

# LEGISLATIVE COUNCIL

Thursday 3 April 2008

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

**The President** offered the Prayers.

## **GAMING MACHINES AMENDMENT (TEMPORARY FREEZE) BILL 2008**

**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. Ian Macdonald.**

**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.**

## **AUDITOR-GENERAL'S REPORT**

**The President** tabled, pursuant to the Public Finance and Audit Act 1983, a performance audit report of the Auditor-General entitled "Managing the Amalgamation of the Greyhound and Harness Racing Regulatory Authority", dated April 2008.

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

## **PETITIONS**

### **Licence Laws for Older Drivers**

Petition asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for older drivers, received from **the Hon. Duncan Gay**.

### **Camden School Development Application**

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend the Hon. Fred Nile**.

## **BUSINESS OF THE HOUSE**

### **Withdrawal of Business**

**Private Members' Business item No. 67 outside the Order of Precedence withdrawn by Ms Lee Rhiannon.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Order of Business**

**Motion by the Hon. Duncan Gay agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 108 outside the Order of Precedence, relating to an order for papers regarding the employment of Mr Joe Scimone, be called on forthwith.

**Order of Business****Motion by the Hon. Duncan Gay agreed to:**

That Private Members' Business item No. 108 outside the Order of Precedence be called on forthwith.

**MR JOE SCIMONE EMPLOYMENT****Production of Documents: Order**

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [11.18 a.m.]: I seek leave to amend Private Members' Business item No. 108 of which I have given notice in the following terms:

1. Paragraph 1:
  - (a) omit "seven" and insert instead "14", and
  - (b) in line 4, omit "record or refer" and insert instead "relate".
2. Subparagraph (c), omit the words "a list" and insert instead "the number and background".
3. Subparagraph (h), insert at the end "as it relates to Mr Scimone".

**Leave granted.****Motion by the Hon. Duncan Gay agreed to:**

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Ports and Waterways or NSW Maritime which relate to the employment of Mr Joe Scimone by NSW Maritime, including but not limited to the following documents:

- (a) the position description for the position to which Mr Scimone was appointed,
- (b) any advertisements for the position,
- (c) the number and background of unsuccessful candidates interviewed for the position,
- (d) a list of names of the persons on the interview panel,
- (e) a copy of Mr Scimone's job application including statement of claim, curriculum vitae and names of referees,
- (f) the results of the standard background check "Google" search as referred to by NSW Maritime CEO Chris Oxenbould,
- (g) the results of any referee checks undertaken in relation to Mr Scimone,
- (h) the report of the selection panel as it relates to Mr Scimone,
- (i) the approval for Mr Scimone's appointment,
- (j) the record of Mr Scimone's suspension and subsequent termination from NSW Maritime,
- (k) details of Mr Scimone's termination pay-out,
- (l) NSW Maritime's recruitment policy in force at the time of Mr Scimone's appointment, and
- (m) any document which records or refers to the production of documents as a result of this order of the House.

**SECURITY INDUSTRY AMENDMENT (PATRON PROTECTION) BILL 2007****Second Reading**

**Debate called on, and adjourned on motion by the Hon. Greg Donnelly.**

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESTORATION OF  
COMMUNITY PARTICIPATION) BILL 2008**

**Bill introduced, read a first time and ordered to be printed on motion by Ms Sylvia Hale.**

## Second Reading

**Ms SYLVIA HALE** [11.21 a.m.]: I move:

That this bill be now read a second time.

The Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008 seeks to amend the Environmental Planning and Assessment Act 1979 in three ways: one, add additional objectives to the Act to make the reduction of greenhouse emissions, the mitigation of the effects of climate change and the protection and enhancement of the health and wellbeing of the community overarching objectives of the planning system; two, increase the level of community involvement in the determination of applications for approval of development projects under part 3A of the Act by requiring environmental assessments of part 3A projects, the publishing of submissions relating to part 3A projects and the extension of appeal rights in relation to part 3A projects; and, three, return a measure of community control over decision making, increase accountability and remove conflicts of interest by banning donations from property developers to political parties, officials and candidates.

The first group of amendments relates to the objectives of the Act, which recognise that the planning system inevitably involves a balancing of the interests of a variety of stakeholders and those of the community as a whole. The existing objectives of the Act include encouraging the proper management of natural and artificial resources, the orderly and economic use and development of land, the provision and coordination of communication and utility services, the provision of land for public purposes, the provision and coordination of community services and facilities, the protection of the environment, and the provision and maintenance of affordable housing. It is important that the Act recognise that these existing objectives need to be balanced with what should be the fundamental public interest objective of the planning system—that is, to protect and enhance the health and wellbeing of the population.

Major planning decisions should consider questions of overall community health objectives relating to, for example, promoting physical activity, reducing obesity or improving air quality. Most parties now recognise that a multifaceted response to climate change is required. The climate change amendment to the objectives recognises the central role the planning system must play in that response. Greenhouse gas emissions and mitigation of the effects of climate change are central to planning questions relating to housing and building design, the location of farming, residential and employment lands and the nature and location of transport corridors. By placing these issues within the objects of the Act, planners, developers, councils and community representatives will be encouraged to take them into account when considering key planning issues.

The second group of amendments relates to community involvement in decisions made under part 3A of the Act. These amendments seek to increase transparency, accountability and community involvement in decision making under part 3A, the section of the Act that gives significant discretionary powers to the Minister for Planning to call in developments and approve or refuse them. A common complaint about part 3A is that the Minister is given enormous discretionary powers but there are few, if any, checks and balances on those powers. The proposed amendments make it mandatory for the Minister to publish guidelines with respect to the environmental assessment requirements for approving projects and for the proponent of a project to prepare an environmental assessment of the project.

The proposed amendments require public submissions regarding an environmental assessment of a project to be published on the website of the department, provided to the proponent of the project and included in the director general's report to the Minister on the project. They also extend the circumstances in which an objector to a project can appeal against a determination of the Minister to give approval to a project under part 3A so that appeal rights are the same as for a development being dealt with under part 4 of the Act. These amendments will make the decision-making process by the Minister more transparent and will allow greater scope for the Minister's decisions to be appealed. In situations where the Minister is given wide discretionary powers it is imperative from the point of view of maintaining public confidence in the system that the Minister's decisions are made in a completely transparent way and that they are subject to review.

The final amendments dealing with developer donations seek to restore a measure of community and council control over decision making, increase accountability and remove conflicts of interest by banning donations from property developers to political parties, officials and candidates. The bill makes it an offence for a political party or candidate to accept a donation from a property developer. It also makes it an offence for anyone involved in property development to make a donation to a political party or candidate. Further, it makes

it an offence for any person who has made a donation to a political party or candidate to put forward a development application, tender or expression of interest in development work for 12 months after making the donation. It also will be an offence to make a donation for 12 months after a development application process is complete. The purpose of these amendments is, in one simple step, to remove the vast majority of conflicts of interest that have brought the State's planning system into such disrepute.

The New South Wales Greens have been campaigning on the issue of political donations by the property development industry and the corrupting effect of these donations on the State's planning system for more than a decade. I have argued, even before I was elected to Parliament, that developer donations take away the rights of the community by elevating the interests of the donor above the interests of the community, thereby reducing community and local council control over development decisions. There is no doubt that developer donations have this effect. The Independent Commission Against Corruption [ICAC] inquiries into the Tweed, Liverpool, Rockdale, Strathfield and most recently Wollongong councils have provided incontrovertible evidence that political donations have affected decisions relating to developments. In 2003 my colleague Ms Lee Rhiannon introduced a similar private member's bill to ban developer donations. On that occasion, members from the Labor and the Coalition parties voted against the bill. The Greens, the Christian Democratic Party and the rest of the then crossbench voted in favour.

I ask the House five years later: Are the citizens of New South Wales better or worse off as a result of that 2003 bill being defeated? Had the Labor and Coalition parties seen fit to support the bill in 2003, we almost certainly would not have seen the scandals that have engulfed the Tweed, Wollongong, Strathfield, Liverpool and Rockdale councils. We would not have seen the community outrage over decisions made under part 3A of the Act that have delivered huge windfalls to developer donors. We would not have seen the planning system dragged into such disrepute by a climate of rampant conflicts of interest and, at times, outright corruption. We would not have seen the Labor and Coalition parties between them rake in more than \$11 million in donations from property developers since voting together to stop the 2003 bill banning such donations.

The Labor and Coalition parties got it wrong in 2003. The votes of Labor and Coalition members may have enabled their parties to continue to rake in millions of dollars in political donations, but at what cost to the democratic fabric of our society? Labor and the Coalition parties may be rolling in campaign coffers overflowing with developer donations, but who pays the environmental, heritage, economic and social costs of the corruption of the planning system that arises from this culture of money politics? Labor and the Coalition parties having got it so wrong in 2003, this bill gives them opportunity to get it right now.

It is clear from the extensive media reporting and comments from the public and across the political spectrum that donations from property developers to political parties and candidates have seriously undermined public faith in the planning system. It is not surprising, given the examples that have emerged, not just of actual corruption at council level but of the extraordinary correlation between favourable decisions by the Government or its Ministers in relation to particular developments and donations to the Labor Party by the proponents of those developments.

One of the more obvious examples of this extraordinary correlation is the Killalea State Park lease agreement. In this case a deal has been agreed and approved by the Minister for Lands for a 50- year lease of a section of the Killalea State Park on the New South Wales South Coast. The developer who has signed this deal is Killalea Coastal Investments Pty Limited, a joint venture of Mariner Land with Babcock and Brown. In the five years since the expression of interest process commenced in 2003, electoral funding figures show that Babcock and Brown has donated more than \$330,000 to the New South Wales Labor Party. Many of the donations coincided with key government decisions relating to the development: a \$20,000 donation in May 2003 as expressions of interest were being received; a \$33,000 donation in July 2003, around the time the proponent was chosen; a \$33,000 donation in July 2004 as probity checks were being undertaken; three donations totalling \$29,500 during late 2004 and early 2005, a period during which changes were made to the Crown Lands Act and the State Park Plan of Management to allow the development to proceed; eight donations totalling \$138,000 between May 2006 and February 2007 as the lease agreement was being negotiated; and a donation of \$20,000 in May 2007, nine days after the lease agreement was signed.

A similar pattern emerges when the donations made by the Stockland group of companies are compared with key decisions made by the Government or its Ministers in relation to that company's highly controversial and contested development at Sandon Point. Since the Sandon Point proposal first emerged in 2003 the Stockland group of companies has made a series of donations to the New South Wales Australia Labor Party totalling more than \$100,000. This includes a \$19,250 donation on 1 July 2006, just two weeks after

Stockland lodged a rezoning proposal for the Sandon Point site. In the following months the Minister for Planning announced that Sandon Point would be declared a State significant site under part 3A of the Act, thus removing consent authority from the local council and conferring it on himself.

The relevant Ministers in each of these and numerous other similar cases say that the donations did not have any effect on their decisions because they were not aware of the donations at the time they made the decisions. The problem is that the public finds this extremely difficult to accept, particularly when the Secretary of the New South Wales Australian Labor Party, Mr Karl Bitar, told the *Illawarra Mercury* on 22 March that there is no official policy within the Australian Labor Party of ensuring Ministers are not made aware of donations.

The public also finds it difficult to accept because they see that the Australian Labor Party has a conflict of interest and they do not see how it is acceptable for a Labor Minister to make a decision that provides a financial windfall to a developer who is a substantial donor to the Australian Labor Party. The Ministers say they were unaware, but the potential conflict of interest is so glaring that the public should not and will not and does not agree that this situation is acceptable. The cause and depth of public concern is clearly demonstrated in the comments of leading current and former politicians from all sides of politics, leading commentators, editorialists and journalists, party officials, academics and the development industry itself.

In recent weeks the Premier, the Leader of the Opposition, the Secretary of the New South Wales Australian Labor Party and the Minister for Planning have all made public statements about the erosion of public confidence in the political system arising from the perceived links between donations and government decisions. In recent years concerns have also been expressed by former New South Wales Premier Bob Carr, former Western Australia Premier and former National President of the Australian Labor Party Dr Carmen Lawrence, and former Prime Minister Paul Keating. Current and former New South Wales Australian Labor Party officials—Karl Bitar, Mark Arbib and Damien O'Connor—are all on record expressing concerns about the public perception that donations are corrupting the political system.

The development industry itself knows that these donations are undermining its standing in the community. Former Chief Executive Officer of the Urban Task Force Terry Barnes told the *Sydney Morning Herald* in November 2006 that he supported a ban on political donations. He said:

We make the donations reluctantly because the system's there and that's how things are done. We really would rather not be spending \$1000 on harbour cruises and all the rest. It's not just about freeing us from the perception—rightly or wrongly—from the community that we're getting preference exchange for money.

The current chief executive of the Urban Task Force, Aaron Gadiel, made the same point, saying a ban on political donations would:

once and for all remove any perception of favouritism in all areas of Government decision making.

Similarly, Wal King, Leighton Holdings chief executive, told the *Sydney Morning Herald* in February 2002 that his reason for making political donations was because:

If you don't do it, there's a chance of getting a black mark against your name. It's like giving your wife flowers—why wouldn't you do it?

Journalists, commentators and editorialists from across the political spectrum have made similar points. Michael Duffy, in an opinion piece in the *Sydney Morning Herald* on 23 May 2007, labelled developer donations "an unofficial tax imposed by the New South Wales political class on the development industry". In the *Sydney Morning Herald* on 1 March, Malcolm Knox said:

The link between money and potential for corrupt conduct is apparent in the tabulation of donations to councils. Of the top 15 council recipients of donations at the 2004 council elections, Wollongong (fourth), Tweed (sixth), Rockdale (ninth), Canada Bay (12th), and Strathfield (13th), have been either sacked or investigated over allegations of corrupt conduct. Lake Macquarie (fifth) and Newcastle (seventh) have either investigated allegations of corruption against councillors internally or faced down allegations in meetings.

In the *Sun-Herald* on 5 November 2006, Alex Mitchell, former President of the New South Wales Parliamentary Press Gallery, said:

In the March election Labor will spend up to \$20 million, with the lion's share coming from developers who have been gifted with more pro-development legislation than at any time in the State's history.

The editorial in the *Sydney Morning Herald* on 10 May 2007 stated:

Political donations raise suspicions of favouritism and undermine faith in the fairness of Government; they warrant serious investigation and reform. Businesses, individuals and interest groups do not throw around money for the good of democracy. Property developers, clubs, hotels and trade unions are among Australia's most generous political donors. Just what advantage they may be buying is impossible for the public to know. Did a tender win because it was the best on the table, or because it had friends in high places?

I have numerous other quotes and I seek leave to table a document containing them.

**Leave not granted.**

I will read them later. In all of my research into community and political and social leaders' attitudes to donations I could not find anyone who would say that a system that allows large donations from the development industry to political parties and candidates is in the public interest. Of course, the public does not accept that it is anything other than a blatant conflict of interest that a candidate or a representative of a party that has accepted tens of thousands of dollars in donations from a property developer should then make decisions that have the potential to provide enormous financial benefits to that developer. The public perception is that developer donations are little more than bribes.

Attempts to argue that it is possible to quarantine the donations from the decision makers have not been accepted by the media, the public or commentators of different political viewpoints because those arguments are not credible. No-one accepts that any political party should be allowed to solicit donations from a developer at the same time that a Minister from that party is making a decision that could be worth millions of dollars to that developer. It is a blatant and irreconcilable conflict of interest. No amount of disclosure makes it any less of a conflict of interest. The only way to remove the conflicts of interest that have undermined the public's faith in the planning system is to ban political donations by developers entirely.

