and will he commission an independent study into demand management and local generation options on the Far North Coast?

The Hon. JOHN ROBERTSON: I thank Reverend the Hon. Dr Gordon Moyes for his question. TransGrid's Far North New South Wales project involves the construction of a 330,000-volt transmission line between Bonshaw and Tenterfield, and the upgrade of the existing 132,000-volt transmission line between Tenterfield and Lismore. The decision to go ahead with this project was based on a regulatory consultation

process and a detailed published report that was reviewed independently by the Australian Energy Regulator. A preferred corridor was selected for the project after an extended period of consultation and feedback from the community, as well as aerial surveys, detailed constraint analyses, focus groups and preliminary environmental studies. The preferred corridor has been selected on the basis that it avoids endangered ecological communities, threatened species and habitats; reduces visual impacts; avoids dense clusters of landholdings; minimises the number of affected properties; and has reasonable access from existing sealed roads.

TransGrid is currently preparing a detailed environmental assessment for the proposed new transmission line, in accordance with the requirements of the New South Wales Environmental Planning and Assessment Act. The proposed upgrade of the existing line requires that the easement be extended by 7.5 metres on either side. The environmental assessment will assess the potential impact of the new transmission line and the easement widening of the existing line on the environment, including on wildlife corridors, such as "Alps to Atherton". The environmental assessment to be undertaken by URS Australia will be publicly displayed in early 2010. Submissions from the public and private government agencies will be invited at that time.

The assessment will include the identification of any endangered or potentially endangered ecological communities, including koalas, that could be affected by the project. The assessment will describe the possible impacts of the transmission line, and will describe any mitigation measures required to reduce or eliminate those impacts. This project is the only option to meet the projected demand growth in this rapidly growing area. Demand management and gas-fired local generation options were fully considered but unfortunately did not meet the demand and reliability requirements. TransGrid will work with the community to deliver this important project and minimise any environmental impacts.

CLIMATE CHANGE FUND GRANTS

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Climate Change and the Environment. What was the process for grants to community groups from the Climate Change Fund? Who decided on the grants, and what were the parameters for those grants?

The Hon. JOHN ROBERTSON: I thank the honourable member for her question on grants. The Government has a clear and transparent process for the issuing of grants and set criteria that every grant applicant is required to meet. There is also a determining audit process to ensure that the funded projects are delivered in accordance with that application.

HOUSING AND CONSTRUCTION SECTOR

The Hon. GREG DONNELLY: I address my question without notice to the Treasurer. Will the Treasurer update the House on key economic data about the New South Wales housing sector?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his question and his interest in this matter. I will give my customary advice to the Opposition that again it is good news for the New South Wales economy. Opposition members should steel themselves, as they have consistently talked down the economy since day one. This time the good news is about the State's housing sector. Members will be pleased to learn that since 1 July 2009, when the Government cut stamp duty by 50 per cent on newly constructed dwellings worth up to \$600,000, dwellings worth more than \$419 million have been sold under the Housing Construction Acceleration Plan, which was announced in the budget. That means 955 people, including many investors, have taken advantage of the 50 percent cut by the Government in stamp duty and as from 25 October it has put \$7.3 million worth of stamp duty back into their pockets. More importantly, that is \$419 million worth of job-supporting construction activity, helping to provide jobs to builders, plumbers, architects and more.

The Hon. Michael Gallacher: Your sort of blokes. The sort you hang around with down at the surf club.

The Hon. ERIC ROOZENDAAL: I have heard about you down there. The green shoots of recovery are starting to grow. This economic stimulus measure is working. The private residential housing sector is worth around \$17.8 billion to the New South Wales economy every year and accounts for about 5 per cent of the State economy. First home buyers in New South Wales continue to set records, and western Sydney is leading the way yet again. Members will be delighted to hear that homebuyers in New South Wales have notched up another first. Members should listen; this is important. I know members opposite do not care about first home buyers, and they oppose the first home buyers boost, but they have been rejected because in September this year alone more than \$150 million in first home buyer benefits have been received. That is clear evidence of rejection of the Opposition's objection to the first home buyers boost.

In September this year alone, benefits helped 6,079 first home buyers in New South Wales to achieve their dream. September 2009 was the best performing September since the first home buyer grants benefits began in 2000. I can advise the House that the top five suburbs for first home buyer grants are in western Sydney. Liverpool had 129 first home buyers, with benefits worth more than \$3.3 million; Wentworthville, 107 first home buyers, with benefits worth more than \$2.8 million; Blacktown, almost 100 first home buyers, with benefits worth more than \$2.6 million; Parramatta, 78 first home buyers, with benefits worth more than \$1.9 million; and Hurstville, 73 first home buyers, with benefits worth more than \$1.8 million. The good news for the economy keeps coming, no matter how much the Opposition tries to talk down the State and the economy. The Government is doing everything to support the recovery of the economy and the housing sector. For the information of the House, further details on first home owner grants and the 50 per cent stamp duty cuts for newly constructed dwellings worth up to \$600,000 are available on www.homebuyer.nsw.gov.au.

DENNIS FERGUSON

Reverend the Hon. FRED NILE: I address my question without notice to the Attorney General. Is the Attorney General aware that convicted paedophile Dennis Ferguson was recently photographed on Coogee Beach in a swimsuit, mere metres from several unsuspecting children? In light of Mr Ferguson's defiant mindset, his alleged plans to sue the State and the people of New South Wales for discrimination and his lodgement of complaint with the Human Rights Committee of the United Nations, what is the response of the Government to this deliberate, staged provocation? Did Mr Ferguson advise the New South Wales Police Force that he would be on Coogee Beach near children? If he did not, what action will the Attorney General take?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for his question. The member would be aware that Mr Ferguson is registered on the National Child Protection Register, an initiative started by the New South Wales Government. Under the reporting requirements of that register, the police have been aware of Mr Ferguson's presence since his move from Queensland and they continue to monitor him. The member has also raised some issues about prospective legal proceedings that may or may not be brought. The Government will deal with those if and when they are manifested.

As to the issue of the United Nations, beyond a media report I am not aware of the substance of any claim that Mr Ferguson has made. It is not unusual for persons who find themselves in a position of grievance against a government authority, and having maintained that position, to go to external bodies to obtain some redress. Normally in those circumstances the State and Federal governments work cooperatively to deal with any issues arising in the United Nations or any other international body.

Reverend the Hon. FRED NILE: I ask a supplementary question. Will the Attorney General answer the main thrust of my question concerning the appearance of Mr Ferguson at Coogee Beach near children?

The Hon. JOHN HATZISTERGOS: I have answered that question by indicating that Mr Ferguson is on the National Child Protection Register and is continually monitored by the police.

POPULATION PROJECTIONS

The Hon. GREG PEARCE: I address my question without notice to the Treasurer. In answer to a question on 23 September 2009 in relation to population growth and long-term fiscal pressures, the Treasurer failed to mention the continuing breach of the key provisions of the Fiscal Responsibility Act, which was a key part of the Government's attempt to address long-term fiscal pressures. What is the Treasurer's plan to comply with the requirements of the Fiscal Responsibility Act?

The Hon. ERIC ROOZENDAAL: As the member knows, and I have dealt with it on many occasions, the Fiscal Responsibility Act contains a number of measures and strategies which were addressed in the budget papers, including the objective to ensure that growth in expenses lines up with growth in revenue. The Government continues to work towards that end.

SOUTH COAST INFRASTRUCTURE

The Hon. AMANDA FAZIO: I address my question to the Minister for Lands. Will the Minister advise the House on the investment by the Government in maintaining coastal infrastructure on the South Coast?

The Hon. TONY KELLY: I thank the member for her question and continued interest in rural and regional seats in particular.

The Hon. Melinda Pavey: Seats or regions?

The Hon. TONY KELLY: The Hon. Amanda Fazio is the duty member of the Legislative Council for a number of rural and regional seats. The Land and Property Management Authority has responsibility for the management of a portfolio of maritime assets—

The Hon. Duncan Gay: Where is Eddie?

The Hon. TONY KELLY: You are the duty member of the Legislative Council for Dubbo.

The Hon. Duncan Gay: I am.

The Hon. TONY KELLY: Mr President, I will start my answer again. I know it is out of order to respond to interjections but I have been misled.

The PRESIDENT: Order! The Minister should refrain from responding to interjections.

The Hon. TONY KELLY: I will attempt to, Mr President. The Land and Property Management Authority has responsibility for the management of a portfolio of maritime assets at some 40 locations along the New South Wales coast. The majority of those assets are breakwaters, training walls, sheltering harbours, wharves and land-based infrastructure, which have a replacement value of \$1.4 billion. Breakwaters represent some 60 per cent of the portfolio value, many of which were built 100 years ago and which the Government continues to maintain. The balance of the maritime assets is represented predominately by wharves and jetties, most of which were built in the 1970s and 1980s.

In recent years a downturn in the use of these assets by the commercial fishing industry has been largely offset by a growth in recreational boating and the charter boat industry. Both these activities are important to tourism and coastal economies. Approximately 1,000 licensed fishing boats operate from harbours maintained by the Land and Property Management Authority under the minor ports and river entrance programs, as do a similar number of commercial charter craft—and the numbers are growing. Consistent with the State Plan objectives, the Government is committed to providing safe and controlled maritime access for the growing use by both locals and visitors in minor ports and estuarine areas. The location of these maritime assets means they are naturally vulnerable to the vagaries of the elements and require significant, regular and ongoing maintenance to ensure that they remain operational and meet changing community expectations and usage.

In accordance with New South Wales Treasury policy, the total asset management plan covers all government-built maritime infrastructure. Strategies have been implemented to monitor the performance of these assets and manage associated risks. Currently \$3 million is allocated by the Land and Property Management Authority for annual maintenance. This financial year on the South Coast \$360,000 in maintenance work has been carried out on jetties at Ulladulla and Eden. At Ulladulla \$240,000 worth of maintenance works on the main jetty are now well underway. A contract was awarded to Sydney company Dick Rowe Marine and all work is expected to be completed by the end of this year. The project involves the replacement of timber edge beams and fender piles on the jetty, which are principally used by the local commercial fishing fleet.

At Eden, which is the largest port managed by the Land and Property Management Authority, repair work is just about to commence on the mooring jetty at Snug Cove. A \$120,000 contract has been awarded to Fall Safe Australia to carry out the fabrication and installation of improvements to the moorings. This work involves the replacement of mooring chains and steel fittings that secure the fender piles to the concrete jetty. The contract is programmed for completion in December 2009. This work may appear minor but it is important infrastructure, particularly to those who use it. The infrastructure, which has been badly exposed to the elements, receives constant maintenance. The Rees Government is committed to maintaining minor ports and estuary infrastructure that supports rural and regional growth by stimulating visitor opportunities and encouraging growth in skills and employment.

LAKE COWAL GOLDMINE

Ms LEE RHIANNON: I direct my question without notice to the Minister for Mineral Resources. Given that Wyangala Dam on the Lachlan River is at 5.4 per cent capacity after seven years of drought in the

Central West and reports that towns and farms in this part of New South Wales may be without water by April 2010, is the Minister aware that Lake Cowal goldmine uses up to 17 megalitres per day of water in mining operations, as well as up to 3,500 megalitres of water per year from the Lachlan River? Given these facts, will the Minister recommend an end to the Lake Cowal goldmine operations and a moratorium on new exploration and mining leases in the area, where such mines have heavy water usage, or will he recommend that mining continue to expand despite the current water crisis? Has the Minister had any communication with mine operators in the Central West about strategies to reduce their level of water usage? What communications has the Minister had with the planning department about the proposed expansion of Lake Cowal goldmine and its effect on water usage in the Central West?

The Hon. IAN MACDONALD: The Government will work hard to avoid any closure of Lake Cowal goldmine, which employs several hundred workers. These people are well and truly embedded in the local economy and we will do our best to try to ensure that there is no threat to their jobs. As to the issue of water usage I point out, as I have on a number of occasions, that the mining industry in general uses a very small percentage of consumptive water in New South Wales, in the order of just over 1 per cent. To concentrate on the mining sector in relation to problems with the Lachlan River is pushing the issue too far.

The Hon. Duncan Gay: The problem with the Lachlan is that there is no rain in Crookwell.

The Hon. IAN MACDONALD: It might help if the Deputy Leader of the Opposition went up there occasionally and did a rain dance. We will take a considered view and work our way through the issues, rather than close one sector down and put hundreds of workers out of a job. We have to deal carefully with this issue. I would hope that Ms Lee Rhiannon, with her history, has not forgotten the great role of workers in this State and, indeed, throughout the globe.

COOMA HEALTH CUTS

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Industrial Relations. Given that the New South Wales Nurses Association is now threatening industrial action over the 4.4 full-time equivalent front-line nurse cuts that New South Wales Labor has proposed for Cooma Hospital, and given that these staff cuts will mean that paediatric and cardiac hospital beds may be lost at Cooma, forcing some patients to travel to Canberra, will the Government reconsider carrying out these cuts?

The Hon. JOHN HATZISTERGOS: I will refer the question to the Minister for Health, who is the relevant Minister.

FILM AND TELEVISION INDUSTRY

The Hon. LYNDIA VOLTZ: My question without notice is addressed to the Minister for State Development. Will the Minister inform the House about the latest New South Wales wins for the film and television industry?

The Hon. Trevor Khan: Mad Macca.

The Hon. IAN MACDONALD: I am happy with that. I thank the Hon. Lynda Voltz for her question. I always enjoy updating the House on the many good things this Government is doing for the New South Wales economy. Yesterday I had the pleasure of announcing that the New South Wales Government had helped secure production in Sydney of a new FOXTEL television series called *Spirited*. The series will generate \$6.4 million in production spend and will employ over 140 cast and crew. The New South Wales Government Film and Television Industry Attraction Fund helped secure this production by Southern Star, Australia's largest independent television production and distribution group. The company will film eight one-hour episodes at several Sydney locations. Production will start this month and is scheduled for completion by March 2010. *Spirited* will be a ghost love story starring and co-produced by the award-winning Australian actor Claudia Karvan.

The Hon. Michael Gallacher: Are you starring in it?

The Hon. IAN MACDONALD: No-one has ever called me a ghost. The *Spirited* series is just one of a host of film and television productions that have been secured for the State in recent weeks. At the weekend the Government announced that *Mad Max 4* would be filmed in New South Wales, generating over 500 jobs and injecting many millions of dollars into the State's economy.

The Hon. Michael Gallacher: Starring Mad Macca.

The Hon. IAN MACDONALD: I thought it might star the Hon. Trevor Khan. A Government assistance package provided by Industry and Investment New South Wales helped secure director George Miller's latest *Mad Max* blockbuster, *Fury Road*. This movie will help deliver a major boost to New South Wales's reputation as an international filmmaking destination. *Fury Road* will be one of the largest live action films ever made in Australia. *Mad Max* is, of course, an iconic Australian film series, and that makes the securing of *Fury Road* even sweeter for New South Wales. This massive production by Kennedy Miller Mitchell, in association with Warner Bros, will generate work over a three-year period. As well as significant production work in Sydney, there will be up to 30 weeks of filming in the Broken Hill area, stimulating demand for goods and services in the area, including accommodation in the far west of the State. Successfully delivering a project of this magnitude and complexity will demonstrate New South Wales's filmmaking competitiveness internationally and cement our reputation as the national hub of Australia's creative industries. In further news, the Government also announced that a high-profile Bollywood movie will begin shooting in Sydney next month, creating 200 jobs for cast and crew.

[Interruption]

I believe Melinda Pavey has offered to star in it. The movie, which is a remake of the United States hit *Step Mom*, will take Sydney to Bollywood and have a potential audience of more than one billion people. These are just a few of the many film and television projects secured for New South Wales this year. The 13-part television drama series *Rescue* announced in February will inject an estimated \$10.8 million into the economy and employ 329 people. The post-production of Peter Weir's new film, *The Way Back*, which was announced for Sydney in May, will employ about 100 post-production specialists. Let us not forget the making of *Underbelly 3*, which was announced for Sydney in June, generating over \$12 million in film industry work and creating 170 jobs. The feature film *Tomorrow: When the War Began*, which was announced in July, will create more than 200 jobs and generate approximately \$60 million in economic activity for New South Wales, including the Hunter region.

[Interruption]

I am pleased that the Minister for Screen NSW can create a sense of entertainment in the House. The film and television industries are an important part of the New South Wales creative industries sector. These productions grow our economy and enrich our cultural life.

STATE OF THE ENVIRONMENT REPORT

Mr IAN COHEN: My question is addressed to the Minister for Climate Change and the Environment. When will the New South Wales State of the Environment 2009 report be released? Is it overdue? Will it be released prior to the end of this parliamentary year to allow a debate in the House? Will the Minister advise how many of the 71 environmental indicators used in the New South Wales State of the Environment 2006 report have seen improvement in the 2009 report?

The Hon. JOHN ROBERTSON: I can advise the House that the report is due for release in late November.

GOVERNMENT AGENCIES COUNSEL BRIEFING

The Hon. DON HARWIN: My question without notice is directed to the Attorney General. Why has the Premier, in Premier's Memorandum M2009-17, placed restrictions on briefing senior counsel, giving the Attorney General a role in approving the briefing of senior counsel by New South Wales government agencies but placing no restrictions on briefing junior counsel? Is it the case that New South Wales government agencies are entirely free to brief junior counsel at hourly or daily rates above the standard rates that the Attorney General has approved for senior counsel? If the rationale for the restrictions on briefing senior counsel includes control of costs, why are there not restrictions and approved rates for junior counsel as well?

The Hon. JOHN HATZISTERGOS: The Premier's memorandum in relation to the briefing of senior counsel is a longstanding one that was in existence under the Fahey Government and possibly even prior to that. It was recently amended by the Premier to take into account other policies, including equitable briefing. The

issue of junior counsel is a matter for the Crown Solicitor to determine in relation to matters that are his responsibility. I point out that at this point in time the Department of Justice and Attorney General and Treasury are carrying out a review of legal services delivery.

CORRECTIVE SERVICES INDUSTRIES

The Hon. EDDIE OBEID: My question is directed to the Minister for Corrective Services. Will the Minister update the House on what the Government is doing to recognise the achievements of Corrective Services Industries?

The Hon. JOHN ROBERTSON: Recently I had the privilege of attending the Corrective Services Industries Annual Corporate Excellence Awards night. The evening was an opportunity to recognise the outstanding achievements of the people and organisations involved in Corrective Services Industries. Corrective Services Industries is a very important part of the New South Wales corrections system. It is crucial in helping Corrective Services NSW achieve its statement of purpose, which is to deliver professional correctional services aimed at reducing reoffending and enhancing community safety.

The industries engage inmates in meaningful activity whilst they are in custody. But, even more importantly, the industries enable inmates to develop valuable employment and living skills through education and on-the-job training. Inmates not only develop generic employment skills and work habits; they can also gain industry-specific competencies. This undoubtedly improves an inmate's prospect of gaining post-release employment. Securing ongoing employment is a major factor in breaking the cycle of an offender's criminal behaviour and therefore reducing reoffending within our community. The New South Wales Government is committed to driving down the rates of crime.

Corrective Services Industries should also be commended for its strong focus on self-sufficiency, allowing it to provide a substantial contribution towards reducing the overall cost of the New South Wales correctional system each year. In the 2008-09 financial year, I am advised that Corrective Services Industries achieved a sales turnover of \$57.7 million. This was a truly remarkable result, particularly given the challenging economic times. Corrective Services Industries contributes a significant proportion of its profits to a wide range of recognised victims groups and community organisations, which play a vital role in supporting victims of crime in our community.

The Corporate Excellence Awards night provided an opportunity to recognise the truly outstanding performance and excellence of individuals and teams who have made outstanding contributions towards the overall performance of Corrective Services Industries. I will outline a few of the achievements of Corrective Services Industries during the last financial year. Corrective Services Industries provided employment to 76 per cent of eligible inmates—well above the national performance indicator for inmate employment of 65 per cent. Corrective Services Industries maintained an outstanding workplace safety record, recording fewer workplace injuries when compared with private-sector counterparts in similar industries, and a range of divisions performed ahead of its budget, including the furniture, agriculture and food services divisions.

Also, Corrective Services Industries was involved in a number of important projects, including the affordable housing project for Aboriginal people in remote areas and the development of construction traineeships for inmates at Cessnock and Goulburn correctional centres. These traineeships are an initiative of the Construction, Forestry, Mining and Energy Union with the assistance of the Department of Education and Training, the Master Builders Association, the Department of Education, Employment and Workplace Relations and, of course, Corrective Services NSW.

It is worth noting two recipients of awards on the evening. Reg Boys Bakery at the Metropolitan Special Programs Centre received the award for business unit of the year for its outstanding achievements, and the managerial excellence award went to Andrew Wilson at Glen Innes Correctional Centre. I am sure all members will join with me in congratulating not only those who received awards but also all the nominees. I particularly recognise the contribution of Matthew Rimmer, who received the award for officer of the year. Matthew is an overseer of ground maintenance at Dillwynia Correctional Centre and is widely recognised as a hardworking, dedicated officer. His efforts have not only benefited the grounds at Dillwynia but the inmates are given skills and experience to take with them upon release.

PRISONER PHILLIP CHOON TEE LIM EARLY RELEASE

Ms SYLVIA HALE: I address my question to the Minister for Corrective Services. Everyone in New South Wales was appalled at the murder of Dr Victor Chan in 1992. His loss is felt deeply by his family and

friends, and I sympathise with them. But what public purpose is served by keeping his convicted murderer, Phillip Choon Tee Lim, in jail any longer when his non-parole period has been served and the independent Parole Board, on the advice of psychologists as well as prison authorities, including the Serious Offenders Review Council, has recommended his release? Why did the Minister ask the Commissioner of Corrective Services, Mr Woodham, to oppose Mr Lim's release?

The Hon. JOHN ROBERTSON: I refer the member to my answer in the House yesterday.

SEX OFFENDER REGISTER

The Hon. TREVOR KHAN: My question without notice is directed to the Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council. Will the Attorney General outline to the House if any modelling has been done by the Attorney General's Department on how much it would cost to establish and operate a publicly available sex offender register similar to the registers established in American States under Megan's Law?

The Hon. JOHN HATZISTERGOS: Not as far as I am aware.

OFFICE OF THE INFORMATION COMMISSIONER

The Hon. MICHAEL VEITCH: My question is directed to the Attorney General. Will the Attorney General update the House on the establishment of the Office of the Information Commissioner?

The Hon. JOHN HATZISTERGOS: In June this year the Parliament passed a suite of legislation to overhaul the law providing for access to government-held information in New South Wales. One of the most important reforms contained in that legislation was the establishment of a fully independent Office of the Information Commissioner to champion open government. The Information Commissioner will have a number of important functions, including reviewing decisions of agencies in relation to access applications; receiving and investigating complaints about agencies in relation to their information disclosure obligations; promoting open government, and promoting public awareness and understanding of the legislation; and providing information, advice, assistance and training to agencies and the public.

A number of steps have been taken to ensure that there will be a smooth transition from the Freedom of Information Act to the new Government Information (Public Access) Act early next year. First, on 17 July this year the Act establishing the Office of the Information Commissioner commenced, and His Honour Judge Ken Taylor was appointed to act as Information Commissioner until a full-time commissioner is selected and appointed. That full-time role was advertised on 14 October this year and applications closed on 28 September. A selection panel has been convened and I am advised that it expects to make a recommendation shortly. In the meantime, His Honour Judge Taylor has recruited a transition team, now numbering seven people, to establish the office and have it operational by early 2010. The Office of the Information Commissioner has established a home page at www.informationcommissioner.nsw.gov.au, which provides contact details, progress on the transition and advice to agencies. In addition, the office can be contacted by members of the public and agencies on 1800 194 210. A detailed implementation plan has been developed and a summary is published on the website of the Office of the Information Commissioner. The office has also published a guide to the new law and is in the process of sending an advice to principal officers at government agencies. Both of these are also on the website.

One of the most important transitional arrangements is ensuring that agencies are ready to respond to applications under the new law and understand their responsibilities in this regard. A workshop with selected freedom of information officers from government agencies and training providers was held on 7 October to ensure that their needs in this regard were met. The Office of the Information Commissioner has developed a training strategy that will cover both its sponsored and independent training, and it has disseminated supporting material for training already being offered by various external providers. The office is also undertaking general awareness activities, building to intensive training for relevant agency personnel early in 2010. The acting information commissioner has also made contact with the Office of the Information Commissioner in Queensland, which is implementing similar legislation, and it is making good use of the Queensland material and experience where appropriate. Finally, the acting information commissioner is working with the Ombudsman to ensure a smooth transition of his functions under the Freedom of Information Act to the commissioner under the Government Information (Public Access) Act.

While the rest of the stakeholders welcomed the creation of an independent information commissioner and the commitment of at least \$4 million a year for that office, regrettably the Opposition was engaged in the tired posturing. In his reply to the Premier's agreement in principle speech on 23 June this year, the Leader of the Opposition committed to moving the Office of the Information Commissioner into the Ombudsman's Office. In this place on 24 June the Hon. Mike Gallacher repeated that promise, saying that a Coalition government would ensure that the Office of the Information Commissioner was constituted in the office of the New South Wales Ombudsman. I note that this promise has not been retracted. It is classic opposition for opposition's sake. The Opposition is without a policy of its own and is too lazy to think of one, and it has latched on to the one recommendation that the Government rejected outright and said that it will support it. It made little sense then, and it makes little sense now. [*Time expired.*]

PARRAMATTA SUPREME COURT HEARINGS

The Hon. DAVID CLARKE: My question without notice is directed to the Attorney General. Now that the Supreme Court trial of terrorism charges has ended at Parramatta, is it proposed that the communities of the south-west and north-west will continue to be served by a Supreme Court based at Parramatta? If not, on what basis are these communities to be deprived of the Supreme Court's presence?

The Hon. JOHN HATZISTERGOS: The Supreme Court will sit at locations where it is appropriate for it to conduct its business.

SURF BEACH PROTECTION

The Hon. KAYEE GRIFFIN: I address my question to the Minister for Lands. How is the Government supporting the preservation of New South Wales surf beaches?

The Hon. TONY KELLY: The Government has put in place a program to protect and honour well-known surf spots up and down the New South Wales coastline through the national surfing reserve initiative. On Saturday 17 October, Minister Jodi McKay announced North Narrabeen Beach as the State's eighth national surfing reserve providing legal protection for the popular surf beach on Sydney's northern coastline. It is only the third national surfing reserve to be awarded to Sydney, so this is certainly an important addition.

The North Narrabeen National Surfing Reserve covers 50 hectares of land and water along one kilometre of coastline taking in part of Narrabeen Lagoon, which plays a role in the natural processes that make the surf breaks of the beach. The reserve includes five unique surfing breaks known to locals as Alley Lefts, Alley Rights, Car Park Rights, The Bommie and The Point. This beach has long been considered a dynamic surfing arena and one of the world's most consistent beach breaks.

The establishment of the North Narrabeen Surf Life Saving club in 1912 and the North Narrabeen Board Riders Club in 1964 were major steps in the growth of surfing in the local community. Subsequently, surfing has grown to become an integral part of the Australian way of life. Now North Narrabeen is home to club contests and international events where young local surfers have the chance to surf at the highest level before going on to compete on the world stage. They have included Mark Warren, Damian Hardman and, more recently, Chris Davidson, who just last week came second in the World Championship Tour at the Billabong Pro Mundaka in Spain.

The Land and Property Management Authority worked in partnership with the National Surfing Reserves Committee, Warringah Council, North Narrabeen National Surfing Reserves Committee and the local community to create this reserve under the Crown Lands Act. To date, some 24 sites along Australia's 37,000-kilometre coastline have been identified for dedication as reserves.

The Hon. Michael Gallacher: Not one has been identified on the Central Coast.

The Hon. TONY KELLY: I wonder whether the Leader of the Opposition has nominated any. New South Wales leads the way in recognising and promoting the importance of surfing to our coastal communities. This latest dedication provides North Narrabeen with the same status as Victoria's Bells Beach and New South Wales's seven other national surfing reserves at Maroubra, Angourie, Lennox Head, Crescent Head, Cronulla, Merewether and Killalea. It provides legal protection to the National Surfing Reserve and highlights the

significance of the Crown estate in surfing culture and our Australian lifestyle. Crown land along the New South Wales coast offers not only the most surfing breaks but also the best, and is home to some 75 per cent of the country's surfers.

The Hon. Melinda Pavey: What is your favourite beach?

The Hon. TONY KELLY: Burrendong. National surfing reserves help to protect these important coastal Crown land sites and at the same time ensure that future generations will have the privilege of catching a wave at places like North Narrabeen. As surfing has grown into a multimillion-dollar business, the importance of acknowledging its history and culture has also grown. The New South Wales Government and the Land and Property Management Authority fully support the national surfing reserve initiative. Members of this House surely concur that national surfing reserves are testimony to the cultural importance of surfing and the Australian way of life.

GOVERNMENT AGENCIES COUNSEL BRIEFING

The Hon. DON HARWIN: I direct my question to the Attorney General. In light of his earlier answer about the Crown Solicitor's jurisdiction over the briefing of junior counsel, can he advise the House whether the Crown Solicitor is free to brief junior counsel at hourly or daily rates above the standard rates he has approved for Senior Counsel?

The Hon. JOHN HATZISTERGOS: I will have to take that question on notice. I do not get involved in decisions relating to the Crown Solicitor and the appointment of junior counsel. I am flattered by the question because it suggests that I should be approving all of these things. The member seems to imply that I have some great skills in being able to control the cost of Senior Counsel and that I should extend that skill to junior counsel. That is a flattering observation and I appreciate it. However, there are some limits to the things in which I involve myself. Everyone accuses me of spreading my tentacles into areas in which I should sometimes not be involved. I will take on notice the issue that the member has raised and obtain advice on it.

INVESTMENT AND JOBS

The Hon. TONY CATANZARITI: I address my question to the Minister for State Development. Will the Minister inform the House about the New South Wales Government's latest efforts to support investment and jobs?

The Hon. IAN MACDONALD: I always enjoy the opportunity to share good news about jobs in New South Wales. Last week I had the pleasure of announcing that the New South Wales Government had helped to secure the sale of Newcastle-based company Waratah Engineering, saving more than 120 local jobs. Waratah Engineering, which is based in Argenton, was in administration and facing possible liquidation. With the assistance of the Government, through Industry and Investment New South Wales, it has now been purchased by Polish company ZZM.

Waratah Engineering is a specialist supplier of underground coalmining and tunnelling machines for the Australian and New Zealand markets. Its history in the Hunter extends back to 1923. Waratah Engineering's business roots began in Waratah, where it started as a business supporting the BHP steelworks. In 1980 it diversified into the coalmining industry and in 1990 a factory was built at Cardiff, where the company developed a successful business repairing mining shuttle cars.

In 2007, Waratah Engineering moved to larger premises in the Hunter to cater for rapid expansion, which has continued over the past three years. Unfortunately, growth costs and investments in product research and development left Waratah Engineering in financial straits following the collapse of an equity deal, forcing it into administration in July this year. Without the Government's support, Waratah Engineering faced closure, the loss of over 120 jobs, and the killing-off of strong opportunities for future growth and expansion. The Government stepped in and helped secure Waratah Engineering's sale with an assistance package provided by Industry and Investment New South Wales, together with efforts by accountants and business advisers for the companies.