This bill has been drafted broadly to apply to anyone involved in the property development process, other than home renovators—that is, a person whose sole involvement with property development is the building, renovating or extending of the person's place of residence. It also addresses the issue of third parties by making it an offence to solicit a third party to make a donation or to accept such a donation. This approach makes the legislative framework clearer and easier to understand, enforce and comply with.

An argument has been put forward that banning donations will merely drive them underground. I believe this argument is illogical. It could equally be applied to murder, speeding or any other offence that still occurs despite its illegality. I believe that the vast majority of people involved in the property development industry are honest and abide by the law. For most of them the donations ban will be seen as a welcome lifting of the pressure to donate and a levelling of the playing field between big and small developers. A small number will still seek an advantage by breaking the law, but that number will be significantly smaller than the number who now, reluctantly or otherwise, make political donations in the belief that it is just an accepted cost of doing property business in New South Wales.

It is illogical to argue that there should be no ban on donations because a small number of dishonest people will try to subvert the law, in the same way that it would be illogical to argue that all speeding laws should be rescinded because a small number of people try to get away with speeding. Why should we continue to tolerate a regime that gives a cloak of legality to corruption-promoting activities? The public interest is best served by reducing the likelihood of corruption and the incidence of conflicts of interests arising from developer donations and that is what this bill will achieve. The approach is also consistent with the recent statements by the Premier and the Leader of the Opposition that have been supportive of a ban on political donations. I support moves for a broader ban on political donations—for example, from the hotel or gambling industries—and will welcome any further legislative changes brought forward by the Government. However, it is urgent that donations are removed from the planning system as soon as possible.

The outcomes of the inquiry into electoral funding will not be known for some time. Implementation of any of the recommendations of that inquiry could take months or years or may never be implemented. In the meantime, hundreds of millions of dollars worth of developments will be considered by councillors and Ministers under a system so corrupted in the public mind that the public sees the planning system as little more than a fundraising racket for politicians.

In summary, I ask members to support this bill because, first, it is an important and far-reaching first step in cleaning up a rotten system. Secondly, it is a step that can be taken in New South Wales without

requiring us to wait for a national consensus. Thirdly, it does not raise concerns about freedom of speech because it focuses not on banning individuals' or companies' rights to make political donations but on removing potential conflicts of interest. Fourthly, it does not undermine the electoral funding inquiry considering and recommending broader actions in relation to political funding. Fifthly, it can be implemented immediately, thereby demonstrating the determination of this Parliament to address widespread public concern. Sixthly, it will create a fairer system where developers will not feel pressured to make political donations in order to be competitive. Seventhly, it will be welcomed by all the small and large property developers who feel aggrieved that their industry is being mired in scandal and their personal reputations are being tarnished by a system that they do not want or support.

There is no good reason for allowing such a discredited system to continue to undermine public faith in the planning and broader political systems. This bill provides an opportunity to take immediate steps to clean up a corrupted system and begin the process of restoring public faith in the planning process. I sought leave earlier to read into *Hansard* numerous comments about political donations made by various people across the spectrum. I was denied leave to do so, so I will now read some of the more relevant pieces. An article in the *Sydney Morning Herald* of 22 March 2008 states:

There's no example of a minister or MP who has done anything wrong, but there is a perception as far as donations are concerned and the time has come to go further in the reforms.

The Premier said he wants to "wipe the slate clean" and restore public faith in his state's political system after a corruption inquiry this month cast a damaging shadow over some of his ministers' links with property developers.

The Premier is also quoted on 22 March 2008 in *news.com*:

"I believe it's time to consider a ban on all political donations and move to a system of full public funding (of political parties)," Mr Lemma said.

The *Sydney Morning Herald* of 22 March 2008 quotes comments from Karl Bitar, the New South Wales Australian Labor Party Secretary, about the party's supplementary submission to the Electoral Funding Inquiry:

This supplementary submission by NSW Labor advocates a ban on all private donations to political parties in favour of a system of full public funding. This overhaul of the existing system of funding and disclosure would help restore the public's faith in political decision making.

At the 2003 annual general meeting of the large property developer/investor Mirvac, chairman Adrian Lane candidly admitted that Mirvac makes \$150,000 worth of political donations nationally because it is "critical to have access to the decision makers". Bob Carr is quoted in the 2 February 2003 edition of the *Illawarra Mercury* as stating:

Political parties need money to pay for advertising that is very expensive. In modern government, any significant investor is going to have access at some level to government. We're concerned that without access to a minister or public servants, they'll take that investment to another state (or nation).

John Thorpe of the Australian Hotels Association stated on the ABC TV *Stateline* program on 20 February 2004:

Look, what helps is this—you attend as an observer, as I did, at the ALP national conference. Yes, it costs money. But we did get interviews with ministers, we did get interviews with staffers, and that does help us in our policies and our regulations.

Dr Carmen Lawrence, former Premier of Western Australia and former Australian Labor Party National President, said:

It disturbs me, as it should all citizens, that there are some who are more equal than others. Corporations do not make large donations out of a charitable impulse or a commitment to civic duty.

In 2007, Paul Keating, former Prime Minister, said:

The New South Wales planning Minister—whoever that may be from time to time: they do have a history of not lasting—is the mayor for Triguboff, and the mayor for the other developers who've got projects over a certain value.

At this speech to the Local Government Association conference in 2007, he went on to say:

The wall of money coming at a Minister in these jobs is phenomenal because, as you know, the industry is into political donations, which in my opinion should be outlawed.

Mark Arbib, former New South Wales Labor Party Secretary, stated in the *Australian* of 5 November 2004:

With elections becoming much more expensive, political parties are more and more reliant on corporate donations.

It's time for the party to develop new policies to counter this reliance and to ensure the integrity of Australia's political system is maintained.

The *Australian Financial Review* on 13 October 2003 stated:

According to Lend Lease they no longer make political donations because of the "perception that it seemed to conjure up in the industry of what you got in return."

Genia McCaffery, Mayor of North Sydney and President of the Local Government Association, said she personally supported public funding of elections instead of funding from donations. According to the *Wentworth Courier* of 19 March 2008, Councillor McCaffrey said:

The investigation of Wollongong Council had created a public perception that donations influence policy.

Nick Ebbeck, the Mayor of Ku-ring-gai, said the large amount of money that certain developers had donated to political parties— [*Time expired.*]

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

#### **PAID MATERNITY LEAVE**

**Debate resumed from 6 March 2008.**

**The Hon. AMANDA FAZIO** [11.51 a.m.]: I am pleased to support the motion moved by the Hon. Lynda Voltz on paid maternity leave. In doing so, I put before the House some more information in support of the Hon. Lynda Voltz's proposition. I think there has been a fairly irrational response from Opposition members to the comments made about the former life of the member for Goulburn, Pru Goward. I am speaking about her time working with the Human Rights and Equal Opportunity Commission. Somehow this motion was seen as an attack on Pru Goward. That simply was not the case. In the circumstances, her honesty in dealing with the issue of paid maternity leave and presenting to the Howard Government the facts for the implementation of the system of paid maternity leave was quite courageous.

I now have some sympathy for the member for Goulburn, who finds herself as a representative of the Liberal Party in the New South Wales Parliament when that party is not always supporting the positions she would take in relation to women in the community and women in the workforce. However, we need to look at some of the comments made by Ms Goward in relation to this issue. As I said, I think she was courageous in her stand. She stated:

HREOC does have grave concerns about the implications of dismantling or removing any significant planks of a social, legal and economic contract in Australia which has evolved over 100 years and around which a variety of institutions, policies, cultures and government programs have grown up. Unless careful adjustments are made to surrounding institutions, laws and policies, inevitably that whole contract is challenged. The WorkChoices bill, particularly in conjunction with the Welfare to Work changes represents a wholesale change to the way Australian workplaces operate and, as a consequence, will have major implications for the Australian community more broadly.

I agree with that. If ever a piece of legislation was put in place by the Commonwealth that attacked the rights of working women and attacked the spread of paid maternity leave in the community, it was the WorkChoices legislation. Pru Goward's comments on this issue can be found on the website On Line opinion, under the heading "WorkChoices will result in winners and losers". Her comments clearly demonstrate that the losers would be women in the workforce and particularly the system of paid maternity leave.

Those views were shared by a number of reputable community organisations who were concerned about women getting a raw deal from WorkChoices. The National Foundation for Australian Women stated in its What Women Want report that under the WorkChoices industrial relations system women were worse off than men in terms of pay. This difference affected women in all occupations, whatever their education status, including professional managerial women and those in lower paid, less skilled work. The impact was worse for young women with fewer bargaining skills and for all women living in regional and country areas away from mining developments. The impact on indigenous women and those from culturally and linguistically diverse



backgrounds was also negative. WorkChoices helped to expand the gender gap and it also has worked strongly against paid maternity leave. A similar system was introduced in New Zealand. The National Foundation for Australian Women stated:

The New Zealand experience shows that a return to collective bargaining at the workplace during the Clarke Labour Government marginally improved the gender wage gap, but didn't overcome the losses women had experienced under the former individual workplace agreement regime.

New Zealand women never did recoup all of the family friendly conditions they had been forced to trade-off.

The What Women Want report made 10 recommendations to meet the goals of a more flexible, simpler and fairer workplace relations system for Australia, with the aim of improving productivity, increasing wages, balancing work and family life and reducing unemployment. The recommendations included more auditing and recording of pay data, more information on WorkChoices rights, safeguards for lower paid workers, reinstatement of penalty rates and holiday compensation, and paid maternity leave, which is critical to women's participation in the workforce but was in danger of being traded off against other terms and conditions enjoyed by men. Research done by the Victorian Government found that WorkChoices has weakened maternity leave rights. A press release on 9 October 2007 by Rob Hulls, Deputy Premier of Victoria, and Minister for Industrial Relations, stated:

WorkChoices has significantly weakened the rights of women to take maternity leave and has complicated their return to work after having children ...

He referred to the report by the Royal Melbourne Institute of Technology University called Pregnancy, Discrimination and Workplace Rights, which found:

... many women had been dismissed after notifying their work of their pregnancy. Other women were refused part time hours on their return to work, since the introduction of WorkChoices.

Mr Hulls is reported as saying:

Disturbingly there is a growing perception that businesses are using operational requirements as an excuse to discriminate against pregnant women.

This new study shows that women are being harassed at work. Derogatory remarks are still being made about pregnancy, and women are not being allowed to take time off when they are ill or need to attend ante-natal appointments.

They are being disciplined for taking sick leave and are having roster requests refused. They are also being denied rest breaks and promotion opportunities because of their pregnancy.

What is worse, the report shows that women are not having their contracts renewed and are being made redundant, either after they advise their employer of their pregnancy, or before they went on leave.

WorkChoices has created a race to the bottom which is terrible for working families.

Mr Hulls stated that WorkChoices had failed to include the Australian Industrial Relations Commission family provisions test case standard, which would have given women the right to request part-time work on return from maternity leave. He further stated that many women on returning from maternity leave have been offered part-time work only if they agree to become casual workers or contractors, which significantly reduces job security and in some cases has led to women being dismissed.

The Minister for Women's Affairs in Victoria, Maxine Moran, said she was concerned about increasing evidence showing that WorkChoices was harming Victorian women. She stated that all workers, including women, should be able to raise concerns about balancing work and family commitments in the workplace without fear of being dismissed. They should be treated with dignity and respect and be paid fairly. Some people might scoff at organisations obviously being pro-union and pro-worker but Australian Business Lawyers also found that WorkChoices made it far more difficult for employers to deal with parental leave. They ended up having to regularly issue updates to their members to assist them in dealing with the nightmare that WorkChoices became, particularly in relation to parental leave. It shows that the legislation not only was unfair but also was a nightmare for people to deal with and negotiate through. We have all heard of the benefits of maternity leave and why it should be in place.

**Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.**

## QUESTIONS WITHOUT NOTICE

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### SUB-PRIME MORTGAGE MARKET INVESTMENT

**The Hon. MICHAEL GALLACHER:** I direct my question without notice to the Treasurer. Can he confirm to the House that Treasury Corporation made a decision not to invest in the sub-prime mortgage market? If such a decision was made by Treasury Corporation not to invest in the sub-prime market, why was this not passed on to local councils or reflected by amending the ministerial investment code?

**The Hon. Marie Ficarra:** Good question.

**The Hon. MICHAEL COSTA:** It is a silly question, in fact. Clearly the honourable member is displaying his ignorance of financial investment matters. That is not surprising, given that Mike Baird—

**The Hon. Duncan Gay:** Here he is, the *Bonfire of the Vanities*.

**The Hon. MICHAEL COSTA:** Listen, mate, I do not have to get Tony Staley to sort out my problems. The Liberal Party is in real desperation to get Tony Staley in there. Everybody knows what the conservatives need—the nasal delivery system ones hears on the television and the radio every day. They lack grunt in policy. The member ought to understand that under financial management principles, councils have a responsibility, as do all people involved in financial investment, to take appropriate advice. It is no excuse for councils to rely on minimum guidelines as the basis of their investments. In fact, TreasuryCorp did not invest in the sub-prime area and collateralised debt obligations because it took its own advice on it and recognised that those products were inappropriate for its investment needs. Councils have exactly the same responsibilities. We will be amending the guidelines to ensure that councils understand their fiduciary responsibilities.

**The Hon. Michael Gallacher:** It's a bit late.

**The Hon. MICHAEL COSTA:** It is not a bit late. Councils have to obtain independent advice, as with superannuation funds. If they choose not to do that, clearly they have breached their fiduciary responsibilities. The reality is that a number of councils, as a result of the Cole report, have found themselves invested in these collateralised debt obligations. I was pleasantly surprised that the problem was not as great as we initially thought. In fact, most councils did not have exposure to that area, which was actually a positive result. We will be amending the investment order to ensure that, for a transitional period, councils can grandfather their investments, but all new investments within that transitional period will be either through bank-based investments, credit unions or the Treasury hourglass facility. The new investment order will make it absolutely clear that councils and council officers responsible must take professional advice and must exercise their fiduciary responsibilities.

The whole area had significant problems and conflicts of interest. Many of the people selling the sub-prime collateralised debt obligations products were also providing investment advice to councils. We will make it absolutely clear that those conflicts of interest should be eliminated. It also strikes me that people like Mike Baird, who appears to be the finance spokesman—I do not know what has happened to the Hon. Greg Pearce, as he has obviously been sidelined on this issue—display complete ignorance of responsibilities in these areas. People cannot contract out of their responsibilities. If they are in charge in trustee positions in managing financial investments they need to take advice and must act prudently.

### DRIVERS OVER 85 YEARS

**The Hon. HENRY TSANG:** My question is directed to the Minister for Roads. Can the Minister update the House on the latest information regarding the Government's reform to the over-85 driver policy?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his interest in this important matter. I am pleased to inform members of this House that the Iemma Government today announced reforms to the licensing system that will keep over-85 drivers safe on New South Wales roads. These reforms balance the safety of road users and the general community with the continuing independence and mobility of over-85 drivers. The Iemma Labor Government extensively consulted with the community on this issue. More than 24,000 people have had their say and the message was clear: We needed to take another look at older driver testing.

With our ageing population the number of over-85 drivers in New South Wales will more than double over the next 15 years. There are currently around 23,000 over-85 drivers in New South Wales but that figure is expected to increase to more than 52,000 by 2023, according to Australian Bureau of Statistics data. That is why we need to act now to ensure that the systems we have in place for over-85 drivers are fair and safe not only for them but also for the wider community. The key reforms include lowering the age of annual medical testing from 80 to 75 years, which brings New South Wales into line with most Australian States and allows potential health and eyesight problems to be discovered earlier. This policy was supported by 65 per cent of people who made a submission to the Roads and Traffic Authority's discussion paper.

The reforms also include overhauling the driving test for over-85s. An Older Drivers Implementation Group will work with the Roads and Traffic Authority [RTA] to overhaul the existing test and over-85 drivers will now sit the test every two years. The new test will be introduced across New South Wales early in 2009 and will focus specifically on the critical issues related to older people and their driving behaviour. The reform also covered voluntary driver assessment schemes and older drivers will now have the option of undergoing a voluntary driver assessment through an accredited organisation like the NRMA and the Australian Driver Trainers Association.

**The Hon. Duncan Gay:** Instead of a driving test or not?

**The Hon. ERIC ROOZENDAAL:** You can read my media release.

**The Hon. Duncan Gay:** Your media release is silent on this. It is not clear. Is it instead of, or not? You do not know.

**The Hon. ERIC ROOZENDAAL:** I do, and the answer is yes.

**The Hon. Duncan Gay:** It is instead of.

**The Hon. ERIC ROOZENDAAL:** Yes. It is a good initiative from the Iemma Labor Government and I appreciate your support for that. Accredited driver training groups will assess the driver competencies and abilities of over-85 drivers and be able to approve them for their licence or identify areas that may need further action. Their assessors will have to apply to the RTA for accreditation and will be audited by the RTA to ensure that their testing processes are appropriate. Finally, we have maintained modified licence options for over-85 drivers.

Rules already exist which allow RTA registry managers to place conditions on an over-85 drivers licence in consultation with those drivers. About 17 per cent of over-85 drivers—more than 4,000 people—have restrictions on their licence negotiated with their local motor registry. This system will be expanded to allow over-85 drivers a greater say with their local registry manager to determine licence conditions. This option will be at the complete discretion of the driver. The Iemma Government will now establish an Older Drivers Implementation Group to introduce these reforms through the RTA, in consultation with the New South Wales Centre for Road Safety, New South Wales Police Force, Council on the Ageing, NRMA, Australian Medical Association and the Australian Driver Trainers Association. I look forward to continuing to update the House on this important issue and believe that the reforms announced today strike the right balance between maintaining independence and mobility for over-85 drivers while ensuring the safety of the broader community.

#### HALF-YEARLY BUDGET REVIEW

**The Hon. GREG PEARCE:** My question is directed to the Treasurer. Does the Minister stand by his answer to my question of 4 March in relation to growth in expenses for the year, when he said, "The figure of 6 per cent is wrong"? What does the Minister say is the percentage figure that expenses have increased since his budget?

**The Hon. MICHAEL COSTA:** The honourable member is very interested in this area and I will be pleased to provide the House with an estimate of our performance at budget time.

**The Hon. Duncan Gay:** That is months away.

**The Hon. MICHAEL COSTA:** It is less than a couple of months away. The Government will provide those estimates at budget time.

### HIGH-POWERED PORTABLE LASERS

**Reverend the Hon. FRED NILE:** I ask the Attorney General whether it is a fact that the irresponsible behaviour of people directing high-powered portable laser beams into the eyes of the pilots of aircraft landing at Sydney airport has endangered the safety of aircraft passengers? Has the Victorian Government already prohibited the sale and use of high-powered portable lasers that emit a laser beam with an accessible emission no greater than 1 milliwatt, and only class 1 products are permitted? Will the Government urgently introduce legislation based on the Victorian model to prevent an aircraft disaster and not delay any action while the Commonwealth debates the issue.

**The Hon. JOHN HATZISTERGOS:** I will refer that question to the Minister for Fair Trading, who is responsible for the sale of prohibited items. Otherwise I would refer the honourable member to the public comments that have been made by the Premier on this matter.

### PUBLIC SCHOOL TEACHER STAFFING

**The Hon. MICHAEL VEITCH:** My question is addressed to the Minister for Education and Training. Can the Minister inform the House how teachers are being updated on improvements to school staffing, and can the Minister report on community feedback?

**The Hon. JOHN DELLA BOSCA:** I thank the member for his question and ongoing interest in these matters. Term 2 in New South Wales public schools begins at the end of April and school communities will have new options to fill teaching vacancies. That change will be a significant improvement for schools to ensure they get the teacher who best matches their needs and permanent, casual and part-time teachers will have more opportunities to apply for suitable positions. It will also improve the professional development opportunities and mobility of all teachers. There have been reports that the department is dismantling or demolishing the transfer system. That is not happening. The centralised staffing system will remain. Transfer incentives for remote schools remain untouched. So too, compassionate transfers for teachers returning after leave and Aboriginal employment continues.

**The Hon. Robyn Parker:** This is what you said yesterday.

**The Hon. JOHN DELLA BOSCA:** You can hear it again today. It is good news. If a teacher wishes to transfer from a remote western school they will continue to have priority. Schools can advertise only after priority placements have been made. If the school prefers, they can ask the department to arrange a service transfer, appointment of a graduate or teacher from the employment list in the current manner. Every permanent teacher in New South Wales has their own email address on the department's network. The director-general has kept teachers up to date with regular email correspondence to outline the changes, with links to the Department's website to further explain the changes. The director-general and senior officers have also been visiting schools—as I have. Last week, for example, I met with new principals at an induction in Gosford and discussed the new options with them.

Our improvements keep giving schools and teachers the best of both worlds. Teachers who work in remote schools will continue to have priority status and schools that do not want to advertise do not have to. But we know that many school communities and many teachers want to have a choice. Currently thousands of highly skilled teachers are locked out from applying for vacant positions, while young and talented graduates are taking up opportunities often in other school systems outside the public system. On the few occasions last year when schools advertised positions to existing casual and temporary staff looking for permanent positions, the response was strong in all regions—320 positions attracted more than 14,000 applications. Next week teachers will meet to discuss this issue, as is their right. Schools will ensure that arrangements are in place to supervise students. Importantly, no employment rights are being removed from teachers and the department retains its obligations to ensure that a qualified teacher is in every classroom. The changes have met with a somewhat confused reaction. No greater confusion seems to exist than within The Nationals. The member for Oxley told radio station 2UE:

... the staffing system that encourages teachers to take up positions around the State, including remote parts of the State, is being dismantled.

That is not true. The member for Orange was much better informed, and has a different view to his leader. Mr Russell Turner told the *Central Western Daily*:

Congratulations to the State Education Minister for his announcement on how our public schools are to be staffed in the future. The changes will ultimately be of greatest benefit to the schools and the students.

He is right. It must be something in the air. Orange is a very good town. This initiative will help us retain our best and brightest teachers, raise the status of the profession, and improve opportunities and options for school communities.

### MINISTERIAL INVESTMENT CODE

**The Hon. DUNCAN GAY:** My question is directed to the Treasurer. Why did the Treasurer make changes to the Ministerial Investment Code yesterday? Surely if there was nothing wrong with the code and the \$400 million potential loss had nothing to do with the Minister, no changes would have been required?

**The Hon. MICHAEL COSTA:** I made no change to any Ministerial Investment Code.

### IRON COVE BRIDGE PLAN

**Ms LEE RHIANNON:** I direct my question to the Minister for Roads. In response to a question I asked on 27 February about the Iron Cove Bridge plan, the Minister stated, "The upgrade will provide a continuous 3.5 kilometre city-bound bus lane" and on page 36 of the Roads and Traffic Authority document "The Victoria Road Upgrade" dated December 2007 it shows eight lanes on the city side of Darling Street where currently there are seven lanes. Can the Minister inform the House how the eighth city-bound bus lane can be constructed, considering the seven lanes are already at maximum size and there is no median strip which could be sacrificed? Has the Minister misled the House about the promised 3.5 kilometre city-bound bus lane, as there is no space to construct it at the Darling Street corner?

**The Hon. ERIC ROOZENDAAL:** I always enjoy the Greens asking a question about a roads infrastructure project, because they have maintained a consistent theme throughout my time as Minister for Roads: the Greens have opposed and objected to every road infrastructure project that the Government has announced. Even when they sit on committees such as the committee that reviewed the Epping Road changes, when the Epping Road changes were implemented they came out and directly contradicted their position on the committee by opposing the changes to Epping Road. That is the hallmark of the Greens: they go for rent-a-comment.

I have explained to the House on many occasions that the Victoria Road upgrade and the Iron Cove Bridge duplication is a key public transport initiative by the Lemma Labor Government. Here you see the bind that the Greens find themselves in. We have announced a \$150 million upgrade to Victoria Road and the Iron Cove Bridge—a valuable piece of road infrastructure—that is to benefit public transport.

**Dr John Kaye:** Where is the eighth lane going?

**The Hon. ERIC ROOZENDAAL:** Now they are engineers.

**Ms Lee Rhiannon:** Point of order: Standing Order 64 states that an answer must be relevant to a question.

**The PRESIDENT:** Order! The Minister will continue to be generally relevant.

**The Hon. ERIC ROOZENDAAL:** The project will deliver major public transport improvements to commuters travelling from Balmain, Rozelle, Drummoyne, Gladesville, Ryde, and throughout the inner west. We are talking about a continuous 3.5 kilometre city-bound bus lane to speed up travel times for the 1,500 buses that travel on Victoria Road each weekday. Further, a proposed tidal flow traffic scheme through Drummoyne and new traffic arrangements through Rozelle will provide extra lanes for vehicles travelling in the peak direction, as occurs now on the Harbour Bridge. The Government is committed to upgrading public transport facilities in this State. We are committed to improving bus flows on Victoria Road and the Iron Cove Bridge. We are committed to delivering better outcomes for the 200,000 bus commuters who use Victoria Road every week. The Greens are in a bind because they desperately hate roads.

**Ms Lee Rhiannon:** Point of order: I draw attention to Standing Order 91, which states that all imputations or improper motives and all personal reflections are considered disorderly. We do not hate roads. I ask that the Minister answer the question. Where is the eighth lane?

**The Hon. Amanda Fazio:** To the point of order: Collective insults are allowable under the standing orders. I ask that the point of order be rejected.

**The PRESIDENT:** Order! A number of Presidents have ruled that, with some exceptions, collective insults are allowed.

**The Hon. ERIC ROOZENDAAL:** By removing the choke points and providing dedicated bus lanes on the busiest sections of Victoria Road, bus travel times are expected to improve by up to eight minutes. Building new infrastructure in urban areas is never easy. But the Government is serious about addressing urban congestion and will implement our plans, such as the Victoria Road upgrade and the North West Metro, to provide the city with a better public transport system.

#### **RURAL AND REGIONAL BROADBAND ACCESS**

**The Hon. TONY CATANZARITI:** My question without notice is directed to the Minister for Rural Affairs, and Minister for Regional Development. Can the Minister update the House on recent developments in broadband communications access for rural and regional New South Wales?

**The Hon. Duncan Gay:** Tell us about your plan, the one you promised all the people. Where is it?

**The Hon. TONY KELLY:** I remind The Nationals that in August last year every State regional development Minister met with Mark Vaile at a ministerial council and asked the Federal Government not to sign the contract because it was a dud. What did it do? It signed a government contract on a Sunday night under the cover of APEC. The former Federal Government failed rural and regional Australia in many ways. But perhaps its greatest failure was its complete inability to deliver a fast and reliable broadband service for rural communities.

*[Interruption]*

**The PRESIDENT:** Order! The Deputy Leader of the Opposition will cease interjecting.

**The Hon. TONY KELLY:** The Nationals do not want to hear how they duded rural New South Wales. Members would remember that back in September last year on a Sunday night, under the cover of APEC, the Howard Government signed Australia to a \$958 million deal to duplicate an existing network. It signed a government contract on a Sunday night. That is most unusual. It must have known it was a dud deal.

**The Hon. Eddie Obeid:** They knew they would lose the election.

**The Hon. TONY KELLY:** That is right. As I said, the Howard Government signed a \$958 million deal to duplicate an existing service. The proposal was to build 13,050 towers on the coast, and the Howard Government was going to give country New South Wales a second-rate technology, WiMax.

**The Hon. Duncan Gay:** Where is the one you promised?

**The Hon. TONY KELLY:** I will tell the Deputy Leader of the Opposition why the deal was rejected. The Howard Government claimed it would bring coverage to 99 per cent of Australia's population.

**The Hon. Duncan Gay:** Where is the one you promised?

**The Hon. TONY KELLY:** They do not want to hear about it. Thankfully, the electors, on 24 November, threw out the tired and out-of-touch Coalition Government. In rural Australia the broadband issue became a referendum on the Howard Government and the National Party. It was hardly surprising that the National Party was smashed. It lost three seats at the Federal election and just clung onto its party status. Did the National Party learn from that experience? No. Just yesterday it was defending the indefensible, showing that it is still way out of touch with the needs of country families and business. On ABC Central West Mark Coulton tried to defend it, and in a media release Queensland Senator backdown Barnaby Joyce said, "The OPEL contract would deliver broadband to 99 per cent of Australians." That is the central claim by the National Party to prop up its dud deal. Yesterday the truth came out. In a media release the Federal Minister for Broadband, Communication and the Digital Economy, Stephen Conroy, said:

A condition precedent of the contract stated that OPEL would provide coverage reasonably equivalent to 90% of under-served premises identified by the then Department of Communications, Information Technology and the Arts as being within its coverage area.

**The Hon. Michael Costa:** Ninety per cent?

**The Hon. TONY KELLY:** That is all they had to comply with. Mr Conroy continued:

The Department of Broadband, Communications and the Digital Economy performed an independent analysis of the detailed testing and mapping undertaken by OPEL, and determined that the OPEL network would cover only 72% ...

There it is—they could not provide 99 per cent. Thankfully, the Minister has torn up the contract. There it is in black and white confirming what we have been saying: that the National Party signed up rural and regional New South Wales to a dud deal for an inferior network that short-changed thousands of country broadband users.

### **PACIFIC HIGHWAY UPGRADE**

**Mr IAN COHEN:** My question without notice is addressed to the Minister for Roads. Has the Roads and Traffic Authority, in recognising the noise sensitivity of Ocean Shores residents, installed a special low-noise road surface on the Brunswick to Yelgun section of the Pacific Highway? Is the Minister aware that the Roads and Traffic Authority subsequently installed devices called ripple strips on the special low-noise road surface of the highway edges, which causes maximum noise, similar to a machine gun burst, when struck by the tyres? On what basis and at what cost did the Roads and Traffic Authority make the unprecedented decision to install ripple strips on a section of road that had been identified as needing traffic noise reduction treatments? Is the Minister aware that the Queensland Ombudsman ordered the Department of Main Roads to remove ripple strips on a section of the Pacific Highway near Nambour, Queensland, due to excessive noise? Will the Minister instruct the Roads and Traffic Authority to remove these strips in the vicinity of the Ocean Shores residential area?

**The Hon. ERIC ROOZENDAAL:** I am aware of the concerns raised by residents about noise associated with traffic using a section of the Brunswick Heads to Yelgun upgrade of the Pacific Highway. I can advise that the Roads and Traffic Authority has undertaken treatments to a number of homes in the area that have been identified as noise affected. In addition, the project featured the installation of noise barriers in certain sections and a low noise wearing surface to mitigate operational noise. Following concerns raised by the community, I can further advise that the Roads and Traffic Authority undertook noise monitoring of operational noise levels and traffic volumes between October and December 2007. The noise levels are being compared with previous noise models for the project. The noise monitoring, which commenced in late October 2007, has had delays due to wet weather. Once the Roads and Traffic Authority has finalised the monitoring and analysed the data a final report will be provided in the near future. I am advised that, once completed, the report will be made available to the public.