The company's new owner, ZZM, is a wholly owned subsidiary of Kopex S.A., a global operator and leader in mining machinery, equipment and services. Kopex S.A is listed on the Warsaw Stock Exchange and integrates more than 50 companies in countries including Poland, Germany, Serbia, China, Russia, Australia,

Indonesia, Argentina and South Africa. Our assistance means quality Newcastle jobs are safe—jobs for engineers, draftsmen, electricians, mechanical fitters, machinists, boilermakers and about 15 trade apprentices have been saved.

The Waratah Engineering sale followed an announcement on 21 October that the New South Wales Government had helped secure investment in a new copper casting facility at Port Kembla in Wollongong, a move that secured 199 local jobs for the Illawarra. Metal Manufactures Ltd, which trades as MM Kembla or MMK, plans to install a new horizontal copper billet caster. The Government has been extremely active in ensuring jobs are maintained in New South Wales.

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

Questions without notice concluded.

[The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.]

STATE REVENUE LEGISLATION AMENDMENT (DEFENCE FORCE CONCESSIONS) BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. Eric Roozendaal.

Motion by the Hon. Tony Kelly agreed to:

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

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

Pursuant to sessional orders debate on committee reports proceeded with.

LEGISLATION REVIEW COMMITTEE

Report: Annual Review 2007-2008

Debate resumed from 21 October 2009.

The Hon. AMANDA FAZIO [2.33 p.m.], in reply: I thank the Hon. Robyn Parker for her contribution in this debate, and I commend the report to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report: The Privatisation of Prisons and Prison-related Services

Debate resumed from 16 June 2009.

The Hon. AMANDA FAZIO [2.34 p.m.]: I commend the report of General Purpose Standing Committee No. 3 on its inquiry into the privatisation of prisons and prison-related services. There was a great deal of interest in this inquiry, which was evidenced by the fact that the committee received 453 submissions, including 11 supplementary submissions. Of those submissions, 180 were from staff who work in prisons, including prison officers, nurses, counsellors and other support staff; 44 were from organisations; 21 were from family members of prison officers and inmates; 3 were from academics; 1 was from a current inmate; and 204 were from members of the general public or from authors who did not fall within any of the above categories. Of the 453 submissions, 235 were fully public, 211 were partially confidential, and 7 were fully confidential. The committee held four public hearings at Parliament House, on 23 February, 20 March, 27 March and 1 April 2009. The committee conducted three days of site visits, during which it visited Parklea, Dillwynia, Cessnock and Junee prisons.

The committee received evidence from a range of witnesses, including representatives of the New South Wales Department of Corrective Services, the Western Australian Department of Corrective Services, the South Australian Department of Corrective Services, New South Wales Police, the Public Service Association, academics, community and justice groups, non-government organisations, operators of private prisons, and the Serco Institute in the United Kingdom. On 1 May 2009, after submissions to the inquiry had closed and midway through the drafting of the report, the Government overturned its decision to privatise Cessnock prison. The committee supported that decision. The Government also put a six-month hold on its plans to privatise the Court Escort Security Unit, allowing the Department of Corrective Services a chance to achieve \$5 million in cost savings before finalising any decision to privatise the unit. This is referred to throughout the report as the 2009 decision. The committee recommended that the Government extend this offer to give the department one year to identify \$5 million in savings per annum in the Court Escort Security Unit, and that the department provide the Government with an update after six months to advise of the actions and progress it has made toward achieving this target.

The committee made 18 recommendations, many of which were designed to increase transparency and improve accountability in both public and private New South Wales prisons. Some of these I do not support and I will go into more details about this later. The committee supported the implementation of The Way Forward at New South Wales prisons. Most importantly, the committee emphasised that prisons are not run for the benefit of prison officers. The invitation for submissions to the inquiry closed on 27 February 2009. Given the significant volume of evidence received, the committee was successful in producing a thorough and considered report in a relatively short time frame, tabling the report on 5 June 2009. I thank the members of the committee secretariat, Rachel Simpson, Teresa McMichael, Lynn Race, and Rhia Victorino, who, as usual, were very thorough, professional and helpful during the inquiry.

On 11 November 2008 the New South Wales Government announced plans to privatise Parklea and Cessnock prisons—referred to in the report as the 2008 decision. It also announced plans to privatise the Court Escort Security Unit and conduct a feasibility study into replacing Grafton jail with a privately financed, constructed and operated centre. Although the Government had overturned its decision to privatise Cessnock prison, it confirmed that the privatisation of Parklea would still proceed.

Throughout the report, the committee examined the arguments for and against the privatisation of prisons and prison-related services, and considered the experience of prison privatisation in other Australian and overseas jurisdictions. The report examines the Government's initial decision to privatise Parklea and Cessnock prisons. We considered the Government's approach and the public response to the 2008 decision, as well as the broad arguments both for and against privatisation. The committee came to the conclusion that there was inadequate information provided to and consultation with stakeholders prior to the 2008 decision, and is of the view that the decision to privatise may have been more positively received if the Government had better informed and consulted with stakeholders regarding the 2008 decision.

Given that Parklea Correctional Centre was not provided with an opportunity to implement The Way Forward before the decision was made to privatise the centre, the committee recommended that any move to privatise Parklea be delayed for three months to allow the Department of Corrective Services and the Prison Officers Vocational Branch of the Public Service Association to negotiate the comprehensive implementation of The Way Forward in all Corrective Services institutions. I did not support this recommendation as I felt that the privatisation should proceed without further delay, which would only cause more uncertainty for the staff of the centre.

The Committee was concerned about the officers at Cessnock Correctional Centre who had already taken up the department's offer to transfer to another location. The committee acknowledged that the Government offered to consider any requests to transfer back to the prison on a case-by-case basis. It was the committee's view that there is considerable weight in the argument that the Government, whether in respect to publicly or privately managed prisons, must adopt a service delivery model that emphasises fulfilling the principles of sentencing, improves inmate welfare, and achieves lower rates of recidivism in a cost-effective manner. A range of evidence was also submitted regarding the experiences of prison privatisation in other jurisdictions. It is clear that in some instances prison privatisation has failed. However, it is also clear that in other instances it has succeeded.

It is important to consider these experiences in context, as overseas private prison systems may differ from Australian systems. The committee believed that there is a sound argument for introducing competition to the public prison sector, and we agree that a combination of public and private operators can be beneficial for

stimulating much-needed innovation and efficiencies. The 2008 decision to contract out the management and operation of Parklea and Cessnock prisons and the Court Escort Security Unit was expected to save approximately \$15 million per annum. The greatest concern heard by the committee in relation to claims of cost savings is that no two prisons are identical. Every prison varies in size, age, design and inmate classifications. Therefore, rather than comparing apples with apples, attempted comparisons are being made between apples and oranges. I do not know why we do not use different fruit.

The committee found that the achievement of cost savings is of common concern. One of the other impacts the committee looked at was the impact of privatisation on recidivism rates. Measuring the effect of an individual public or private prison's rehabilitation programs on recidivism levels is difficult and may not be feasible, given that inmates rarely spend the entire length of their sentence at one prison. However, a closely related area that is possible to measure is re-entry, that is, ensuring that inmates are released into a stable job and accommodation. Re-entry services play a key role in reducing recidivism. Therefore, the committee recommends that the Government introduce re-entry performance indicators for both public and private prisons in New South Wales.

A general theme of submissions to the inquiry was the public's concerns regarding the lack of transparency and perceived lack of accountability of private prisons. The report considers the importance of transparency in the prison sector and the need for adequate and independent monitoring mechanisms. It examines factors required for a good contract, which can be vital in ensuring a private prison's success. It also considers the rights of third parties to enforce private prison contract provisions, and the risk and cost to government of contract failure.

The committee found that there is a general lack of information available regarding the private prison at Junee, which has been a barrier to independent assessment of the performance of the prison. While the committee acknowledges the concerns that private contractors may have regarding commercial-in-confidence provisions, it notes that other jurisdictions have made their private prison contracts available to the public, and recommends that New South Wales do so as well. A number of recommendations have been made to increase monitoring and accountability in private prisons and also in some public prisons. Further, the committee agrees that a well-written, prescriptive contract that clearly defines the Government's expectations and requirements of a private prison and private contractor is essential if a private prison is to operate successfully.

Chapter 7 of the report examines the causes of high levels of overtime in public prisons, including consideration of staffing levels and budget allocation. It also discusses the Way Forward package of workplace reforms, which were introduced to improve the efficiency and effectiveness of public corrective services. The committee noted that the department's own figures show that actual overtime expenditure exceeded \$20 million in every year since 1999-2000, and exceeded \$40 million in each of the previous two years. The committee acknowledged the efficacy of using casual prison officers who have been provided with training equivalent or similar to that of permanent officers. The use of such officers may assist in reducing the department's overtime expenditure and, more importantly, may minimise such detrimental outcomes as prisoner lockdowns caused by the unavailability of staff from time to time.

However, despite the engagement of casual staff being a central component of the Way Forward reforms, evidence given to the committee by the Prison Officers Vocational Branch indicated that there was still not acceptance of the necessity for this reform to be introduced across all prisons in New South Wales. The Prison Officers Vocational Branch also raised concerns regarding the use of centralised rostering. The committee is concerned, based on the evidence as a whole, that the reluctance of the Prison Officers Vocational Branch to embrace workplace reform has unreasonably frustrated the achievement of the primary objectives of the operation of the prison system.

The committee is of the view that the Way Forward paves the way for positive and much-needed reforms, and supports the expeditious rollout of the reforms across the State. The committee also believes that apart from Junee and Parklea, all existing and future New South Wales prisons, including Grafton prison, should remain in the public sector under the Way Forward reforms. It further recommends that the New South Wales Government monitor the private sector management of Parklea and Junee correctional centres, and should they fail to meet their fundamental contractual obligations, those centres should revert back to public management.

The committee has recommended also that the Department of Corrective Services publishes details of the implementation of the Way Forward reforms and the cost savings achieved through the implementation of those reforms for each correctional centre in New South Wales, with details of the implementation to be

published on the department's website biannually, with the first report of progress to occur by 1 November 2009. Finally, the report considers the potential privatisation of the Court Escort Security Unit, and the use and effectiveness of private perimeter security guards at New South Wales prisons.

Inquiry participants argued that the Court Escort Security Unit already runs as efficiently as possible, and that the overtime costs incurred by the unit are largely unavoidable. The committee was of the opinion that the Government's second chance offer to Department of Corrective Services to identify \$5 million in savings within five months was unrealistic, and recommended that the Government extend the offer time frame to one year. As part of this, the committee has recommended that the department submit a review after six months to advise the Government of its actions and progress in attempting to achieve the target. It is interesting to note that three dissenting reports were made, which indicated the wide range of views surrounding this inquiry. I will refer only to the dissenting report of the Hon. Greg Donnelly, with which I agreed. It states:

The following Statement of dissent is made with respect to certain elements of the Inquiry's report. In terms of Recommendation 1, support is not given to delaying the process that is underway in regard to Parklea Correction Centre. It is noted that many of the components of the "Way Forward" reforms are already in place including the recruitment of casuals and centralising the rostering. The parties are already committed to a process of negotiating the "Way Forward" reforms with the assistance of the Industrial Relations Commission.

With respect to Recommendations 10, 11, and 12, I note that the Department's activities are already oversighted by a number of independent agencies including the Office of the New South Wales Ombudsman, the ICAC, the New South Wales Auditor-General, the Anti-Discrimination Board, the Privacy Commission, Official Visitors and the New South Wales Police Force. The existing privately operated prison is subject to external scrutiny and is also closely monitored for compliance through its contractual obligations. It is also noted that some of the Recommendations fall outside the Terms of Reference of the inquiry.

I will now turn to the recommendations with which I agree. Recommendation 2 states:

That the NSW Government provide adequate assistance and/or compensation to all former Cessnock Correctional Centre employees who have been disadvantaged by accepting a voluntary redundancy or transfer as a result of the November 2008 decision to privatise the centre.

Recommendation 3 states:

That the Department of Corrective Services publish details of its costing methodology, focusing on the allocation of departmental overheads to both public and private New South Wales prisons.

I support fully recommendations 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17 and 18. It was interesting to note during the inquiry that Opposition members attempted to cast themselves as the "friends of the workers" when we all know their true track record in this regard. I do not approve or condone the attempts by some to use the inquiry as a vehicle to attack and vilify the commissioner, who I believe is doing a very good job in implementing reforms, not just in relation to the operation of correctional facilities but also in respect of the programs and outcomes for inmates. I thank the commissioner and his staff, who were most helpful and cooperative during the course of the inquiry and facilitated our site visits to Parklea, Cessnock and Dillwynia. I might add that they also agreed to representatives of the Prison Officers Vocational Branch of the Public Services Association accompanying members during those inspections. I thank also the operators of Junee Correctional Centre, the GEO Group, for facilitating our visit to the Junee Correctional Centre. This inquiry involved key recommendations that received support from all, and I shall run through those briefly. Recommendation 6 states:

That the NSW Government consider the need to have an independent health service provider at all New South Wales prisons.

That is because committee members felt that Justice Health was doing a good job in the prison system. Recommendation 7 states:

That all private correctional centre contracts in New South Wales be made publicly available on the Department of Corrective Services website.

That will improve accountability and transparency. Recommendation 8 states:

That the Department of Corrective Services report the results of all New South Wales correctional centres against common Key Performance Indicators in the Department's Annual Report. Key Performance Indicator data should also be published on the Department's website.

Recommendation 9 states:

That the NSW Government ensure that private correctional centre contracts in New South Wales are made fully accessible under the *Freedom of Information Act 1989*.

Those recommendations deal with concerns expressed by people working both within and outside the prison system wanting to know whether the private correctional centres are being operated properly and what key performance indicators will be achieved within the prison system. The inquiry heard evidence from overseas and interstate jurisdictions that the information being publicly available has not impinged on the way in which their private prisons operate. Also, it is important to get the contract right. The inquiry heard evidence of interstate instances where the contracts were not drafted correctly in the first place and proper measures were not included in the contract. As a result, the contracts and the management of those private prisons turned out to be unsuccessful. I am sure that could be overcome in any privatisation of the Parklea Correctional Centre and I commend the report to the House.

The Hon. JOHN AJAKA [2.49 p.m.]: I join my colleagues from General Purpose Standing Committee No. 3 in the debate on the committee's twenty-first report on the privatisation of prison-related services. I thank the committee chair and other committee members, and commend the committee staff for the efficient and professional manner in which the hearings were conducted. My contribution to the debate focuses principally on three matters: first, the manner in which the Government approached the question of privatisation; second, the oversight and monitoring mechanisms needed to maintain Government accountability in contracting out the day-to-day management of correctional facilities; and third, the policy considerations underpinning the joint dissenting statements made by the Hon. Trevor Khan and me.

The initial rationale for the Government's move to privatise Parklea and Cessnock prisons, as well as the court escort security unit was, in broad terms, as follows: to introduce competition into the public prison sector, with the intention of generating greater innovation and efficiencies through having a combination of public and private operators in the market; to benefit from significant cost savings of an estimated \$15 million per annum, leaving aside the obvious difficulties of comparing the financials of prison administration and noting that the committee has called on the Department of Corrective Services to publish the details of its costing methodology; and to establish benchmarks against which to gauge performance standards in the State's publicly run prisons.

More specifically, it appears that Parklea and Cessnock prisons were selected on the basis that they were sufficiently large to be marketed as a commercially viable investment; they were sufficiently close to a metropolitan centre to allow existing staff to seek alternative employment; neither facility provided highly specialised functions; and the centres had failed to meet key performance indicators. Yet a number of inquiry participants criticised Commissioner Woodham's rationale for selecting Parklea and Cessnock prisons for privatisation, on the basis that irrelevant considerations and isolated incidents that occurred over a decade ago were given undue weight in the decision-making process.

In addition to the criticisms levelled at the selection criteria, the manner in which the Government announced and commenced the implementation of the privatisation was decried by inquiry participants as clandestine, haphazard and ill conceived. At no stage was Cessnock City Council consulted or informed of the decision to privatise. The Public Service Association of New South Wales indicated that the plans for privatisation and market testing were first brought to its attention through the media on 18 August 2008. A number of prison officers indicated that they were first made aware of the plans for privatisation not through management but through the media. The commissioner confirmed in November last year that the privatisation would go ahead, notwithstanding that the mini-budget, released on the same day as this announcement, was silent on the matter of specific privatisation plans.

More than 100 inmates were transferred, under the cover of darkness, out of Cessnock prison on the evening of 15 March 2009, supposedly as part of a downsizing process in preparation for privatisation. Finally, on 1 May this year, while the inquiry was still on foot, and after a number of Cessnock employees had accepted voluntary redundancies in anticipation of the privatisation, the Government announced an abrupt reversal of its plan to privatise Cessnock prison, attributing the change in its position to economic uncertainty in the region. This was another hallmark eleventh-hour policy reversal of a Government with no real convictions when it comes to addressing the problems facing New South Wales corrective services. Whilst the committee supports the decision not to proceed with the privatisation of Cessnock prison, it finds the circumstances under which the policy decision was made regrettable, particularly in light of the adverse impact on many corrective services personnel.

In relation to the oversight and monitoring mechanisms needed to maintain government accountability in contracting out the day-to-day management of correctional facilities, two main concerns were raised throughout the hearings: first, in relation to the limits on oversight mechanisms in the corrective services sector,

and second, in relation to the paucity of meaningful data published on corrective services outcomes and key performance indicators. The monitoring framework within which the privately run Junee correctional facility operates is illustrative of the oversight model likely to apply to the newly privatised Parklea prison.

Currently, Junee correctional facility's private operators are required to abide by Department of Corrective Services operational policy and protocols and are subject to the safeguards—including minimum standards and performance indicators—laid down by the Crimes (Administration of Sentences) Amendment Act 2008, the Crimes (Administration of Sentences) Regulation 2008, the New South Wales Ombudsman, the Independent Commission Against Corruption, the Official Visitors Scheme, and the New South Wales Anti-Discrimination Board. In addition, the Department of Corrective Services employs a full-time monitor to oversee the Junee prison, bearing the responsibility for auditing monthly performance reviews and submitting reports to the department on a monthly basis and to the Parliament on an annual basis. I note that the Department of Corrective Services' submission to the inquiry indicated that the privately run Junee facility is subjected to a markedly more rigorous performance review than public correctional centres. Commissioner Woodham indicated throughout the hearings that "the expectations of the public sector prisons are less clear and less robustly monitored", vis-a-vis the private facilities.

The committee considered the models of independent oversight employed in several overseas jurisdictions, in the process of evaluating the most effective way to ensure the accountability of private service providers of corrective services. The United Kingdom model, which employs an independent inspectorate to conduct announced and unannounced inspections of both public and private prisons, has been generally effective in maintaining public confidence in the integrity of private prison management. The primary function of the United Kingdom inspectorate is to conduct a qualitative evaluation of prison management and operation, complementing the chief inspector's monitoring of quantitative targets.

The reputational cost associated with the circulation of a negative inspectorate report, through broad media coverage, has served an important deterrent and public accountability function in the United Kingdom. The strength of this accountability mechanism has been diluted in its translation into the New South Wales context, in the sense that the Corrections Inspectorate of New South Wales remains part of the Department of Corrective Services and therefore lacks the feature of independence, which is central to the United Kingdom model's success in securing public confidence.

The Government has been subject to significant criticism for abolishing the key accountability safeguards that were originally put in place to temper perceptions of partiality surrounding the Corrections Inspectorate of New South Wales. Indeed, as the Hon. Justice Dowd, President of the International Commission of Jurists Australia, observed throughout the course of the inquiry, "We do not have appropriate prison visitors who are outside the control of Corrective Services."

Accordingly, I support the array of recommendations made by the committee to bolster accountability safeguards and to increase transparency. I refer to recommendation 7, which provides that all private correctional centre contracts in New South Wales be made publicly available on the Department of Corrective Services website; recommendation 8, which provides that the Department of Corrective Services should report the results of all New South Wales correctional centres against common key performance indicators in the department's annual report and that key performance indicators data should also be published on the department's website; recommendation 9, which provides that the New South Wales Government should ensure that private correctional centre contracts in New South Wales are made fully accessible under the Freedom of Information Act; recommendation 10, which provides that the position of New South Wales Inspector General of Prisons be reinstated to report on both public and private prisons; and recommendation 11, which refers to the transfer of the Inspectorate Office to another department, such as the Attorney General's Department or the Department of Premier and Cabinet. As the committee has noted in its report, this may "ensure a degree of independent review and reporting".

Turning finally to my joint dissenting statement with the Hon. Trevor Khan, I make two brief points. First, I wholeheartedly agree with the thrust of the New South Wales Police Force's submission to the committee, which argued that the force has suffered as a result of a shifting of responsibility for prisoner transfers from the Department of Corrective Services to the New South Wales Police Force, due in part to the Department of Corrective Services' pursuit of cost savings. Privatisation or reform of the Court Escort Security Unit should not be aimed at simply cost cutting. Instead, it should focus on expanding the existing service to relieve the Police Force of responsibility, wherever possible, with regard to the guarding or transport of prisoners particularly in rural and regional local area commands. This will enable the police to more effectively achieve their core policing responsibilities.

Second and lastly, I make the point that this corrective services debate was not so much about the relative efficacy of public versus private prison operation but, rather, about ensuring that the Department of Corrective Services, through whatever contractual means necessary, fulfils its responsibilities for prisoner transfers and thereby enables the police to fulfil their core functions with optimal efficiency. I commend the committee's report to the House.

Ms SYLVIA HALE [2.58 p.m.]: I join previous speakers in thanking the officers of General Purpose Standing Committee No. 3 and my fellow committee members for ensuring that this was a most interesting and stimulating inquiry. That is not to say that I in any respect agree—and, I have to say, nothing has persuaded me that I should change my mind—that the privatisation of prisons is to be supported. As I have said in my dissenting report—I suppose it is of interest that a majority of the committee members submitted dissenting reports; I am not sure that that is a totally usual outcome—the functions of prisons and related services are significantly different from those of other types of government services that have been privatised. Unlike finance, health, transport or similar government services, prisons operate for the purpose of exercising coercive power. The purpose of prisons is to deprive those sentenced by the courts or those denied bail of their liberty. In addition, prisons operate their own disciplinary procedures, and that can include physical restraint and solitary confinement. That is the essence of my objection, and the objection of the Greens, to the privatisation of prisons.

The Government had a series of objectives in its attempt to privatise Parklea and Cessnock prisons and the prisoner escort service: to save money and, more importantly, break the Prison Officers Vocational Branch. The fact that the Government was unable to achieve those objectives at Cessnock prison and was forced to back down, is a tribute to the members of that union; it is also a recognition by the Government of how marginal the electorate of Cessnock would be had the privatisation proceeded. The Government also held the further objective—that by outsourcing the prisons it somehow would remove itself from accountability for their operation.

It is convenient to lay the blame on third parties for the shortcomings in the way in which our prisons are conducted. We have seen how the privatisation of prisons and escort services can rebound on governments and how anxious governments are to be shielded from that. I will give two examples of what happened when such services were privatised. First, the privatised prison escort service in Western Australia resulted in the death of a Mr Ward a year or two ago, when he was transported in absolutely inhumane circumstances of massive heat, and died of dehydration. Second, where the previous operators of the Acacia Prison in Western Australia performed so badly that that State government was forced to intervene and the operators did not see out their contract.

I found particularly interesting the evidence given to the committee by Mr Brian Lawrence, Manager, Acacia Prison Contract, Court Security and Custodial Services, Department of Corrective Services, Western Australia. Mr Lawrence was enthusiastic about the way in which the Acacia Prison was run. He was enthusiastic because the prison was being run in contrast to the way it had previously been run by the AIMS Corporation, and because he believed Western Australia had inserted into its contracts for the running of the prison clauses that guaranteed that if there was a failure to live up to the key performance indicators, to meet the objectives and do everything that the private service contracted to do, there were mechanisms in place to allow the government to immediately intervene.

If one were to concede for a moment that prison privatisation is a desirable thing—and that is extraordinarily questionable—then at the very least before going down that path safeguards should be in place. I find it particularly disturbing that the New South Wales Government has put in place at Parklea prison none of the safeguards recommended by the committee. Not one of the safeguards that Mr Lawrence emphasised in his evidence to the committee is in place. Mr Lawrence said:

What I would say, though, in terms of lessons learnt, from the first contract we had to the second one that we wrote at the end of the first five years was vastly different. I would say that irrespective of whose decision is to privatise, there are key things you need to do. Those are: make sure that you determine what the services are that you want. You need to specify and include in the contract exactly what you want that prison to deliver. Further to that, in terms of the procurement process, you need to make sure you select the right contractor and make sure that what they say they are going to deliver is actually written into the contract.

He then went on to list a series of requirements. Interestingly, he referred to pay parity and said:

What I can tell you is that we have pay parity for our private prison. If our officers in the public system get a pay rise, so do the officers in the private prison; otherwise the minute the officers in the public prison get a pay rise staff would want to leave to go and join the public system so we introduced a system where we [have] pay parity.

There is no such system in New South Wales. The statistics provided in evidence to the committee about Juneec prison indicated, firstly, that GEO was seeking to casualise its workforce; secondly, that its workers worked longer hours; and thirdly, that its workers have fewer holidays and less access to sick pay—generally speaking, their working conditions are worse than those of prison officers within the public system. Rather than the State Government encouraging and granting a contract to a private operator whose conditions of employment for its workforce are worse than those in the public system, there should be a requirement for the conditions under which people work to be at least comparable.

I am far from persuaded that Serco, the operator of the Acacia Prison in Western Australia, is all that it could be. For example, in late 2006 Australian Labor Senator Kate Lundy drew attention to attempts by Serco Sodexo, which had won the defence services contract in Canberra, to use duress to force employees to sign Australian work agreements. The unions also attacked Serco for sacking cleaners in the defence services for refusing to sign Australian work agreements. Rather than employing workers under a collective agreement, Serco brought in workers from Wollongong to perform the contract work. I do not think Serco is an ideal employer but I do feel that the Western Australian Government, by going down the path of privatisation, has attempted to ensure that those safeguards are in place and that safeguards essential to the privatising of prisons should also be in place. They were some of the recommendations of the committee.

The Hon. TREVOR KHAN [3.08 p.m.]: I note that to get an idea of the position and views taken by individual members of the committee, rather than referring to the summary of their positions expressed, as they were, by the chair of the committee, Hon. Amanda Fazio, one is best assisted by referring to the minutes of the deliberations on the draft report. I will refer to the resolution I moved in that committee—a resolution that was moved in similar form on a number of occasions. I read from page 187 of the committee report:

Resolved, on the motion of Mr Khan: That two additional paragraphs be inserted after paragraph 4.19 to read:

The Committee emphasises that based upon the evidence received that the achievement of cost savings are, in and of themselves, not sufficient to justify the privatisation of prisons.

Moreover the committee notes that the evidence received suggests that the privatisation of correctional facilities can assist in achieving the primary objectives of the operation of the prison system, which are:

1. fulfilling the principles of sentencing
2. improving inmate welfare and
3. lowering rates of recidivism in a cost effective manner.

This resolution encapsulates the position I took in committee deliberations and throughout the committee's consideration of the evidence—that is, to look at the objective of the operation of a correctional facility. For example, the purpose of a correctional facility is not to provide employment. That may be a secondary objective, but it is not the primary objective. The community expects from the operation of our prison system that, firstly, people who are sentenced to jail are to be held safely in a facility—safely for themselves and safely for the community—and, secondly, there is a positive outcome when prisoners are released from incarceration. Not only is that a reasonable expectation of the community, it is also fundamental commonsense.

Some members of the committee, particularly the Greens representative, seemed to consistently misunderstand the objective of our prison system. In fact, we heard Ms Sylvia Hale in her contribution today make constant reference to award conditions. In New South Wales in the order of 10,000 people are locked up, and that number is increasing by 4.1 per cent a year. It is the obligation of this Parliament, of all of us who serve here and of any government of New South Wales, to focus on those 10,000 people and the impact on the community of those 10,000 people while they are incarcerated and when they are released. During the gathering of evidence, the committee was confronted with horrific statistics. For example, in the order of 40 per cent of people who serve terms of imprisonment go back to jail. The recidivism rate is 40 per cent. Yet Ms Sylvia Hale, the Greens representative, in her contribution today did not make one reference to that horrifying statistic. She referred to overtime rates and sick leave, but she said nothing about the serious impact of a 40 per cent recidivism rate upon our community and individual prisoners.

That is the type of helpful evidence that was given before the committee and that is the evidence upon which we should concentrate our minds. We should not concentrate on evidence about overtime rates and comparative wage rates—albeit they are issues of some importance. If a society is to be just and considerate in the operation of its correctional facilities, the significant issue we must look towards is the outcome of prisoners—not, with the greatest of respect, wage rates. The committee was told that in New South Wales there have been significant increases in the size of our prison population. Since 1998-99 there has been a consistent

rise in the number of prisoners. In 1998-99, 6,835 prisoners were in custody. By 2007-08 the number had risen to 9,634. That is a very significant rise in the number of prisoners in our institutions. The committee was told that the number of correctional officers and overseers in our facilities has increased from 2,961 in 1998-99 to 4,187 currently. In 10 years there has been an increase of more than 1,000 additional people employed in our prison system.

Members should reflect on the failure of our prison system to deal with rates of recidivism, and that will result in an ever-increasing incline in the number of prisoners in our institutions and the number of people who are employed to house those prisoners. Within a period of 10 years, 1,000 additional people are being paid every week to house our prisoners. We are not employing those 1,000 people to work in our schools to improve literacy rates or to work in our hospitals or police force. We are employing those 1,000 additional people to house prisoners. That is a frightening statistic. The committee heard that the Corrective Services budget is more than \$1 billion a year. Obviously that \$1 billion must be spent, but it is not being spent on our hospitals or on education; it is being spent in a negative way to lock people up. It would seem that the Greens representative does not see the horror of that statistic. Instead, she talks about wage rates and sick leave. Money is being spent at the wrong end. It is a skewing of the responsibilities and objectives of our society.

It is not a question of philosophy about whether prisoners should be incarcerated in private or public institutions. That is a misunderstanding. Our objective must be to ensure that those who are locked up are held securely in custody and that our recidivism rates decrease. When prisoners are released we must ensure that they have been punished for the wrong they have done, that they are better educated and that they are deterred from committing more crime. We must provide them with the skills to ensure that they do not go back to jail. It does not matter whether that takes place in a private or public institution. That was essentially the committee's findings. The majority of the committee concluded that we must ensure that our prisons are more effective in achieving these outcomes. We must achieve a reduction in recidivism rates by encouraging people not to go back to jail.

I thank all the committee members for the way in which they approached their deliberations to productively move the matter forward. I hope when the Government considers this committee report it looks towards our primary responsibility. We have to strip away the arcane politics of private versus public and concentrate on achieving the outcomes required by a just and humane society.

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

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report: No. 2/54—Updating Progress on Railway Level Crossing Safety

Debate resumed from 24 June 2009.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL

Report: Report on the Fifth General Meeting with the Valuer General

Debate resumed from 1 September 2009.