As part of the surveys, the Roads and Traffic Authority is measuring the maximum noise levels on sections of the project with and without the audible edge lines—I think they are the ripple strips Mr Ian Cohen referred to—to compare the difference and frequency of noise resulting from vehicles travelling over the edge lines. This noise and traffic modelling will be used to forecast impacts for 10 years and for comparison against the approved criteria for the project. The noise monitoring program included 21 permanent noise loggers setting up 24 hours a day, seven days a week for long-term monitoring. Another group of 15 loggers were to take short-term readings for 15-minute intervals as a way of confirming the overall noise model being developed from the monitoring. I am advised that the Roads and Traffic Authority implemented the audible profile line marking as a road safety measure. This product and other similar treatments are used at various locations on the Pacific Highway and throughout New South Wales, Australia and internationally.

The purpose is to provide both audible and visual warnings that vehicles are moving out of a through lane. In a high-speed environment they can assist in alerting drivers of vehicles that are wandering out of the lane or off the roadway and can prevent accidents. As I have indicated, as part of the noise monitoring surveys the Roads and Traffic Authority is measuring the maximum noise levels on sections of the project with and without the audible edge lines to compare the difference and frequency of noise resulting from vehicles travelling over the edge lines. If noise levels exceed the approved criteria for the project, then a range of further noise mitigation works will be considered. I am advised that the Roads and Traffic Authority has attended community meetings on this matter and will continue to consult with residents about their concerns.

### **ELECTRONIC SCHOOL ATTENDANCE SYSTEM**

**The Hon. ROBYN PARKER:** My question is directed to the current Leader of the Government, the Minister for Education and Training, Minister for Industrial Relations, and Premier-in-waiting. Given concerns

expressed by a number of parents of Ku-ring-gai Creative Arts High School students that their children were compulsorily included in the electronic school attendance system, which involves digital fingerprinting, will the Minister confirm that the Department of Education and Training, first, approved the initial trial of this fingerprint system used at Rooty Hill High School; and, secondly, developed guidelines for the use of similar programs by other schools that cover issues including privacy and the type of system to be used? Will the Minister inform the House whether he approved these guidelines? Will the Minister confirm that parents were given the choice of opting out of the system and whether the guidelines allow for opting out? Can the Minister explain why a number of requests not to participate in the system have apparently been ignored and why the Minister is attempting to disown this issue and put the blame back on the school?

**The Hon. JOHN DELLA BOSCA:** Talk about doing her leader's bidding! Obviously someone is bucking for a promotion. The Hon. Robyn Parker is defending the outrageous attack by the member for Ku-ring-gai, the temporary Leader of the Opposition in the other place—he is about to be replaced by Mike Baird—launched on a parents and citizens association in his own electorate this morning. The member for Ku-ring-gai was prepared to trash one of his local schools for some cheap publicity. If he had just checked with the school and the parents and citizens association he would have known that the decision to trial the system was not the department's, the Government's or mine, but a decision by local parents. The school's parents and citizens association purchased the system.

[Interruption]

Is the Deputy Leader of the Opposition bucking to be at the head of The Nationals' float at the Gay and Lesbian Mardi Gras next year? I think he would do a good job with that. The member for Ku-ring-gai is too lazy to pick up the telephone and talk to his local parents and citizens association and he is too lazy to visit the school. He has been inadvertently—I hope it was inadvertent, but I have a feeling it was quite deliberate, for the sake of a cheap political stunt—attacking a parents and citizens association in his own electorate. It is disgraceful. I understand a number of parents have tried to get in touch with the member for Ku-ring-gai to explain to him how wrong he is on this issue. Like the Liberal Party and The Nationals he continues to trash public education for cheap political point scoring.

**The Hon. Robyn Parker:** Point of order: The Minister is avoiding the question. He is making imputations about a member in the other place and failing to address the issue of his department's guidelines.

**The PRESIDENT:** Order! The Minister will be generally relevant.

**The Hon. JOHN DELLA BOSCA:** This is exactly relevant because the member asked me about the mistaken attack by the Leader of the Opposition on a Ku-ring-gai school this morning.

**The Hon. Duncan Gay:** They are your guidelines. Stop the character assassination.

**The Hon. JOHN DELLA BOSCA:** There is no character assassination, I am telling the absolute truth. It has been on radio. All morning we have heard about Barry O'Farrell getting stuck into his own local government school. For 25 years, at both the Commonwealth and State levels, the Opposition has been running down public education. This is Barry O'Farrell's reflex reaction, and this time he has trashed a school in his own electorate.

**The Hon. Michael Gallacher:** Tell us about the guidelines.

**The Hon. JOHN DELLA BOSCA:** I will tell you about the guidelines. I will bring the guidelines in this afternoon and I will table them in this House for the Hon. Robyn Parker to have a look at. She will see from those guidelines that for 120 years enrolment at school has been compulsory and it is compulsory for schools to keep a roll and an attendance record. However, some things have changed, and the Opposition might be surprised to know that we are now in the digital age and some schools—government and private—use other ways of complying with that law, including barcoded identification cards and various fingerprint systems.

The member for Ku-ring-gai has continuously run a furphy that students are being fingerprinted. This electronic school attendance system is based on an electronic reader that matches a finger with a code and a photograph. Students place any finger on the reader, it acknowledges them and records them as present. The software does not store fingerprint images, nor can fingerprints be retrieved from the system. It has advantages over swipe cards, which can be lost, stolen or transferred. [*Time expired.*]



**LAWACCESS NSW**

**The Hon. AMANDA FAZIO:** My question is directed to the Attorney General. What is the latest information on LawAccess NSW, the legal assistance and advice service provided in New South Wales free of charge?

**The Hon. JOHN HATZISTERGOS:** LawAccess NSW is a free government service providing assistance to people who have a legal problem. Acting as a single point of access to legal assistance for the people of New South Wales and working with other legal providers in New South Wales to streamline the provision of services for those who need help, the service provides legal information, referrals and legal advice to private individuals via the telephone and Internet. LawAccess NSW commenced operation in 2002 and is a partnership between the State Government, the Legal Aid Commission of New South Wales, the Law Society of New South Wales and the New South Wales Bar Association. It is an excellent example of a successful partnership between the government and the community legal sector that works to provide the people of New South Wales with a valuable community service.

The Lemna Government's commitment to services such as LawAccess NSW stands in stark contrast to the attitude of the former Federal Government. The former Howard Government chose to abandon its responsibility to the most disadvantaged members of the New South Wales community. It should be remembered that members of the Coalition did nothing for 11 years. They sat by and watched, never bothering to stand up to the Howard Government for the sake of their own constituents. I am pleased to see that the Rudd Government is working constructively to rectify this problem, with Commonwealth Attorney-General Robert McClelland announcing at the Standing Committee of Attorneys-General meeting last week that he would bring forward a paper on the subject at the next meeting of the committee in July.

Demand for the services of LawAccess NSW continues to grow each year. In 2006-07 the service provided assistance on more than 131,000 occasions, taking up to 900 calls a day from its call centre located in Parramatta and providing more than 15,000 legal advice sessions to people in need of advice. Last year the LawAccess NSW customer satisfaction survey revealed that 92.5 per cent of people who use the service were highly satisfied with the help they received. However, despite this success the service is not resting on its laurels. As I am sure all members of the House are aware, mortgage stress and debt are currently very real problems for many people in New South Wales. The Director of LawAccess NSW recently stated:

Debt is the most common enquiry we get and we have also seen an increase in the number of calls about mortgage stress.

To deal with these inquiries, LawAccess NSW provides its staff with regular training in credit and debt, ensuring they are able to provide both legal and practical assistance to those who find themselves in financial trouble.

Recognising the high level of need in the New South Wales community, LawAccess NSW has worked with the Legal Aid Commission and the Consumer Credit Legal Centre to prepare and distribute mortgage stress information packs. The information packs spell out in plain English the options open to people who are experiencing financial difficulty and where they can get help. For the cost of a local call people in New South Wales can reach LawAccess NSW on 1300 888 529 or on the Internet at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au). I take this opportunity to congratulate all those who have been involved with this highly successful service since its inception and who have been working hard to ensure the large volumes of clients are provided with consistently high-quality assistance. I look forward to keeping the House informed of the progress of this excellent initiative.

**KILLALEA STATE PARK PROJECT**

**Ms SYLVIA HALE:** I address my question to the Minister for Lands. Since being sworn in as Minister for Lands has the Minister or any of his staff attended any Australian Labor Party fundraising event at which employees or representatives of Babcock and Brown, the joint partner in the Killalea State Park lease deal, were in attendance? Has the Minister or his staff had any discussions with Babcock and Brown adviser Stephen Loosley about the Killalea project?

**The Hon. TONY KELLY:** This member continues with her thinly veiled accusations. It reminds me of something I mentioned yesterday, and I will continue to refer to it for so long as the member continues this attack. I have a press clipping that is entitled "MP bails friend on firearms charges". She did not answer my question yesterday, so I will continue—

**The Hon. Duncan Gay:** Point of order: This has absolutely nothing to do with the question that was asked.

**The Hon. TONY KELLY:** If this member continues to make thinly veiled accusations, she must be prepared to receive something in return—and so should the Deputy Leader of the Opposition! How could I possibly know the answer to her question?

#### **ORANGE AND CENTRAL WEST TAFE COURSES**

**The Hon. MELINDA PAVEY:** My question is directed to the Leader of the Government in the Legislative Council, and Minister for Education and Training.

**The Hon. Michael Costa:** Is that the current leader?

**The Hon. MELINDA PAVEY:** I do not know. Does the Minister recall his statement to the House that, "The Iemma Government is focusing TAFE on its core mission, that is, to anticipate skills that are required in the future in those regions in which TAFE campuses operate"? Why is the Government failing to support bakery and butchery apprentices in Orange and the Central West by no longer offering those courses through the Western Institute of TAFE, forcing apprentices to travel either to Western Sydney campuses to study or not to attend TAFE at all? Why does the New South Wales far North Coast—which has one of the highest growth rates in the State and which needs people with building and construction skills—not have a full-time certificate IV building course in the entire region?

**The Hon. JOHN DELLA BOSCA:** The Deputy Leader of the Opposition is in trouble; the Hon. Melinda Pavey is asking very sensible and good questions.

**The Hon. Duncan Gay:** I would not touch leadership if I were you.

**The Hon. JOHN DELLA BOSCA:** I am trying to get a bite. In March 2007, after the main enrolment period 11,700 people were recorded on the waiting list for TAFE New South Wales courses. This is known as "unmet demand". That unmet demand decreases throughout the year as people are allocated to courses when places become available in existing courses or new classes are offered. By the end of 2007 the unmet demand was approximately 1 per cent of total enrolments over 500,000. I cite that broad statistic to illustrate that TAFE is managing to provide wide coverage of services and courses across New South Wales and an incredibly diverse training program in a highly regional environment that requires trained personnel in a wide range of skills areas.

Indeed, TAFE tries to provide options in a wide range of areas. For example, a couple of weeks ago the member for Monaro, Steve Whan, and the new Federal member for Eden-Monaro, Mike Kelly, and I opened a new hospitality facility. TAFE Cooma has had to move with the times and changes in the local economy. That region now needs more people with hospitality and tourism-related skills and, of course, the important construction trade skills. Those courses will now be offered by TAFE Cooma. The changes involved have obviously caused difficulties, but the issues are being managed on the basis of TAFE providing a wide variety of courses to train the workforce as appropriate for each region.

TAFE is also developing a range of new options for distance skills learning. That is part of the TAFE works package that has been the subject of wide consultation throughout the TAFE network. Funding for TAFE supports enrolments for about 1,300 qualifications offered at 130 TAFE campuses across the State. The member's question was very good but very specific in relation to two particular courses and two areas—

**The Hon. Melinda Pavey:** The Central West and the North Coast

**The Hon. JOHN DELLA BOSCA:** The Central West and the North Coast, as she reminds by way of interjection. Because her question was very specific in relation to those areas, I will come back to her with the specifics, and I am happy to provide that information to the House at the earliest opportunity.

#### ***PARENTS' GUIDE TO THE NEW SOUTH WALES PRIMARY SYLLABUSES***

**The Hon. IAN WEST:** I direct my question to the Minister for Education and Training. Will the Minister inform the House what the Iemma Government is doing to help parents gain a better understanding of the skills their children are learning at primary school?

**The Hon. JOHN DELLA BOSCA:** The Iemma Government's initiatives with regard to the primary school curriculum are very significant. A couple of weeks ago I launched an initiative dealing with primary syllabus guides for parents. Parents play a vital role in their children's education.

**The Hon. Duncan Gay:** Why do you want to lock them up then?

**The Hon. JOHN DELLA BOSCA:** The Deputy Leader of the Opposition is again demonstrating the depth of his ignorance of any serious policy debate. I will not dignify that comment or hold up giving this important answer to the member's question by responding.

**The Hon. Greg Pearce:** You just did.

**The Hon. JOHN DELLA BOSCA:** I will not dignify that ignorant interjection with a detailed response. Because parents play a vital role in their children's education the New South Wales Government has developed the *Parents' Guide to the New South Wales Primary Syllabuses*. As I said earlier, I had the pleasure of launching the guide earlier this year at Russell Lea Infants School. The new guide will make it easier for parents to follow their children's education and progress through kindergarten to year 6.

The New South Wales primary curriculum provides students with world-class standards in the development of numeracy and literacy skills. It is based on six key learning areas: English, which occupies about 25 per cent to 35 per cent of the typical primary school week; mathematics, which occupies about 20 per cent of the week; science and technology, which occupies 6 per cent to 10 per cent of the week; human society and its environment, which occupies 6 per cent to 10 per cent of the week; creative arts, which occupies 6 per cent to 10 per cent of the week; and personal development health and physical education, which occupies 6 per cent to 10 per cent of the week.

It is important for parents to know that kindergarten students should be able to write simple sentences, count to 30 and tell the time to the hour. By year 6 students should be reading and responding to a range of literary works from large novels to abstract poems, be able to calculate simple fractions, and to record volume and capacity with decimal notation. At a glance parents will be able to use the syllabus guide to see the amount of time their children are spending on each of the key learning areas and be informed about the specific topics and skills they are learning in those areas at each stage. The guide will also help parents to discuss educational issues with their child's teacher. The 16-page guide, which features illustrations of original student work, was developed by the New South Wales Board of Studies in consultation with teachers, parents and principals. An online version can be found at the Board of Studies website and is available in a variety of community languages including Chinese, Arabic and Vietnamese.

The New South Wales Government is investing heavily in the education of our primary school students. The Best Start Kindergarten initiative is an \$82 million program to give our youngest students the best possible start to their schooling. By sitting down with each student and assessing their early literacy and numeracy skills, teachers can develop learning plans. In 2008, the Best Start Kindergarten assessment will be rolled out to more than 400 schools, with a further 600 implementing the program in 2009. In all, 1,700 primary schools will be participating by 2010.

The Government's Reading Recovery Program is designed to help year 1 students having difficulties with reading and writing. It is being expanded, with a further 250 specialist teachers starting their training this year. Since 1996, 63,000 students have caught up to their peers in reading ability. Those young people may have gone through their entire school experience well behind in reading skills without the Iemma Government's intervention programs. These new teachers will bring the total number of reading recovery teachers in public schools to 1,000. We have also exceeded our targets to reduce junior class sizes in public schools. We have now achieved average class sizes of 19.2 for kindergarten, 21.1 for year 1, and 22.6 for year 2 students. The New South Wales Government is spending a record \$31 million on our teachers— [Time expired.]

#### SEAFORTH TAFE

**Dr JOHN KAYE:** My question is directed to the Minister for Education and Training and it relates to Seaforth TAFE. Is it true that the Department of Education and Training has pressured Manly Council to withdraw the option of re-opening Seaforth TAFE as a public education or training institution from a referendum on the future of the campus? Is it true that his department also requested the Department of Planning to use its powers under State environmental planning policy No. 8 to rezone the site away from being an

educational institution? Why do the Minister and his department persistently seek to undermine the northern beaches community's desire to re-open Seaforth TAFE as a public education and training institution to satisfy the rapidly growing needs in that area?