The Hon. KAYEE GRIFFIN [3.20 p.m.]: It is with pleasure that I speak today to the report of the Joint Committee on the Office of the Valuer General on the fifth general meeting with the New South Wales Valuer General. This is the first report of the committee since it was re-established in September 2008 to monitor and review the exercise of the Valuer General's functions. The Valuer General is a statutory position responsible for land valuations made under the Valuation of Land Act and provides land values to local councils for rating and the Office of State Revenue for managing land tax. The Valuer General oversees the valuation process managed by Land and Property Information, Valuation Services of the Land and Property Management Authority to ensure the accuracy, consistency and transparency of land values for all stakeholders.

Approximately 2.4 million land valuations are produced annually in New South Wales. The number of objections received to valuations and the management of those objections are key indicators of the performance of, and public confidence in, the valuation system. The committee noted that the number of objections had fallen dramatically since 2004 and that this trend continued with the 2008 round of valuations. A key element in the decline in the number of objections has been the availability of a call centre to answer initial customer inquiries. During the peak season from January to June, when 350 to 400 calls a day are received, the call centre service is outsourced. For the remainder of the year, when the number of calls drops significantly, the centre is staffed in-house. The Valuer General reported that approximately 85 per cent of calls are resolved without being referred to departmental staff.

In 2008 the Valuer General commissioned an independent research company to conduct a survey to evaluate customer experience and satisfaction with outsourced and in-house customer service. Overall, the majority of survey participants were satisfied with the service they received. However, a significant determination from the survey was that effective and prompt resolution of an inquiry is the key to higher customer satisfaction. A review of overall customer service occurred in light of the survey results, and staff at the outsourced call centre now have improved access to information that has enhanced their ability to thoroughly answer customers' questions without the need to refer callers to departmental staff.

The Valuer General also noted that he had requested funding to undertake further surveys using the initial survey as a benchmark with the aim of tracking performance. The committee agrees that a follow-up survey would be very useful in assessing the effectiveness of the changes made to call centre procedures as a result of the customer service review, and recommended that the New South Wales Government support the Valuer General's request. Objection turnaround times for 2007-08 were still below the target completion time frame of 90 days. The committee noted, however, that considerable work had been done around resources, processes and technology and that the processing time for issuing a decision was currently, on average, about 111 days. The committee was also pleased to learn that considerable work has been done on clearing the backlog of objections from previous years.

An issue related to objection management is the availability of qualified practitioners in the valuation industry to undertake specific unimproved land valuation work. The previous committee recommended in its report on the fourth general meeting that the New South Wales Government examine the workforce capability and qualification requirements for valuers with the aim of ensuring a diversity and breadth of professionals available to provide a contestable service to the Valuer General. At the fifth general meeting the Valuer General told the committee that, although this recommendation had not been carried out, Land and Property Information, Valuation Services was implementing a range of strategies aimed at ensuring that current and future needs were met. He noted, however, that there were still not enough valuers to meet long-term time frame demands, with particular reference to the 90-day target for processing objections. Because of the current property market downturn, however, valuers who had previously been engaged in other work had become available to undertake work for the Valuer General.

The Valuer General believes that this is a short-term solution but one which would assist in meeting this year's targets. There had also been an increase in the number of graduates applying for positions as part of the succession plan. He suggested that there are two ways of addressing the long-term shortage of qualified valuers: one was through the implementation of improved technology processes; the other was to look at getting more valuers qualified through enhancing tertiary and diploma courses to start introducing students to rating and taxing valuation, and by ensuring that these courses are meeting required standards and educational qualifications in respect of doing rating and taxing work. He noted that from his point of view government support for the direction he was taking, particularly in terms of access to universities, would be of assistance. The committee supports the inclusion of rating and taxing qualifications into degree and diploma valuation courses, and recommends that the New South Wales Government actively support the work of the Valuer General in improving workforce capability and in gaining access to universities as required.

Another matter discussed with the Valuer General was that of the national trade licensing system for valuers and conveyancers that is planned to commence in 2013. The Valuer General told the committee that New South Wales currently has a full registration regime, and the committee believes that the New South Wales Government should press for the adoption of a national licensing model similar to the New South Wales registration regime. The committee also noted that the pricing regime for the provision of valuation services to local government changed as of 1 July 2009 as a result of the Independent Pricing and Regulatory Tribunal review of rating valuation services provided to local government by the Valuer General. At the meeting the committee questioned whether it would be beneficial if agencies that currently received services from the Valuer

General without charge were to pay for services rendered. Mr Western replied that the valuation system has become more accepted because of its accuracy and consistency and is now being used for purposes for which it was never intended. Over the next 12 months he would be looking at those agencies that currently receive free services with a view to them contributing something to the system.

I will now turn to a continuing theme in reports of the previous committee, namely, the need for a mechanism to assess the effectiveness of the Valuer General's public information materials in building confidence and accountability in the valuation system. In its 2005 review of best practice reporting, the previous committee recommended that the Valuer General publish an annual performance report, separate from the annual report information provided in the Land and Property Management Authority annual report. The Valuer General reported to the committee that, although some preliminary work had been undertaken in the development of an annual performance report, the proposal has been overtaken by circumstances, and that it had been decided to include many of the features of the proposed performance report in the Land and Property Management Authority annual report instead. The committee agrees that the performance information in the annual report has improved, but it is not convinced that this fully meets the criteria for building confidence and accountability in the valuation system. The committee will therefore review this issue again in light of the performance information published in the 2008-09 annual report.

The committee also noted that the annual service level agreement between the Valuer General and Land and Property Information, Valuation Services was being revised and that it was the Valuer General's intention to report against the key performance indicators set down in the agreement in the annual report. The committee has now received a copy of the 2009 agreement and will discuss this further with the Valuer General at the next general meeting.

As the chair of the former committee in the last term of the Parliament, I was pleased to see that with the resumption of this committee we will be able to follow through some of the recommendations of that former committee. On behalf of the committee I thank the Valuer General for the comprehensive briefing that he provided to the committee on the changes that have been implemented since the fourth general meeting in 2006. It was very helpful for all members of the committee to have that information prior to the fifth general meeting because it can be a difficult area to come to terms with without having the benefit of the information supplied by the Valuer General, particularly the changes that have occurred in the valuation system and the recommendations that have been adopted since the original Valuer General's committee came into being during the last Parliament.

The committee congratulates the Valuer General on the improvements that he has made to the performance of the valuation system in New South Wales. I also take this opportunity to thank all other members of the committee, including my colleague in this House the Hon. Matthew Mason-Cox and the committee secretariat for their assistance in the preparation of this report, which I commend to the House.

The Hon. MATTHEW MASON-COX [3.28 p.m.]: It is my pleasure to address the report of the Joint Standing Committee on the Office of the Valuer General on the fifth annual general meeting with the New South Wales Valuer General. At the outset I acknowledge the comments of the Hon. Kayee Griffin, who reminded the House that she was the chair of this committee in the last Parliament. Having been new to this committee in this Parliament it became very clear to me that the committee is very fortunate to have her experience and her corporate knowledge, which will be of great assistance in the inquiries that the committee will undertake in the new year.

On the committee we have the pleasure of working with members of the other House, and the chair of the committee, the member for Gosford, Ms Marie Andrews, has led us very ably. It is worth noting that this committee was established in July 2003 and, as a joint statutory committee, it overlooks the role of the Valuer General, which is very important and is often overlooked in this and other places. The Valuer General performs that role, which is a cornerstone of our property system, quietly and efficiently. I note the Valuer General's cooperation and assistance in the work of the committee. It was a pleasure to meet with him on 5 June 2009, when he provided the committee with a full briefing about his activities and addressed a range of questions posed by the committee not only at that hearing but also during the previous Parliament.

The fourth general meeting held in the last Parliament identified a range of issues that will form the basis of an inquiry to be undertaken by this committee. The last Parliament identified four key issues and I will address each of them. The first issue was objections management. The Hon. Kayee Griffin pointed out that the number of objections to valuations undertaken by the Valuer General has been decreasing, which is testament to

the terrific work done by the Valuer General's office. The Valuer General supports the conduct of customer satisfaction surveys to ensure that the services provided by his office are focused as much as possible on the outcomes expected by stakeholders. The committee recommended that the New South Wales Government provide support for the Valuer General's request for a follow-up customer satisfaction survey. That is only common sense and it would be a very valuable mechanism to focus the Valuer General's office on achieving even better results, although the office already provides a wonderful service to New South Wales.

The key area the previous committee believed should be examined—and this committee agrees—is workforce capacity. The Valuer General has suggested a number of strategies that could be implemented to address the long-term shortage of qualified valuers. A key strategy is the implementation of improved technology and processes. The other more practical and direct strategy, is training more valuers by enhancing tertiary and diploma courses, introducing students to rating and taxing valuing, and ensuring that the courses meet the required standards and educational qualifications for rating and taxing work.

This issue resonates with many businesses. We must ensure that the people training to join the workforce are able to do the jobs that business requires of them. Similarly, the Valuer General must ensure that the valuers coming through the system understand the Valuer General's needs and the type of work done at the coalface in this important area. Given that the Valuer General picks up a large proportion of this workforce, it is only common sense that we incorporate those requirements in the courses that those students undertake. The committee recommends that the New South Wales Government actively support the work of the Valuer General in improving workforce capability and in gaining access to universities as required. I again note that the committee will undertake an inquiry in the coming year into these workforce capacity issues. I look forward to the work that will be done in that regard.

Pursuant to standing orders business interrupted and set down as an order of the day for a future day.

DISTINGUISHED VISITORS

DEPUTY-PRESIDENT (Ms Sylvia Hale): I welcome to the gallery a delegation from the Nagoya City Assembly, and particularly the Deputy Mayor of Nagoya and the Chairperson of the Nagoya City Assembly.

Pursuant to sessional orders debate on budget estimates proceeded with.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2009-2010

Debate resumed from 21 October 2009.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.35 p.m.]: It is hardly a pleasure to speak to the New South Wales Government—

The Hon. Greg Donnelly: Well, sit down!

The Hon. DUNCAN GAY: I will not give the Hon. Greg Donnelly the pleasure; I will remain standing and tell him how bad it is. The honourable member and his mob opposite live in denial. We are debating the budget that followed the mini-budget—we had two budgets in seven months. When the rest of the world was putting together stimulus packages, Evil Eric was putting together the toughest budget we had seen in New South Wales for some time. That is indicative of how hopeless and how out of touch with the real world he is. Eddie Obeid and the rest of the Labor Party—maybe not all of them; in fact, probably very few—will try to defend this man.

The speech that he thankfully delivered in the other place—unfortunately we had to have him back—was a litany of lies. The first lie is on page 4 under the heading "Infrastructure and job creation". Members can imagine Eric sitting in his office in the eastern suburbs in the candlelight late a night, with a picture of Scrooge above his desk and a quill in his hand, writing, "This funding will support up to 160,000 jobs." The good Mr Pearce—our Mr Greg Pearce—was not content with that figure because we all thought that it did not ring true. In fact, an AAP report states:

During the hearing last week, Mr Schur could not say how many of the 160,000 jobs were in NSW. Under questioning from the Opposition's finance spokesman, Greg Pearce, Treasury officials admitted that the 160,000 figure was based on a formula of 10 jobs per million dollars spent.

That great questioner, the Hon. Greg Pearce, said:

So your 160,000 jobs is not for NSW; it is for the whole of Australia?

What did Mr Schur say? He said, "Yes." The 160,000 applied to the entire country. A Treasury representative has exposed the Treasurer's budget speech in this Parliament as a lie—an absolute untruth. The Treasurer went on to say that 300 jobs were being generated in the construction of the new Orange hospital. Interestingly, the Opposition obtained a copy of a document dealing with the budget speech as a result of a call for papers. Although Eric sat in that room with the candle flickering and wrote his speech, and included the 300 jobs being generated on the Orange hospital site and the 1,250 jobs on the Pacific Highway upgrade site, a quiet, sensible and responsible Treasury public servant bracketed those references and wrote in the margin "can't verify". That was on 13 June 2009—a week before the budget speech was delivered.

The 300 jobs at Orange and the 1,250 jobs on the Pacific Highway upgrade were still mentioned in the Treasurer's budget speech despite the fact that this good, honest, honourable public servant had exposed the figures as a lie in a paper that surely would have gone back to the Treasurer. It did not stop there. The Treasurer went on to refer to 2,000 jobs that would be generated by the Port Botany expansion. The same public servant—the writing is the same—crossed out "jobs" and "generated" and inserted "2,000 jobs supported".

This public servant was not going to be part of a lie. He might not have wanted to be part of a lie, but the Treasurer did. When the final document was released, the comment about the 2,000 jobs generated by the Port Botany expansion was still in it. It continues. The document states:

At the heart of our transport budget is the first major investment in the Metro—a network that will, in time, spread rapid underground transit links across Sydney.

This good, responsible, honourable public servant has written in the margin—the Hon. Henry Tsang will appreciate what has been written about the network—"a long time." Of course it will be a long time. The Treasurer knew that when he put the speech together. He went on in the speech to say:

It also builds on the Government's landmark commitment to create 6,000 cadetships and apprenticeships.

What does the public servant write about that? He writes, "can't verify". The words should have been removed but they are still there. That comment, "can't verify", remains on the document despite what was said. Of the 2,000 construction jobs, the working paper said it would probably be 400. The budget speech states, "28 commuter car parks—\$171 million". The good, honest, true, honourable public servant wrote "23". What did Eric report to both Houses of Parliament? He said 28.

The Treasurer of the State, the incompetent Treasurer who gave us the mini-budget that helped destroy the State at a time when the rest of the world was putting incentive practices into place, deliberately lied in his budget speech to the Parliament of New South Wales. It was not accidental; it was absolutely deliberate. That is one of the most reprehensible acts I have seen among a lot of reprehensible acts during 14 years of Labor Treasurers in this State. He knew that he was misleading the people of New South Wales yet he continued to do it. And it was not only him who did it; it was also the Premier. Nathan Rees repeated the lie about 160,000 new jobs in New South Wales. The same people who were advising the Treasurer would have been advising the Premier. That behaviour is an example of the standard of leadership in the State and the standard of leadership in the Labor Party in this State.

The Hon. Greg Donnelly: Point of order: I have listened with great interest and patience to the presentation of the honourable member. He is a very experienced member of this House who knows the rules of debate very well, along with the other standing orders. He knows full well the types of imputation he is making. He knows that overtly calling a member of this House and a member of the other House, the Premier, a liar—being as categoric as that—is clearly a breach of the standing orders. He has no business coming into this place and using such offensive terms to describe the Treasurer, who happens to be a member of this House, and the Premier, who is in the other House. It is unparliamentary to call them deliberately liars, and he knows it. I ask you to ask him to withdraw those comments.

The Hon. DUNCAN GAY: I will withdraw the comments. The fact is that these people have deliberately used figures that they knew were untrue. [*Time expired.*]

The Hon. GREG DONNELLY [3.45 p.m.]: I should say that this contribution might well be a contrast to the presentation we have just heard from the Deputy Leader of the Opposition.

The Hon. Don Harwin: Point of order: The Government Whip has just made an imputation and reflected on the Deputy Leader of the Opposition. I suggest he should withdraw it.

The Hon. Duncan Gay: I take offence.

DEPUTY-PRESIDENT (Ms Sylvia Hale): Order! The Hon. Greg Donnelly is being requested to withdraw his comment.

The Hon. GREG DONNELLY: If the honourable member has taken offence, I am very sorry from the bottom of my heart, and I withdraw the comment. I promise not to cause offence to any more members in this House this afternoon. I will reflect on the 2009-10 budget. Anyone listening to the presentation we just heard would end up with a very jaundiced understanding of this budget, an important budget in the context of the Australian and international economy. As an observer of the people who have commented—and these are experts in the field, explicitly from major corporations, from banks and from other institutions that closely examine things like budgets from State governments—it struck me how encouraging they were in their comment and sentiment about the budget delivered by the Hon. Eric Roozendaal for the 2009-10 financial year.

The Hon. Robyn Parker: They are living in a parallel universe.

The Hon. GREG DONNELLY: These are the experts the member is saying are in a parallel universe. It is a matter for her to say that, but I do not think the experts would consider themselves as living in a parallel universe. A highlight—in fact, a key underpinning feature—of this budget was the \$62.9 billion building program over the next four years. Fundamental to that and very much a part of why this was made the centrepiece of the budget was employment, and maintaining and protecting jobs for the people of New South Wales. It is interesting that we never hear the members of the Opposition talk about the importance of jobs. All they want to do is condemn the Government, which has crafted a budget that has made jobs a number one priority. There are no apologies from this Government about making jobs a number one priority. Members opposite may not think that jobs are important—we understand that they do not care about jobs—but at the end of the day that is the difference between that mob and us. They do not care about jobs; we care about jobs and that is why we made it a centrepiece of the budget.

Members opposite may continue to ignore the importance of jobs and employment but if, at the end of the day, you add unemployment as a major macroeconomic factor in the economy you have a problem. We do not have that problem in New South Wales because the Government is working closely with our Commonwealth colleagues to ensure that we work hard to ensure that jobs continue to be the number one priority. It is heartening to continue to see the unemployment rates. Members opposite hate to see this good news. Every question time they fail to ask us a question on economic matters that would give us a full understanding of the state of the economy in New South Wales. Why do we not get such questions? The Hon. Greg Pearce hardly ever asks a question. One would think that a person with his shadow portfolio responsibilities would interrogate the Treasurer question time after question time. Where is the Hon. Greg Pearce? He is missing in action. Perhaps he does not even come to question time. Why does he not come to question time? That is a good question. We wonder why the shadow spokesperson with such responsibility is not interrogating the Government about important economic questions. He does not even bother to come into the Chamber to ask questions.

I digress. I have spoken about the importance of funding for Building the Education Revolution. I turn now to specific aspects of infrastructure and investment. We have heard those figures before, but the Opposition fails to give any credence, recognition or acknowledgement to the fact that this level of investment is important for New South Wales. The budget provides a record \$15.1 billion for health and a record \$14.7 billion for education, yet there is silence from the Opposition. The budget allocated a record \$7.1 billion for transport, a record \$4.4 billion for roads—an important investment—a record \$2.62 billion for police and a record \$1.61 billion for community services, while emergency services received a record \$903 million.

The Government has invested huge amounts of money to provide maintenance and improvements in services. The Government has made the choices and we stand by them. The Opposition can whinge, whine and pretend with its mock, affected outrage that this is a bad budget but, at the end of the day, the budget was received very well by the commentators and the citizens of New South Wales. The Opposition cannot get over the fact that the budget was well received. In the time remaining I shall highlight where the \$6.9 billion for the building program will be spent. The budget papers show—and from the rare questions from the Hon. Greg Pearce to the Treasurer—that it will be spent building vital hospital, roads, rail, energy infrastructure, schools and transport projects across the whole State.

The Government is providing a major boost in the social housing sector. Opposition members have said nothing about this. The Hon. Trevor Khan is interested in this area, but the Opposition has given no recognition to the Government's important commitment to boosting social housing. Under the former Howard administration there was no cooperation or synergy, but now the New South Wales Government can work with the Federal Government. However, the Opposition hates the idea of the States and the Commonwealth working as one. The New South Wales Government has provided an acceleration plan of 50 per cent reduction in stamp duty, which the Opposition must agree is a good decision. However, we hear nothing from members opposite—just whinging and carping. But those who wish to build homes welcome the news. The Government has also extended the \$3,000 first home buyer supplement for newly constructed homes until the end of June 2010, another initiative that was well received.

The Government is investing \$35 million in New South Wales community building projects. I have travelled around the State visiting my duty electorates and I have spoken to local communities. People in those communities have told me that these are great initiatives and have asked me how to apply for the grants. I was more than happy to explain to them how to do it. People from Coalition electorates have told me that their local members could not be bothered to explain how they could properly apply for the grants.

I turn now to the \$2 million in interest-free loans to councils—another important initiative well received by councils throughout the State, but again there is silence from members opposite. The Government has importantly focused on small business because it recognises that small business is a key driver for employment in this State. The Government will save New South Wales businesses around \$2.7 billion over five years through a cut to payroll tax. The Government is listening to small business; it understands the concerns of small business.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. DON HARWIN [3.55 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 227 outside the Order of Precedence, relating to Abbotsford Public School, be called on forthwith.

The Hon. PENNY SHARPE (Parliamentary Secretary) [3.56 p.m.]: I place on record that the Government does not support urgent debate on this matter. It is a Wednesday—Government business day—and we have quite a lot of business to deal with. Yet again, unfortunately, the Opposition continues to try to stifle our ability to get legislation through. I place on the record, even though it will make no difference, that the Government opposes the call for urgency on this motion.

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

Motion agreed to.

Order of Business

Motion by the Hon. Don Harwin agreed to:

That Private Member's Business item No. 227 outside the Order of Precedence be called on forthwith.

ABBOTSFORD PUBLIC SCHOOL

Debate resumed from an earlier hour.

The Hon. JOHN AJAKA [3.57 p.m.]: Abbotsford Public School is one of the most striking examples of flaws in the Building the Education Revolution and the incompetence of the State Labor Government in delivering the scheme. It has also become one of the most high-profile examples, which perhaps explains why the Government has refused to work with the local community to determine a more appropriate use for the

funding. A \$2.5 million grant ought to comprehensively resolve the most urgent needs of schools like Abbotsford Public School. With an immediate one-off investment of that size, the school should be able to satisfactorily address its capital works needs for both the present and immediate future.

The most pressing need at Abbotsford Public School is the need for additional classrooms, and the key word is "additional". The school does not currently have sufficient classrooms for all its classes and special tuition programs. As the president of the school council, Lyn Reynolds, has movingly explained, students requiring special tuition under the English as a Second Language [ESL] and learning support programs are currently taught in an open hallway that offers students no privacy. That is shameful in the year 2009. It is far from an ideal situation in which to give the necessary additional assistance to such students. The lack of a classroom for English as a Second Language and learning support students is a reason to ensure that the Building the Education Revolution funding delivers additional classrooms for Abbotsford Public School.

But there is also the issue of increasing enrolments. With a baby boom in the inner west and young families moving into new developments on the Abbotsford Peninsula, there is growing pressure on the school's kindergarten and year 1 enrolments. Currently the school has three kindergarten classes and three year 1 classes. From next year the school will need to provide four kindergarten classes. The following year, a fourth kindergarten class and a fourth year 1 class are likely to be needed. Given that the school does not have a room for its Learning Support classes, how will it possibly accommodate these new classes? Regrettably, increasing enrolments in the context of no capacity solution from the State Government means that the school's special music tuition room and dedicated Italian language classroom will have to make way for regular tuition. The loss of these programs will be a terrible blow for the students, many of whom are from an Italian-speaking background.

The school community has always placed additional classroom capacity at the centre of any discussions about its \$2.5 million Building the Education Revolution funding. It is quite unthinkable that such a massive funding allocation could be spent at the school without addressing the school's principal outstanding need. And yet, that is what the Government intends to do. The Department of Education and Training plans to demolish four air-conditioned classrooms that are in sound condition and have the approval of the Teachers Federation and to replace them with four non-air-conditioned classrooms and a small, special tuition room that is not large enough for use as a proper classroom. The scheme will spend a frightening proportion of the grant on demolition and the consequent need for four demountables—substantial moneys that could be spent on other improvements at the school if the Department of Education and Training agreed to the school's request to build four new classrooms adjacent to the existing building rather than build them in its stead.

Then there is the issue of management and contingency fees. The outrageous amounts being skimmed off these Building the Education Revolution grants in the form of fees has received considerable attention already. I note that in the case of Abbotsford Public School the contingency fee alone is 5 per cent of the grant. With situations like this, it is no wonder the costs for the Commonwealth's Primary Schools Program have already blown out by \$1.5 billion.

The Building the Education Revolution program is too rigid. It does not give schools enough say in what they can and cannot build. The Rees Government needs to trust school communities to do what is right when it comes to their needs, instead of dictating to them from its ivory tower. Unlike the incompetent Rees Government, the Liberals and Nationals want to re-empower school communities so they have a say in the decisions that affect them. Engaging directly with school communities to determine the best outcomes for schools will prevent such debacles as the situation at Abbotsford Public School.

This motion calls on the Minister to immediately put a hold on work at Abbotsford Public School, which is due to begin next week, and to urgently meet with the school leadership to develop a better outcome. The Government must listen to the Abbotsford Public School community, who do not and never have endorsed the current project. The Government must work with the community to come up with an alternative project that meets the needs of the school.

It would be obvious to any five-year-old that there is no sense or logic in what the Government is proposing to undertake. The Hon. Don Harwin set out three reasons why the Government is refusing to work with the local school community. I believe there is one further reason that sums it up nicely: pure arrogance on the part of this Government in its failure to admit it got its decision wrong. It is the wrong decision, but it is easily rectifiable if the Government follows the suggestions made by the Hon. Don Harwin. However, instead of

admitting it got its decision wrong, the Government engages in more spin. The Government presents a picture without even accepting urgency for this motion. If Government members had their way, this motion would be debated after the demolition takes place and construction begins.

The Hon. Trevor Khan: Not only that; they could have a latte.

The Hon. JOHN AJAKA: Exactly. It is simply arrogance on their part. I do not want to take up too much of the House's time—unlike members opposite who want to waste the House's time by not accepting the reality of the situation. It was interesting to note the email that arrived just after the motion was moved by the Hon. Don Harwin. It will now be interesting to see if Government members will finally listen and make the right decision. I hope they vote for the motion to show, just once, that they accept that the Government made the wrong decision.

The Hon. ROBYN PARKER [4.04 p.m.]: In speaking to the Hon. Don Harwin's important motion I would first congratulate him and the Hon. John Ajaka on their passionate speeches. Thank goodness this motion has been moved today. I doubt very much whether the Deputy Prime Minister, Julia Gillard, would have intervened had it not been for the pressure of the Hon. Don Harwin—

The Hon. Don Harwin: Maybe she hasn't.

The Hon. ROBYN PARKER: Perhaps Julia Gillard has not intervened. I will put that on the record. Maybe that is not the case. We were led to believe that someone finally had some sense—certainly that would not be the State Government. It would have to be the Federal Government finally intervening to put a stop to an absolute debacle. Sadly, that is not the only debacle for the Building the Education Revolution program. The difference between the Building the Education Revolution program managed by the State Government with Federal Government funding and the programs run by the former Howard Government is significant. The highly successful Investing in Our Schools Program was vastly different in terms of its management. The difference was that school communities were involved, they were consulted about their needs and what they wanted, and they relished the opportunity to say what their individual schools needed. In many cases, the schools' needs—basic things such as the maintenance of toilet blocks and the provision of carpet in classrooms—should have been met by the State Government.

The difference was that school communities were consulted, school communities were involved, and school communities were able to manage the rollout of those programs. The programs were highly successful. In fact, they were so successful that during budget estimates hearings the State Director General of Education and Training spoke about investing in our schools. He said that the Building the Education Revolution program sought to mirror some of that success, in terms of the likely take-up of the program. The difference between the Building the Education Revolution program and the programs managed by the Howard Government is a lack of consultation. This simply shines through when it comes to Abbotsford Public School.

The principal, teachers, parents and students must be shaking their heads at a total lack of common sense when it comes to the Building the Education Revolution program. This is nothing short of a massive stuff-up on the part of this Government. It is no wonder the Prime Minister will not attend the State Labor Conference; the Federal Government must be so embarrassed at such appalling mismanagement. In comparison with other States, the New South Wales Government's mismanagement is out there for all to see.

In short, the New South Wales Government, believe it or not, wants to tear down a block of four classrooms in order to build a new block of four classrooms. If anyone read the story in the *Australian* or were listening to this debate they would think it was part of a comedy routine—part of a *Chaser* program or, my favourite, the *Little Britain* program. Where in the world would it be reasonable to knock down a perfectly good block of four classrooms, at a cost of \$2.5 million, and replace it with another block of four classrooms? It is so ridiculous.

It is no wonder the Government did not want to grant urgency for this debate today. The first thing one would want to know—and reasonably so—is whether the original four classrooms were in poor shape. If they were, perhaps they did need to be replaced. According to the school's parents and citizens association president, Robert Vella, the existing block of classrooms had recently been refurbished. The classrooms were comfortable and teachers were happy to use them.

The Hon. Trevor Khan: And air-conditioned.

The Hon. ROBYN PARKER: And the classrooms were air-conditioned. In fact, Robert Vella told the *Australian* that the best use of the funds was to provide more facilities at the school to meet the growing enrolments. He said the school would like to build an extra two classrooms and refurbish another four to expand the school's capacity. If anyone had taken notice of those at the coalface, people with an understanding of the needs of the school, they would have known that the school's initial application for funding involved the construction of two covered outdoor learning areas, returfing of the oval to remove asbestos, and the refurbishment of an existing block of four classrooms—all fairly reasonable demands. The State and Federal governments fail miserably when it comes to being flexible, showing common sense and listening to the community. It is as if "Building the Education Revolution" is typed into a computer and the response is "No".

Abbotsford Public School has been told to take it or leave it. That is a disgraceful sign of how out of touch the Labor Party is with the community and how inflexible the Building the Education Revolution program is. Documents are piled high that any Government member can look at. Those documents show case after case of mismanagement of costs having blown out and case after case of schools not getting what they want. In fact, some schools will not be receiving any funding at all if one believes the reports circulated over the past few weeks.

The Government was warned about these problems months ago yet it has done nothing about them. For example, in April, in a brief to the Council of Australian Governments, Treasury officials complained about the program. They said that the Federal stimulus package could deliver more jobs if funding arrangements were more flexible and allowed for a redistribution of funding between schools. The brief said there was scope for improving the effectiveness of every dollar spent; if New South Wales had more flexibility to move money across schools in the same region, between programs and between years, more local jobs could be delivered sooner with better outcomes to schools and better value for money. That was the warning given in April by Treasury officials to the Labor Government about the problems in this program.

More of the documents show correspondence from New South Wales officials in August expressing frustration at their not being able to reallocate funding from schools with more money than needed to schools with not enough funding. Those documents show that more than half of the schools in New South Wales that were promised classrooms and a hall under the Building the Education Revolution program have blown their budget. In fact, hundreds of schools may have to cancel or scale down their projects as a result of this cost blowout. No wonder the call for papers by the Liberal-Nationals Coalition was so passionately opposed by members of the Government. An email from Angus Dawson, the head of the Building the Education Revolution New South Wales office, about the cash flow problems with the Federal Government stated:

New South Wales will carry a deficit for the rest of the program with a maximum exposure of as much as \$976 million. This is a situation which I am not willing to put to our Minister or Cabinet.

Angus Dawson must be wishing he were back in Newcastle managing Honeysuckle instead of this debacle. He was embarrassed and not prepared to put it to his Minister or Cabinet. Cash flow problems are not the only cause for concern: so is the amount of management fees that are being placed on school projects.

General Purpose Standing Committee No. 2 listened to the director general speak of success and management fees during the estimate hearings. In fact, a quarter of the \$3.4 billion of the Building the Education Revolution program will be eaten up by management fees, with some schools paying as much as \$250,000. For example, Annangrove Public School has a management fee of 5.5 per cent, or more than \$29,000, plus a profit margin of 3.15 per cent, or more than \$18,000, plus an extra 8.82 per cent, or more than \$26,000, for a coordination fee for a prefabricated library. The fees of West Pymble Primary School come to over \$259,000, with 5.5 per cent and 3.15 per cent profit margins. The department has defended those costs and said they are necessary for the implementation of the program. Those management fees are in addition to the 4 per cent in project management costs, which will be more than \$119 million, and incentive fees for on-time completion of projects of between 1 per cent and 2.75 per cent of \$50 million.