**The Hon. JOHN DELLA BOSCA:** The Department of Education and Training has established that the Seaforth site is no longer viable as an educational facility. By the way, this all happened long before I became the Minister.

**The Hon. Duncan Gay:** It was another government?

**The Hon. JOHN DELLA BOSCA:** Actually it was. The site has been closed since 1999, which is where members opposite have been stuck—in the last millennium. The northern beaches are well serviced for TAFE delivery through other colleges of TAFE New South Wales: the Northern Sydney Institute and Brookvale TAFE. On 8 June 2004 a decision to dispose of the former Seaforth TAFE site was reached and Landcom was appointed to manage the planning and disposal process. Manly Council, Landcom, the Department of Education and Training and the community reference group have identified opportunities for the Seaforth site and commented on the options for the site.

The plan for the Seaforth town centre and the former Seaforth TAFE site—draft urban design guidelines—was placed on public exhibition, and the time during which any comments could be lodged about that plan closed back on 24 November 2006. In bringing issues to Parliament, the Opposition is a long way behind the run of play. The proposal found to represent the best return and to receive the broadest support from the community was a proposal to construct a multistorey development on the site. The Minister for Planning recently met with various stakeholders, including the local council, about that matter. He asked the council to resolve its position on Seaforth TAFE by the end of April. I look forward to the matter being finally resolved.

#### MOTORCYCLE NUMBERPLATES AND ELECTRONIC TOLLING

**The Hon. CHARLIE LYNN:** My question without notice is directed to the Minister for Roads, and the Minister for Commerce. Is the Minister aware of the proposal by the Roads and Traffic Authority to have a numberplate mounted on the front of motorcycles? Is the Minister aware that imported motorcycles do not have a provision for the mounting of numberplates because of the danger of a motorcyclist being garrotted in the event of a collision? Will the Minister advise how many motorcyclists will be required to mount a numberplate on a motorcycle that has no provision for such a plate, what is the likely cost of that exercise, and how much revenue does the Government expect to gain from this initiative? Is the Minister also aware that, despite advanced technology that allows us to put a man on the moon, the Roads and Traffic Authority is unable to design an electronic toll recorder for motorcyclists? Is the Minister aware of the inconvenience caused to, and safety breaches committed by, motorcyclists having to fumble for change at tollbooths because of the Roads and Traffic Authority's failure and inability to develop an electronic toll recorder? [*Time expired.*]

**The Hon. ERIC ROOZENDAAL:** The issue of cashless tolling is important. Obviously we would like to move to the desired outcome of cashless tolling for all vehicles across the network.

**The Hon. Charlie Lynn:** No, my question relates only to motorcycles.

**The Hon. ERIC ROOZENDAAL:** Including motorcycles. I understand the Roads and Traffic Authority—

**The Hon. Charlie Lynn:** When?

**The Hon. ERIC ROOZENDAAL:** The member asked the question; he could at least listen to the answer.

**The Hon. Charlie Lynn:** But when?

**The Hon. ERIC ROOZENDAAL:** I am giving him the answer but he keeps interrupting me. The Roads and Traffic Authority has been exploring options to allow an electronic tag to be safely and easily secured to a motorbike. It has approached manufacturers about bringing such a motorcycle tag onto the market. Initial trials have been held involving a magnetic pouch that has been produced by a Sydney company, and these trials have been successful. The company is currently looking to make the pouches available at retail outlets.

There are other options for motorcyclists. If their motorcycle has a windscreen, a tag can be fixed to it in the normal way, as with a car. A fabric pouch with an armband is available from the Cross City Tunnel company for E-tag holders. A cheaper option is available for motorcyclists to pay the toll with a monthly pass available from motor registries. It needs to be presented at a cash booth but it is at a discount of the normal toll rate. Tags need to be positioned, whether in a pouch or on the windscreen, in the same way as they are in a motor vehicle, with the back of the tag facing forward and upwards. If the tag is in any different position, it may not be read correctly. If any motorcyclist who has an electronic tolling account receives a toll notice, they will not be charged any additional administrative fees.

**The Hon. Michael Gallacher:** What about the numberplates?

**The Hon. ERIC ROOZENDAAL:** I am glad you asked about the numberplates. I was saving the best part for last. Unfortunately, members of the Opposition tend to be a little slothful in their research. The proposal that the honourable member refers to is from the Victorian roads authority. It is not from the Roads and Traffic Authority in New South Wales.

[*Interruption*]

I am answering the Hon. Charlie Lynn's question. I understand this proposal has been put forward by the Victorian roads and traffic authority. We will be monitoring community debate on this issue.

[*Interruption*]

This is what we do. We listen to the community. There is no proposal for the New South Wales Roads and Traffic Authority to do this.

**The Hon. Duncan Gay:** The Hon. Eric Roozendaal should be Premier, not the Hon. John Della Bosca. They are the words of a Premier.

**The Hon. ERIC ROOZENDAAL:** If the member wants to talk about merit, he should acknowledge, as we all do, that he should be sitting where the Hon. Melinda Pavey is sitting and she should be sitting where he is sitting. There is a good reason that the Hon. Melinda Pavey has—

**The Hon. Charlie Lynn:** Point of order: I asked the Minister for an unequivocal commitment that any such harebrained proposal will be rejected.

**The PRESIDENT:** Order! That is not a point of order.

**The Hon. ERIC ROOZENDAAL:** As I was saying, the Hon. Melinda Pavey has certainly improved her presentation to Parliament, and we understand she is doing that because her ambitions are burning. There has been a certain slothfulness among members of the Opposition—

[*Interruption*]

Yes, that is right; it means acting like a sloth. And there have been a number of lazy questions from them, just like the one asked today by the Hon. Charlie Lynn. We all know that he would not have written it. It would have come from the shadow Minister for Roads, whose research involves flicking to page 5 of the *Daily Telegraph* once every couple of days. This question is a waste of time of the House.

### PACIFIC HIGHWAY UPGRADE

**The Hon. GREG DONNELLY:** My question without notice is addressed to the Minister for Roads. Will the Minister provide the House with the latest information regarding upgrades to the Pacific Highway?

**The Hon. ERIC ROOZENDAAL:** Work to upgrade roads in Bonville started in November 2006, and I am pleased to inform honourable members that two overpass bridges along the Pacific Highway are now open to traffic. The overpasses on Bonville Station Road and Williams Road were built as part of a \$245-million upgrade to local roads in the area. It is one of the projects being undertaken as part of the \$2.5-billion Pacific Highway upgrade, jointly funded by the Iemma Labor Government and the Rudd Labor Government. It is a significant project for motorists and a real win for the local community. The 9.6-kilometre Bonville upgrade of

the Pacific Highway consists of 19 new bridges, including five overbridges. It begins adjacent to Perrys Road, bypasses Bonville village and finishes at the junction of Lyons Road, approximately 11 kilometres south of Coffs Harbour.

By the time the Bonville upgrade project is completed later this year, more than one million cubic metres of earthworks will have been undertaken in the Bonville area, including the construction of 19 bridges and landscaping involving the planting of tens of thousands of trees and shrubs. I am sure members of this House are well aware that we have reached the new age of cooperation between the Federal and State governments.

**The Hon. Melinda Pavey:** Tell us about the Bega bypass.

**The Hon. ERIC ROOZENDAAL:** Was that the shadow Opposition leader? Now we hear the Hon. Melinda Pavey firing up. The Iemma Labor Government is now managing a \$1.3-billion joint State-Federal Pacific Highway upgrade program for the years 2006 to 2009. In this financial year alone the Iemma Government will have spent more than \$447 million on projects to upgrade and improve the Pacific Highway. That is a significant investment, especially when compared to the failed Howard Government's Pacific Highway budget, which worked out at only about \$66 million a year over 10 years. During the time of the Howard Government I harangued members of the Opposition to stand up to their Federal mates, but they were too gutless to do so. And what happened? That Government was judged by the public and thrown out of office.

The dual carriageway upgrade along the entire length of the Pacific Highway is now under construction, with preferred routes either identified or completed. Forty-eight projects have now opened to traffic and 91 kilometres of the highway are currently under construction or contracts have been awarded for construction. If honourable members travel on the Pacific Highway at the moment—as I did over the Christmas-New Year break—they will see massive construction. Local communities, businesses and motorists will continue to be kept informed by the Roads and Traffic Authority of work happening in their area.

The completed Pacific Highway upgrade will mean 664 kilometres of continuous dual carriageway from the F3 near Hexham to the Queensland border. It is one of the biggest road infrastructure projects ever undertaken in Australia's history. It is a clear demonstration of the Iemma Government's commitment to working cooperatively with the new Rudd Government to complete the upgrade as quickly as possible. A key priority of the Iemma Government's State Plan is safer roads, and that is why we are investing significant funds to upgrade this national highway. It is a real example of the Iemma Government's getting on with the job of delivering new, better and safer roads, unlike the mob on the other side, who are struggling just to get along with each other. I look forward to continuing to update the House on this issue.

#### PAID MATERNITY LEAVE

**Reverend the Hon. Dr GORDON MOYES:** I ask the Attorney General, representing the Minister for Women, a question without notice. Is the Minister aware that the gender divide inherent in Australia's parental leave system continues to leave women in an exceptionally vulnerable position in the workplace? In particular, is the Minister aware of recent research conducted by Professor Marian Baird of the University of Sydney, which has found that "women accrue different types of leave—annual, long service, and maternity—and package it all together to allow themselves more time at home with their child" and "just 14 percent of fathers take unpaid leave, compared with almost 60 percent of mothers". Given that Australia remains one of the only two Organisation for Economic Cooperation and Development [OECD] nations failing to provide paid maternity leave, can the Minister indicate what arrangements will be established to ensure and recognise the equal rights and responsibilities of mothers who suffer the continuing slothful bias?

**The Hon. JOHN HATZISTERGOS:** I will refer the matter to the Minister and obtain an answer.

**The Hon. JOHN DELLA BOSCA:** If honourable have further questions, I suggest that they place them on notice.

#### ELECTRONIC SCHOOL ATTENDANCE SYSTEM

**The Hon. JOHN DELLA BOSCA:** Earlier the Hon. Robyn Parker asked me a question about Ku-ring-gai High School. I place some supplementary matters before the House. I have been advised that the

technology in relation to the roll system converts the fingerprint of a student to a mathematical code, based on size, shape and key points of the print. It does not store the fingerprint. It has advantages over swipe cards, which can be lost, stolen or transferred. I have been advised that there has been significant consultation and communication with the school community about the trial in the past six months.

The Ku-ring-gai High School Parents and Citizens Association has provided funding for the school to introduce the system; it was not provided by the Department of Education and Training. A number of other schools are using the same system, including government schools, some private schools and some Catholic schools. The Department of Education and Training does not endorse any of the commercial products in relation to roll checking. Any electronic system used to record attendance needs to meet legislative and departmental requirements, especially those relating to privacy provisions. The principal has withdrawn the planned trial at this stage and, as I understand it, further school community consultation will follow.

#### **PLANNING FORUM REGISTRATION FEE EXEMPTIONS AND DEPARTMENT OF PLANNING**

**The Hon. MICHAEL COSTA:** On 28 February 2008 Ms Sylvia Hale asked a question without notice relating to the August 2007 Planning Forum. The Minister for Planning has provided the following answer:

The Director General has advised me that at no stage did he contact any property developers or lobbyist for property developers in relation to attending the planning forum.

The Department of Planning invited Councils, industry groups, peak body representatives, community groups and agencies to the New Ideas for Planning forum which was held on August 14, 2007.

The invitation was a standard pdf attached to the email which was distributed to all stakeholders, agencies, councils and groups and was not tailored to any one group.

The e-mails were sent through the Department of Planning's e-news mailing lists and as part of group emails sent from the Cities and Centres Division of the Department of Planning.

There was no waiving of registration fees to any attendees affiliated with the development industry.

However, community groups and Councils received fee concessions.

#### **HIGH-POWERED PORTABLE LASERS**

**The Hon. JOHN HATZISTERGOS:** Earlier in question time Reverend the Hon. Fred Nile asked me a question regarding lasers. The following information has been provided to me, which supplements the response I gave to the honourable member during question time. I advise the House that the Government is considering various legislative options to make certain types of lasers prohibited weapons that, in certain circumstances, would lead to substantial penalties and even imprisonment. The regulation of these items is a complex issue and needs substantial consideration. Laser pointers are widely accessible and are used for a range of legitimate purposes. Victoria has prohibited lasers with an energy output of more than one milliwatt so that such items require approval from the Commissioner of Police prior to being acquired. I understand that the Northern Territory has classed these lasers as controlled items. The Minister for Police will raise this issue with his interstate colleagues at the forthcoming meeting of the Ministerial Council on Police Emergency Management.

#### **LOCAL GOVERNMENT ELECTIONS**

**The Hon. TONY KELLY:** On 5 March 2008 the Hon. Robert Brown asked a question without notice relating to Wollongong City Council elections. The Minister for Local Government has provided the following answer:

ICAC Commissioner Cripps, in his first report from the current Inquiry into Wollongong City Council, was of the opinion that systemic corruption existed within that Council.

The Government has acted on that report and dismissed the Council.

It would be naive to think that the systemic corruption in the Council reported on will be resolved before the September 2008 elections.

The Commissioner conducting the Public Inquiry into Port Macquarie-Hastings Council recommended that the councillors be dismissed and an Administrator be appointed for a minimum period of four years, to manage and direct the affairs of the Council.

The Government has accepted the recommendations in that report and has acted accordingly.

**Questions without notice concluded.**

## BAIL SURETY

### Personal Explanation

**Ms SYLVIA HALE**, by leave: I wish to make a personal explanation. During question time both yesterday and today the Minister for Lands implied that I have in some way acted improperly in providing a part-surety for someone who is currently on bail awaiting trial on certain charges. I did not respond yesterday because I did not, and still do not, see that I have anything to respond to. But the Minister clearly thinks it is an issue, so I make the following explanation to the House. I can confirm that I have provided part of the surety for a person currently on bail awaiting trial on certain charges. As I understand it, the bail conditions imposed are being met.

Where a court has determined bail conditions, there is nothing that is illegal, immoral, unethical or questionable about a person providing assistance to someone to meet those bail conditions. I know this Government treats the presumption of innocence with contempt but, fortunately, it is still a principle upheld by our courts and by the common law.

*[The President left the chair at 1.06 p.m. The House resumed at 2.30 p.m.]*

## PAID MATERNITY LEAVE

### Debate resumed from an earlier hour.

**The Hon. AMANDA FAZIO** [2.30 p.m.]: Prior to the interruption of this debate for question time I was referring to the WorkChoices updates issued by Australian Business Lawyers. I pointed out that the updates demonstrated the complexity of providing parental leave, particularly paid maternity leave, under the provisions of the WorkChoices legislation. Australian Business Lawyers' detailed briefings on WorkChoices, comprising four pages, concluded as follows:

The Federal Government has not yet released the regulations which supplement many of the details of WorkChoices. There are still a number of unresolved issues concerning parental leave, in particular, the rights and obligations of employers and employees who are currently on parental leave.

Of course, it is open for employers and employees to agree to provide more favourable parental leave, such as paid parental leave.

That summarises the way in which, I believe, WorkChoices showed no true regard for the concerns of working parents and families who were trying to work out their maternity and paternity leave provisions at a time when we had increasing interest rates, more families suffering from economic stress. As a result of the WorkChoices legislation being put in place, there was greater uncertainty for working families, particularly women who wanted to take maternity leave, with regard to their job security or having any guarantee that they could come back to work part time after they had their children. It simply shows how bad the WorkChoices legislation was with regard to paid maternity leave.

In the lead-up to the Federal election last year the National Foundation for Australian Women conducted a poll of the major political parties, in conjunction with the New South Wales Commission for Children and Young People, to try to get a feel for the views of the various major political parties on the need for paid maternity leave. The foundation issued a media release headed, "We vote 'Yes' but politicians differ on Paid Maternity Leave". In that media release the foundation reported the former Prime Minister, John Howard, as saying that paid maternity leave was not necessary; the Hon. Kevin Rudd, the current Prime Minister, as saying that he would definitely have a Productivity Commission inquiry into paid maternity leave if elected; and Senator Stott-Despoja from the Democrats as saying that she wanted to immediately implement a provision of paid maternity leave. In its media release the National Foundation for Australian Women went on to say:

While Federal politicians continue to disagree, more than a thousand Australian organisations and individuals have indicated through an on-line petition ... that Paid Maternity Leave is a key issue for the next [Federal] election.

This strong response follows a recent Newspoll survey that revealed an overwhelming 76% of Australians support paid maternity leave, with 78% wanting financial responsibility to be shared jointly by employers, workers and the Federal Government.

In addition, the AC Nielsen poll conducted on 10 September 2007 showed that industrial relations, of which paid maternity leave was a key element, was the number three issue for the election. I believe we should always



bear in mind that while some politicians, in particular some male politicians, do not recognise the value of maternity leave, the Australian community, particularly working women, know exactly how important maternity leave is to people.

In the lead-up to the Federal election, the Federal Coalition demonstrated how out of touch it was with what Australian families have said they need to help them raise their children. The Federal Government continued to ignore the issue of paid maternity leave—and it did so ultimately at its own peril. The community reaction to WorkChoices was so overwhelming that it was the key plank in the Federal Coalition losing the election. The strength of the concerns of young people, women and working families about access to paid maternity leave was one of the critical issues that helped to hammer the nail in the coffin of what was an unresponsive, out-of-touch Federal Government.

I am very pleased that very soon after forming government the Federal Labor Party announced that it would have the Productivity Commission investigate paid maternity leave. It is important that people take note of that. On 8 February 2008 the Hon. Julia Gillard, the Deputy Prime Minister, and the Hon. Jenny Macklin, the Minister for Families, jointly announced that the Productivity Commission would conduct the inquiry and that the commission would report by February 2009. I note that recently some people have said that paid maternity leave should be implemented immediately, that we should not need to have a Productivity Commission inquiry. However, the Federal Labor Party's position in the lead-up to the Federal election was that if elected it would have the Productivity Commission conduct the inquiry. The Federal Government has acted swiftly to get the inquiry underway, and the terms of reference for the inquiry, I believe, are very reasonable.

The new culture that has developed following the ousting of the out-of-touch Howard Federal Government has been picked up by the community in general. During the past couple of weeks the major department store chain Myer announced that it will provide paid maternity leave for its staff. The reasons stated by the company for doing so are reflected in the arguments expressed by most advocates for paid maternity leave. The company wants to ensure that skilled women who work for it return to work, and it wants to offer them flexible working hours when they return to ensure that they stay in the workforce. Interestingly, on the same day that Myer announced that it will provide paid maternity leave for its staff the German-based supermarket chain Aldi—which is having major inroads across Australia, not just in metropolitan areas; it seems that every major country centre has an Aldi store—announced that it will provide maternity leave for its employees at half pay for, I think, 12 or 14 weeks. It simply shows that a cultural shift is taking place.

There is no better example than those two major commercial organisations coming forward of their own volition and offering paid maternity leave to their employees. What can we contrast that with in terms of the Federal Opposition? They have finally had enough sense to abandon WorkChoices. They still show they are out of touch in relation to the Australian community. They are still whingeing about losing \$100,000 or \$150,000 per year from their salaries, having gone from ministers to backbenchers. They are saying, "We are feeling a bit of a squeeze now. We cannot pay our mortgages." Tony Abbott is complaining about his mortgage repayments. These are the same issues that hundreds and thousands of working families across Australia have been worried about for years. I am glad they have finally had a slap in the face and reality has caught up with them.

The Federal Opposition's lack of action on paid maternity leave—it was not even a lack of action but something more culpable than that—was dragging industrial relations and the working conditions of women and families in Australia backwards into the dark ages. We have to remember that, following from the New Zealand example, it will take years to restore people to the status quo prior to the introduction of WorkChoices. We should not think that because WorkChoices has been thrown out everything will go back to normal. Our industrial relations system, our system of collective bargaining, our system of arbitration, our system of providing a responsive solution to the needs of working families has been damaged and it will take a long while to overturn that damage.

I was very proud to see the death of Australian workplace agreements when Julia Gillard, the first female acting Prime Minister and first female Deputy Prime Minister in the history of Australia, went from Kirribilli House—which is now being used for its proper purpose and not cheap subsidised accommodation for the former Prime Minister and his family—next door to Admiralty House and had the Governor General sign the death knell of WorkChoices and Australian workplace agreements. That was a wonderful moment that signified generational change in Australian politics at the Federal level. It showed that we now have a government in power that is responsive to, and will do the right thing by, the community. The Federal Government will act swiftly on its Productivity Commission investigation into paid maternity leave. This will

bring hope to many hundreds of thousands of young Australians families who presently do not know if they can afford to have children or, if they have one or two children, are being hampered by economic constraints and are not able to have as many children as they would like because of uncertainty about job security and uncertainty about being able to go back to work after having children. Hundreds of thousands of Australian families are suffering financial stress as a result of the abysmal economic policies of the former Federal Government. I commend the motion to the House.

**The Hon. GREG DONNELLY** [2.42 p.m.]: I want to speak in favour of the motion of the Hon. Lynda Voltz. Contrary to some speakers in this debate having said that the motion is redundant, I think it is in order for the House to have a detailed look at the matter. There is an active ongoing discussion in the New South Wales community about paid maternity leave and this House should be a participant, not a casual observer. I note also that the member for Goulburn, Pru Goward, who is mentioned in the motion, spoke extensively about the issue only a fortnight ago in the *Sunday Telegraph*.

It is timely to examine the issue because with the Federal Labor Government just recently having completed the first major step in rehabilitating our national industrial relation laws from the destructive impact of WorkChoices, it is now possible to look at a range of policy initiatives that will assist Australian workers and their families. This debate should not pass without it being restated that WorkChoices was the most pernicious piece of industrial relations law ever passed by any government in Australia. It was the most comprehensive attack launched by any government on the wages and working conditions of ordinary working Australians. Its centrepiece Australian workplace agreement was a device used by employers to strip away and abolish fair and decent rates of pay and entitlements.

The reality was that while the number of people who had been directly impacted by WorkChoices only measured in the hundreds of thousands and not millions, ordinary working Australians did not need a crystal ball to see that it was only a matter of time before their wages and working conditions would be put in the shredder. You would have thought the Federal Coalition would have learnt their lesson, having been tossed out at the Federal election in November last year, but today in Melbourne Julie Bishop, the Opposition Deputy Leader and spokesperson for Workplace Relations, whilst speaking at the Australian Mines and Metals Association conference said:

A form of individual statutory agreement ... will be part of our platform at the next election.

What Julie Bishop is saying is that notwithstanding the complete decimation of the Federal Coalition at the last Federal election, as a result of their pernicious industrial relations, they have decided to hang on to Australian workplace agreements in another name. They are calling them "individual statutory agreements" but that is what Australian workplace agreements are—no-one thinks otherwise. It is extraordinary that only a matter of months after such a defeat the Federal Coalition is putting that forward for people to think about. It is quite clear in my mind that if they do go to the next Federal election with that type of policy they will find themselves in the same predicament that they find themselves in now.

**The Hon. Catherine Cusack:** Anyway, back to maternity leave.

**The Hon. GREG DONNELLY:** Not much at all is being said by the Coalition about maternity leave. Let us be very clear, those on the front line—and the evidence supports this—who suffered most at the hands of Work Choices were working women, particularly those employed part-time and casually in the service industries like retail and hospitality. Tragically many of the conditions that disappeared under WorkChoices related directly to the rostering and leave entitlements that impacted directly on working women and, in particular, those with children. The cruel hoax was that while John Howard and his Government were forever talking about "work-family balance", "flexibility" and "family friendly workplaces", it was just that: a cruel hoax that voters saw through. It was cynical political double-speak at its worst. On the one hand, warm and understanding words and political-speak. On the other hand, cold harsh legislation that weakened and ultimately took away legal rights that had evolved over a century. All this now is history.

With respect to paid maternity leave, can I say that I reject claims made in this debate that the Federal Labor Government is trying to avoid dealing with this issue. Yes, it is true that the Productivity Commission has been asked to conduct an inquiry into the matter, but there are many issues that need to be considered carefully. There is a lot more to this debate than 14 weeks versus 26 weeks or some longer period. No doubt in the weeks and months ahead there will be much debate about what should be the key elements of a paid maternity leave proposal.

I will discuss some of the proposed elements and reflect on what they mean. A possible proposition that could be applied may contain provisions of a payment by the Federal Government and not employers. That payment would be means tested and made to all mothers, whether in the paid or unpaid workforce. The rate of pay would be at the Federal minimum wage and indexed. The period would be no less than 14 weeks—that, of course, as we know from other participants in this debate, is in conformity with the International Labor Organisation [ILO] Convention 183. The payment as described would subsume the current maternity allowance, or baby bonus, paid by the Federal Government. The payment would be made by weekly or fortnightly instalments and taxable. Importantly, the 9 per cent superannuation on this payment would also be paid by the Federal Government to all women, and employees would have their payment topped up, if necessary, by their employer to their ordinary time earnings for the period of leave. Employees would have their current parental leave entitlements protected and have the right to accrue long service leave, annual leave and sick leave entitlements while receiving such payments—that is important for persons who currently receive an entitlement which may be superior to what may be provided. Finally, this would form part of the new National Employment Standards.

Although I do not intend to examine each element individually, I will make some general comments. Under the proposal all mothers would receive the payment from the Government. Governments have a responsibility to support the family, and this support should be such that all individuals and families can live decently and with dignity. A critical aspect is the provision of adequate support to mothers and children. By making it a government payment to all mothers, subject to an appropriate means test, all women who have a baby, not just those in the workforce, would benefit. Many women, for a range of reasons, work casually or part-time and it is not uncommon for them to move between employers. This is particularly common for women working in the service sector. A danger of having the payment employer funded, as opposed to federally funded, is that with strict eligibility criteria, whilst many women may have an entitlement on paper few would get the payment. Moreover, there would be a built-in positive incentive for employers not to tackle labour turnover issues in their industry. If they did, they would expose themselves to additional costs associated with maternity leave claims. A payment from the Government to all mothers is the best way to ensure it is delivered in practice, not theory, to those it is targeted at.

The payment should be means tested at an appropriate rate. The level at which the payment cuts out should be such that most women would be eligible. However, there is no justification for government payments to the wealthy. It may be worth considering also that the payments are made through Medicare and not Centrelink. This may assist in dealing with the reluctance to access payments that may be considered welfare. To give a specific example as to the rate of payment, if a full-time worker received the current Federal minimum wage rate of \$539.22 per week for 14 weeks, she would be entitled to \$7,549.08. As honourable members know, the current Federal maternity allowance, or baby bonus, is \$4,133, rising to \$5,000 from 1 July 2008. Under this proposal, in instances where a woman's income is greater than the base payment, that is, 14 weeks at the current Federal minimum wage, the employer would be required to make up the difference between the base payment and the woman's ordinary weekly wage. In effect, the employer would make a top-up payment so that the woman was not financially disadvantaged by being out of the paid workforce. This is entirely appropriate. Since employers are the beneficiaries of women returning to their workplace, they should pay the incentive for them to do so. The top-up payment is also due recognition and reward for the contribution that women have made to their employer's business or enterprise, whether in the private or public sectors.

The period of paid leave under any proposal is a contentious issue for a range of reasons. Some employees in the public and private sectors already have access to varying levels of paid maternity leave. It has been argued that we should just pick up overseas standards, particularly from the Scandinavian countries, and adopt them in Australia. It seems that in the not too distant future we will have to bite the bullet. I believe we should secure something as soon as possible, lock it away in legislation and build on it in the years to come. In accordance with the International Labour Organisation Maternity Protection Convention 183, the length of payment should be a minimum of 14 weeks, with a view to extending it over time. This minimum period satisfies the objectives of the convention, with regard to the health of the mother and child and the establishment of a breastfeeding regime and care arrangements for the baby. That is consistent with the findings of a number of international studies examining maternal recovery after giving birth, which advocate at least 14 weeks of postnatal leave prior to a return to the workforce.

The base payment to all mothers and the additional payment to women in the paid workforce will need to be legislated by the Federal Parliament if they are to become guaranteed entitlements for women. It is not clear to me that the Senate, post 1 July this year, is likely to support a proposal well above the internationally recognised International Labour Organisation standard. I may be wrong. We shall have to wait and see. The

establishment of a solid minimum entitlement will place real upward pressure on employers who are currently providing some paid maternity leave to improve their arrangements. It will not be possible to legislate for all the best that is on offer in the private sector. We should focus on securing the best universal minimum available in the circumstances, lock it away, and improve on it over time. There are employers who are currently offering or improving their paid maternity leave entitlements. I congratulate Myer on its recent announcement, making it the first major retailer in Australia to introduce paid maternity leave. This will place pressure on other retail companies to follow its lead.

An adequate paid maternity leave scheme that is inclusive of all women would provide recognition of and support for the social benefit of maternity, increase women's choices around child bearing and support parents in their child-rearing role. It would give recognition to the important task of bearing and rearing the next generation, with particular consideration for the health and wellbeing of the mother and baby. As such, it would be a major contribution to the building of the social capital of the nation. Any discussion about maternity leave should also give careful consideration to the paternity leave entitlements of fathers. The two matters must be discussed concurrently to ensure that the rights of both women and men in the paid workforce are protected and enhanced. I congratulate the Hon. Lynda Voltz on putting this matter on the notice paper. I look forward to the day in the near future when the Australian Labor Party once again delivers a major improvement in maternity entitlements for women across this country.

**The PRESIDENT:** On behalf of all honourable members I welcome to the New South Wales Parliament staff and students who are participating in the high school parliamentary debating program from Bankstown, Homebush Boys, Caroline Chisholm, Kogarah, Port Macquarie, Wollongong and other high schools.

**The Hon. MELINDA PAVEY** [2.55 p.m.]: I welcome the students from Port Macquarie High School, and I am pleased that they are present during this debate. The moving of this motion by the Hon. Lynda Voltz in June last year was not done for only pure reasons. The motion was also an attempt to shame or embarrass Pru Goward, the member for Goulburn and former Federal Commissioner for Sex Discrimination. It has now become clear that the shame has fallen squarely at the Government's feet.

**The Hon. Charlie Lynn:** An own goal.

**The Hon. MELINDA PAVEY:** It is an own goal.

**The Hon. Lynda Voltz:** We have had six months of the Federal Labor Government.

**The Hon. MELINDA PAVEY:** That is the point—six months—and all that Acting Prime Minister Julia Gillard did was refer the matter to the Productivity Commission.

**The Hon. Lynda Voltz:** You can put some money on it.

**The Hon. MELINDA PAVEY:** I do not want to take \$50 off the Hon. Lynda Voltz because now that all the planets and stars are aligned, the Labor Party could introduce paid maternity tomorrow if it were serious. Only one-third of women in Australia receive paid maternity leave. That is the issue. The Labor Party wanted it. Now when they have the opportunity to introduce it, they refer the issue to the Productivity Commission.