The total proportion of program funding spent on management fees will be more than 26 per cent. So \$800 million of taxpayer's money is to be skimmed off the top of the Building the Education Revolution program by the State Government to pay fees. Talk about squandering a great opportunity to deliver upgrades to local schools in this State! It is clear that taxpayers are not getting value for money. That is \$800 million that should have been spent on bricks and mortar, rather than being skimmed off the top by the bureaucracy. The taxpayers want the money to be spent on schools rather than going into the coffers of the New South Wales Government.

Time and time again we see the State Labor Government being unable to deliver infrastructure projects on time and on budget. It is a script for some sort of comedy program to continue to rely on demountable classrooms. The Government continues to spend money on demountable classrooms and moves them from school to school at a cost of \$3.6 million when it should be building permanent classrooms. In the last five years alone the New South Wales Government spent \$12 million on moving demountables across New South Wales. When it comes to shuffling deckchairs, this Government knows all about it. It continues to shuffle deckchairs within its Ministry and it is now shuffling dodgy demountables from one school to another.

School maintenance programs and capital programs have taken a back seat. The issues affecting the Abbotsford Public School, which were raised by Hon. Don Harwin in this motion, is only one of many examples. There are boxes of examples to which honourable members can refer. Another example popped up in the media this week. The mayor of the Riverina said that the New South Wales Department of Education and Training did not understand the needs of a growing public school in her region, Jindera Public School. That school submitted a proposal to build a multipurpose hall with the \$2 million grant from the Federal Government but the Greater Hume Shire Mayor, Denise Osborn, said the Education department rejected the plan. She said—and this is absolutely bizarre—that the department had an alternative proposal that involved removing one of the hall's walls and erecting a roof to create a covered open space. She said that was totally ridiculous and would not fulfil the purposes for which most school halls are used, as it could be used only in good weather. Surely if the department had spoken to the local school community, it would have ascertained its needs. Taking the end wall from a hall is hardly satisfactory.

Projects can be delivered on time, on budget and to suit school requirements, as occurs with projects managed by the independent sector. Abbotsford Public School and the Jindera Public School are only two examples of stuff-up after stuff-up, cost over cost. I am so pleased that Hon. Don Harwin has brought this matter to the fore today. I hope his intervention will result in Abbotsford Public School getting the attention it needs, so that perfectly good classrooms will not be taken away and that the funding will be spent appropriately in consultation with that school.

All too often in the Building the Education Revolution program we have heard of schools gaining appropriate local quotes that are cheaper than quotes supplied by the department, yet we find the State Government mismanaging and skimming off the top. This is a slap in the face for school principals and school communities, who are perfectly equipped to decide what facilities are needed. I congratulate the Hon. Don Harwin. I encourage Government members to read through the documents on the program debacles. Government members should share in the embarrassment that Angus Dawson must feel every day in managing this program. They should also understand what the school communities in their duty electorates—if they have bothered to consult them—are saying. Those Documents clearly demonstrate that the intervention by the State Government is causing embarrassment and some schools will miss out altogether because there is approximately a \$300 million shortfall for halls, libraries and classrooms. Some of these things might be avoided with common sense and good management, but I doubt that is possible under this Government. I support the motion and encourage other members to do so.

The Hon. MATTHEW MASON-COX [4.19 p.m.]: It is my pleasure to support the motion moved by the Hon. Don Harwin. I congratulate the member on bringing this very important issue before the House. I note his passion in the presentation of his motion and the support he has received from his colleagues the Hon. Robyn Parker and the Hon. John Ajaka. This issue motivates one to passion because it exposes the maladministration of the State by this New South Wales Labor Government and its so-called partner in crime, the Federal Labor Government. Together they are a comedy act to behold, as noted by the Hon. Robyn Parker. So much for State and Federal cooperation if this is what we get—the maladministration of important funding for our schools.

I applaud the Hon. Don Harwin for standing up for the Abbotsford Public School community. No-one on the Government side will. I applaud him for exposing the rank incompetence of New South Wales Labor and Federal Labor. The Hon. Don Harwin has been willing to listen to and stand up for Abbotsford Public School. One would expect to see this debacle in a Monty Python sketch. The Hon. Robyn Parker, in her contribution, gave a great testament about the situation. I will not repeat it, except to highlight some of the more unsavoury points. The school has been waylaid by Federal and State administrations, purportedly working together, from using Building the Education Revolution funding on the school's needs.

The State Government suggested that Abbotsford Public School should convert its music room or Italian room rather than use the money for other purposes. Given the number of Italian students at the school, it

is inflammatory for the State and Federal Governments to in any way, shape or form suggest that the school should give up this cultural necessity, and music facilities should be applauded rather than taken away in an effort to find a quick political fix to get the Government out of the shameful position it has found itself in. An article in the *Australian* on 11 September 2009 clearly put the case:

The Parents & Citizens Association at Abbotsford had sought to amend its initial plans to build an extra two classrooms and refurbish an existing building of four classrooms, in favour of building four new classrooms and leaving the existing building intact. But the plans were rejected by the NSW government.

After meeting officials ... P&C president Robert Vellar said the department blamed the tight deadlines imposed by the federal government, which wants the money spent quickly to stimulate the economy, and was cautious about setting a precedent for the "thousands of other projects that have been rushed through" that would allow other schools to change their plans.

The department has used the floodgate-of-litigation argument. If they allow any flexibility at this school they may have to be flexible with all the other projects strewn across Australia. Yet this inflexibility leads to poor results. We need a government that is in touch with and willing to listen to local school communities. Again, I give full marks to the Hon. Don Harwin for putting this issue before the House. I note the response by the Federal Minister, the Hon. Julia Gillard, who was reported in the *Australian* on 10 September 2009 as saying:

This is about demolishing a building from the 1950s which is in poor condition and putting a building in its place that would be a great improvement. But in circumstances where there is concern in the school community, obviously we are very keen to hear about their concerns.

Despite her response, in the intervening period no action was taken. We have heard there may be an intervention at this late hour as a result of the pressure applied by the Hon. Don Harwin in bringing this motion forward and standing up for the local community. We will wait and see the tenure of that intervention. On many occasions we have seen attempts by the State Labor Government—and the Federal Labor Government—to manage the media and spin itself out of embarrassing situations. It will grasp any opportunity it can to promote itself, despite this bungling which is of its own making.

The Abbotsford parents and citizens association was told that it was too late to modify its submission. The argument the Hon. Julia Gillard presented, that the building was from the 1950s and in need of replacement, was misleading. The classrooms were built in the 1970s and the staff are happy to teach in them. The existing classrooms are air-conditioned whereas the proposed replacements would not be air-conditioned classrooms. This farcical and comical situation is a travesty and a shameful response from this New South Wales Labor Government.

The concern raised by the Abbotsford community is reflected in communities across Australia. A school in Adaminaby also has had trouble promulgating its project to the Building the Education Revolution program office. The school community has faced a stifling bureaucracy and the Government has failed to listen to them. The Adaminaby school community has had a number of hurdles put in their way when they challenged the Government's funding allocation for the school. The school community wants the funding to be used to build outdoor areas. However, they were informed by the bureaucracy that the money must be used to build another classroom, which they did not need. Following negotiations, in which they sought to ensure that the funding provided a substantial outdoor learning area, they found that the Government was prepared to provide 30 to 40 per cent of the required funding. Previously the school had sought quotes from local tradesmen to build an outdoor learning area. The amount they applied for under the Building the Education Revolution grants system was more than sufficient for the local tradesmen to provide the facilities. However, the quote they received from the central contractors was a multiple of the quote that was provided locally.

There are problems with the administration of the Building the Education Revolution funding, the qualifying of contractors and the centralisation of the system. That is typical of this Labor Government. Whenever it has a chance to centralise, it does so, because centralisation means more power to the Government to control outcomes from a government-knows-best philosophy. Local communities know what they want. The Government should listen to their proposals and use local contractors wherever possible, rather than bypass the local impetus that would flow from the Building the Education Revolution and like schemes. The centralisation of projects and funding results in more bureaucracy, the wasting of funds and the mismanagement of schemes.

It is a travesty that public funds are dealt with in this way in this State, but that is the way Labor likes to run Government, as a nanny State out of control, and with reckless indifference to the needs of local communities. The sad situation at Abbotsford school is replicated in schools across Australia. I have referred to one school and I am aware of others. The whole shameful exercise is exposed in the documents referred to by

the Hon. Robyn Parker. It is a disgraceful waste of taxpayers' money. As the Coalition has said repeatedly, the New South Wales Government shows a lack of accountability, a lack of transparency and a lack of competence. It has become the hallmark of this Government. We should not expect anything different. Once again I congratulate the Hon. Don Harwin on bringing this matter to the attention of the House.

Dr JOHN KAYE [4.29 p.m.]: The Greens support this motion. I welcome Mr Harwin moving this motion and bringing this debate to the Parliament because it is important and timely. The Greens do not believe this is a debate about the need for \$14.7 billion to be spent in schools around Australia. I spend some time in schools and it is very clear that that money is desperately needed and greatly welcome, particularly in public schools, many of which are well and truly over the 80-year-old mark—some are 100 years old and others are 120 years old. Many of these buildings are in urgent need of a massive makeover and, in some cases, replacement.

Many schools around Australia, particularly public schools, need new facilities because schools have expanded in population but not in capacity and are therefore operating under a highly constrained environment in which educational outcomes suffer. Students and teachers genuinely suffer because of a violation of their occupational health and safety rights, and children suffer because of a violation of their rights to be educated in a healthy and safe environment. That \$14.7 billion from the Federal Government is welcome and needs to be spent.

The Greens also do not believe that this is a debate about whether there was a need for economic stimulus. There is no question that Australia is better off because, partly through the Building Education Revolution funding and partly through other funds, the Federal Government deficit-budgeted and, as economic theories say one ought to, put money into creating jobs and stimulating the economy. That was welcome and it has worked. It is probably one of the key reasons why Australia has less unemployment than might be expected—although Australia has more underemployment than one would want: the Government had the courage to buck the monetarist ideology that runs through most Treasury departments and deficit-budgeted and put money into stimulus. This is not a debate about whether stimulus was necessary. This is a debate about how well we spend that \$14.7 billion.

The Hon. Penny Sharpe: You didn't support the money in the first place.

Dr JOHN KAYE: I remind the Parliamentary Secretary that the Greens did support it, and strongly. This is a debate about a once in a lifetime opportunity to remake public education institutions and to make them fit and proper places for the sort of education that this country and this State desperately needs for the next 20, 40, 60 years. As they look at their local public school and the building programs happening there, people in New South Wales ask, "Over the next one year, 10 years, the next two decades, five decades or eight decades, will we be well served by those buildings? Is this what we want for the future of our education institutions?" At the core of the problem we are debating about Abbotsford—and about every other school that every member in this Chamber has received emails about—is that the answer to that question is no. And the reason that the answer is no is that the community was not consulted, teachers were not consulted and principals were not adequately consulted. There was not adequate discussion.

This is a classic case of speed kills. I do not believe that the Minister, the director general, the Building the Education Revolution project office, the bureaucrats or anybody else set out to make this a failure. I believe this is a debate not about goodwill; I think there was enormous goodwill throughout the bureaucracy to have this succeed. This is a debate about an outcome being driven too fast through a bureaucracy that did not know how to handle the stresses and the speed.

Far too often cookie-cutter solutions and one-size-fits-all solutions have been imposed on schools. The voices of the parents, the teachers, the principals and the community were not heard in an important debate that fashions the physical buildings of a school and, therefore, the ongoing legacy character of that school often for generations to come. It is a tragedy that it has been squandered, and that is the specific issue that this motion addresses. This should not just be a motion condemning government—State and Federal—it should be a motion about how we can go forward and what we can do positively to ensure that we do not continue to replicate the Abbotsford situation around New South Wales.

First, there has to be more dialogue with the teachers and we have to listen to them. Every teacher I have spoken to has a vision for how his or her school should look. Every teacher I have spoken to knows the intrinsic capacity needs of schools—classroom capacity, science laboratory capacity, language laboratory

capacity. That understanding needs to be captured urgently in this debate to inform the way forward. Secondly, we need to listen to the community and to parents. Parents have an investment in a school over maybe six years. But that investment lasts far longer because when they send their child to a school every parent is giving that child the reputation of that school. Parents know full well what is needed at that school; they know what their kids tell them; and they know what they see.

We need to capture that knowledge base. I know some efforts have been made by the Integrated Program Office to capture that, but the speed at which this was done and the volume of work made it impossible for that office to capture and implement all that information. If one needs proof of that, Abbotsford is a classic case. I congratulate the Hon. Don Harwin on moving this motion, although I suspect part of his motivation may be because Abbotsford is in an electorate that will be marginal.

The Hon. Robyn Parker: You are cynical.

Dr JOHN KAYE: I have been accused of being cynical, but it does not matter. I make the point that the Minister's electorate is also marginal. But in terms of driving a policy outcome, Abbotsford is a great case because it illustrates the things that have gone wrong with the implementation of the Building the Education Revolution program in New South Wales. It is a prototype of 2,200 other public schools that in many cases have had forced on them solutions that were not appropriate, did not work, will not work and will continue not to work. We need to learn from here on in that perhaps we should slow down.

Perhaps the urgency on the stimulus is not as great as it was initially. Perhaps it is time to maintain a commitment to spend that money but to spend some time talking to teachers, parents and the community to gain a better understanding of their individual needs, so that the legacy that this Government, the Federal Government and this Parliament leave is not a series of buildings that will look shabby in 10 years time and not a series of buildings that look the same in Abbotsford as they do in Goondiwindi, but a series of buildings that reflect what the community wants for its educational outcomes and what is best for the kids who are going to attend those public schools now and afterwards.

I want to pick up on some remarks made earlier about the inequity between the public sector and the private sector in this debate. The Greens are greatly concerned that a number of private schools—and good luck to them—had development plans ready to go. When Kevin Rudd said the project needed to be shovel ready, that was a signal for some private schools—and I am not criticising them for doing this—pulling out of the drawer one of many plans, shaking them out and saying they are ready to go because they have already analysed their needs. That was not the case in public education. In public education, where a complex bureaucratic process drives development, there were no plans ready to go.

The speed with which the Building the Education Revolution program was implemented inherently discriminated against public education in favour of non-government education. That is evident if one compares the way money is being spent at Abbotsford compared to how it is being spent, for example, at Kings School, Ascham, Waverley College, or any number of the 720-odd non-government schools around New South Wales. The last thing this State needed was spending that would exacerbate the resource inequality between the public and private education sectors. It is a tragedy that this once in a lifetime opportunity has done that. Governments—in fact, all of us—must act urgently to slow down this process and to ensure that we do not continue to exacerbate the resource inequality between the public and private education sectors.

I urge the Government to accept this motion in the spirit in which perhaps it was moved, to learn from it, and to understand that some communities are getting angry because they are seeing this opportunity being squandered and they are not being listened to. This is the time to start listening. I urge the Government, regardless of whether it votes for or against the motion, to try to understand and to talk to the community. It should talk to the Abbotsford Public School community and solve its problems. Leaving aside Abbotsford Public School, hundreds of other schools are in equally dire straits. The Government should begin dialogue with those schools to understand their needs, which include the needs of the school leadership, teachers, students, parents and the wider community, and to ensure that this once in a lifetime opportunity is grasped so that in 100 years people will look back and say what a great thing it was that the politicians of today had the foresight to see that now was the time to rebuild public education and to provide opportunities for future generations to have what we had—a quality public education system operating in facilities of which we could all be proud. On behalf of the Greens, I commend the motion to the House.

Reverend the Hon. FRED NILE [4.41 p.m.]: On behalf of the Christian Democratic Party I support the motion moved by the Hon. Don Harwin concerning the Abbotsford Public School. The motion refers to the

capital works that were to be undertaken using funds from the \$2.5 billion Building the Education Revolution grant provided by the Federal Government. No-one is critical of the grant. As members know, the Federal Government implemented a nationwide economic campaign designed to stimulate Australia's economy to avoid a recession. That campaign has been successful and Australia has a unique record compared with other nations that have experienced huge downturns in their economies that have led to the loss of jobs, bank closures and many other disasters. We have not suffered anywhere near the same level of downturn in Australia. Mr Rudd should be congratulated. He has made some mistakes, but in this area he took a courageous step in allocating about \$40 billion to the economic stimulus campaign.

That money had to be spent urgently—it was not a 5-year or 10-year program. The stimulus spending had to have an immediate impact on the economy and it had to create jobs. The Federal Government imposed time constraints on State governments, and if they did not adhere to them they would not get the money. That meant that massive bureaucracies—and the New South Wales Department of Education and Training is one of the biggest—had to respond immediately to the challenge. That obviously did not happen in the case of the Abbotsford Public School. The stimulus package has been a great success for other schools. I have visited public schools in New South Wales and interstate and I have been very impressed with their massive building programs, including renovations, the construction of new classrooms and assembly halls and so on. These projects have been a great boost, particularly to public education. The stimulus package has also had a positive impact on the independent school system, particularly on Christian schools in Australia, many of which—if not the majority—are in New South Wales.

A decision was made—and I believe it was appropriate—that if the economy needed to be stimulated, the education sector would benefit most from a massive injection of funds. However, that money had to be spent urgently. As I said, the bureaucracy is not always able to respond rapidly. I believe that that is the reason for this failure. The Department of Education and Training decided that it should centralise the process and call for tenders as quickly as possible. It did not consult with local school principals, teachers or parents and citizens associations, and that is why the problems have arisen at Abbotsford Public School. As I said, many other schools can recount great success stories.

This situation can be resolved; there is no drama. The problem has been identified and it could be fixed with a stroke of the Minister's pen. Some problems cannot be solved, but this one can. The money is there and it needs to be spent. However, it must be spent efficiently and appropriately. Something may be happening in that regard given the message that the Hon. Don Harwin relayed to the House today indicating that a review is being undertaken by the office of the Federal Minister for Education, Employment and Workplace Relations, who is obviously in charge of this program. The New South Wales Department of Education and Training and the State Minister must be involved and I am sure the Federal Minister would respond to any request our Minister made that the four classrooms not be demolished. They have been refurnished and apparently they are in reasonably good condition. The school wants a new block of four classrooms and special tuition space. It would be a huge blessing if they were to be provided. Of course, such a project would provide jobs for local building companies and others and it would fulfil the Federal Government's objective of stimulating the economy. I call on the Government to respond and to rectify this situation urgently.

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.48 p.m.]: The Government believes that this is an extraordinary motion. Members of the Opposition are taking the lead from their hapless colleagues in Canberra. Let us not forget that if members opposite had their way none of this money would ever have gone to Abbotsford Public School in the first place. The Liberals and The Nationals wanted an education stimulus package of \$3 billion rather than \$16 billion. In an interview on the ABC *Insiders* program Malcolm Turnbull suggested that he supported all of the Building the Education Revolution projects but that he would spend almost \$12 billion less on schools. The Coalition has been running that line ever since the Prime Minister announced the package in February.

What did we hear from members opposite in response? Absolutely nothing. There was no condemnation or arguing with their mates in Canberra. Yet, here they are today pretending they care about this issue. They stood silently by while Malcolm Turnbull and Warren Truss tried to put a wrecking ball through this spending. Members opposite have consistently opposed stimulus spending in Parliament. However, they go back to their electorates and duty seats desperately hoping that the voters will somehow see them as the good guys and not pick up their rank hypocrisy. The Rees Government is proud of the work being done under the Primary Schools for the 21st Century aspect of the Building the Education Revolution program.

The Government is spending nearly \$3 billion on 2,433 projects in 1,784 primary schools across the State, through primary schools funding alone. This is an incredibly complicated program being rolled out to

provide economic stimulus in the New South Wales economy at a time of global downturn. That is its primary purpose. The Building the Education Revolution program is twice the size of the Olympics project, to be delivered in half the time and at thousands of sites. By any stretch of the imagination it is an incredible program and those involved in it are to be congratulated and not condemned. One can equate the work we are doing in schools to building the Olympic stadium with the athletes running around in the middle of it. As a result of the speed and scale of the program, yes, there are a few bumps in the road. This is regrettable, but in the scale of the overall program the examples being seized upon by the Opposition are fairly rare and nothing more than cheap political stunts for political headlines. All the mock outrage is worthy of an audition at the National Institute of Dramatic Art.

With regard to Abbotsford Public School, the Government is aware that some members of that school community are dissatisfied with the project to be carried out under the Building the Education Revolution program. This is a project that the school agreed to and signed off on back in May, and this has been canvassed extensively in the debate. The Department of Education and Training proceeded on the basis of this initial approval. When this matter was first raised the Minister for Education and Training spoke directly to the president of the parents and citizens association. She directed the head of the Building the Education Revolution program in New South Wales to attend the school site to work directly with the principal and the school community to find a suitable solution to their concerns. The head of the program and senior planners and staff in the Department of Education and Training have already attended the site and met with the school leadership, as this motion acknowledges.

The department recommended that the project that the school originally agreed to—a project that by that stage had gone to a tender that had closed—proceed as planned. This involves the demolition of the current classroom block and its replacement with four new classrooms. The old timber classroom block being demolished does not meet current standards for access or modern expectations for energy efficiency, maintenance and ventilation. Much has been made today about the issue of air conditioning. With respect to this, the Opposition is once again wrong. The department is going to reuse the air conditioners in the new classrooms. It will remove and then reinstall the air conditioners in the new classrooms according to the project brief. It is also important to note that classrooms constructed under the Building the Education Revolution generally do not require the same level of air-cooling as the timber structures being demolished. The modern buildings are being built with sustainable design principles that employ passive cooling technologies. I hope the Greens are also noting this.

The new classrooms will be fully constructed on site with quality materials that will fulfil the needs of Abbotsford Public School well into the future. Each of the new classrooms will be around 50 per cent larger than the existing classrooms. They will have practical activities areas, withdrawal space to facilitate individual instruction, enhanced display areas and significant storage space. They will also feature a retractable wall between each pair of classrooms to allow for group teaching and learning. Thanks to the competitive tender process carried out at the school, a saving has been identified in the schools project budget. On that basis, the department amended the scope of the project to include the addition of a 50 square metre special programs room as part of the construction of the new classroom block. The special programs room could be used, for example, as a music room.

This motion is just a political stunt to have a go at the member for Drummoyne, who, as the Opposition well knows, has spent countless hours discussing the matter with the Minister for Education and Training, the Minister's office, the department and the school. She has supported the local school through this exercise, as she supports all schools in the electorate of Drummoyne. This motion also raises a spurious argument about demountables. Demountables may be used as temporary accommodation while the new classrooms are being constructed. This is because the urgency of the stimulus means that the work in the school, which would normally take place in school holidays, will need to take place during the school term.

Finally, I would like to talk about the great issue of the email. Indeed, it is another example of the conservatives using emails that perhaps they should not use. If Godwin Grech has taught them nothing or if Chatswood is not in fact Minnesota, perhaps they have not been listening. To be absolutely clear, the Deputy Prime Minister's office has again today confirmed support for the project at Abbotsford Public School proceeding as planned and that it is within the guidelines of the Building the Education Revolution program.

What is the stimulus for? It is more than \$5 billion worth of funding going to New South Wales schools. It is money being spent on infrastructure that is needed, wanted and welcomed. The Building the Education Revolution program is a tool for economic stimulus and job creation, and that is why it is being rolled out at the moment when

the global recession is at its peak. That is why there is so much pressure on the timing for this desperately needed education infrastructure. It is about making sure that the mums and dads of children at the schools stay in work or get new jobs. It is about money flowing through our society at a time of the retreat of the private sector.

It is disappointing that the Greens, who acknowledge the need for school infrastructure, acknowledge the need for stimulus spending and acknowledge that this motion is little more than a political stunt, have seen fit to support the motion. Of course, those opposite are not concerned about either the job creation or educational improvement aspects of this package. They are happy to throw rocks at a program that they never supported in the hope of a few cheap headlines. The Government opposes the motion.

The Hon. DON HARWIN [4.55 p.m.], in reply: At the outset I thank the members of the Abbotsford Public School community who have never given up the fight for their school and its students. They are Peter Widders, the school principal; Robert Vellar, the president of the parents and citizens association; and Lyn Reynolds, the president of the school council. They have done an excellent job in bringing this situation to public attention and, indeed, to my attention as well. It has been an honour and a privilege to raise the concerns of such genuine and commonsense people. I met with them on Monday morning on a visit with my colleague the member for Murrumbidgee, who is shadow Minister for Education and Training, and I was impressed by their passion for the school and moved by their desperate pleas for assistance.

I also thank members for their contributions to this debate. The Hon. John Ajaka made some crucial point about the difference of approach occurring between the government and non-government sectors under this program. The Hon. Robyn Parker highlighted a number of the problems with the program and gave some examples in other schools, as did the Hon. Matthew Mason-Cox. Dr John Kaye made some important points that were worthwhile. He gave a strong defence of the program. I want to address the remarks that have been made by Government members about the attitude my Federal colleagues took towards the program. The reality is their concerns were expressed and, naturally, the numbers in Federal Parliament being as they are, they were unsuccessful and the program is in place. To say that no other person from the same political parties as the Federal Opposition have any right to make any comment about any of the problems with this program at the local level is absolute nonsense. I reject that statement.

Reverend the Hon. Fred Nile also made some comments about the challenges of delivering a program of this scope, and they were well made, because there certainly are challenges. The Hon. Ian West had a number of points to make regarding paragraph (e) of the motion. I remind him of the poor value for money that government schools are receiving from the Building the Education Revolution scheme compared to schools in the private sector. He defended the existing arrangements, which thrust funds into the hands of private schools but do not demonstrate the same faith in public schools. It is these very arrangements that are resulting in inferior outcomes for government sector schools, and I note he never once mentioned Abbotsford Public School in his entire contribution.

I have to say that the Hon. Penny Sharpe gave a very disappointing response. I did not take a point of order during her remarks when she accused me of pretending to care about this matter. I defy anyone having met with Lyn Reynolds, Robert Vellar and Peter Widders and hearing their concerns to be anything other than quite genuine about this issue, as I am. The Hon. Penny Sharpe remarked that there were some bumps in the road. I hate to hear the Abbotsford Public School community being compared with a road bump. The objective of this motion is to secure a better outcome for Abbotsford Public School from its \$2.5 million Building the Education Revolution grant. The school community has identified additional classrooms as its priority and it is the task of the State Labor Government to ensure that Building the Education Revolution funds are spent in a responsible manner that addresses the priority in an effective way.

Unfortunately, the Abbotsford Public School community has every right to be frustrated, angry and even frightened at the mismanagement of the Building the Education Revolution grant by the New South Wales Minister for Education and Training, Verity Firth, and the Department of Education and Training. This broken Labor Government has not listened to the school community. The Minister did not secure the outcome that the school community endorses and the member for Drummoyne just accepts the position. It is the sad truth that this broken Labor Government has given up on running the State. It is no longer interested in working with communities to deliver positive outcomes; it is no longer interested in best practice or value for money. The State Government is only interested in spin and the appearance of activity, and in getting something done quickly so that it can proudly point to activity and put out glossy community newsletters trumpeting its achievements.

Government members no longer care whether the activity is what the community wants or is the best and most efficient outcome for the people of New South Wales. I am disappointed the member for Drummoyne

has not stood up for the local school community and is not delivering an outcome that will result in resolution of its chronic classroom capacity problems. It is just not good enough. The crux of the matter is that the Department of Education and Training and the Building the Education Revolution program office are pursuing a project that does not have the endorsement of the school community. This is a clear breach of the Building the Education Revolution guidelines, which states, "P&C endorsement of the scheme is required."

The school community never agreed to the demolition of block H and has always requested that the funds be used to provide additional classrooms. With the school already unable to provide sufficient classrooms for its teaching needs, the necessity to accommodate an additional kindergarten class will in all likelihood force the school to either convert its music tuition room or scrap its dedicated Italian language classroom. Sadly, the Government has not been listening to this school. Furthermore, the position of the four classrooms in block H at Abbotsford Public School has been shamelessly misrepresented.

The department applied for a project that ignored the school's wishes. It is cruelly ironic that the department was able to apply for a project that differed from the one requested by the school, but the school has not been able to secure changes. However, changes can be made. In the words of Reverend the Hon. Fred Nile, it can be fixed. The Building the Education Revolution guidelines concerning variations clearly state that deadlines can be waived and alternatives put in place with the consent of the Department of Education, Employment and Workplace Relations.

This morning an official from the Building the Education Revolution Task Force in the Deputy Prime Minister's office contacted the school council president to discuss the situation. The school has pleaded for just that kind of hearing, which it has not received from the Minister for Education and Training. It is pleasing that there has been interest and action from that official, who had dialogue with the school this morning but this afternoon we hear from the Hon. Penny Sharpe that the misgivings of the official in Building the Education Revolution task force at the Federal level do not matter; the reality is that the Minister and the local member are not interested.

It is my earnest hope that as a result of this motion the member for Drummoyne will take the opportunity to change her mind and not just accept what the Minister put in her most recent correspondence to the school dated 16 October; that she will lobby her ministerial colleague and the Minister for Education and Training will follow the example, call the school personally and ensure a better outcome for Abbotsford Public School. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

Mr Ajaka	Ms Hale	Mr Pearce
Mr Clarke	Dr Kaye	Ms Rhiannon
Mr Cohen	Mr Mason-Cox	
Ms Cusack	Reverend Dr Moyes	
Ms Ficarra	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Harwin
Miss Gardiner	Mrs Pavey	Mr Khan

Noes, 16

Mr Catanzariti	Mr Obeid	Mr West
Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Pairs

Mr Colless	Mr Hatzistergos
Mr Gay	Ms Robertson

Question resolved in the affirmative.

Motion agreed to.

ASSENT TO BILLS

Assent to the following bills reported:

Real Property Amendment (Land Transactions) Bill 2009
Liquor and Registered Clubs Legislation Amendment Bill 2009
Major Events Bill 2009
Rural Fires Amendment Bill 2009

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

Dr JOHN KAYE [5.13 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 235—

The Hon. Greg Donnelly: I thought it was Government Business day, John. We'll sit all night, mate—you ratbag.

The PRESIDENT: Order! I ask members to pay due courtesy to Dr John Kaye, who has the call. Dr John Kaye may continue.

Dr JOHN KAYE: I will start again. I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 235 outside the Order of Precedence, relating to National TAFE Day, be called on forthwith.

This motion is urgent because today is National TAFE Day, a day on which we ought to pay more than lip-service to TAFE teachers. The motion is urgent because thousands of TAFE teachers around the State are appalled by the decision in the Industrial Relations Commission and the behaviour of the Rees Government towards them. This matter becomes much more urgent than many other items on the *Notice Paper* because of the—

The Hon. Amanda Fazio: Point of order: My point of order is that Dr John Kaye—as the Greens do every time they claim a motion to be urgent—is speaking about the substantive matter; he is not speaking about why the motion is so urgent that it should be debated now, at 5.15 p.m., when we are attempting to deal with the first item of Government business for the day.

Dr JOHN KAYE: To the point of order: I am impressed by the Hon. Amanda Fazio's prescience. When she rose to her feet I was exactly 22 seconds into my speech and she was able to foretell what I was going to say.

The PRESIDENT: Order! I again remind members, as I have done on numerous previous occasions, that this procedural debate is about relativities. The issue is why this item of business is urgent and should be debated before any other item on the *Notice Paper*.

The Hon. Tony Kelly: That can be discussed tomorrow.

Dr JOHN KAYE: Thank you, Mr President. This matter cannot be discussed tomorrow, in part because today is National TAFE Day and tomorrow will not be National TAFE Day. Also, the decision in the Industrial Relations Commission has driven TAFE teachers to industrial action as we speak. I did not realise when I put the motion on the *Notice Paper*—

The Hon. Amanda Fazio: Point of order: My point of order is the same as the last point of order, that is, Dr John Kaye is speaking about the substantive matter; he is not speaking about why this motion is more important than any other items on the *Notice Paper* today.

The PRESIDENT: Order! I ask Dr John Kaye to bear in mind my earlier rulings relating to relativity. Dr John Kaye should address why this item of business is more important than any other item on the *Notice Paper*.

Dr JOHN KAYE: This matter is urgent because, as I said earlier, thousands of TAFE teachers around New South Wales are currently taking industrial action specifically because of the urgency of the matter.

The Hon. Amanda Fazio: Point of order: My point of order is that Dr John Kaye is flouting your previous ruling. He has taken no notice whatsoever of the directions you have given from the chair. He is simply continuing with his written spiel—which, apart from anything else, is probably in breach of Standing Order 91, which refers to members reading speeches—and he certainly has not taken any notice of your direction to explain why this matter, in relative terms, is more important than any other matter on the *Notice Paper*. He is flouting your previous ruling, and I ask you to call him to order or tell him to resume his seat.

The PRESIDENT: Order! I again remind members of my previous rulings on this issue. In November 2007 and May 2009 I ruled that members, when they are seeking to make a case for the suspension of standing and sessional orders, should not address the substantive issues of the matter any more than is necessary to justify the suspension of standing and sessional orders to allow the matter to be debated. I have a much more extensive ruling that I would be delighted to remind members of if I am required to do so. Dr John Kaye may continue.

Dr JOHN KAYE: Thank you for your ruling, Mr President. This matter is urgent. I urge the House to support the motion.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.18 p.m.]: Yet again the Government finds itself in the position of arguing that this motion is not urgent. The motion moved by Dr John Kaye is about TAFE. So far this year the House has dealt with at least three motions about TAFE, and those motions have referred to substantially the same matters. In comparison with such motions, the matters to be debated today include the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill, the Children (Criminal Proceedings) Amendment (Naming of Children) Bill, State revenue legislation, legislation regarding the prevention of cruelty to animals—something the Greens profess to care about—the State Emergency Service Amendment Bill and the Crimes (Forensic Procedures) Amendment Bill.

During my time in this House the general convention has been that on Government Business day the Government gets to do business. The House has not yet reached one piece of legislation today. I argue that this motion is absolutely not urgent. The suggestion that the motion is urgent because today is National TAFE Day would mean that on every single special day of the year—and about 10 things are recognised on any given day—we would all be able to move and debate such motions, which is absolutely ridiculous. As I said, the motion is not urgent. Private members' day will commence in 18 hours. Dr John Kaye should wait until then. He should then discuss the matter with the Opposition, and do a bit more horsetrading to work out which other motions the Greens are going to bring forward—and thereby ruin everyone else's private members' day.

The Hon. AMANDA FAZIO [5.20 p.m.]: This matter is not urgent. Dr John Kaye's claim that the matter is urgent is patently untrue. If Dr Kaye were so concerned to have this motion dealt with as a matter of urgency, because today is National TAFE Teachers Day, he could have applied to have the matter dealt with by way of formal business at the commencement of today's proceedings. He did not even test the water in this Chamber. He did not bother to put the matter up as formal business. He is now trying to have his motion take precedence over Government business and, as the Hon. Penny Sharpe said, there is a lot of important legislation to be dealt with today. It is now 5.20 p.m. on a Government business day, yet no Government business has commenced. This is a farce. The matter is clearly not urgent. I urge members to at least give consideration to the fact that Dr John Kaye could not be bothered to seek to deal with this matter by way of formal business. Clearly the matter is not urgent.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

Mr Ajaka
Mr Clarke
Mr Cohen
Ms Cusack
Ms Ficarra
Mr Gallacher
Miss Gardiner

Ms Hale
Dr Kaye
Mr Lynn
Mr Mason-Cox
Reverend Dr Moyes
Ms Parker
Mrs Pavey

Mr Pearce
Ms Rhiannon

Tellers,
Mr Harwin
Mr Khan

Noes, 17

Mr Catanzariti	Reverend Nile	Ms Voltz
Mr Della Bosca	Mr Obeid	Mr West
Ms Fazio	Mr Robertson	Ms Westwood
Ms Griffin	Mr Roozendaal	<i>Tellers,</i>
Mr Kelly	Ms Sharpe	Mr Donnelly
Mr Macdonald	Mr Tsang	Mr Veitch

Pairs

Mr Colless	Mr Hatzistergos
Mr Gay	Ms Robertson

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 235 outside the Order of Precedence be called on forthwith.

TECHNICAL AND FURTHER EDUCATION

Dr JOHN KAYE [5.27 p.m.]: I move:

1. That this House notes that Wednesday 28 October 2009 is National TAFE Day, and joins with teachers, students and members of the community in celebrating the extraordinary and irreplaceable contribution that TAFE makes to New South Wales and Australia, including:
 - (a) the provision of accessible vocational education and training to over half a million people in New South Wales each year,
 - (b) the creation of opportunities for people from disadvantaged backgrounds to pursue a meaningful career and engage in the economic and cultural life of the State, and
 - (c) the formation of the skills needed by this State for a strong economic recovery.
2. That this House recognises, as part of the celebration of National TAFE Day, the value of professional, hardworking TAFE teachers in the strong quality TAFE system.
3. That this House is appalled by the decision of the Industrial Relations Commission on 15 October 2009 in relation to the TAFE salaries dispute, that requires TAFE teachers to:
 - (a) attend work for an extra five hours per week of directed duties, a 16.7 per cent increase in attendance hours, all of which will be directed duties,
 - (b) teach an additional 36 hours face to face each year which is a 5.3 per cent increase,
 - (c) teach up to 35 hours face to face each week with no right to refuse, and
 - (d) annualise their teaching hours with no excess hours being paid until their annual allocation is reached.
4. That this House notes with grave concern that this decision:
 - (a) removes 50 hours per year of professional development time for all TAFE non-teaching educational staff,
 - (b) reduces professional development for teachers by 16 hours per year,
 - (c) could lead to the loss of over 300 full time teachers, and
 - (d) delivers at least a 20 per cent increase in workload for an average additional 1.5 per cent per annum salary increase until 2011.
5. That this House recognises that these cuts to TAFE employee conditions:
 - (a) are unfair and unjustified,
 - (b) undermine quality vocational education and training,
 - (c) will lead to a reduction in total income for some teachers,

- (d) will cause many good teachers to seek better paid jobs back in their industry areas, leading to an increased shortage of TAFE teachers,
 - (e) will lead to significant loss of teaching and other paid work for part-time casual and temporary teachers, and
 - (f) will increase stress and lead to the loss of goodwill within TAFE NSW.
6. That this House:
- (a) condemns the Government for its support of the Department of Education and Training's application in the Industrial Relations Commission that has led to this decision, and
 - (b) calls on the Premier to abandon the punitive provisions of the decision and negotiate in good faith with the NSW Teachers Federation for a just resolution to this dispute in order to restore fair working conditions to TAFE teachers and avoid the possibility of further industrial unrest.

Today is National TAFE Day, the day on which we celebrate the contribution made by TAFE colleges to Australian society and the great work done by our TAFE teachers. But this National TAFE Day is a black armband day. The Rees Government has launched a major attack on public vocational education and training. Not content with slashing 35.2 per cent per student funding in real terms from TAFE NSW over the past decade, and not content with massively increasing fees for TAFE students, the New South Wales Government has sought to push the working conditions of TAFE teachers to breaking point.

The NSW Teachers Federation estimates there will be a loss of about 300 teachers, a slashing of professional development hours and an increase of about 20 per cent in workload for the average TAFE teacher. As was pointed out during the earlier debate on urgency, on 26 March 2009 this House called on the Rees Government to pay the full amount for TAFE teachers and to enter into reasonable negotiations. Between March and September the Government refused to enter into those negotiations. On 2 September 2009 this House called on the Government to resolve the dispute without requiring further cost savings.

The Government ignored the messages from the Legislative Council, went to the Industrial Relations Commission and obtained what it wanted, and possibly even more. The Government obtained five extra hours a week of direct duties, a massive 16.7 per cent increase; 36 hours additional face-to-face teaching per year, a 5.3 per cent increase; up to 35 hours a week face-to-face teaching, a significant increase; and a move to annualise teaching hours, that is, no excess teacher hours will be paid until the annual allocation has been exceeded. It removed 50 hours per year of professional development from non-teaching educational staff and 16 hours per year of professional development from teaching staff. Further, teachers can be directed to work any time between 6.00 a.m. and 10.00 p.m., Monday to Saturday; and, significantly, teachers can be directed by managers as to their duties relating to teaching time. It is a massive loss of professional autonomy.

The consequences of these changes will be a loss of 300 full-time TAFE teacher positions and a 20 per cent increase in workload. All of this purely to achieve a 1.5 per cent annual salary increase above the 2.5 per cent public sector salary cap. The five extra hours per week of face-to-face teaching, which will kick in at the beginning of 2010, has been forced on TAFE teachers, despite emails to teachers from the Director General, Mr Michael Coutts-Trotter, that that was not proposed. Clearly, the department has duded teachers throughout these negotiations. The department claims that the extra five hours a week will create a \$5.7 million annual cost saving. According to New South Wales Teachers Federation figures, that is about \$2.95 per hour of work. Do the Department of Education and Training and the Rees Labor Government value the work of TAFE teachers at \$2.95 an hour? That is not correct. In fact, the real saving from just five extra hours a week is about \$150 million. That is almost three times the cost savings of \$54 million that the Rees Government demands the TAFE teachers cough up to pay for their annual salary increase above 2.5 per cent.

This is not just about paying for salary increases above the public sector salary cap. This is about putting another \$100 million a year into the budget out of the hides of TAFE teachers and at the expense of the future economic and social health of New South Wales. It means a loss of 300 TAFE teacher positions from the system and a loss of hours for thousands of part-time casuals. In some cases it means a loss of their jobs. For those who are left, it means a loss of professional development and professional autonomy and more face-to-face teaching hours. Anyone contemplating a teaching career in TAFE will get the negative message of longer working hours, less professional autonomy and less professional development. It is not only a sustained attack on TAFE teachers, but a sustained attack on all public sector workers. In fact, it is a sustained attack on all workers in New South Wales. By enforcing a bankrupt policy, capping the teachers' pay rise at 2.5 per cent and requiring that any further increase has to be paid for by so-called efficiency gains, public sector workers are being sacrificed to prop up the bottom line of the State Government's budget. If we impoverish public sector

services we run down the capacity of the State to cope with the difficult economic times that no doubt lie ahead. If this can happen to one set of public sector workers, it can happen to any set of public sector workers. This is an attack on the rights of all employed people, and it has been shamefully orchestrated by a Government that carries the name Labor—but in name only, not in substance.

In New South Wales it seems that Your Rights At Work does not apply to TAFE teachers. The Labor Government has been prepared to ride roughshod over their industrial rights and force them into a situation where they have to work longer hours and sacrifice professional autonomy. This is as much an attack on TAFE as it is on TAFE teachers. At a time when a substantial turnover in the workforce is about to happen, the last thing we need in New South Wales is to make TAFE teaching a less attractive career option. In New South Wales we want to replenish the workforce by making TAFE a welcoming place with quality working conditions and salaries. Undoubtedly the Parliamentary Secretary will quote comparisons with TAFE systems in other States. By doing so, she will highlight the fact that over the next five years New South Wales will be in competition with other States to attract quality TAFE teachers. The last thing we want is to be in a race with the other States to the bottom.

The economy is going to heat up. The Treasurer spoke today about the economy's green shoots. As those green shoots hopefully turn into green branches, the so-called skills crisis will reignite and it will be increasingly important to have TAFE fully functional with high-quality teachers so that we can satisfy the skills needs of the State. It also will become much harder to recruit TAFE teachers as their professional standing becomes more important within the economy.

It is a lousy time to be attacking TAFE when the economy needs to adjust. The skills base and education base required for an economy to thrive through a difficult period of climate change and reduction in carbon emissions inevitably will require a much stronger TAFE system. Now is not the time to cut back on TAFE expenditure. It is the time to put more, not less, money into TAFE. Today is National TAFE Day, a day on which we should be celebrating the contributions of TAFE. For those whose mentality is focused on economics, I refer to the Allen Consulting report, which states that for every dollar we invest in TAFE we reap the benefit of \$6.40 over the subsequent two decades. That is a measure of the importance of TAFE to the productive economy. It is important that TAFE is thoroughly supported and has adequate resources to be able to deliver those massive long-term economic benefits.

This is more than a matter of pure economic benefits. We must consider the benefits to individuals and make sure that working-class Australians and Australians who come from a background of low employment have the opportunity to become full citizens and engage with Australia culturally, economically and politically. That means a quality public education system oriented towards the needs of working Australians and youth at risk—a quality TAFE system. Today we should be celebrating the benefits of TAFE to society, individuals and the economy. Instead, we are talking about a Government that is punishing TAFE teachers. By punishing TAFE teachers it punishes TAFE and by punishing TAFE it punishes society. It is extremely important that the Government takes note of this motion, even if it votes against it, and understands that TAFE teachers are angry. It is not a long step from there to the people of New South Wales being angry at the abuse of the TAFE system and the knowledge that behind closed doors, hiding behind the Industrial Relations Commission, the New South Wales Government is able to inflict this massive damage on the TAFE system.

The House must condemn the Government for its support of the Department of Education and Training application to the Industrial Relations Commission that has led to this situation. Much more importantly, the House calls on the Premier to abandon the punitive provisions in the decision. As has occurred on two prior occasions this year, the House calls on the Government to sit down with the New South Wales Teachers Federation and negotiate a fair settlement that restores working conditions to TAFE teachers and, importantly, restores a strong future for the TAFE system.

Industrial action is likely to be the tip of the iceberg, and it will not just be industrial action. The people of New South Wales are waking up to the fact that this Government has abandoned the TAFE system because it regards it as less important politically. Because the TAFE system is regarded as less exciting and it gets less media coverage the Government believes that it is okay to abandon it. The message to the Government from this Chamber today, and I hope from everybody who is concerned about the future of a fair and prosperous Australia, is that we cannot afford to abandon TAFE and we must support it. We cannot afford to abuse TAFE teachers; we must support them and we must build a strong and resilient TAFE system. I commend the motion to the House.

The Hon. ROBYN PARKER [5.40 p.m.]: I support the motion moved by Dr John Kaye and will make some brief comments on behalf of the Liberal-Nationals Coalition. I congratulate Dr John Kaye on acknowledging that today is National TAFE Day. We have spoken about TAFE in this House on a number of occasions this year because there seems to be an unprecedented campaign by the Government against TAFE. As a former TAFE teacher I wonder—as no doubt those in the profession must wonder—what this Government has against TAFE because of the level of animosity shown towards TAFE in wage negotiations and what is happening about the qualifications required by TAFE teachers and the sorts of courses offered by TAFE.

I believe that TAFE is quite dear to the hearts of many honourable members because of the opportunities that it offers to so many people for vocational training and second-chance education. TAFE is a great leveller in our society in that it offers educational opportunities to people from disadvantaged backgrounds, many of whom have dropped out of the traditional education treadmill but who find a way back to education through TAFE. Today is National TAFE Day and we must acknowledge the wonderful work done by teachers, students and non-teaching staff in TAFE institutes. They constitute a very professional and hardworking sector of education, and students come out of the TAFE environment with a wonderful blend of practical skills and educational knowledge.

TAFE teachers are often people who have reached excellence in their field in the community and in the private sector but who take a reduction in pay to teach at TAFE because they believe in the commitment of training young people to come into their field as apprentices or through other avenues. Those teachers now must feel as though this Government is kicking them when they are already down after making concessions with their working conditions and the hours they work. They are already making concessions, but the Government is demanding more. They have to work an additional 36 hours of face-to-face teaching, which is a 5.3 per cent increase. They have to teach up to 35 hours a week face to face with no right to refuse.

This Government railed against WorkChoices but it is saying to many workers who have families that they must work until 10 o'clock at night, and those workers are not able to refuse. Teaching hours are annualised with no excess hours being paid until the annual allocation is reached—conditions that many in this Chamber would not agree to and because of which many full-time teachers will say that they have had enough and they are out. We estimate a drop in the number of TAFE teachers.

The Hon. Amanda Fazio: Who is "we"? Is it the royal "we"?

The Hon. Robyn Parker: Experts, in fact. One has only to read the Allen report to understand just what value TAFE offers. TAFE offers \$6.40 in value to the economy for every dollar spent. It makes economic sense to put money into TAFE to provide good conditions for its workers and to provide the sort of professional development that teachers have been used to. We are very supportive of Dr John Kaye's motion because we understand and value TAFE as providing a great service to vocational training. For the past 14 years successive Labor governments in New South Wales have systematically attacked TAFE. They have cut funds, they have raised student course fees and they have lowered TAFE teacher qualifications. The Government has starved TAFE of funds. Unfortunately, the recent decision to raise the school leaving age to 17 will put an extra strain on TAFE services and, at the same time, the Government has taken away a wonderful opportunity for students in year 10 to undertake TAFE courses.

Our belief in TAFE is reflected in our commitment to the long-term goal of 90 per cent of young adults attaining year 12 or equivalent, certificate III level or higher. The Liberal-Nationals Coalition believes that building a strong workforce is critical to rebuilding a strong economy that delivers jobs, quality services and infrastructure. When we talk about conditions of employment Government members, particularly the Hon. Greg Donnelly, ought to be quiet and listen because TAFE teachers do not support the Government. TAFE teachers understand what is happening.

The Hon. Greg Donnelly: They are not supporting you.

The Hon. ROBYN PARKER: You would be surprised how many TAFE teachers support the Liberal-Nationals Coalition and you would be surprised how many of them understand our support for the work they do. This Government's funding for TAFE compared with other States is appalling. We will not close our doors on students who are struggling in the school environment. We will not close our doors on TAFE teachers. We will support and acknowledge what they do in the workforce and what they do for long-term gains for our workforce.

The Government's demoralising of TAFE teachers is driving into the ground what was a high-quality vocational training institution that it should be rebuilding. The Government should be providing the flexible, well-resourced training institution that TAFE once was by supporting the TAFE teachers whom we acknowledge today. The Government should be providing flexible support for TAFE teachers instead of cost cutting and driving more productivity out of them. Government members can yell and scream, but TAFE teachers know that the Government has been silent when it comes to supporting their conditions and supporting the role they play in the workforce. Over the decades the Government has driven them into the ground.

When we compare funding in New South Wales with other States we can see that this year recurrent funding for vocational education and training increased by only 13.6 per cent in New South Wales between 1997 and 2007 compared with 80 per cent in Victoria and 60 per cent in Western Australia over the same period. Government members should hang their heads in shame because that is an indication of the lack of support for TAFE and TAFE teachers that the Government demonstrates over and over again.

This is a time when we should be focused on bolstering our economic future. The Rees Labor Government's incompetence means that New South Wales stands to lose. We know the value of the TAFE system and of TAFE teachers. Members opposite should be ashamed of themselves. The Opposition supports this motion and TAFE teachers and their demand that the Government go back to the drawing board and enter into further discussions. TAFE teachers have agreed to those discussions and would willingly participate in them. The TAFE teachers we have today will not be in the system during the National Year of TAFE. They will be working in other fields where they feel more valued. The Opposition supports this motion.

Reverend the Hon. Dr GORDON MOYES [5.50 p.m.]: I grew up with the belief that when there was conflict between government, major unions and employers and the issue was taken to the Industrial Relations Commission, the commission was seen as the umpire: it would set the conditions and those taking part would accept its decision. I was therefore surprised not about the Industrial Relations Commission's findings on the TAFE issue, but about the fact that the Teachers Federation, which had spent months participating in the working party and in discussions, believed it got such a raw deal that it had to take action. Having examined the TAFE teachers' submission, I felt I had to make some comments.

I have met with members of the TAFE leadership and I have the deepest respect for what they have done. Over the years I have been responsible for introducing to the TAFE system a large number of young adults who were dropping out of the normal school system and have seen them go on to get qualifications and jobs. I have enormous respect for the TAFE system and I therefore want to support TAFE teachers. The teachers arrived at an agreement with the Government about a 12 per cent pay rise over three years. Productivity offsets had to cover the pay rise above the government-funded 2.5 per cent. Extensive discussions have been held in working parties and so on to reach an agreement about how the extra salary costs would be covered.

The Industrial Relations Commission's decision seems to have ignored the evidence put to it by the Teachers Federation and TAFE teachers. It has accepted the schedule B claim submitted by the Department of Education and Training, which delivers a saving as a result of a 20 per cent increase in workload for a final salary increase of 4.8 per cent in 2011. As was mentioned by a previous speaker, the decision includes teaching an additional 36 hours face to face each year, which is an increase of 5.3 per cent, and teaching up to 35 hours face to face each week with no right to refuse. It would mean the annualising of teaching hours with no excess hours being paid until the annual allocation was reached and working an additional five hours a week, which is a 16.7 per cent increase. Looking at that from an objective point of view, it is a huge ask of people who already feel they are underpaid and overworked.

As Dr Kaye said, this decision also decreases the professional development time of all TAFE education staff. We all know how important it is for TAFE teachers and others in the academic field to keep up to date with professional development. Teachers tell me that this could lead to the loss of more than 300 full-time teachers. This is very much an act of cutting off one's nose to spite one's face. The teachers I have met are angry and appalled about the downgrading of their professional status and the undervaluing of the hard work they have already done for this Government. TAFE teachers are determined to continue to fight this decision not only despite what the Industrial Relations Commission has said, but because of it. I do not know how this will all work out, but at least these concerns have been raised. I support the TAFE teachers as they work through a very complex industrial relationship.

Ms LEE RHIANNON [5.57 p.m.]: I support this motion. Parliament should always join in celebrating National TAFE Day. There is an added urgency to this motion because of the extremely unfair decision handed down by the Industrial Relations Commission with regard to TAFE working conditions. The Industrial Relations Commission has got it wrong, and very badly.

I congratulate my colleague Dr John Kaye on moving this motion as a matter of urgency. It is the responsibility of this House to take up issues when a wrong has been perpetrated, and that is what we are doing. Government members voted against bringing on this motion as a matter of urgency and I expect that they will vote against the motion itself. That is shameful when one considers how incredibly important TAFE is in building a strong economy and solving many of the challenges facing our State, our country and our communities. TAFE offers opportunities for training and upskilling young working people across the State.

The Industrial Relations Commission's decision emphasises the importance of National TAFE Day. It was an extraordinary judgement. I was shocked when colleagues in TAFE phoned me to tell me what had happened. They were devastated about how their working conditions had been gutted. I understand that the commission was meant to consider changes needed to fund a less than 1.5 per cent per annum increase as part of the 4.4 per cent per annum pay rise awarded to TAFE teachers a few months ago. The Industrial Relations Commission effectively granted the application by the Department of Education and Training to change TAFE working conditions. Courtesy of a bad Industrial Relations Commission decision and an appalling application lodged by the Department of Education and Training, TAFE teachers' working conditions will reflect some of the worst aspects of the WorkChoices legislation that many who are about to reject this motion campaigned against. This decision is also significant because it has implications for schoolteachers.

The Hon. Amanda Fazio: It does not.

Ms LEE RHIANNON: It most definitely does. That interjection demonstrates the lengths to which Ms Fazio will go to try to protect this Government and to hide the reality. Under the Industrial Relations Commission's decision, TAFE teachers' working conditions have been severely negatively impacted. They will be able to be directed to work any time between 6.00 a.m. and 10.00 p.m., Monday to Saturday. Surely that alone should startle Government members and encourage them to protest. TAFE teachers may be required to teach up to 35 hours face to face each week with no right to refuse, and they will effectively lose their right to use their professional judgement in determining their own work. The commission's decision will also enable them to be required to work for an extra five hours a week and, as part of their normal load, to teach an additional 36 hours face to face each year. There was no justification for the Industrial Relations Commission's agreeing to such extreme working conditions. The commission has overstepped its mark.

The Hon. Greg Donnelly: Why did they go to arbitration? Why did they agree to go to arbitration then?

Dr John Kaye: They had no choice.

Ms LEE RHIANNON: And Mr Donnelly knows they had no choice. He knows that is the case. If somebody makes such a serious—

The Hon. Greg Donnelly: Put the truth on the record.

Ms LEE RHIANNON: Yes, I am happy to, and I am pleased you are putting yourself on the record. Keep doing it. The Teachers Federation goes to arbitration—

The Hon. Greg Donnelly: They agreed.

Ms LEE RHIANNON: Yes, clearly it has done that. But when you get such an appalling decision you have a responsibility in this world—

[Interruption]

That is another extraordinary statement from a Labor member, Ms Sharpe. This Labor Government is turning its back on and gutting TAFE. It was deeply wrong of the Government to allow the Department of Education and Training to present such a submission to the commission. I refer again to the decision of the Industrial Relations Commission: the Industrial Relations Commission got it wrong. The Teachers Federation chose to go to the arbiter, that is true, but when a body makes such a bad and destructive mistake, the Government should seek to improve the situation. Today, on National TAFE Day, we should be discussing in this House how to improve TAFE, how to ensure that it is well funded and how to reduce the number of casual teachers in TAFE. Yet here we are having to argue that this case is so wrong, and still we hear many Labor members interjecting that what the Industrial Relations Commission has done is fine and good.

The Hon. Penny Sharpe: Stop the verballing.

Ms LEE RHIANNON: I acknowledge Ms Sharpe's comment that it is verballing. I hope she can correct the record and acknowledge that she also has concerns. If she does not say that she is concerned and is critical of what has happened at the Industrial Relations Commission, I have not verballled her at all. Let us look at the recent history of this matter and how it got before the Industrial Relations Commission. The department claimed that further trade-offs were required to bridge the gap between the government-funded 2.5 per cent increase and the average 4 per cent per annum salary increase. I understand that a joint working party was established and the federation made a number of proposals for the final settlement. But the department and the Minister for Education and Training rejected those reasonable proposals and supported outrageous teaching workload increases that came from the Industrial Relations Commission. That is the recent history in a nutshell.

The Hon. Penny Sharpe: That is your view.

Ms LEE RHIANNON: Again, I am happy to acknowledge the interjection from Ms Sharpe. Government members continue to dig themselves into a bigger hole. How they can justify appalling conditions that will remove 50 hours per year of professional development time for all TAFE and non-teaching educational staff, will reduce professional development for teachers by 16 hours a year, and could lead to the loss of more than 300 full-time teachers, I do not know. They will be hard-pressed to justify that.

The Hon. Greg Donnelly: The negotiators rejected the concessions the Government was going to make and ended up with a worse decision.

Ms LEE RHIANNON: Thank you, Mr Donnelly, for putting that on the record also. However, I suggest to him it would be more useful if he sought the call to outline his case. He is really working hard to cause further damage to the TAFE system, a system that is in urgent need of increased funding and greater support. Failing that, a Minister who is committed to the TAFE system would at least be a start. The proposed increase in teaching hours alone equates to more than 500 full-time teacher positions. The value of these positions is at least three times the cost of the unfunded part of the salary increases awarded to TAFE teachers. So the decision handed down by the Industrial Relations Commission—and it is important that this fact is exposed in this debate—gives much greater savings to the Government than were ever required as trade-offs. I have to put on the record my concerns about how the trade-offs were conducted in the first place, but this has gone to extreme levels. Furthermore, the proposal will result in thousands of part-time casuals losing their jobs or having their hours and income drastically reduced.

We should not forget—least of all Government members—that this motion is about National TAFE Day. We should be celebrating TAFE and the students, the teachers, and all those who keep this fine system going, even under such appallingly difficult conditions. What we should be talking about today, and I will take some time to cover this, are the changes that need to be made to restore strong technical and further education in this country. We need to end the casualisation of TAFE. We should restore full-time teaching status to 70 per cent of the hours that are taught. We need to provide growth funding to TAFE, reduce class sizes, restore course links and increase administrative support. We should end the growth of user choice funding of private providers. In this insidious way TAFE is being undermined as part of our public education system. There should be an immediate freeze on government funding of private providers.

Why must these measures be taken? We know that when public education is well funded and the TAFE system is strong many more people across the State benefit. We need a well-funded TAFE system to confront the enormous challenges faced by this State and the nation. At the top of our list of concerns is climate change. In this regard I give great credit to my colleague Dr John Kaye, who has delivered many speeches on this subject across the State. In responding to reducing greenhouse gas emissions—and obviously part and parcel of this is restoring the economy to bring benefit to all—we need a TAFE system that will skill up our workforce to meet the challenges of the twenty-first century.

There is in Australia at the moment an extraordinary contradiction. We so often import skilled labour rather than work hard to improve the pool of skilled workers in our own communities, more specifically in many regional areas where the level of unemployment, particularly amongst young people, is so high. TAFE should be part of the solution every time we consider the enormous problems the State is facing. I commend the motion to the House. It was most important that we had the opportunity to debate this issue as a matter of urgency.

The Hon. PENNY SHARPE (Parliamentary Secretary) [6.07 p.m.]: I begin this contribution with a quote:

Effective processes of conciliation and arbitration before an independent tribunal are a necessary element in any fair and effective industrial relations system.

Surely that is a statement we can all agree with—but perhaps not those on the other side. I know Dr John Kaye agrees with it because it comes from the Greens policy on industrial relations. It is rather puzzling, therefore, that today he has introduced this motion, which is an attack on the integrity of the Industrial Relations Commission. It cannot be interpreted in any other way. The Teachers Federation and the Department of Education and Training reached an agreement in January this year that provided for salary increases of 12.48 per cent over three years. In return for those increases, and in accordance with the Government's wages policy, the union and the department agreed to establish a joint working party to identify productivity savings to partly fund the increase. It was further agreed that if this process did not work, the parties would seek the assistance of the independent umpire, the Industrial Relations Commission. That was a straightforward, simple and fair process, entered into willingly by the Teachers Federation in return for substantial wage increases.

As it turned out, despite the best efforts of both parties, the joint working party could not reach agreement. So the Industrial Relations Commission convened conciliation proceedings in an effort to find a resolution. Unfortunately, those proceedings had to be terminated when the union commenced strike action in defiance of the commission's orders. That meant the third step in the agreed process had to commence—arbitration. A full bench of the commission heard evidence from the Department of Education and Training and the federation in three days of hearings. Two weeks ago it delivered its decision. I reiterate: this all occurred in the context of an agreed process, in accordance with the established process of conciliation and arbitration—a process that we on this side of the House have always strongly supported and which the Greens own policy supports.