[Interruption]

**The PRESIDENT:** Order! I remind all members that interjections are disorderly at all times.

**The Hon. MELINDA PAVEY:** It will be a difficult road for the Labor Party if it wants to introduce paid maternity leave, given that at the New Agenda for Prosperity Conference, which was organised by the *Australian* newspaper in Melbourne on Thursday and Friday—which I was fortunate to attend—the biggest issue to be put on the table by Kevin Rudd was not paid maternity leave but productivity. The Federal Government is setting the framework to do nothing: it has sent the issue to the Productivity Commission for a report in 12 months time. Pru Goward had the courage of her convictions to make some very contrary remarks about what the Howard Government was doing at the time. As we know, Australia and the United States of America are the only two OECD [Organisation for Economic Cooperation and Development] countries without compulsory government-funded paid maternity leave. This issue has an effect on the workload balance of working families right across New South Wales and Australia, but we have an opportunity now to remedy the situation.

**The Hon. Greg Donnelly:** You have a chance now there is a Labor Government. That is why there is a chance.

**The Hon. MELINDA PAVEY:** But we are pushing back that chance. I am making the point that it will not be an easy road for Prime Minister Rudd, because before he got on a jet and flew off on his world tour for 17 days to shake hands with the rich and famous he made productivity the biggest issue, not paid maternity leave. I wish to mention the record of the Federal Liberal-National Government over the past 12 years in support of families across Australia. The family benefit payments and the baby bonus that was introduced by the Howard Government has had a positive impact on many people from the low-income areas of Australia—in particular, in many of the seats we represent.

**The Hon. Greg Donnelly:** Then why did they get chunked out in November last year?

**The Hon. MELINDA PAVEY:** They got chunked out because of a very devious election campaign run by many people associated with the Labor Party.

**The Hon. Greg Donnelly:** Devious?

**The Hon. MELINDA PAVEY:** Devious, yes. They ran an election campaign on the very point being made now by Kevin Rudd: that Australia's biggest threat is productivity. It is important to point out that during the term of the Liberal-Nationals Government household net income almost trebled from \$1.6 billion in March 1996 to \$4.9 billion in 2007. A recent survey by the Australian Bureau of Statistics and Research found that only 40 per cent of households paid net tax after the value of all taxes, including excise and GST, and all government benefits including education, health and family payments, were taken into account.

In addition, our economy grew. The Government placed a very strong emphasis on helping families, particularly children, increasing the \$12.5 billion family assistance allocation in 1995-96 to \$29.7 billion in 2007-08. This expenditure has certainly come at an important time when many families want to have children and the nation needs to increase its birthrate to offset our ageing population.

I concur with the comments made by Pru Goward about the baby bonus. There is a very good argument for pushing out the baby bonus over an extended period so that it becomes, in a more formalised sense, paid maternity leave. Currently the baby bonus stands at \$4,258 and is equivalent to eight weeks pay at the minimum wage. After July the bonus increases to around \$5,000, which is the equivalent of 9½ weeks at the average weekly wage. It certainly will provide a good start for the families of the 265,000 babies that are born in Australia every year, and will greatly assist people to plan their families.

As everyone who has children, nieces, nephews, and cousins knows, children are expensive and their upbringing requires quite a lot of planning. Statistics indicate that the baby bonus has encouraged families to have a child sooner rather than later. This will be a hallmark issue for the Rudd-Gillard Labor Government; it will be a defining point. We need to get in step with the rest of the world. We know there is a cost to families and businesses as a result of mothers suffering stress from having to return to work sooner than they would like after having children because of the economic imperative. In fact, there are health and wellbeing issues concerning the children and family as a whole. Paid maternity leave is well overdue and there is now a unique opportunity to introduce it, given Labor's comments on this issue. But it is disappointing that Julia Gillard has pushed it out for another 12 months.

**The Hon. Penny Sharpe:** It has been 11 years of inaction by the Coalition.

**The Hon. MELINDA PAVEY:** In that 11 years family bonus payments have trebled and the baby bonus was introduced. That is a good record, although it could have been better. It is now incumbent on the Labor Government to make things better and to bring in these changes sooner rather than later. Finally, I commend the work of Pru Goward over many years. This nasty motion, which was brought on in June last year, has backfired and it is now up to Labor to deliver the changes and meet the expectations of the Australian people.

**The Hon. LYNDIA VOLTZ** [3.07 p.m.], in reply: I thank all members for their contributions. I know that paid maternity leave is an important issue for all members of this Parliament and the Federal Parliament. Labor Party members have not been alone in raising this issue; Pru Goward has raised it also, as have some members of the Federal Coalition.

The Hon. Melinda Pavey and the Hon. Catherine Cusack referred to the fertility rate and how it related to the Howard Government's economic policies. The Australian Bureau of Statistics and Research has done many projections on the fertility rate, which echoes the baby-boomer period. At the beginning of the baby-boomer period, in 1947, the birth rate increased to about 180,000. It increased steadily till it peaked, along with the fertility rate, in 1961. The peak age for fertility in women at the beginning of the baby-boomer period was 24. There was, as expected, a spike or peak in the fertility rate in about 1961 when the average age of a woman having her first child was about 29. The turn of the century, around 2001-02, brought with it a so-called second echo boom and an accompanying second spike in fertility rates. That coincided with the advent of the Howard Government. It was actually a statistical echo that related to the baby-boomer period, in relation to which one would expect to see spikes based on fertility rates and the age of women having their first children. That is the source of the total fertility rates.

**Reverend the Hon. Fred Nile:** There were a lot of women, too.

**The Hon. LYNDIA VOLTZ:** There were many women, particularly given the number immigrating. So more were available to have babies. All of these factors increased the fertility rate. I am pleased that the Hon. Melinda Pavey agrees with the policy espoused by Mark Latham that the baby bonus should be paid over time. Tim Costello also agreed with that policy. There are many arguments about how the scheme should work and about the timing of the payments. I am sure that members will agree that those who benefit most from the scheme are small to medium enterprises, which are least able to pay for maternity leave. A national paid maternity leave scheme would assist that sector of the economy in particular. I thank members for their contributions. Regardless of what members think, this motion was firmly aimed at collective bargaining and the disadvantage that women suffer if they have to negotiate individual contracts. I do not resile from my position that individual contracts greatly disadvantage women. I appreciate members' participation in this debate. I do not think we can speak too much about maternity leave.

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

**Motion agreed to.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Private Members' Business item No. 4 in the Order of Precedence postponed on motion by Mr Ian Cohen.**

## **VIOLENCE AGAINST WOMEN**

**Debate resumed from 6 March 2008.**

**The Hon. MELINDA PAVEY** [3.15 p.m.]: The Hon. Helen Westwood's motion, which commends the Iemma Government for its ongoing commitment to preventing violence against women, flies in the face of the available evidence. The Iemma Government is in the process of abolishing 18 regional violence prevention specialist positions across New South Wales and replacing them with nine projected officer positions.

**Reverend the Hon. Dr Gordon Moyes:** Shame!

**The Hon. MELINDA PAVEY:** It is a shame, and particularly in the northern region. One wonders why the Government would reduce the number of positions from 18 to 9. I look forward to the Hon. Helen Westwood's explanation for that. Regional violence prevention specialists play an important role in supporting domestic violence networks in places such as Coffs Harbour. The Government's decision to axe these positions is a retrograde step because domestic violence is a real problem in many communities and victims of it are reluctant to seek help. The specialists on the ground in these communities play a vital role in training people to deal with such issues. The abolition of these positions means that the nearest project officer for the North Coast will be located in Newcastle, which is hundreds of kilometres away from where the service is required. This decision works against the Government's New South Wales Violence Against Women Strategy—its own strategy.

As we know, regional New South Wales, particularly the North Coast, is growing rapidly and facing very challenging socioeconomic issues. This reduction in the number of specialists on the ground is devastating.

Australian Bureau of Statistics data shows that the rate of domestic violence assaults in New South Wales is 381 per 100,000 people. However, in rural and remote areas such as Brewarrina, Bourke, Walgett and the Central Darling, the incidence of domestic violence assaults is more than 3,000 per 100,000 people. That is an incredible increase in numbers and it reflects many of the socioeconomic issues facing our indigenous and remote communities. The Ourgunya Program for Aboriginal Women in Brewarrina joins the Crisis Accommodation Centre in Young and Carrie's Place in East Maitland, which are also struggling with the reality of inadequate financial support from the Department of Community Services. Domestic violence in rural areas is so prevalent that every remote Aboriginal community needs a crisis centre. However, again, the Department of Community Services is failing to act on that front.

Domestic violence is fuelled by substance abuse and stress brought on by continuing drought and alcohol and drug-related dependency. It is an intractable problem in rural and remote areas and the Minister should challenge the bureaucrats and himself to face the fact that these programs need and deserve funding. Minister Greene should visit some of these communities in western New South Wales to see—

**The Hon. Tony Catanzariti:** He was there the other day.

**The Hon. MELINDA PAVEY:** Where did he go?

**The Hon. Tony Catanzariti:** Griffith.

**The Hon. MELINDA PAVEY:** Was he in Walgett, Brewarrina and Bourke?

**The Hon. Tony Catanzariti:** He may have been. He was in Wilcannia.

**The Hon. MELINDA PAVEY:** That was last year.

**The Hon. Penny Sharpe:** No, it was about two weeks ago.

**The Hon. MELINDA PAVEY:** That is good and I am pleased to hear it. I thank the Hon. Penny Sharpe for that update. If the Minister is visiting those places, he will see the problems on the ground and know that funding is required and that we need to confront domestic violence.

Domestic violence is also an emerging issue in Tamworth. Statistics show a 42.9 per cent rise in reported cases in Tamworth during the past two years. According to the Bureau of Crime Statistics and Research, that trend is reflected throughout rural New South Wales, where instances of domestic violence are the highest in the State. Indigenous women are up to six times more likely than other women to experience some form of assault. It has been noted that this issue was not addressed in the New South Wales Government's State Plan.

Domestic violence service groups say that a combination of reasons—including a lack of resources, funding and political support and the impact of the drought—have exacerbated the situation. The acting director of the Council of Social Service of New South Wales, Michelle Burrell, said that half of all women seeking access to refuge shelter in rural areas were turned away because fewer services, fewer dedicated police officers and fewer shelters were available. In the face of that evidence, it defies commonsense for the Government to abolish 18 regional violence prevention specialist positions and replace them with nine project officer positions.

I acknowledge that the Hon. Helen Westwood is committed to this issue and has genuine motives and concerns, as does her colleague the Hon. Linda Voltz, given her motion about paid maternity leave, which was debated recently in this House. However, I implore the Hon. Helen Westwood to encourage the Government to demonstrate commonsense about this worsening issue. We need specialist support officers in regional communities to tackle this issue head on. I cannot support the motion.

**Ms LEE RHIANNON** [3.18 p.m.]: The Greens welcome all moves to reduce the incidence of domestic violence. It is a scourge on our society and it is absolutely imperative that we take a cooperative, non-partisan approach to ensure that all attempts to stamp it out are supported and adequately funded. We welcome the Government's attempts to tackle this difficult issue. However, we are unable to support the motion in its current form. I fail to see what it is based upon. The Iemma Government's record on domestic violence has been criticised by social workers, academics, police officers, frontline workers and organisations such as the New South Wales Domestic Violence Coalition. In what seems to have been a misguided attempt at cost cutting, 24 violence specialist positions were recently removed.

These workers, employed as violence prevention specialists, had developed a range of strategies to combat domestic violence. They had built relationships with the community and possessed enormous amounts of institutional knowledge. Their broad experience and knowledge encompassed all violence against women, including domestic violence and sexual assault. This experience is lost under the new initiative. Between 1997 and 2004 reported domestic violence rates increased by 40 per cent in the greater Sydney region and by 51 per cent for the remainder of New South Wales. Cutting services and expanding—doubling and tripling in some cases—the size of the regional areas that the remaining specialist will have to cover would seem counterintuitive to say the least.

There is considerable concern about the Government's new strategy to create nine new positions within the Police Force and a centralised unit within the Department of Premier and Cabinet to work on domestic violence issues. The idea may have merit but the concern is that it will have been done at the expense of the specialist, front-line positions. The new scheme will more than halve the number of specialist in regional areas—I understand they decrease from nine to four positions—as well as abolish the designated indigenous positions. The new approach fails to articulate how work in an indigenous community is planned in New South Wales and lacks a specific Aboriginal strategy. This stands in contrast to the previous violence specialist programs. I understand one of the violence specialist positions was dedicated to on-the-ground, capacity-building work in indigenous communities, something that is clearly needed. So, the Government's much-heralded commitment to fighting domestic violence includes its dumped name-and-shame policy and a new policy unit.

Much of the recent strategy is based on a review that was conducted by consultants at the end of last year. The Government is as pleased as Punch with this review, which consulted with non-government organisations and stakeholders. However, many stakeholders had serious concerns about the way the review was conducted. The subsequent report, entitled "Coordinating New South Wales Government Action against Domestic and Family Violence", even acknowledges the problems that many people have with the review. The report stated:

It is important to note that a number of stakeholders expressed concerns about the community consultation process—highlighting that:

- the time frame for consultations was inadequate ...

I understand that the review was commenced in August 2007, that the call for submissions took place in September, obviously only a few weeks later, and that the report back occurred in the first week of November. The report went on:

- the sole reliance on written submissions limited appropriate engagement with the community sector
- the scope of issues covered by the consultation was too narrowly focused on government and bureaucratic structures without appropriate recognition of the important role of the community sector.

If that is what the review had to say about itself, about how the review was conducted, it certainly has a big question mark over it. Furthermore, while the consultation process was framed as a review, all the questions within the submission format discussed future structures and approaches. The Greens welcome genuine attempts to stop violence against women. The current situation is clearly not working and other approaches must be examined. However, conducting a review of current initiatives without examining current practices, without engaging those on the front line about their views on the current situation, smacks of shaping the questions to reach a predetermined answer. It is worth noting that the Government's review also noted:

... strong support for the 18 regional violence prevention specialist positions, who are perceived as providing a key role in co-ordination of campaigns events, seminars, training and specific projects.

Submissions highlighted that the VAW—

That is violence against women—

regional specialist positions are vital in authentically translating the commitment of a whole of government response to the community level

the current number and grading of regional specialists is inadequate to facilitate a statewide whole of government response

[and that] there is a need for an increased number of Indigenous-specific positions



That part of the review highlights the importance of the 18 regional violence prevention specialist positions. I foreshadow that I will be moving an amendment to this motion. The motion has missed the point. I emphasise the Government review because it identifies the sorts of issues the House should be dealing with in this motion. Rather than acknowledge this support, rather than increase the number and grading of positions and indigenous-specific positions, the Government has axed the positions altogether. It is a backward step.

A coordinated, centralised, high-level group to direct coherent, statewide policy and framework across departments is a welcome initiative, but slashing the jobs of those with experience and expertise in working with the community is unnecessary. We are not saying these new positions are unwarranted. We are saying they should not have been established at the expense of front-line positions. It was clear to many in the sector that front-line workers in the violence prevention specialist positions did not have sufficient grading or seniority to directly communicate the urgent systemic problems far enough up the bureaucratic ladder. These new positions will have a good deal more seniority and more open lines to local area commanders, the office of the Premier and regional managers. This is fantastic. Again I acknowledge that as a really important forward step.

Obviously we are pleased that the Government has seen fit to create these crucial positions higher up the food chain. But why must we sacrifice regional specialist workers, many of whom have years of experience in this consummately difficult role? Surely all members can agree that the scourge of domestic violence needs a massive, comprehensive and thorough approach if we are to make progress. I would have thought retaining the current 24 positions as well as creating a new, higher-level policy unit is scarcely scratching the surface, let alone excessive.