It is wrong for Dr John Kaye to come into this House and attack the commission because he does not like its decision. His motion is an attack on conciliation and arbitration and makes a mockery of his party's policy. One either supports conciliation and arbitration or one does not. It is absurd to say, as he has said today, that one supports the process only if one gets the desired outcome. That is a recipe for industrial anarchy. It is a fact that industrial action is still taking place and this motion is unacceptable. It is unacceptable not only because of the orders issued by the commission but also because it attacks the integrity of the commission and the arbitration proceedings, which the Teachers Federation agreed in January this year were an appropriate mechanism for resolution of this matter.

The department has now sought the further assistance of the commission in the face of the federation's continuing industrial campaign in the hope that the federation and its members will cease industrial action. The Minister for Education and Training has spoken many times about her support for TAFE New South Wales teachers and her admiration for the work they do. Dr John Kaye should know that the commission is charged with conciliating and arbitrating to resolve industrial disputes. The commission heard all the evidence in this matter and delivered its judgement. The Government is now asking that the New South Wales Teachers Federation honour its agreement and respect the decision of the Industrial Relations Commission.

The Opposition has opposed this system. If it were not for the Federal Labor Government and all the people in Australia who voted to support it off the back of independent arbitration, all TAFE teachers would now be on Australian workplace agreements. Today's motion is a marriage of convenience between the Liberals, The Nationals and the Greens. I urge the House to show respect for the role of the Industrial Relations Commission by rejecting this ridiculous motion from the Greens. There have been lots of hands on hearts about the importance of TAFE. All members in this Chamber support TAFE and recognise that TAFE is the engine room of our economy. Indeed, it provides for the vast majority of our apprentices and trainees. It also provides second-chance education that is among the best in the world. We all support those measures. Instead of continuing with this political stunt and attacking the Industrial Relations Commission, I urge members, if they are fair dinkum about supporting National TAFE Day, to support the amendment that I now move:

That the question be amended by omitting paragraphs (3) to (6).

The Hon. AMANDA FAZIO [6.12 p.m.]: I support the amendment of the Hon. Penny Sharpe and oppose Dr John Kaye's motion. I state at the outset that I strongly support TAFE. What I do not support is the misrepresentation of the circumstances that we have heard in debate today from the Greens and Opposition members. The rather pathetic and hypocritical bleating of Coalition members cannot be taken as genuine when we remember what they did to the public education system when they were last in office. They decimated public education, yet they bleat about how much they support TAFE. I am amazed at the drivel coming out of their mouths.

I turn to the industrial relations claim. The Government made offers to the New South Wales Teachers Federation that the federation did not accept. The Teachers Federation wanted to go to arbitration to try to get a

better deal. The Government, in accordance with normal procedure, made a submission to the Industrial Relations Commission [IRC] about the claim by the Teachers Federation. However, the Greens and the Opposition have not told the House that the Teachers Federation did not submit an alternative proposal to the Industrial Relations Commission. Talk about mismanagement! The Industrial Relations Commission was left in the position of having only two proposals from the Department of Education and Training to consider. The reason the Greens have not told us that is that it does not reflect well on the people they are sucking up to in the Teachers Federation.

Having gone to arbitration, TAFE teachers are now not happy to abide by the ruling of the independent umpire. One cannot cherry-pick with Industrial Relations Commission decisions. One cannot go before the commission hoping to get a better deal and, if no better deal results, say, "We don't have to abide by this. The Government should just ignore it and come back to us." If the federation had gone to the Industrial Relations Commission with its own proposal and received a better deal, I am sure its members would say no if the Government wanted to take away the salary increases. The Teachers Federation has mishandled the claim and it is about time it admitted that fact. The federation could have accepted the Government's offer, but instead took a punt on getting a better deal from the commission. The federation did not put in a claim to the commission, got what the commission delivered and will have to accept it.

Anyone listening to the debate today would think that TAFE teachers in New South Wales were the most hard-done-by group in the world. Let us examine how TAFE teachers in New South Wales compare with their interstate counterparts. The salary for an entry-level TAFE teacher in New South Wales as at 1 October 2009 is \$66,332 per annum. That compares with \$59,000 for the next highest entry-level salary for a TAFE teacher in Western Australia and \$46,500 for the lowest salary for an entry-level TAFE teacher in Victoria. New South Wales entry-level TAFE teachers are doing pretty well. For TAFE teacher salaries at the top of the scale, as at 1 October 2009 the salary for New South Wales TAFE teachers is \$78,667, and that again is the highest rate paid to any TAFE teachers in the country. The lowest rate paid is around \$68,000 to TAFE teachers in South Australia and Queensland. New South Wales TAFE teachers are \$10,000 ahead of their lowest-paid interstate counterparts.

The weekly hours of attendance for TAFE teachers in New South Wales are 35, and that is on a par with the industry average. In other States the hours of attendance for TAFE teachers vary between 30, 32 and 35 hours. It seems to be suggested that TAFE teachers are being overburdened as a result of these changes. I draw the attention of members to an interstate comparison of annual teaching loads for TAFE teachers from 2010. In New South Wales the annual teaching load will be 720. In Queensland the load increases to 975; in Victoria it is 800; in Tasmania it is 760; in South Australia it is 960; in Western Australia the load is 840; and in the Australian Capital Territory it is only 684. New South Wales is second lowest of all the States in terms of annual teaching load. These figures do not show a group of teachers who are being particularly hard done by. They show that the New South Wales Government recognises the valuable contribution of TAFE teachers by paying them more than any other State Government administration in the country pays its TAFE teachers.

My ears pricked when Ms Lee Rhiannon said that, as a result of these changes, TAFE teachers will be forced to work between 6.00 a.m. and 10.00 p.m. She did not say that the provision is already in the award and has always been in the award. TAFE teachers do not have to work from 6.00 a.m. to 10.00 p.m. every day. It is just that the span of hours they work has always been between 6.00 a.m. and 10.00 p.m. That is just more misinformation from the Greens; the provision is in the current award. TAFE teachers receive a reduced teaching load for work after 6.30 p.m. or on Saturdays. It remains the case that TAFE teachers cannot be forced to work unreasonable hours and TAFE must take into account the prior commitments of teachers, their family responsibilities and any occupational health and safety considerations.

I advise all members to take the Greens' claims with more than a grain of salt. For the Greens' claims to be believable, we would have to take so much salt that our blood pressure would kill us! People cannot have it both ways. The Teachers Federation cannot demand to go to the independent umpire, the Industrial Relations Commission, in the hope of getting a better deal, without putting in a submission, and then come back bleating because the deal it received is less than that offered by the Government before arbitration. There is a problem in the way this process has been handled. It is not the Government's problem and it is not the TAFE teachers' problem; it is the Teachers Federation's problem. I urge members to support the amendment of the Hon. Penny Sharpe, which deletes paragraphs (3) to (6) of the motion, which is based on misinformation, unreasonable claims and the sort of drivel that I have come to expect from the Greens.

Reverend the Hon. FRED NILE [6.19 p.m.]: In speaking to the motion I acknowledge that obviously all members would support recognising National TAFE Day. The only controversy is whether the motion should

take precedence over the Government's agenda of legislation that needs to be dealt with by the House today, it being Government Business day. Putting that aspect aside, I agree with the first paragraph of the motion, which reads:

That this House notes that Wednesday 28 October 2009 is National TAFE Day, and joins with teachers, students and members of the community in celebrating the extraordinary and irreplaceable contribution that TAFE makes to New South Wales and Australia—

I am sure all members would agree with that—

including:

- (a) the provision of accessible vocational education and training to over half a million people in New South Wales each year,
- (b) the creation of opportunities for people from disadvantaged backgrounds to pursue a meaningful career and engage in the economic and cultural life of the State, and
- (c) the formation of the skills needed by this State for a strong economic recovery.

Paragraph 2 of the motion reads:

That this House recognises, as part of the celebration of National TAFE Day, the value of professional, hardworking TAFE teachers in the strong quality TAFE system.

I do not agree with the points referred to in the remaining paragraphs of the motion. I have always supported the Industrial Relations Commission as the final arbiter in the system we follow in New South Wales, which has virtually been the historic forerunner of arbitration in Australia. If we do not allow the Industrial Relations Commission to make decisions, we will have a complete breakdown in our industrial relations system. I accept the referee's decision and do not support the later aspects of the motion to which I have referred. Therefore I support the amendment that has been moved by the Hon. Penny Sharpe.

Dr JOHN KAYE [6.21 p.m.], in reply: I thank all members who engaged in this debate. I thank particularly the Ms Robyn Parker, Reverend Gordon Moyes and Ms Lee Rhiannon for their positive contributions and their support for the motion. Ms Robyn Parker speaks with the experience of having been a TAFE teacher. She knows the stresses and strains of face-to-face teaching. Having taught in TAFE institutions for some time, she also understands the important and transformative roles that TAFE plays in society. Her contribution and support for the motion comes not from a theoretical understanding of TAFE but from her practical understanding of being on the ground in TAFE.

Likewise, Reverend Moyes's contribution comes from a man who has had engagement with TAFE through his placement of disadvantaged students within TAFE. He understands the significant role that TAFE plays, and from that experience he understands the importance of respecting TAFE teachers. Ms Lee Rhiannon comprehensively analysed the situation that TAFE finds itself in and came up with fairly substantial reasons why the motion should be supported.

In his contribution Reverend Moyes pointed out that he comes from a background where the decisions of the Industrial Relations Commission should be respected. The contributions of both Ms Penny Sharpe and Ms Amanda Fazio seemed to focus on the idea that once the Industrial Relations Commission has made a decision that is the end of the debate; it is all over. They seemed to suggest that no matter what one thinks of such a decision, freedom of speech, freedom of discussion, and freedom of action on the part of the Government comes to an end and we have to simply abide by the umpire's decision.

The Hon. Penny Sharpe: It came out of your own policy.

Dr JOHN KAYE: As Ms Sharpe points out, she quoted quite convincingly from our policy. I must say, I strongly support the concept of an effective process. But an effective process in this case would have related to a thorough investigation of the impact of the Industrial Relations Commission's decision. However, the motion is not about the Industrial Relations Commission, nor is it about the New South Wales Teachers Federation. The motion speaks about what the Government should do as a consequence. It remains open to the Government, regardless of what the Industrial Relations Commission's decision was, to do as it sees fit within the way in which it sets conditions. Certainly it could not set—

The Hon. Greg Donnelly: And they are appalled by the decision.

Dr JOHN KAYE: Certainly I, and I imagine a lot of other people, are appalled by the Industrial Relations Commission's decision. But the motion does not call for an overthrowing of the Industrial Relations Commission—as would have been suggested by Ms Sharpe and Ms Fazio—

The Hon. Amanda Fazio: I did not say that.

The Hon. Greg Donnelly: She said it was wrong.

Dr JOHN KAYE: This motion is about what the Government should do about the outcome. I acknowledge the interjection. I agree: The decision of the Industrial Relations Commission was wrong. The commission simply got it wrong. Let us just get over that. The vast majority of people, if they were confronted with the conditions that are being imposed on TAFE teachers, would say the Industrial Relations Commission got it wrong. I would imagine that the vast majority of people who understand what is going on within TAFE colleges would also understand that the order of the Industrial Relations Commission will have devastating long-term consequences.

I note that during members' contributions a number of comparisons were made with other States. I agree that the pay of TAFE teachers in other States is lower than in this State. Mind you, living costs are lower in other States. But the fact that other States treat their TAFE teachers with disrespect does not justify our doing likewise. We should be setting the pace here. We will need to do so over the next decade as there is increasing competition to attract TAFE teachers. What needs to be understood here is that it is up to the Government where it goes to from here. The ball is in the Government's court. The Government can resolve this issue by returning to negotiation with TAFE teachers. There is no question that the Government has the capacity to return to that negotiation and to recognise what will become increasingly apparent: that the Industrial Relations Commission got it wrong, that the Industrial Relations Commission is not the font of all wisdom in this case and it got it wrong. It is up to the Government to acknowledge that an error has been made here and to correct that error by going back to the negotiating table.

I was very surprised by the interjections made during the debate by Mr Greg Donnelly, who unfortunately is no longer in the Chamber. Mr Greg Donnelly was a union leader of some standing in New South Wales for a number of years. He would understand as well as every other union leader and every other union member that on occasions unions get caught over a barrel. In the complexity of negotiations unions get forced into decisions that they are not necessarily happy with. There are occasions when decisions go the wrong way, and this is one of them. This is one of those cases in which the Industrial Relations Commission simply got it wrong. It is absurd to say that the Parliament cannot disagree with the Industrial Relations Commission. It is also absurd to say that if the Parliament disagrees with a decision of the Industrial Relations Commission, it is trying to overthrow the Industrial Relations Commission. It is equally absurd to say that independent umpires are always right. This House is an independent House, and it has the right to say that the Industrial Relations Commission got it wrong.

The Hon. Amanda Fazio: Unions aren't always right.

Dr JOHN KAYE: I acknowledge the interjection. Certainly unions do get it wrong. Parliaments also get it wrong, and courts get it wrong. It is up to all of us to assess the long-term consequences when those errors are made and to come to a negotiated and civilised settlement. What is happening now is not civilised, it is not negotiated, and it will not in the long term turn out to be a settlement. The motion gives the Government the opportunity to reconsider its situation and to go back into negotiations with the unions—this time in good faith, with honesty, unlike last time around—to achieve an outcome. I turn to the amendment moved by Ms Penny Sharpe. The amendment more or less seeks to delete the entire motion, leaving in place only the stub of the motion, which refers to National TAFE Day.

The Hon. Penny Sharpe: Which you said is so important.

Dr JOHN KAYE: National TAFE Day is indeed important, and it is important to celebrate it. But, as I said earlier, this is not an ordinary National TAFE Day; this is a black arm National TAFE Day, a day on which the future of TAFE in New South Wales is at risk. To celebrate National TAFE Day but to also fail to acknowledge the threat that TAFE now operates under would be a grave mistake. It would make this House look totally silly. I urge members to vote against the amendment. It is important that we acknowledge that it is National TAFE Day and that the Industrial Relations Commission got it wrong. It is also important that we call on the Government to correct the problem. I commend the motion to the House.

Question—That the amendment of Hon. Penny Sharpe be agreed to—put.

The House divided.

Ayes, 16

Mr Catanzariti	Reverend Nile	Mr West
Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Noes, 17

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

Pairs

Mr Colless	Mr Hatzistergos
Mr Gallacher	Mr Obeid
Mr Lynn	Ms Robertson

Question resolved in the negative.

Amendment of the Hon. Penny Sharpe negated.

Question—That the motion be agreed to—put.

Division called for and Standing Order 114 (4) applied.

The House divided.

Ayes, 17

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

Noes, 16

Mr Catanzariti	Reverend Nile	Mr West
Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Kelly	Mr Tsang	Mr Donnelly
Mr Macdonald	Ms Voltz	Mr Veitch

Pairs

Mr Colless	Mr Hatzistergos
Mr Gallacher	Mr Obeid
Mr Lynn	Ms Robertson

Question resolved in the affirmative.

Motion agreed to.

[The President left the chair at 6.39 p.m. The House resumed at 8.15 p.m.]

**ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (HEAVY VEHICLE
REGISTRATION CHARGES) BILL 2009**

Second Reading

The Hon. TONY KELLY (Minister for Lands) [8.15 p.m.], on behalf of the Hon. Eric Roozendaal:
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.

This bill will align New South Wales's heavy vehicle legislation with parallel legislative drafting in other jurisdictions, and will reduce the risk of New South Wales potentially facing a comparative financial disadvantage.

The Act currently requires a Cabinet decision and legislative amendment each time a national decision is implemented or new, more productive heavy vehicles are introduced.

Placing the descriptions of heavy vehicles and the annually adjusted charges in the Regulation will improve the agility of New South Wales in responding to rapid technological and intergovernmental change.

The bill will also facilitate the timely introduction of newer, safer and more productive heavy vehicle configurations, providing New South Wales the opportunity to better address significant challenges including climate change, safety, efficiency and congestion.

The amendments in the bill will ensure that New South Wales continues to fulfil our commitment to national consistency in administering heavy vehicle registration charges.

This bill is a result of extensive consultation by the National Transport Commission between all States, Territories and relevant industry groups.

In addition, the New South Wales Government has undertaken extensive consultation with the road transport sector in New South Wales.

New South Wales must fund improvements in road infrastructure to support the valuable contribution of the heavy road freight and passenger transport industries to the people of New South Wales.

The National Transport Commission Heavy Vehicle Charges Determinations aim to ensure that expenditure on road maintenance and improvement is proportionate to their use by heavy vehicles.

This bill acknowledges that the current rate of innovative technological change means more productive heavy vehicle combinations must be recognised by the Determinations at regular intervals. It is sensible that New South Wales is able to respond swiftly to these changes.

The bill facilitates transparency in the charging regime by strengthening the prohibition on any regulatory amendment attempted without reference to an Australian Transport Councillor Intergovernmental agreement.

The bill also brings forward part of planned consolidation of road transport Acts into a single act, which was scheduled to be undertaken late in 2010.

Consistent with the Better Regulation Principles, the consolidation will simplify application and interpretation of road transport law for legal practitioners, administrators and all users of New South Wales's roads.

The New South Wales Government is determined to ensure that the national reform program causes minimal disruption to freight operators at a time when the global financial crisis means many are already doing it tough.

Following consultation with the road transport sector in New South Wales, the Government agreed to defer the introduction of the reforms for six months until 1 January 2010.

I would like the House to know that industry is supportive of this bill.

Jim Savage, President of the Livestock and Bulk Carriers Association, which has members in all States, has advised me that the industry fully supports the principle of paying its way for road use and that these increases are part of that formula. He also said that his Association greatly appreciated this Government's decision earlier this year to defer these increases to 1 January 2010 in recognition of the impacts of the global economic crisis and the impact increases would have on regional Australia at that time.

As he said, no-one likes increases in costs but if we are to have better roads, then the trucking industry is prepared to pay its fair share to get them.

The measures within this bill enhance the ability of New South Wales to give practical effect to ongoing national reform commitments.

Stakeholders who operate nationally will benefit from the amendments as they will be able to more readily interpret their rights and responsibilities.

The proposed changes will also facilitate the introduction of newer, safer and more productive heavy vehicle configurations, providing New South Wales the opportunity to better address significant challenges including climate change, safety, efficiency and congestion.

I commend the bill to the House.

The Hon. JOHN AJAKA [8.16 p.m.]: The Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009 seeks to amend the Road Transport (Vehicle Registration) Act 1997 to impose registration charges for heavy vehicles in accordance with the nationally agreed reforms and brings forward part of a planned consolidation of road transport Acts into one single Act. I note at the outset that the Opposition does not oppose the bill. Under the proposed changes to the heavy vehicle charges the annual registration charge on a tri-axle semitrailer will increase from \$5,084 to \$5,220. The registration charge on a tri-axle B-double will increase from \$8,041 to \$14,340 and the registration charge on a B-triple will increase from \$9,016 to \$20,340. The amendments will result in an overall truck operating cost increase by up to 1.9 per cent and B-double operating costs will go up by between 2.3 per cent and 3.9 per cent, an average of 2.8 per cent. The cost increases will be passed on to freight users and ultimately consumers through the increased price of consumer goods.

The Government argues that higher registration costs for B-doubles and B-triples reflect the need to correct the current situation where larger trucks are subsidised by smaller trucks. While this may be the case, the fact remains that many truck drivers already have difficulty meeting their running costs and, in particular, owner operators will struggle under the proposed increases. The Government's rationale for introducing such significant increases in heavy vehicle registration charges is based on the necessity to align the heavy vehicle legislation in New South Wales with parallel legislation in other jurisdictions so as to address any comparative financial disadvantage faced by New South Wales road transport operators and to simplify the application and interpretation of road transport law in this State. However, as my old master solicitor, the late Geoffrey Cohen, would say, always read the fine print. When we read the fine print we can recognise the bill for what it really is. It is a means by which the Government will significantly increase a tax on road transport operators, which will be passed on to freight users and ultimately to consumers.

In February 2008 the Australian Transport Council of Ministers approved a new heavy vehicle charges determination, which includes incremental charges for heavy vehicles to pay for additional road wear caused by heavier loads. The agreement means that registration charges for heavy vehicles in Australia will increase by approximately 69 per cent. The increase will be phased in over three years from 1 July 2008. In July this year the State Government delayed the introduction of the new heavy vehicle charges for six months in order to give operators more time to adjust to the changes. The new charges will take effect from 1 January 2010 and will affect 150,000 heavy vehicles and trailers registered in New South Wales.

I note that the NRMA does not oppose the introduction of these changes. The Australian Trucking Association, which initially campaigned against the price increases, now does not oppose the bill. The Australian Road Train Association, although not happy with the price increases, also does not oppose the bill. Accordingly, as I said, the Opposition does not oppose the bill. However, our agreement is not without reservation as we are concerned about the impact it will have on the livelihood of operators and the finances of ultimate consumers. As the Deputy Leader of the Coalition, Andrew Stoner, said in the other House:

For a long time, the former Federal Government resisted increasing registration fees for heavy vehicles across the nation. Road transport is an integral part of our economy and increases in road transport taxes, which this bill introduces, flow through the economy to consumers who depend on the goods that are moved by the road transport industry. In other words, effectively this bill is almost a negative stimulus measure.

The Opposition does not oppose the bill.

The Hon. LYNDIA VOLTZ [8.22 p.m.]: The purpose of the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill is to provide a more administratively efficient mechanism by which the New South Wales Government can give practical effect to ongoing national

commitments for heavy vehicle registration charges. The bill will align our heavy vehicle legislation with parallel legislative drafting in other jurisdictions. These changes will facilitate the timely introduction of newer, safer and more productive heavy vehicle configurations, providing New South Wales the opportunity to better address significant challenges including climate change, safety, efficiency and congestion.

The bill is the result of extensive consultation by the National Transport Commission between all States, Territories and relevant industry groups. Trucking companies are the lifeblood of the freight industry in regional New South Wales. In July the Government announced that the second phase of the reforms would be implemented for New South Wales registered heavy vehicles in January 2010, giving industry in this State a six-month delay in recognition of the impact of the global economic crisis and the impact the increase would have had on regional Australia at that time. This delay has been welcomed by the industry. As one industry leader observed at the time:

Some other States slugged operators straightaway, but not New South Wales.

The National Transport Commission estimates that in 2007-08 heavy vehicles underpaid their fair share of road costs by \$100 million. The changes give us cost recovery, nothing more. The bill facilitates transparency in the charging regime by strengthening the prohibition on any regulatory amendment attempted without reference to an Australian Transport Council or intergovernmental agreement. The Government is committed to cutting red tape through the simplification, repeal, reform or consolidation of existing regulation. This bill contributes to that commitment. I support the bill.

Reverend the Hon. FRED NILE [8.25 p.m.]: The Christian Democratic Party supports the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009. This bill will improve the capacity of the Government to adopt nationally uniform heavy vehicle and trailer registration charges in accordance with periodic agreements reached by the Australian Transport Council of Ministers. Through that process charges should be uniform right across Australia and trucking companies in New South Wales will not be discriminated against by higher charges in this State.

I am concerned about the ever-increasing reliance on heavy vehicles on our roads. I saw that when I drove regularly from the South Coast to Sydney and encountered many heavy trucks on the road. The presence of heavy vehicles puts pressure on car drivers in competition with them on the roads, and of course there is the issue of road safety. I would prefer a greater emphasis on rail rather than on heavy vehicles, which requires special facilities and procedures. If we want to decentralise New South Wales and the other States we must use rail. Decentralisation will not happen through the use of heavy trucks, especially in our country and coastal regions. The amendments in the bill will enable a greater simplicity in the administration of heavy transport.

The proposed amendments will transfer components of the Act to the Road Transport Vehicle Registration Act 1997 and the regulations made under that Act; they will transfer provisions relating to how charges are calculated, including heavy vehicle and trailer definitions and annual registration charges applied to heavy vehicles and trailers, to the Road Transport (Vehicle Registration) Regulation 2007; they will transfer exemptions from the requirement to pay heavy vehicle charges to the regulation; and they will transfer provisions of the Act relating to safeguards, which ensure that heavy vehicle and trailer registration charges cannot be altered by way of regulatory amendment without reference to an Australian Transport Council agreement, to the Road Transport (Vehicle Registration) Act 1997.

The Christian Democratic Party supports the bill as this approach is wholly consistent with the spirit of the intergovernmental agreement and, hopefully, it will assist cross-border heavy vehicle operators to more readily interpret their rights and responsibilities.

The Hon. HENRY TSANG (Parliamentary Secretary) [8.28 p.m.], in reply: I thank honourable members for their support and I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. 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.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 to 6 postponed on motion by the Hon. Henry Tsang.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (NAMING OF CHILDREN) BILL 2009

Second Reading

Debate resumed debate from 22 October 2009.

The Hon. DAVID CLARKE [8.30 p.m.]: The Opposition does not oppose the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009, the stated object of which is to amend the Children (Criminal Proceedings) Act 1987 to rewrite the existing offence of publishing or broadcasting a person's name in a way that connects the person with criminal proceedings involving children. This legislation raises important issues in respect of young people, those who are offenders and those who are victims of crime, and the extent to which their names need to be protected from publicity. We need to get the balance right between on the one hand the need to protect juveniles, including those who are victims, and on the other the interests of justice and the public interest. We must remember that this issue does not deal only with the publication of the name of a juvenile who is charged or convicted of a crime but also the publication of the name of a juvenile who is a victim or the siblings of a victim who may suffer as a result of being publicly named.

This bill amends the Children (Criminal Proceedings) Act 1987 to change in a number of ways the existing offence of publishing or broadcasting a person's name in a way that connects the person with criminal proceedings involving a child. Specifically, the bill provides that the name of a person must not be published or broadcast in a way that connects the person with criminal proceedings if the person was a child when the offence to which the proceedings relate was committed or the person appears as a witness in the proceedings and was a child when the offence was committed, whether or not the person was a child when appearing as a witness. The name also must not be published or broadcast if the person is mentioned in proceedings in relation to something that occurred when the person was a child or the person is otherwise involved in the proceedings and was a child when so involved, or the person is a brother or sister of the victim of the offence to which proceedings relate and that person and the victim were both children when the offence was committed.

These provisions apply to the publication or broadcast of a person's name to the public by newspaper or periodical publication, by radio, television or Internet or other electronic broadcast or by any other means of dissemination. The proposed section applies to the publication or broadcast of the name of a person, whether it occurs before or after the proceedings are disposed of and even if the person is no longer a child or is deceased at the time of publication or broadcast. The offence does not extend to limited publication or broadcast such as by police radio or by way of an official report of the court proceedings. The bill does not inhibit the police in their normal inquiries, nor does it inhibit judicial officers and legal practitioners in their duties in criminal proceedings. An exception to the offence is provided in respect of a person convicted of a serious children's indictable offence. In this situation, the legislation provides that a court sentencing such a person may, by order made at the time of sentencing, authorise the publication or broadcast of the name of the person whether or not the person consents or concurs.

Matters to be taken into account by a court determining whether to make such an order include the seriousness of the offence concerned, the effect of the offence on any victim and, if the offence resulted in the death of the victim, the effect of the offence on the victim's family. Other matters to be taken into account include the weight to be given to general deterrence and the offender's prospect of rehabilitation and such other matters as the court considers relevant having regard to the interests of justice. This addition of new matters to be considered by the court is a change to the current situation where the court must be satisfied only that the making of an order is in the interests of justice and that the prejudice to the offender does not outweigh these interests.

The bill does not prohibit the publication or broadcast of the name of a person who is under the age of 16 years at the time of publication or broadcast provided the court concerned consents. Nor is it prohibited in the case of a person who is of or above the age of 16 at the time of publication or broadcast provided it is with the consent of the person. It is further provided that the court is not to give consent except with the concurrence of the child or, if the child is incapable of giving concurrence, unless the court is of the opinion that it is in the public interest to do so. However, a child who is 16 or older cannot give consent pursuant to the bill's provision unless it is given in the presence of an Australian legal practitioner of the child's own choosing. This will change the current legislation, which allows such a person to consent without the need to obtain such legal advice.

Publication and broadcasting of the name of a deceased child is not prohibited if it is given with the consent of a senior available next-of-kin. However, such a senior available next-of-kin cannot not give consent unless after making reasonable inquiries it appears to that person that no other senior available next-of-kin objects to the publication or broadcast of the name. It is further provided that neither consent may be given nor objection be made to the publication or broadcast of the name of a deceased child by a senior available next-of-kin who is charged with or convicted of an offence to which the criminal proceedings relate. If there is no senior available next-of-kin who can give consent to the publication or broadcast of a deceased child's name, the court concerned can give such consent if it considers it to be in the public interest. The bill also provides a definition of who may be classified as a senior available next-of-kin of a deceased child.

The Attorney General advises that amongst those who were consulted and who have expressed support for the bill are the Victim's Advisory Board, the Law Society of New South Wales, the New South Wales Bar Association, Legal Aid New South Wales, the Senior Public Defender, the Director of Public Prosecutions, the New South Wales courts, the Commission for Children and Young People, the New South Wales Police, the Department of Juvenile Justice and the Department of Aboriginal Affairs. The Attorney General advises that the Government sought the views of the Australian Press Council in regard to the draft bill but it did not wish to provide further comments, presumably seeking to rely upon its earlier submission to the inquiry into the prohibition of the publication of the names of children involved in criminal proceedings conducted by the Standing Committee on Law and Justice prior to the drafting of this bill.

The Attorney General advises that the Right to Know Coalition, which likewise provided a submission to the Standing Committee on Law and Justice, was also approached for its views on the draft bill and responded with specific comments that were adopted as part of this bill. The Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009 makes amendments to the existing law that strike a balance on the one hand between the need to protect young people, including those who are victims, and on the other hand the public interest and justice. As I have indicated, the Opposition does not oppose this bill.

Ms SYLVIA HALE [8.37 p.m.]: The Greens support the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009, although we do have some concerns about amendments that may contravene the right to privacy for children. The purpose of this bill is to amend section 11 of the Children (Criminal Proceedings) Act and to replace it with a new offence in respect of the publication or broadcast of a person's name in a way that connects the person with criminal proceedings involving children. I understand that the existing objectives of section 11 remain intact; namely, the protection of children from the stigma of being associated with a crime whether they be offenders, victims or witnesses, and to assist in their rehabilitation and recovery where relevant. The Attorney General stated in his second reading speech that the bill will "improve the operation of this difficult and complex area of law"—improving in which direction is the question.

The Attorney General said that this bill has the support of the New South Wales Law Society, the New South Wales Bar Association, Legal Aid, the Senior Public Defender, the Director of Public Prosecutions Director, the Department of Juvenile Justice, the Department of Aboriginal Affairs and the Commission for Children and Young People.

Publishing or broadcasting the names of children involved in criminal proceedings is a very sensitive issue that goes to the heart of the right to privacy of children and the ability of children to rehabilitate after being involved in a criminal matter. The Youth Justice Coalition's submission to the Standing Committee on Law and Justice clearly opposed publicly naming young offenders. It stated that doing so is inconsistent with the principle of rehabilitation, reintegration and the international right to have their privacy respected at every stage of criminal proceedings.

Public naming does not have a deterrent value and will risk stigmatising young people.

There are clear principles in international human rights law on this issue that should guide members in this House. Article 3 (1) of the United Nations Convention on the Rights of the Child provides that in all actions concerning children, whether undertaken by courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Article 16 protects children from arbitrary or unlawful interference with their privacy and article 40 states that the privacy of a juvenile offender must be respected at all stages of criminal proceedings. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice—the Beijing rules—provide that in the administration of justice a juvenile's right to privacy should be respected at all stages.

The Greens support proposed section 15D (3), which states that a child over the age of 16 will only be able to consent to the publication or broadcast of the child's name if consent is given in the presence of a legal practitioner. Under the current law, those who are 16 to 18 years of age may give permission to publish their names in situations where it is not in their best interests and where they do not have the benefit of advice from a parent, other adult or legal representative. Proposed section 15A (2) provides for the limitation of the offence to publication and broadcast to the public or a section of the public. This section makes it clear that the offence does not extend to legitimate law enforcement and investigative activities, including police radio broadcasts.

However, the Greens are concerned as to whether sufficient practical safeguards are in place to ensure that names communicated in the context of law enforcement and investigative activities cannot be made public. Under this section could police decide that it is legitimate in the course of an investigation to broadcast a child's name publicly, for example, in trying to find an alleged offender or a witness to a crime? The Greens do not support any measures that would open the door to the publication and broadcasting of juveniles' names.

The Legislation Review Committee raised section 15C (3) as a possible area of concern. This proposed section replaces the existing requirements in section 11 (4C) and provides legislative guidance to the courts about the matters it can consider when making an order to publish or broadcast the names of juveniles. The existing section 11 (4C) provides that the court must be satisfied that the making of an order to publish or broadcast the names of juveniles who have been convicted of a serious children's indictable offence is in the interests of justice and that the prejudice to the offender does not outweigh those interests.

The new section provides for the matters to which a court must have regard in deciding whether to authorise a publication or broadcast of the name of a person being sentenced. These include the level of seriousness of the offence, the effect of the offence on any victim, the weight to be given to general deterrence, the subjective features of the offender, the offender's prospects of rehabilitation and other matters the court considers relevant. I note that the Legislation Review Committee concluded that this section does not unduly trespass upon the personal rights and liberties of children.

That said, I will comment on what the bill does not contain. As everyone knows, or at least most people recognise, the bill is a response to the Attorney General's referral to the law and justice committee concerning the prohibition on the publication of names of children involved in criminal proceedings. I was a member of that committee. I found it interesting and very informative. What struck me at the outset was how some members were originally of the view that children should be named and shamed but in the course of the inquiry they were prepared to change their views, and the committee's report was unanimous.

The Attorney General, to his credit, seems to have adopted almost every one of the eight recommendations of the report except recommendation No. 4, which would extend the prohibition on the naming of juveniles involved in criminal proceedings to cover the period prior to charges being laid and to include juveniles who are reasonably likely to become involved in criminal proceedings. The committee certainly examined and took into consideration the issues involved and came to the conclusion that the damage children may suffer when they are named after having been charged is equally as great as the damage they may suffer before they are charged. It is possibly even greater, because they may be named as a potential suspect or potentially having involvement in a crime and subsequently be found to be not guilty or not be convicted of such an offence. They have had all the adverse impacts of being named for an offence of which they are subsequently either acquitted or not even charged. The committee received evidence on this. For example, Mr Haesler, SC, stated that there should be a prohibition when there is a reasonable likelihood of a child being involved in criminal proceedings. The committee's report said of Mr Haesler's evidence:

Mr Haesler SC stated that the phrase "reasonable likelihood" is not an uncommon phrase in the criminal justice system and is readily understood by lawyers and by Parliament. He gave the example of an offender who having served their full sentence is kept in gaol under the *Crimes (Serious Sex Offences) Act* on the basis of the "reasonable likelihood" of their reoffending, or a person who hits someone hard enough that there is a "reasonable prospect" of injury being liable for that injury.

He advanced the additional argument that a test of reasonable likelihood would require media organisations to be diligent in their inquiries and deliberations prior to naming a juvenile. At paragraph 7.28 of its report the committee stated:

The Committee agrees with several Inquiry participants that the principles and policy objectives underpinning the current prohibition applied equally to the entire period prior to charging, including the period of investigation prior to arrest, and that the prohibition should be expanded to cover this period.

I think the Attorney General's response is extraordinarily deficient. It says the Government does not support this recommendation. It went on:

Such an extended prohibition does not presently exist in any other Australian jurisdiction. The NSW Government is committed to seeking a nationally consistent prohibition as referred to in its response to the Committee's first Recommendation. In light of this priority, it is not feasible to extend the prohibition beyond that which exists in any other state or territory and at the same time seek national uniformity.

Goodness me, what an excuse for inactivity. What a feeble excuse. It seems to me that if we are trying for uniformity we should try for uniformity on the basis of good law and good principles. To say it is all too hard and therefore we will turn our backs on it is an inexcusable dereliction of duty on the part of the Attorney General. I point out that it is not only the Greens who are concerned at the absence of this provision. In a letter from the Law Society in response to the committee's report, its president, Hugh Macken, thanks the committee for providing the Law Society with a copy of the report. He then says:

The Law Society's Criminal Law and Juvenile Justice Committees support the eight recommendations contained in the report. In particular, the Committees support the recommendation that the NSW Government extend the current prohibition in s. 11 of the *Children (Criminal Proceedings) Act 1987* to cover the period prior to charges being laid and to include juveniles who are reasonably likely to become involved in criminal proceedings.

Clearly, the Law Society thinks that is an important provision, as do members of the committee, regardless of their political allegiances. I find it disappointing that the Attorney General, whilst being prepared to amend the law to comply with a number of the committee's recommendations, has in this significant respect failed to do the right thing.

Reverend the Hon. FRED NILE [8.49 p.m.]: I speak in support of the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009, although I have some reservations about the operation of the bill. My concern is to clarify the terminology and the ages referred to. The second reading speech refers to "children", "young" and "juveniles". I wonder whether in future an amendment should be moved to change the name of the legislation to the children and young people bill. This would be in line with the Commission for Children and Young People and the parliamentary committee that supervises the commission. This emphasises that we are talking about children and young people. A person aged 17½, who is charged with murder or rape, would not be regarded as a child; however, the legal system recognises that person as a child.

I believe the public is uneasy with the protection given to some of these individuals under the existing law that prevents publication of their names. I note that the bill includes an amendment to allow a child over 16 years of age to consent to the publication or broadcast of his or her name if the consent is given in the presence of a legal practitioner of the child's choosing. However, I assume that the legal advice would be not to agree, so that would neutralise any further opportunity for the public to gain access to the identity. I am speaking of someone who is just under 18 years of age.

The bill includes an important element giving power to the court. The bill sets out an inclusive range of circumstances that the court must consider in determining whether to authorise the publication of the name of a person being sentenced for a serious children's indictable offence. These include the level of seriousness of the offence, the effect of the offence on any victim, including the family of the victim in homicide cases, the weight to be given to general deterrence, the subjective features of the offender and the offender's prospects of rehabilitation. It is important that the court also take into account the community's interests and perhaps agree that the name of the individual be publicised and that he or she not be given the protection of law. The court must also consider such other matters as it considers relevant, having regard to the interests of justice. The judge must do a delicate balancing act in deciding whether to lift the suppression order on the individual's name. With those reservations, I will support the bill.

Reverend the Hon. Dr GORDON MOYES [8.53 p.m.]: I speak on the Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009. The object of the bill is to amend section 11 of the

Children (Criminal Proceedings) Act 1987 to rewrite the existing offence of publishing or broadcasting a person's name in a way that connects the person with criminal proceedings involving children. The bill responds to the recommendations of the Legislative Council's Standing Committee on Law and Justice in its report on the prohibition on the publication of names of children involved in criminal proceedings.

The committee gave careful consideration to the difficult balance between the need to protect young people and the need for transparency in the administration of justice. The report found that the aims of the current prohibition in section 11 of the Act remain valid, namely, to protect children from the stigma of being associated with a crime, whether they are offenders, victims, or witnesses, and to assist in their rehabilitation and recovery. The standing committee concluded that section 11 should remain, but noted the difficulties that the current configuration of the prohibition can cause some victims, their families and media organisations. The recommendation of the Standing Committee to the Standing Committee of Attorneys-General was to reach an agreement for a nationally consistent framework and effective prohibition relating to the publication of names of children.

The bill replaces section 11 of the Children (Criminal Proceedings) Act 1987 with a newly drafted offence, which provides greater clarity on the prohibition on publishing or broadcasting a person's name in a way that connects that person with criminal proceedings involving children and sets out the exceptions to that prohibition. First, the bill limits the offence to a publication or broadcast to the public or section of the public by means such as newspapers, radio, television and the Internet. In line with recommendation 5 of the report, the bill makes it clear that the offence will not cover legitimate activities of the New South Wales Police Force or the activities of judicial officers and legal practitioners undertaken in the normal course of criminal proceedings.

In accordance with recommendation 8 of the committee's report, the bill provides a specific exemption for anything done by a member of court staff or court official in the proper exercise of their official functions, such as posting court lists or calling the name of a child into court. Hence, functions carried out by court personnel will not be caught by this offence. A second key amendment of the bill is to allow a child who is over the age of 16 to consent to the publication or broadcast of his or her name if that consent is given in the presence of a legal practitioner of the child's choosing. This amendment gives effect to recommendation 6 of the committee's report. Under the current law, those who are 16 to 18 years of age may give permission to publish their name in situations where it is not in their best interests and where they do not have the benefit of advice from a parent, other adult or legal representative. The amendment gives full effect to this recommendation by the committee.

A third key element of the bill is that it sets out an inclusive range of circumstances the court must consider in determining whether to authorise the publication of the name of a person being sentenced for a serious children's indictable offence. These matters include the level of seriousness of the offence, the effect of the offence on any victim, including the family of the victim in homicide cases, the weight to be given to general deterrence, the subjective features of the offender and the offender's prospects for rehabilitation. The court must also have regard to such other matters that it considers relevant, having regard to the interests of justice. This is intended to include the views of the victim of the offence in terms of how they believe the offence has affected them. Many people in the community will appreciate this addition.

Proposed section 15C provides that the court will be required to have regard to certain specified matters when deciding whether to authorise the publication or broadcasting of a name of a person being sentenced for a serious children's indictable offence. The Standing Committee on Law and Justice recommended these amendments to alter the existing requirement under section 11 (4C) that the court be satisfied that the making of such an order is in the interests of justice and that the prejudice to the offender does not outweigh those interests. Accordingly, proposed section 15C provides clearer legislative guidance to the courts regarding how to exercise its discretion.

Finally, another key element of the bill is under proposed section 15E, which provides that if there is no senior available next of kin who can consent to the publication or broadcast of the name of a deceased child, the court will be able to give that consent if the public interest so requires. Section 11 of the Children (Criminal Proceedings) Act 1987 reflects Australia's endorsement of various United Nations instruments relating to the differential treatment of children in the criminal justice system. It recognises their cognitive and emotional immaturity and increased vulnerability compared with adults.

Australia is party to five main international instruments that contain principles relevant to the administration of juvenile justice and the privacy of children in the legal system specifically. The first is the

United Nations Declaration on the Rights of the Child 1959. The second is the United Nations Convention on the Rights of the Child 1989. Article 3 (1) of the United Nations Convention on the Rights of the Child provides that in all actions concerning children, whether undertaken by courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Furthermore, Article 16 of the Convention on the Rights of the Child protects children from arbitrary or unlawful interference with their privacy. Under Article 40 the privacy of a juvenile offender must be respected at all stages of criminal proceedings.

The third instrument is the United Nations International Covenant on Civil and Political Rights. The fourth is the United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985. These are commonly known as the Beijing Rules and provide that in the administration of justice a juvenile's right to privacy should be respected at all stages. The fifth instrument is the United Nations Guidelines for the Prevention of Juvenile Delinquency 1990.

High-profile crimes involving juveniles often lead to a call for the "naming and shaming" of juvenile offenders. This action is short-sighted since it is likely to stigmatise the offender and impact negatively on their rehabilitation, increasing the likelihood of reoffending. Ultimately it satisfies no-one. Every day a thousand young people are incarcerated in detention centres across Australia. New South Wales is one of the States with the highest number of incarcerated juveniles. The New South Wales Auditor General's report to Parliament for 2007 states that annual numbers of children in detention held steady at around 3,600 until a recent jump to 4,236 and another significant increase in the 2007-08 period to 5,081. I believe this is a shameful situation, particularly as many of those young people are kept in detention for a long time while they are on remand without having been convicted of any crime.

Publicly naming juvenile offenders can cause stigma, hinder their rehabilitation and lead to an increase in recidivism. The Chief Magistrate's Office quoted a 2006 judgement from the Northern Territory Court of Appeal as an example of the court's formal recognition of views from psychiatry, psychology and criminology that naming juvenile offenders is likely to act against their rehabilitation. It stated:

The fact now almost universally acknowledged by international conventions, State legislatures and experts in child psychiatry, psychology and criminology, is that the publication of a child offender's identity often serves no legitimate criminal justice objective, is usually psychologically harmful to the adolescents involved and acts negatively towards their rehabilitation.

It is for these reasons that I support the bill and commend it to the House.

The Hon. HENRY TSANG (Parliamentary Secretary) [9.02 p.m.], in reply: I thank honourable members for their contribution to the debate. This bill redrafts section 11 of the Children (Criminal Proceedings) Act 1987 to improve its clarity and to make its application easier to understand for all concerned, including the courts, police, the legal profession, victims and their families, and media organisations. This bill will be part of a nationally consistent and effective prohibition relating to the publication of the names of children who are involved in criminal proceedings.

The bill will make the reach of section 11 more targeted by prohibiting publication or broadcast of a person's name to the public or a section of the public, thereby allowing the legitimate law enforcement and investigative activities of the New South Wales Police Force, and the legitimate activities of judicial officers and legal practitioners carried out in the normal course of a criminal proceeding, to continue unhindered. It will provide a further specific exemption to allow legitimate activities of court staff and court officials, carried out in the normal course of a criminal proceeding, to also continue unhindered.

The bill will allow 16-year-olds and 17-year-olds who wish to give consent for their name to be published or broadcast to do so in the presence of an Australian legal practitioner of the child's choosing; provide clearer circumstances when consent may be given to the publication or broadcast of a deceased child's name; and provide an inclusive list of factors to be taken into account by a court when determining whether it is in the interests of justice to authorise the publication or broadcasting of the name of an offender being sentenced for a serious children's indictable offence.

I now address the issue raised by Ms Sylvia Hale, who asked why the prohibition has not been extended to cover the period before charges are even laid against a child and to include juveniles who are reasonably likely to become involved in criminal proceedings, as per recommendation 4 of the standing committee's report. Ms Hale is aware, of course, that an extended provision of this nature does not exist in any other Australian jurisdiction, but she does not understand that in an age of Internet news and immediate

reporting, such a radical departure from existing arrangements would be unworkable. In keeping with the acknowledgement of the Legislative Council Standing Committee on Law and Justice, the Government has instead sought and obtained agreement to a nationally consistent approach to protecting the identity of children who are involved in criminal proceedings. The feasibility and rationale of such an extended provision may be considered as part of a nationally uniform prohibition.

I note Reverend the Hon. Fred Nile's comments about the use of the terms "child", "juvenile", and "young person" in debate on the bill. While these terms are sometimes used interchangeably in discussing this area of law, for the information of the member, the term "child" is used throughout the Act to describe a person under the age of 18. At least it is consistent in this bill. The bill has been the subject of extensive consultations with the courts, police, media organisations, the Victims Advisory Board, the Law Society, Legal Aid, the Director of Public Prosecutions, the Public Defender and the Bar Association. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Henry Tsang agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

STATE REVENUE LEGISLATION AMENDMENT (DEFENCE FORCE CONCESSIONS) BILL 2009

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [9.08 p.m.], on behalf of the Hon. Eric Roozendaal: 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.

In introducing the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009 the New South Wales Government is leading the way for national reforms to the first home buyers program to support defence personnel. This is an Australian first: the first time that a State has legislated specifically to ensure that defence personnel are able to claim the same benefits as everyone else. The New South Wales Government administers a number of State and Commonwealth first home benefit schemes through the Office of State Revenue.

The First Home Owners Grant is a grant of \$7,000 to assist in the purchase of a first home. The grant is a national scheme, funded by the States and Territories, which operates on a uniform basis under the Intergovernmental Agreement on Federal Financial Relations. The First Home Owners Grant has been complemented since October 2008 by the First Home Owners Boost, a temporary additional grant funded by the Commonwealth. These payments were reduced in value at the end of September and will expire on 31 December 2009.

The New South Wales New Home Buyers Supplement is a temporary assistance program, announced in last year's mini-budget, that operates until 30 June 2010. Like the First Home Owners Grant, the New South Wales Government funds the supplement. It provides a grant of \$3,000 to first home buyers purchasing a newly constructed dwelling. It is an important stimulus to our housing construction sector. This grant is in addition to the First Home Owners Grant and the First Home Owners Boost.

First Home Plus provides a stamp duty exemption on all first home purchases up to \$500,000 in value and a further concession for properties worth between \$500,000 and \$600,000. This program is worth up to \$17,990. First Home Plus One also provides a stamp duty concession for first home buyers who are purchasing under a shared equity arrangement with a financial institution or another person. Under these schemes, New South Wales first home buyers currently receive up to \$34,990 in grants and stamp duty cuts, which are among the most generous in Australia.

A key requirement of all these first home benefit schemes is that the new homeowner must live in the dwelling as his or her principal place of residence. Under this residence requirement, at least one of the applicants is required to occupy the home as the applicant's principal place of residence for a period of at least six months commencing within 12 months of purchase. The residence requirement is intended to ensure that the benefits are received on the purchase of a first home for owner occupation, not a first investment property. The Office of State Revenue conducts checks to ensure that applicants comply with the residence requirement, and applicants who do not are required to repay the grant and pay the duty, and in some cases may be subject to penalties. To overcome any unfair application of the time limits, the chief commissioner of State Revenue has the discretion to reduce the period of occupation, to extend the period during which occupation commences, or to exempt an applicant from the residence requirement entirely.

The First Home Owner Grant discretion is administered subject to national guidelines. For consistency, the same guidelines are also applied to applicants for the New South Wales Government's other assistance schemes for first home buyers. For many Australian Defence Force personnel, however, the nature of their employment is such that they are unable to comply with the residence requirement, and would also be unable to benefit from the discretions to fully or partly waive that requirement. This is due to the requirement for Australian Defence Force members to provide unrestricted service such that they must be free to be posted or deployed across Australia and overseas if necessary. Operational requirements and a rotation policy mean that Australian Defence Force personnel will normally be moved to different localities a number of times during their careers, sometimes at short notice. In addition, deployments of Australian Defence Force personnel within Australia and overseas occur on a sometimes unpredictable basis in response to events such as peacekeeping missions and natural disasters, as well as deployment to locations at or near war zones.

As a result of the unrestricted service requirement for Australian Defence Force personnel, many may effectively be locked out of eligibility for first home benefits if they choose to buy a home while in the service. This is so even if the person intends to use the home in the period after completing service in the Australian Defence Force as his or her principal place of residence. In cases where benefits are obtained on the purchase of a home that was bought with the genuine intention of occupying it as the applicant's principal place of residence, failure to satisfy the residence requirement could result in the applicant being liable to pay or repay significant amounts to the Office of State Revenue.

The Government wants the rules reformed so that the men and women serving and protecting our country are not unfairly disadvantaged. The bill provides equivalent financial assistance to members of the permanent Australian Defence Force who are unable to meet the residence requirement for the First Home Owner Grant and the other first home owner assistance schemes provided by the New South Wales Government. As a result, members of the Australian Defence Force who are otherwise eligible for first home assistance will be able to obtain and retain those benefits without being disadvantaged by the requirement for unrestricted service with the Australian Defence Force. Members of the Army Reserve, Naval Reserve and Air Force Reserve are not subject to the same unrestricted service requirement as members of the permanent defence forces. The proposed assistance will therefore apply only to members of the regular Army, the permanent Navy and the permanent Air Force. This initiative will apply from the date this bill was introduced.

Amending the residency provision in the First Home Owner Grant Act 2000 and the criteria in the Duties Act 1997 for first home owner assistance will support service men and women doing their job and will give them one less thing to worry about while they are serving Australia's interests. The Australian Defence Force has about 3,000 members deployed to 12 different overseas operations, including in Iraq, Afghanistan and East Timor. About 500 Australian Defence Force personnel are involved in domestic operations, such as protecting Australia's borders, and they can also be called interstate at short notice. The men and women who serve in our armed forces are prepared to sacrifice their lives in active duty and deserve to be supported in every way possible. That is why the New South Wales Government is asking the Commonwealth and other States to support our push to change the rules for defence personnel in relation to first home owner grants. I commend the bill to the House.

The Hon. MATTHEW MASON-COX [9.09 p.m.]: It is my pleasure on behalf of the Opposition to support the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009. It is worth noting that the bill seeks to amend the First Home Owner Grant Act 2000 to allow a grant similar to the first home owner grant to be paid to members of the Defence Force who are first home owners but who do not comply with the residence requirement for the first home owner grant. It also amends the Duties Act 1997 so that members of the Defence Force do not have to comply with the residence requirement to be eligible for duty concessions under the First Home Plus Scheme.

By way of background, the Treasurer announced these concessions for defence force personnel during Treasury estimates hearings on 15 September. However, shortly thereafter the Chief Commissioner of State Revenue, Mr Newbury, admitted that no research had been done on the number of personnel likely to take up the concessions, and he could not provide an estimate of the funds that would be required. Naturally, the absence of such an analysis could not deter the Treasurer from grandstanding in budget estimates committee hearings—he obviously needed a headline and something positive to say in respect of the questioning from those present.

I note that there are currently around 3,000 members of the Australian Defence Force and that an estimate that could be derived on the basis of the likely take-up from those defence force personnel is in the vicinity of \$2 million to \$3 million. However, it would be appreciated if the Parliamentary Secretary or the Treasurer were able to provide in the reply some details as to the likely cost of these concessions. The arguments for these concessions are compelling. Defence force personnel have been unfairly prejudiced in relation to the first home buyer concession due to the nature of their job, in the sense that many defence force

personnel are not able to live in the residence for the minimum six months required due to their service overseas. The bill enables an important stakeholder to qualify for stamp duty concessions—which is an anomaly that should have been addressed long before this.

Such an anomaly has become somewhat commonplace under this Labor administration. Indeed, one need only cast one's mind back to the parking space levy, a measure introduced by the Government under the guise of last year's mini-budget. I note the similarity between the parking space levy and this legislation, in the sense that no analysis was done of the budget implications of the introduction of such a measure. Indeed, the parking space levy was almost doubled in the mini-budget, but the impact on businesses and on congestion in the Sydney central business district was not in any way assessed. This is something that the Opposition finds neglectful, at the very least. Certainly it is a hallmark of the way this Government seems to do business. Another example is the Labor Party's historic electricity privatisation—historic in that it continues and, in a similar vein, lacks analysis and proper research.

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. The House is debating the State Revenue Legislation Amendment (Defence Force Concessions) Bill, which relates to first home owner grants for members of the Australian Defence Force. I ask you to direct the Hon. Matthew Mason-Cox to return to the leave of the bill.

The PRESIDENT: Order! While traditionally second reading debates in this House are wide ranging, members are constrained by the long title of the bill, to which I ask the Hon. Matthew Mason-Cox to address his remarks.

The Hon. MATTHEW MASON-COX: The similarities across a whole range of areas are certainly there for all to see. I can understand the sensitivity of the Hon. Lynda Voltz in respect of electricity privatisation. The ongoing sensitivity in that regard is noted. I return to the tenor of the bill. Naturally, the Opposition will support the bill as it grants just relief to our defence force personnel, whose selfless sacrifice on behalf of our nation should not only be recognised but also respected. Accordingly, anomalies that disadvantage this important group in our community should be addressed. The bill is a matter of equity and deserves the support of the House. I commend the bill to the House.

Reverend the Hon. FRED NILE [9.13 p.m.]: On behalf of the Christian Democratic Party I am pleased to support the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009. The bill removes an anomaly that obviously was not deliberately intended but that discriminated against members of the Australian Defence Force, in particular regular members of the army, navy and air force. As members know, we have more than 3,000 members deployed in 12 different overseas operations, including in Iraq, Afghanistan and East Timor. Those defence force members, and others who will serve Australia in the future, have been seriously discriminated against because they could not apply for the various first home buyer benefits that are available to all other Australians.

The bill amends the First Home Owner Grant Act 2000 and the Duties Act 1997 to remove a potential impediment to Australian Defence Force personnel receiving first home benefits. The bill will effectively remove the residence requirement for Australian Defence Force personnel who are unable to satisfy existing criteria to receive the grant and stamp duty concessions. However, this will only apply to regular members of the Australian Defence Force. The legislation will improve their ability to access the \$7,000 first home owner grant and the stamp duty concessions under First Home Plus or First Home Plus One, worth up to \$17,990. Applicants may also be eligible for the temporary first home owner boost of \$7,000 or \$3,500, and the \$3,000 New South Wales new home buyers supplement. I am sure this will be received with great pleasure by members of our Australian Defence Force, who should be able to have the security of having a home even though they may be called to serve for a year or two years overseas. We are very pleased to support the bill.

Dr JOHN KAYE [9.16 p.m.]: On behalf of the Greens I speak to the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009. The bill amends the First Home Owner Grant Act 2000 and the Duties Act 1997 to make provision for grants and duty concessions in respect of Defence Force personnel. The bill allows full-time Defence Force personnel to access first home owner grants and stamp duty concessions without the need to meet the residence requirement. Under the current residence requirement a recipient must live in the dwelling as a principal place of residence for at least six months, commencing within 12 months of purchase. The intent of the requirement is to ensure that the benefits are received for owner occupation and not in relation to investment property. The bill recognises that this restriction places unreasonable barriers to access on defence force personnel.

We are talking about a substantial amount of money here. As has been outlined, the grants and stamp duty cuts currently available to first home buyers total up to a maximum of \$34,990. Our reservations in respect of this bill do not relate to support for defence force personnel. We agree that it is unreasonable to place barriers to access on defence force personnel, given the mobility that is required of them and their families in order for them to fulfil the terms of their service, and in particular given the difficulty of being required to be in one place for at least six months.

We note that defence force personnel have access to rental assistance. However, that does not assist them in purchasing their own home, which is particularly important to them at the time of their departure from the defence force. We therefore have no reservations about granting these concessions to members of the Australian Defence Force. Our reservations in respect of the bill relate principally to extending the provisions regarding stamp duty concessions and first home owner grants, which of themselves are not helpful in alleviating the affordability gap that exists within Australian society. In particular, the absence of means testing with regard to stamp duty concessions and first home owner grants results in the money being poorly targeted. The mode of delivery means that the money is spent largely on inflating prices. It becomes a bonus to the vendors.

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. The House is debating the State Revenue Legislation Amendment (Defence Force Concessions) Bill. I ask you to direct Dr John Kaye to address the bill.

Dr JOHN KAYE: To the point of order: The legislation specifically refers to amending the First Home Owner Grant Act 2000 and the Duties Act 1997. The legislation extends the availability of the first home owner grant to a new class of people who previously would not have had access to it. Therefore, it is totally appropriate in debating the bill to speak about some of the negative impacts that that extension might have.

The Hon. Lynda Voltz: To the point of order: The Act specifically provides that members of the Australian Defence Force who are enrolled to vote in New South Wales elections do not have to comply with the residence requirement to be eligible for the scheme. My point of order relates to relevance. This is a Defence Force requirement. The amendments in this bill will ensure that defence force personnel are eligible for the scheme.

The PRESIDENT: Order! I again remind members that the bill before the House is for an Act to amend the First Home Owner Grant Act 2000 and the Duties Act 1997 to make provision for grants and duty concessions in respect of defence force personnel. Debate that is in accord with that long title is in order. Debate that is outside the leave of that long title is not in order. I ask the member to bear my ruling in mind as he continues.

Dr JOHN KAYE: Mr President, I appreciate your ruling and I will endeavour to confine my remarks to the long title. Before the point of order was taken I was saying that this bill extends the range of people who will be able to access the concessions that are currently available under the First Home Owner Grant Act 2000 and the Duties Act 1997. As the Greens are concerned about the operation of both those Acts, their extension will extend the adverse impact of any inflated prices, in particular, for properties at the bottom end of the market, and that will be a bonus for vendors.

Reverend the Hon. Fred Nile: It affects a small number of people.

Dr JOHN KAYE: As Reverend Nile correctly observed, it affects a relatively small but highly deserving number of people. However, that is not the point I am making. The point I am making is that it will extend the adverse impact of any inflated prices—an issue about which a large body of opinion says we are going in the wrong direction.

The Hon. Greg Donnelly: Who said that?

Dr JOHN KAYE: I am glad the Government Whip asked that question. The people who say that are members of the Rudd Government's advisory committee on housing affordability. In May 2009 they criticised the extension of the First Home Owner Grant and said:

... the grant's extension will mean first-home buyers will continue paying inflated prices for bottom end properties at a time when the market should be moderating.

I inform the Government Whip that former ANZ Chief Economist Saul Eslake, another person who was quite critical of these grants—the Government Whip would recognise Saul Eslake as a leading voice and commentator on the issue—said:

Anything which puts additional cash in hands of buyers (such as grants or stamp duty concessions) results merely in more expensive houses.

The Hon. Lynda Voltz: Point of order: My point of order again relates to relevance. This amendment will include under the residence requirement a special provision for members of the Australian Defence Force. The amendment is not an extension of the Act; members of the Defence Force are already eligible to apply for this concession. This amendment will include in the bill a special residence provision. I ask you to rule on relevance and to request the member to debate only the long title of the bill.

The PRESIDENT: Order! I ask all members to bear in mind the long title of the bill.

Dr JOHN KAYE: I have come to the end of my remarks other than to say that the Greens do not oppose this bill. It freely opens up access, removes current residency requirements and leaves rather open access to the First Home Owner Grant and stamp duties concessions. I ask the Parliamentary Secretary, in his reply to debate on the second reading, to address the mechanisms that will be put in place to ensure that those provisions will not be rorted, that is to say, people will not use the First Home Owner Grant and the stamp duty concessions provisions in this legislation—we are extending those provisions and we are removing the residence requirement—to purchase a rental property, as that would be against the spirit of the principal Act that this bill seeks to amend. Having put that issue on the table I commend the bill to the House.

The Hon. LYNDIA VOLTZ [9.24 p.m.]: I wish to refer to some of the comments made about the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009. Members would be aware that defence force personnel are often required to leave the country and go overseas on operations. Defence force personnel are also moved to many different locations within Australia. In my six years of serving in the regular Army I was moved at least 10 times. Moving around to that extent makes it difficult for defence force personnel to purchase property. As Dr John Kaye said earlier, when service personnel leave the Defence Force and are resettled they must be given some security.

The New South Wales Government is simply amending the Act to ensure that members of the Defence Force are eligible for a grant for which everybody else in New South Wales can apply. This bill does not seek to extend their concessions and they will not receive concessions that anyone else does not receive. The Hon. Matthew Mason-Cox referred earlier to the cost of this exercise. The cost of this exercise will not exceed the cost of home grants, stamp duty exemptions and concessions that are available to everybody else. In 2008-09 the cost of those concessions was \$1.3 billion. This bill will ensure that defence force personnel can apply for those grants and concessions.

The Hon. Trevor Khan: We are with you.

The Hon. LYNDIA VOLTZ: I am clarifying the points that were raised earlier by the Hon. Matthew Mason-Cox. This bill will give defence force personnel clarity and certainty that they can purchase a property without the fear of having to repay the New South Wales Government if they are posted to Townsville, Darwin, Iraq or Afghanistan. I know that most members in this Chamber will wholeheartedly support this straightforward amendment to the Act.

Reverend the Hon. Dr GORDON MOYES [9.27 p.m.]: I support the main thrust of the arguments put forward by the Hon. Lynda Voltz and thank her for them. I speak briefly in debate on the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009, which has been introduced to ensure that people serving in the Australian Defence Force [ADF] are able to enjoy the same first home buyer benefits that other Australians enjoy. Members of the regular Army, permanent Navy and permanent Air Force are subject to an unrestricted service requirement under which they must be free to be posted or deployed across Australia or overseas, if necessary. Hence Australian Defence Force personnel are unable to comply with the residence requirement that applies to all first home benefits administered in New South Wales by the Office of State Revenue. Under the residence requirement, a first home owner must live in the home for at least six months, within 12 months after the purchase of the home. The objects of this bill are as follows:

- (a) to amend the First Home Owner Grant Act 2000 to allow a grant, similar to the first home owner grant, to be paid to members of the Defence Force who are first home owners but do not comply with the residence requirement for the first home owner grant, and
- (b) to amend the Duties Act 1997 to provide that members of the Defence Force do not have to comply with the residence requirement to be eligible for duty concessions under the First Home Plus scheme.

Australian defence force personnel are required to provide unrestricted service, and that means that they must be free to be posted or deployed across Australia and overseas, if necessary. Operational requirements and a rotational policy mean that Australian Defence Force personnel are likely to be moved to various localities a number of times, sometimes at short notice, and often on an unpredictable basis in response to events such as peacekeeping missions as seen in Timor, natural disasters as seen in the Asian tsunami and in Indonesia, and wars such as those in Afghanistan and Iraq. As a result of the unrestricted service requirement, many Australian Defence Force personnel may be excluded from eligibility for first home benefits. Accordingly, the bill makes amendments to provide equivalent financial assistance to members of the permanent Australian Defence Force who are unable to meet the residence requirement for the First Home Owner Grant and other first homeowner assistance schemes provided by the New South Wales Government.

Under the bill, members of the Australian Defence Force who are otherwise eligible for first home assistance will be able to obtain the first home buyers benefit without being disadvantaged by the requirement for unrestricted service with the Australian Defence Force. It is important to note that members of the Army Reserve, Navy Reserve and Air Force Reserve are not subject to the same unrestricted service requirement as those of the permanent defence force. Therefore, the proposed assistance will apply only to members of the regular army, the permanent navy and the air force. The bill is in the best interests of service men and women and their families. It will do a great deal to provide solid future family planning. It will also give a great deal of emotional and psychological support, particularly to the spouses of service men and women whilst our Australian Defence Force personnel are serving throughout Australia or overseas. The bill will enable and assist members of the Australian Defence Force and their families to establish their own home. It is for that paramount reason that I commend it to the House.

The Hon. HENRY TSANG (Parliamentary Secretary) [9.30 p.m.], in reply: I thank all members who have contributed to this debate. The State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009 is an important piece of legislation that will ensure that defence personnel are able to enjoy the same first home owner benefits as other Australians. It is also an Australian first, with New South Wales leading the way in legislating for these changes to make it easier for those in our Army, Navy and Air Force to realise the great Australian dream of home ownership. I would like to take this opportunity to respond to issues raised by the Opposition, both here and in the other place.

Firstly, and most importantly, I am disappointed that the member for Manly took the opportunity when debating the bill to once again talk down the State's economy. As honourable members would be aware, the Treasurer has spoken at great length about the green shoots of economic recovery that are starting to appear. Yet Opposition members want only to talk down the economy, while continuing to oppose vital stimulus measures. There have been a number of positive signs in our economy and the fact that the shadow Treasurer chooses to ignore these is a damning indictment on him and the Coalition.

For the information of all members, this bill has been modelled and costed by Treasury and on this point the Opposition has got it wrong once again. The Office of Financial Management has modelled the costs of this reform, whereas the Office of State Revenue, to whom the original question regarding costing was directed, will be responsible for administering the program. The Hon. Matthew Mason-Cox asked the same question again. I remind him that the Treasurer provided the cost of this measure to the budget during the estimates committee hearing.

The Hon. Matthew Mason-Cox: And what was it?

The Hon. HENRY TSANG: The Hon. Matthew Mason-Cox should talk to his shadow Treasurer.

The Hon. Matthew Mason-Cox: No, you should talk to your Treasurer.

The Hon. HENRY TSANG: No. We are not going to do the research for the Hon. Matthew Mason-Cox; we have given him the figure already. In fact, the Hon. Lynda Voltz, who is a most able member, has already given him a hint. In response to the concerns expressed by Dr John Kaye, the Office of State Revenue has a rigorous compliance unit that will ensure that only those who are entitled to receive benefits will do so. The Australian Defence Force currently has around 3,000 members deployed overseas in places such as Afghanistan, Iraq and East Timor. They are often called away at short notice, which in turn makes it difficult for many defence personnel to meet the residency requirement when purchasing their first home. These reforms will ensure that they do not unfairly miss out on the State and Federal governments' generous first home owner programs.

The reforms include a \$7,000 grant for all first home buyers; an exemption on stamp duty for all homes worth up to \$500,000, with a concessional rate of stamp duty payable on homes valued between \$500,00 and \$600,000, which is worth up to \$17,990 per home, and a New South Wales initiative; a further \$3,000 grant to first home buyers purchasing a newly constructed home, which is designed to add an extra incentive for New South Wales first home buyers and help stimulate the housing construction sector; and the Federal Government's boost payments, which were worth up to \$14,000 from their inception last October until the end of September this year and are valued at up to \$7,000 until the end of 2009. These payments have been an important part of the Rudd Government's economic stimulus plan, with higher payments targeting buyers of newly constructed homes. This legislation means that the men and women who are putting their lives at risk serving Australia have one less thing to worry about whilst on deployment. It ensures that they do not miss out on our generous assistance programs for first home buyers. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. 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.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [9.37 p.m.]: I move:

That this House do now adjourn.

ASSOCIAZIONE PUGLIA THIRTIETH ANNIVERSARY

The Hon. DON HARWIN [9.37 p.m.]: On Saturday, October 24, 2009 it was my pleasure to attend the thirtieth anniversary gala ball of the Associazione Puglia Co-operative (New South Wales) Ltd, along with my colleague the Hon Marie Ficarra, Leichhardt Councillor Tony Costantino and the Italian Vice Consul in Sydney, Allesandro Falcetti. It was a tremendous evening and I extend a vote of thanks to the association for its invitation to attend. Through my friend Felice Montrone I have observed the work of the association, and in 2004 I attended its twenty-fifth anniversary function. I was delighted to be amongst the Pugliese of Sydney once again as they celebrated another milestone for their association last Saturday evening.

The association is the local link with the Puglia region. The event was an opportunity to acknowledge the important contribution made by the association to the communal life of the Pugliese in New South Wales. In Sydney there are about 10,000 Apuli-Australians, largely concentrated in the Canada Bay, Leichhardt and Ryde local government areas. The association has formed a cooperative, being formally constituted in 2003 under the Cooperatives Act. Through its own efforts, the association has built a social centre for the Pugliese community in Renwick Street, Leichhardt, which has become the focus for community activities.

The anniversary function was also an opportunity to remember the hard work of the volunteers who are the lifeblood of their association. They do tremendous work preserving the heritage, language and culture of the Pugliese and keeping the spirit of Puglia alive in Sydney and New South Wales. We also reflected upon the generosity of the benefactors who have supported the work of the association and the dedicated association leaders who have been its stewards over the past 30 years. One of the highlights of the evening was a spectacular audiovisual presentation chronicling the history of the association and featuring many of its stalwarts and benefactors—I even got a cameo. It was a beautiful testimony of the association's first 30 years and a moving record of the association's achievements over that time. I am delighted that the DVD has been

made for the enjoyment of generations of Pugliese for years to come. But, as a great supporter of the importance of documenting our multicultural heritage, I believe this DVD will be important for future researchers in understanding the association's contribution to communal life, which is a good thing.

On a similar note, there was great excitement that a new history of the Pugliese community in New South Wales will be released in November. Entitled "Per la vie del mondo", the history has been written by Dott. Gianfranco Cresciani and published by the Federazione delle Associazioni Pugliesi del New South Wales in association with the Regione Puglia. Another highlight of the evening was the presentation of awards to members of the Pugliese community. Three outstanding individuals received certificates of merit for services to the Pugliese in New South Wales: Vince Cammareri of the travel agency of the same name in Norton Street Leichhardt, which is a major sponsor of the gala ball; Fausto Biviano, the proprietor of the Mediterranean House in Ramsay Road, Five Dock, where this gala ball and many other community functions were held; and Padre Atanasio Gonelli of St Fiacre's Church in Leichhardt.

Also recognised with awards presented by the president of the association's board of directors, Gianni Carelli, were members of the association's board and other deserving individuals. They were Vice-President Felice Montrone, Secretary Pino Liantonio, Treasurer Len Volpicella, Major Projects Director Alfonso Di Monte, Social Functions Director Riccardo Montrone, and Social Functions Coordinator Leo Miranda, along with Giuseppe Lantonio, Pasquale Caravella, Theresa Miranda, Vincenzo Dentamaro and Lucio Denichola. There was great music and the dance floor was full all evening—except, of course, when the floor cleared to hear Gaetano Bonfante, the fabulous tenor who sings with Opera Australia. He had function guests shouting to hear more of his fabulous repertoire.

It was a fantastic function and hundreds of people attended to celebrate the association's work over the past three decades. I extend my congratulations to the Associazione Puglia New South Wales on 30 years of fantastic work, and particularly to its dedicated board of directors. I pay particular tribute to my great friend Felice Montrone. I have enjoyed my relationship with the association and the community over many years. I salute his dedication to his community and all his charitable work. He is a great Australian. Thanks also to the board of directors for their hospitality. They have done a great job over 30 years. I can only conclude by saying: Viva Associazione Puglia!

BRANDY MARYS VOLUNTARY CONSERVATION AGREEMENT

Mr IAN COHEN [9.41 p.m.]: For five years Jim and Mary Kelton have sought to protect the significant Aboriginal cultural heritage and biodiverse landscapes on their Crown leasehold land, Brandy Marys. Located 50 kilometres east of Tumbarumba along the western edge of Kosciuszko National Park, Brandy Marys is a rare ecological jewel and an unrivalled biodiversity hot spot. From the montane peatlands to the unique Aboriginal cultural heritage and the biorich native flora and fauna, Brandy Marys is an unmistakeable candidate for conservation and protection. Brandy Marys, which falls within the boundaries of Bago State Forest, has received widespread community acknowledgement for its natural beauty and biodiversity, with more than 200 community members signing petitions to support the Keltons.

As Jim and Mary fought for conservation protection, an increasing group of people, including the High Country Conservation Alliance, Brungle Tumut Local Aboriginal Land Council, Snowy Mountains Indigenous Elders Corporation and the Murray Lower Darling River Indigenous Nations, have come to recognise the significance of Brandy Marys. Found on the 900 hectares of the Brandy Marys leases are 53 native orchid species, six of which are listed as New South Wales critically endangered species. Brandy Marys is also home to 67 fauna species recorded on the New South Wales National Parks and Wildlife Service Wildlife Atlas, four New South Wales endangered listed mammal species and three endangered listed native bird species. The remnant, unlogged montane old-growth forests, with trees dated as being in excess of 500 years old by Australian National University [ANU] forest ecologist specialist Dr Julian Ash, are in dire need of protection.

More than 120 Department of Environment, Climate Change and Water Aboriginal Heritage Information Management System [AHIMS] database registered Aboriginal sites are known to fall within the boundaries of Brandy Marys. An independently conducted Aboriginal archaeological report by Mills Archaeological and Heritage Services on the Aboriginal heritage values contained within the leases confirmed the high Aboriginal cultural values. The survey and report made recommendations for the protection in perpetuity of the unique montane forests that form part of the Aboriginal archaeological cultural landscape in the Tumbarumba shire. Jim and Mary have put their hearts and souls into protecting this amazing landscape.

They go to considerable expense to enhance the environmental values of this land. For the past five years they have sought to place a binding conservation agreement on the land to protect these precious environmental values in perpetuity.

While the Department of Environment, Climate Change and Water would readily enter into an agreement with the Keltons, the consent of Minister Macdonald is also required because the Crown leases cover land within a State forest. On 3 June 2009, Minister Macdonald advised Mr Kelton after five years of surveys, assessments and negotiation that the Forestry Act 1916, the provisions of the Southern Regional Forestry Agreement and the Forestry and National Park Estate Act afforded adequate conservation of environmental values to the area covered by the Brandy Marys leases. In light of these so-called forestry-orientated legislative protections, there was no need for Mr Kelton to place a voluntary conservation agreement on Brandy Marys. Minister Macdonald's assertion that the forestry legislation will protect and enhance environmental and cultural heritage values within the perpetual Crown leaseholds at Brandy Marys is simply incorrect. Only one-third of the lease is zoned special management zone and subsequent survey work has actively demonstrated that special conservation zones do not include areas of greatest ecological or cultural heritage values.

Beyond the underlying fallacy of Minister Macdonald's reasoning for rejecting a voluntary conservation agreement is the misapprehension by the Minister of conservation and ecosystem management. Conservation and ecosystem management is active, not passive. How are environmental and heritage values enhanced and improved simply through zoning, in and of itself? The Minister's decision to reject the conservation agreement prejudiced the Working on Country funding application of the Murray Lower Darling Rivers Indigenous Nations to undertake environmental remediation and Aboriginal cultural heritage protection on the site. The Hon. Verity Firth has articulated previously the New South Wales Government's policy position on voluntary conservation agreements. She stated:

The Government is committed through its State Plan to encouraging private and other public landholders to be involved in protecting and conserving significant natural and cultural heritage on their land. Recognition of their voluntary commitment to dedicate their land under an in-perpetuity conservation agreement needs to be supported by the whole community.

People such as Jim and Mary Kelton are the types of community members to whom we should be giving our full support. They are committed environmental stewards who want to give back to the land on which they live. They do not deserve to be left hanging on the false promises of government departments for five years only to have glib and irrational decisions thrown back in their faces. We happily help people put solar panels on their roofs, rainwater tanks in their backyards and insulation in their homes. It is time Minister Macdonald started giving support to regional communities and landholders who want to make a contribution to the environmental integrity of our landscape. I urge the Minister to reconsider his decision to withhold consent and to take another look at our need to support the environmental and land management work done by Jim and Mary Kelton.

TRIBUTE TO LYN ALCOCK

The Hon. HELEN WESTWOOD [9.45 p.m.]: Tonight I inform the House about the life of an extraordinary woman who, sadly, passed away on 30 August this year aged just 51. Lyn Alcock was born in Perth on Australia Day in 1958. Her family moved to Sydney when Lyn was nearly four years old. She grew up in the Croydon area and did not stray too far from there when she and her husband, Dave, settled in Bankstown to raise their three beautiful daughters, Leanne, Tania and Ashleigh. It was here that Lyn began her journey to become a passionate advocate for women who have experienced domestic violence. Like so many women of Lyn's generation who find their way into the community services sector, Lyn began her work for the community as a volunteer. After volunteering initially at her daughters' schools, it was not long before Lyn became a member of the Bankstown Family Support Management Committee, thus starting her long association with that organisation.

Lyn soon became a volunteer at the Court Assistance Scheme auspiced by the organisation. Here she began working with women escaping domestic violence. She would escort women to court and support them through the court system. She was highly valued for her compassion and ethics and, not surprisingly, was offered paid employment within the Court Assistance Scheme. For six years Lyn was employed as Coordinator of the Bankstown Women's Domestic Violence Court Assistance Scheme. In her capacity as coordinator of the scheme, Lyn worked closely with government bodies, community organisations, local police, court staff and solicitors to ensure that women were safe, provided with comprehensive and accurate information, and received respect and empathy. She ensured also that effective services were provided to women from culturally and linguistically diverse backgrounds. Lyn was the catalyst for the White Ribbon Day campaign in Bankstown. She

worked with various organisations, schools and community groups to raise awareness about domestic violence, and instigated the development of a poster with statements from various prominent male figures within the Bankstown area. These posters remain the focus of many White Ribbon Day campaigns.

Lyn was integral also to the No Excuse school workshops, which were organised by Bankstown Police to raise awareness of respectful relationships among high school students. In addition, Lyn was committed to Bankstown's Reclaim the Night annual event, which saw her drive a van at every year's march so that women who could not walk the distance were able to participate in the march. Lyn was also a very active member of the 16 Days of Activism and the Bankstown Domestic Violence Liaison Committee. Lyn was nominated for the Justice Medal by the Bankstown Women's Health Centre, on behalf of the Bankstown Domestic Violence Liaison Committee, in recognition of her commitment to women and children escaping domestic violence.

Lyn was held in high regard by all who worked with her—domestic violence workers, magistrates, police, solicitors, sheriffs and court clerks. Her professionalism, dogged determination and dedication were evidenced in so much of her work, which extended beyond the domestic violence court assistance scheme to many other community activities and organisations. Much of her work was undertaken outside paid hours and included, in addition to the activities I have mentioned, Urban Theatre projects, the Bankstown Youth Development Service and the Bankstown Sports Gymnastics Club, to name a few. After 20 years working with domestic violence community services Lyn decided to pursue a career in the Sheriff's Office. She was looking forward to this change in her career path but, sadly, Lyn was unable to complete her training with the Sheriff's Office due to her battle with cancer.

Last year she was diagnosed with ovarian cancer soon after commencing her new role at the Sheriff's Office. Lyn will be remembered as someone who always gave well above and beyond the call of duty, and for this she will forever be held in high esteem by colleagues from within the judicial system and by those who had the pleasure of working with and alongside her. Her relentless pursuit of justice was infectious, and she changed the lives of those she assisted by her sheer determination to follow a case through to the right outcome. The Bankstown Reclaim the Night event tomorrow night is the first that Lyn will not attend since the event began in 2001.

Reclaim the Night was started in Bankstown in response to the gang rapes that were perpetrated throughout the local area by young men from the area. Bankstown City Council and the community came together to take a united and strong stance against sexual assault. Reclaim the Night is an annual women's event that is held on the last Friday night in October in Bankstown. We march on the last Thursday night. The march symbolises the right of women to walk the streets free from fear of violence or harassment and it draws the attention of the broader community to a woman's right to go about her business—whether it is work, education, or recreation—safely without sexual harassment or sexual assault. This year the steering committee organising Bankstown Reclaim the Night is trying something a little different. Instead of the usual march it is taking over one of the roads in the Bankstown CBD and speaking out about sexual assault and its impact on women. I commend them for their initiative. I know Lyn will be with them in spirit and sisterhood.

I thank all those involved in organising and coordinating the event—Bankstown City Council, which has provided funding; the Department of Community Services; Bankstown Women's Health Centre, particularly its great manager, Sue McClelland; Canterbury Bankstown Domestic Violence Response Team; the Muslim Women's Association; Coolaburoo Neighbour Centre; Centro Bankstown; the local traffic committee; Bankstown police; the State Emergency Service; the council's Roads and Infrastructure unit; St John's Ambulance, which will provide first aid; and of course the many volunteers. Sexual assault is overwhelmingly a crime committed against women. One of the main reasons that women march is to bring to the attention of the public the issues around sexual assault for women and children. I know Lyn will be with them again tomorrow night.

PLANNING TRANSPARENCY AND ACCOUNTABILITY

The Hon. TREVOR KHAN [9.50 p.m.]: On Sunday 25 October 2009 I had the pleasure of attending the opening ceremony of the Local Government Association's annual conference at Tamworth. It is notable that during the opening ceremony both the Mayor of Tamworth and the President of the Local Government Association, Genia McCaffrey, were critical of the planning processes in New South Wales. Their comments were in stark contrast to those expressed recently by the Minister for Planning, Kristina Keneally. On *Stateline* last Friday, 23 October 2009, the Minister for Planning, Kristina Keneally said:

Our planning system is the most streamlined and efficient that it can be, but it does provide transparency and certainty to the community and importantly it provides transparency and certainty to proponents. It is the prescription we think is the right one and it is the prescription we will continue to push to achieve nothing less than the best planning system in the country here in New South Wales.

This view is in stark contrast to the views expressed by Genia McCaffrey, which she eloquently put at the opening of the Local Government Association conference. Ms McCaffrey made clear that a fundamental aspect of planning is that it must have the confidence of the community. Ms McCaffrey said:

I now want to turn to the matter of planning. I think New South Wales lucky to have so many benevolent philanthropists who so readily contribute to political parties without any thought of reward.

I'm sure you have all drawn your own conclusions about the impact of political donations on government decisions generally. It is certainly not my intention to make any allegations of impropriety against anyone. Let's face it, local government has a few skeletons of our own in this particular closet.

Regardless of what we believe, we must acknowledge that government doesn't have the confidence of the community on this issue. More needs to be done to ensure that our policies—at every level of government—reflect wider community values.

As a starting point, I don't believe that our current planning system has the confidence of the community. Local government has to take some of the blame here.

For a myriad of reasons, some beyond our control, our planning processes have not met community needs or expectations.

This opened the door for sweeping changes that have been introduced by the State Government over the past 12 months. These changes, allegedly designed to improve the planning system for our communities, have in fact taken away their right to have a say in decisions which, in many cases, will adversely affect their lives.

Local government recognised that our planning system wasn't working as it should. We have urged the State Government on a number of occasions to undertake an orderly and measured review of our planning laws.

By and large, our approaches have been ignored. Instead the Government appears to be pursuing a crash through.

Take part 3A and State Significant Developments for example. Local government accepts that there are developments of State significance which are properly dealt with by the Government.

But significant is the operative word. We're talking about planning for an Olympic Games or a second Sydney Airport. A block of flats is not of State significance simply because of its construction costs.

I know many of you believe that a residential development, such as Catherine Hill Bay, is a matter for council rather than the State Government.

This year steps were taken to establish the Joint Regional Planning Panels. We have strenuously opposed their introduction and we continue to remain opposed to them.

Communities expect local elected people to make local decisions, not bureaucrats appointed by and accountable only to Macquarie Street.

Later she said:

We intend to make a return to community involvement in planning and a realistic reform of the planning system a significant issue at the next State Election.

The point made by Ms McCaffrey is valid and compelling. The people of this State have lost confidence in the integrity of the planning system and the State Labor Government refuses to acknowledge this fundamental point. Thankfully I have enough time left to make one further point. I take the opportunity to congratulate Penny and Jo on the arrival of Pippi.

POLITICAL DONATIONS

Ms LEE RHIANNON [9.54 p.m.]: When the history of the final months of the Rees Labor Government is written the role of political donations will feature as a major chapter. It will be recorded that the Government flailed around as scandals broke around it. But rather than fix our weak electoral funding laws or commit to ending high-power fundraisers, Labor is shooting the messenger. In recent years the Greens NSW Democracy4sale.org research project has spread the word about the corrupting influence of donations. We have exposed many examples of questionable relationships between donors and political parties. Twice last week Labor tried to stifle debate on donations in the upper House—once during debate on a Government bill about the liquor industry and again during debate on a Greens bill on developer donations.

The Leader of the Government and the Attorney General also took a Dorothy Dix question from Ms Amanda Fazio about donations. Mr John Hatzistergos attempted to discredit the Greens over our disclosure of donations. This is no mean feat, considering the Greens NSW does not accept corporate donations and we publicly disclose our donations from individuals prior to election day. In a classic case of "don't let the facts get

in the way of a good story" Labor attempted to make out that there is something untoward about our donations record. The problem with Labor's heavy-handed tactic is that it was unfounded. Mr John Hatzistergos referred to \$20,500 disclosed by the Marrickville Greens. He claimed, "No-one knows who actually donates the money. This is never disclosed; it is all kept secret."

These statements are incorrect. The Marrickville Greens donation of \$20,500 was nothing more than the transfer of money between bank accounts. The amount was transferred on 3 February 2007 to a separate account to fund the Greens election campaign in the seat of Marrickville. Under State law it is now a requirement to have a separate candidate account. The money referred to by Mr John Hatzistergos did not come from an unknown source, nor was it secret. It did not come from developers or any corporation or any other organisation. All the amounts that made up the \$20,554.52 came from donations by Greens members, money raised at stalls, street fairs and film nights, bank interest and public electoral funding. These donations have been fully disclosed to the New South Wales State Electoral Office by the Marrickville Greens.

Labor's attempt to discredit the Greens NSW work to lift the lid on the corrupting influence of donations is nothing more than a cheap shot taken in desperation. Opposition leader Barry O'Farrell tried to run with the same line as Labor's at the Local Government Association conference in Tamworth this week. He was booed and heckled by the knowing crowd. Instead of trying to find fault with the \$2 million the Greens NSW have received in public election funding and donations from individual supporters since 1999—that is \$2 million in 10 years—Labor and the Coalition parties in New South Wales should turn the spotlight on the \$208 million worth of donations they have accepted over the past 10 years. Mr John Hatzistergos and Mr Barry O'Farrell would be wise to recognise that the more they mount attacks to try to bring down the Greens on political donations the more they highlight their own dubious motives. Rather than make inaccurate allegations, these political leaders should be working to clean up donations.

It is not good enough to say—as Labor and Coalition leaders often do—"We can't do anything. It has to be handled at a Federal level." There is a great deal that can be done in New South Wales and I challenge Premier Nathan Rees and Opposition leader Mr Barry O'Farrell to agree to an expenditure cap for the 2011 election and to stick to it. The Greens policy is that there should be a ban on donations from corporations and other organisations. The Greens will abide by that policy in the lead-up to the 2011 election. We know that Labor and the Coalition will not, but they can agree to limit their election spending.

Introducing caps on election expenditure is an effective way to bring fairness to the system of electoral funding and to reduce the corrupting influence of large donations. In New Zealand the cap on expenditure for individual candidates is \$20,000 and \$1 million for political parties. This means that a political party in New Zealand can spend up to \$2.38 million on its election expenses—\$1 million plus \$20,000 for each of the 69 electorates contested by the party. In Canada the cap on expenditure is calculated based on the number of voters in each electorate. Third party advertising is also limited to \$150,000. The United Kingdom also has an election expenditure cap.

Clearly, if we applied caps to party election expenditure we would not have the challenge of third party election involvement. We need to come up with limits, but that should not be an excuse not to act. The buck-passing must end. Let us have the public debate about what is a reasonable level of election expenditure. The ball is in the court of Mr Rees and Mr O'Farrell. How much do they think is a reasonable amount of expenditure for the 2011 election? Will they stick to it? Will they publicly disclose on their website the donations they accept prior to the election? Mr Rees and Mr O'Farrell should not use this State's weak laws to justify an election-spending arms race. They should have the courage to demonstrate they are sincere about cleaning up political donations, which are a scourge on our democratic process.

OCCUPATIONAL HEALTH AND SAFETY LAWS

The Hon. GREG DONNELLY [9.59 p.m.]: I draw to the attention of the House the very important matter of the harmonisation of Australia's occupational health and safety laws. I do not wish to be presumptuous, but I would be prepared to believe that 51 Australian Labor Party members in the other place and 19 Australian Labor Party members in this place have very serious concerns about where we are in the whole process. The issue is not so much harmonisation as an exercise to come up with a set of laws that apply throughout the Commonwealth; in principle, that is not necessarily a bad thing, and we have made that clear as a State Government in our discussions with the Commonwealth Government. However, the concern is what the final laws will look like and how they will compare vis-à-vis occupational health and safety legislation that workers in New South Wales currently enjoy.

Members probably know that in Australia 150 work-related deaths occur each year. In the next year approximately one in every 15 Australian workers will suffer a work-related injury or disease and approximately 200,000 people will be affected seriously enough to take five or more days off work. Every two to three minutes in Australia someone is injured seriously enough to lodge a worker's compensation claim. The Australian economy suffers to the tune of approximately \$60 billion, or 5.9 per cent of our gross domestic product a year, as a result of occupational health impairment and injury. Half of that cost is borne by workers and their families, and the remaining half is borne by the community.

Honourable members would know that an exposure draft of the proposed Act has been presented to the States and Territories. That draft document has been presented through the Workplace Relations Ministers Council. Indeed, it was published on 25 September 2009. We are currently in a period of reflection on the document. It is really at this point that the process calls for some very serious reflection by New South Wales, consideration of what is in the draft, and consideration of some of our serious concerns flagged in the process to date during discussions with the Commonwealth. At this stage I must add that some of the key issues from the New South Wales point of view have not been resolved.

I will identify four key issues that lie at the heart of New South Wales concerns. Basically they centre on consultation, and health and safety representative rights. Under current laws in most States, employers must consult with workers about health and safety in the workplace. The proposed laws state that employers will have to consult only if they find it is "reasonably necessary", and only then with workers who are "directly affected". Obviously, unions are concerned that this is loose language that possibly could be abused. Health and safety issues affecting one group of employees may well affect others. The unions are also concerned to ensure that there is no reduction in rights or the powers of health and safety representatives.

The key point of the right to prosecute employers is an outstanding issue. I will not examine that issue in detail, but the reality is that it is a right that we have in New South Wales legislation—a right that has not been abused by trade unions, and a fundamental right that we believe should be retained in any new Federal legislation. The onus of proof is very important. The proposed new laws would make it harder to prove that an employer has failed to provide a safe workplace. The onus of proof should lie with the defendant, not with the prosecutor. I conclude by commenting briefly on the right of entry. Robust right of entry provisions for union officials currently exist in New South Wales. The suggestion that there should be up to 24 hours notice or a notice period of some type relating to the inspection of documents is not acceptable. [*Time expired.*]

THE NATIONALS NINETIETH ANNIVERSARY

The Hon. RICK COLLESS [10.04 p.m.]: On 24 October 1889 Sir Henry Parkes delivered his now-famous speech in the Banquet Room of the Tenterfield School of Arts. On 17 October this year, the New South Wales Nationals celebrated their ninetieth anniversary in the very same hall. The occasion was marked by the attendance of 100 people. The Sir Henry Parkes Memorial School of Arts, formerly the Tenterfield School of Arts, has been fully restored to its former glory and looked very much as it did on the evening when Sir Henry Parkes delivered his famous speech.

It is very interesting to note that on 17 October the banquet table, which runs the full length of the room, was fully occupied. At one end of the Banquet Room there was a photomontage that included a photograph of the people who attended when Sir Henry Parkes delivered his speech. At the function to celebrate The Nationals ninetieth anniversary, ancestors of many of the people present who were shown in the photomontage, as it were, looked down on the celebration. It was a magnificent evening. I congratulate the Tenterfield community on providing such a marvellous dinner.

[*Time for debate expired.*]

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

Motion agreed to.

The House adjourned at 10.07 p.m. until Thursday 29 October 2009 at 11.00 a.m.