We are told that the \$2-million annual grants that will be made available for distribution among non-governmental organisations will adequately replace the scrapped positions. We would like to see this expanded. There must be an acknowledgement that the system will take some time to get up and running and will not be able to immediately replace the knowledge, expertise and networks of those who have lost their jobs. Those on the front line of the battle against domestic violence also have reason to wonder about the Premier's decision to ignore explicit advice from the Ombudsman to adopt a primary aggressor policy such as the one currently operating in Victoria.

A report from the Redfern Legal Centre was submitted to the police and to other sections of the New South Wales Government in December 2006 detailing the alarming issue of women being arrested for trying to defend or protect themselves while being assaulted by their male partners. This is an ugly development in domestic violence in New South Wales. The report warns that women victims of domestic violence are frequently being arrested despite being seriously injured and that the perpetrators are getting away with domestic violence assault. This has and continues to have a severe and long-lasting detrimental impact on the female victims. All have reported suffering mental illness as a result of their arrests. The report warns that police are making erroneous arrests as a consequence of their pro-arrest policy, especially as wounds inflicted in self-defence, such as biting and scratching, are more immediately visible than bruising. Anti-domestic violence groups have stated that women are being charged with far more serious offences than those being preferred against the male perpetrators.

Police agreed to undertake a file audit on the issue and to release the results of the audit at a March stakeholders meeting. No such response has been forthcoming. That is extremely disappointing. In May 2007 the Ombudsman recommended to police that the primary aggressor policy called for by the Redfern Legal Centre be adopted. This is in keeping with section 15A of the Crimes Act 1900, which expressly states that Parliament recognises that domestic violence is predominantly perpetrated by men against women and children. Yet, the Premier has done nothing to rectify this rapidly worsening situation.

I acknowledge that the Premier has identified domestic violence as one of his key concerns and that he has introduced changes in this area. However, if we consider all the issues—particularly the loss of these positions—we can understand why so many people working in this area are expressing serious criticism and concern. Like many community groups, the Domestic Violence Committee Coalition and academics, the Greens share concerns about removing the word "women" from the title of the new unit. Naming it the "Violence Prevention Coordination Unit" muddies the waters and negates the seriousness of the epidemic of violence against women. Although women can be perpetrators of violence, there can be no debate about the gendered nature of violence against women. Former New South Wales detective and University of Western Sydney lecturer Dr Michael Kennedy recently said:

It is absurd to make any claim that women are as physically violent as men ... physical violence has many causal factors and requires a multifaceted approach. But it is mostly a gender problem that is perpetrated by men against women.

Betty Green, Executive Officer of the Domestic Violence Committee Coalition, described the decision as negligent, stating:

The failure to explicitly state "Violence Against Women" raises concerns that the gendered nature of VAW [violence against women] will be lost. In light of the fact that VAW is the most tolerated of human rights abuses and the wealth of research documenting the far reaching impact of violence on women's lives it is somewhat negligent to omit "against women" from the unit title".

Therefore, I move:

That the motion be amended by omitting all words after "That this House" and inserting instead:

calls on the Government to:

- (a) specify the exact role of the new domestic violence police positions, and explain how these nine project officers and the "coordination unit" will be able to conduct the same breadth and depth of work as the 18 domestic violence regional specialists who have lost their jobs,
- (b) acknowledge the crucial work being undertaken by those in the regional specialist positions and recognise the wealth of valuable experience that will be lost when these positions are wound up,
- (c) reinstate the 18 regional specialist positions,
- (d) acknowledge the gendered nature of violence against women by including the words "against women" explicitly in the title Violence Prevention Coordination Unit,
- (e) immediately release the results of the file audit NSW Police undertook to conduct in September 2007 on the arrest and prosecution of victims of domestic violence,
- (f) undertake an urgent investigation into the arrest of female victims of domestic violence and their treatment by New South Wales police, and
- (g) initiate urgent discussions with the Redfern Legal Centre on the findings of the NSW Police file audit and the current pro-arrest policy.

I look forward to the debate on this matter.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [3.33 p.m.]: I speak in favour of this important motion and thank the Hon. Helen Westwood for moving it. Domestic and family violence is a scourge on our society, on our communities and within our families. The rates of violence are high and the impacts of violence reverberate through our families, communities and society. Over many years dedicated women have made it their life's work to stem the tide of violence against women. These dedicated activists—dare I say feminists—brought the issue of domestic violence into the public realm by speaking up and speaking out. Over many decades they have been there, establishing women's refuges, counselling and supporting women to escape violence, lobbying for changes to our laws and running education campaigns in our communities. Most importantly, they have never let governments—no matter what their persuasion—forget their responsibilities to support a woman's right to live free from violence.

I have listened very carefully to the debate and now take this opportunity to respond to the issues that have been raised, particularly in relation to the new structure and the new approach. I will speak against the amendment moved by Ms Lee Rhiannon. First, the proposal embodies an entirely new approach. The 18 officers will not simply be removed and not replaced by something else. I will outline the changes to members. They are important, necessary and will make a difference. In 1996 the New South Wales Strategy to Reduce Violence Against Women was central to the Government's efforts to reduce domestic and family violence. The strategy has made an important contribution to tackling both domestic and family violence against women.

Over the past decade the violence against women strategy has involved an extensive range of local and regional activities across the full spectrum of issues related to violence against women, particularly community awareness raising, advocacy and community activism, facilitation of local partnerships and support for small-scale initiatives. The influence of the violence against women strategy has resulted in strong recognition by all government chief executive officers of the impact of domestic and family violence, both social and economic, and the need for agencies to address the causes and consequences of this violence. Most importantly, the activities of the violence against women strategy have allowed greater recognition of the rights of victims and helped contribute to a greater range of policies and programs to address violence. But, as we know, more can always be done.

The commitment by this Government to address violence against women was clearly articulated in both the State Plan and the 2007 election policy. These policies include new commitments to address the underlying causes of violence, improve support for women and families who experience violence, and improve criminal justice measures. They also signal the Government's intention to build on the achievements of the violence against women strategy, to provide even greater support for women and families and to deliver more effective, coordinated responses to domestic and family violence.

The Government commissioned an independent review on how to improve services and examine ways in which the Government could improve coordination of action in relation to domestic and family violence. The review was informed by some 41 submissions, mainly from community organisations, domestic violence specialists and individuals. The recommendations of the review form the basis of the new model and the Government's new enhanced approach. In adopting those recommendations the Government acknowledged that systemic changes are required to improve responses and ultimately improve outcomes for victims and those at risk. The way this Government tackles violence against women will deliver a new structure and a new approach. The new approach brings the issue of violence against women and their families into the centre of government, with oversight by a powerful central agency, the Department of Premier and Cabinet, as well as specialised expertise from within the Office for Women.

A Premier's Advisory Council on Preventing Violence Against Women will be established. The council will be chaired by the Minister for Women and will operate as an expert forum to advise and report to the Premier on issues that relate to the development of policies, programs and services that impact on women and violence issues. Ten members of the council will come from the community sector, drawing heavily on their expertise in this area. The manager of the new Violence Prevention Coordination Unit will also be a member of the council. In the first instance the council will concentrate on domestic and family violence issues.

At the heart of the new approach is the need for central, strategic direction to guide action in this area and the need to adopt systemic improvements. The non-government sector has long called for this direction. The new approach will ensure that all government services work together to drive down domestic and family violence and provide even better responses and support to victims. Supporting the new approach is a new structure that is recommended in the independent review. It allows for the establishment of senior positions that will have the capacity and authority to help drive systemic changes across agencies and better coordinate government action at both regional and statewide levels. The seniority of the positions is essential and will help to elevate the status of domestic and family violence specialist officers across the New South Wales bureaucracy. This is indeed a welcome initiative.

Three key elements form the new structure. First, a decentralised Violence Prevention Coordination Unit, located in the Office for Women, Department of Premier and Cabinet, will be established. The unit will be responsible for coordinating the whole-of-government response. It will also develop the strategic framework responses to domestic violence, maintain and further develop strong linkages with other government agencies and the non-government sector, monitor and evaluate government responses and provide strategic advice to the Premier and the Minister for Women.

Second, five statewide project coordinators will be appointed to oversee five key domestic and family violence projects and deliver statewide changes in key service systems. Coordinators will be employed for the following projects—indeed, some have already been appointed. They are: the domestic violence court intervention model positioned in the Attorney General's Department, which has already been established; the staying home leaving violence and integrated case management projects positioned in the Department of Community Services; a risk assessment tool project for people at risk of domestic violence positioned in NSW Health—this position has already been established—and a specialist domestic and family violence training and resource project located in the Education Centre Against Violence, which is part of NSW Health.

The third part of the structure is the establishment of a network of nine regional coordinators within the New South Wales Police Force located at Newcastle, Coffs Harbour, Dubbo, Tamworth, Wollongong, Wagga Wagga, Surry Hills, Bankstown and Parramatta. These coordinators will be responsible to police regional commanders. Their focus will ensure that links between local domestic and family violence service delivery and statewide strategic priorities are developed and maintained. They will promote change to ensure that regional criminal justice and human service responses are delivered in an integrated manner. The regional coordinators will engage with operational managers in key agencies to influence how services are delivered, and I am pleased

that Ms Lee Rhiannon acknowledged that that has been an issue in the past. The upgrading of these positions will be the key to delivering those services. It is anticipated that the coordinators will eventually work closely alongside the 40 new domestic violence police specialists who will be appointed to the New South Wales Police Force in the near future. Those positions are about to be advertised.

Engagement with, and support for, the non-government sector is a cornerstone of the Government's new approach. The strategy also comes with new money. A new \$2 million grants program is being set up that will provide funding to a diverse range of community projects and programs, in partnership with the non-government sector. The new unit in the Department of Premier and Cabinet will administer the new grants program.

The first job for the Violence Prevention Coordination Unit will be the development of a framework to establish statewide priorities and objectives aligned with the State Plan. In developing that framework, consideration will also be given in the first instance to addressing some other forms of violence—another issue that has been highlighted. The framework will underpin Government action across the State. The framework will also consider the best way to achieve coverage of violence against women issues beyond domestic and family violence and the experiences of other jurisdictions. It will be developed in close consultation with partner agencies and the non-government sector.

I am aware of some of the criticisms of this new approach, which I know some other speakers have mentioned. The new strategy is about not removing front-line staff who support victims of violence but building more effectively on the work that has been done in the past. The work of existing staff will be built upon and expanded under the new structure as greater coordination of policies and services is developed. When the new regional senior project officers are appointed in the New South Wales Police Force they will ensure that appropriate community linkages developed by the former staff are maintained.

The Government has committed significant resources to funding front-line services. We are providing 40 additional police, including locally based officers, with specialised training in dealing with domestic and family violence. We will also provide \$28 million over four years to improve support to the victims by increasing counselling, accommodation and support, ensuring integrated case management and continuing the successful domestic violence court intervention model. Significant resources are also being put into court services, including the installation of more video equipment in New South Wales courts to reduce the trauma for victims and witnesses when testifying.

It is important to note that the additional police will be given specialised training in dealing with domestic and family violence. I would like to respond to the issue raised by Ms Lee Rhiannon regarding the police and women as perpetrators. I have requested specific information on this. I am advised that the New South Wales Police Force is undertaking detailed consideration of the issue of primary aggressor identification. The new domestic and family violence operating procedures to be released later this year encourage police to identify the primary aggressor and victim and provide the information as part of any court proceedings. This is an important development that is not being ignored by the Government. The Government has also given police greater home search powers. Police now have extended powers to apply for a 24-hour telephone interim apprehended violence order and police can apply for apprehended violence orders on behalf of a victim who is reluctant to proceed.

I will now explain why the Government will not support the amendment moved by the Greens. The first part of the amendment asks for detail about how the new structure will operate. I believe I have dealt with that point. The Government recognises the valuable work that has been undertaken over the years to support the violence against women strategy, including by the regional specialists. However, based on the findings of the independent review, in order to achieve more effective outcomes for women and families the Government needs to link these efforts more strategically, more consistently and in a more coordinated way across the State by continuing to allow flexibility for the development of local solutions. The new structure is designed to avoid piecemeal responses to domestic and family violence, and the Government is working at the appropriate level to make a real difference. The final three paragraphs of the amendment refer to audits. I advise the House that the police made a commitment to stakeholders that they would conduct an audit. In fact, the audit is currently underway and I am advised that the Minister for Police will release the results upon its completion. That work is being done and that part of the amendment is redundant as there is no information to release at this point.

In conclusion, this is an issue about which there is genuine concern across the House; it is not a partisan issue. The Government has involved many people in this process. The final model's new approach is about trying to get government to work for people and victims by making the police, the courts, Community Services,

Health and the Commonwealth work together for a better outcome. People know the Premier's commitment on this issue. He said:

I want to ensure that the services my Government provides to women in the most dreadful circumstances are the best equipped and coordinated and don't add to a woman's distress.

The new structure proposed in the review will deliver the changes necessary to achieve what are undoubtedly the goals of everyone in the House in relation to domestic violence: greater focus on prevention and early intervention; better support for women and families who experience violence; stronger alignment of human services and justice responses, including more effective management of perpetrators; and, ultimately, a reduction in the impact of these crimes on our communities and our families. I commend the motion to the House and urge members to oppose the amendment.

**The Hon. TREVOR KHAN** [3.46 p.m.]: The motion moved by the very courageous and honourable Helen Westwood calls upon the House to commend the Iemma Government for its "ongoing commitment to preventing violence against women". I find it abhorrent that this motion seeks to congratulate a Government that has a record that can at best be described as a substandard response to violence against women. In addition, it is a Government that has a history of cover-up and deception on this very issue. I need to use but two examples to prove my point. We need look no further than an instance involving the very mover of this motion to see that, whilst this Government may talk about doing great things to combat violence against women, when it interferes with the Government's plans everyone is dispensable.

I refer, of course, to the case of Mark Aarons who was dismissed by the Government following his disclosure to the Premier of allegations of violence against the Hon. Sandra Nori. It is no secret that the disclosures related to the Premier by Mark Aarons originated from the Hon. Helen Westwood. It is also no secret that as a result of her disclosures the Hon. Helen Westwood was subject to criticism from members of the very Government she now seeks to congratulate. Rather than receiving acknowledgement for having the courage to bring this matter to the attention of Mark Aarons, sadly the Hon. Helen Westwood was pilloried for her actions. Might I suggest that what the honourable member should do is congratulate the boys club and backroom dealers that have been so happy to try to cover up the truth? The honourable member is sending a message to women in our community that despite what happened to her and to her former boss, the Hon. Sandra Nori, violence against women is not as high a priority as party solidarity.

**The Hon. Penny Sharpe:** Point of order: I understand that the member is trying to show his deep concern for this important issue but his remarks are not relevant to the motion. The motion is about the policies that are being implemented to assist women who are victims of violence. Mr President, I ask you to draw the member back to the leave of the motion.

**The Hon. TREVOR KHAN:** To the point of order: Rather than as interpreted by Government members, the motion congratulates the Government on its "ongoing commitment to preventing violence against women". Therefore, I can give examples of where the actions of the Government, far from preventing violence against women, are indicative of a policy that is quite the reverse.

**The PRESIDENT:** Order! Although considerable latitude is extended to members to enable them to speak on a wide variety of viewpoints when contributing to debate, they must bear in mind that the standing orders require their contributions to be relevant to the question before the Chair. The motion being debated asks the House to commend the Iemma Government for its ongoing commitment to preventing violence against women. So long as the Hon. Trevor Khan stays within the broad ambit of the motion, he will be in order and may proceed.

**The Hon. TREVOR KHAN:** It is worthwhile looking more closely at the facts of the case involving the Hon. Helen Westwood to illustrate the complicity of Government members in covering up an incident of violence against women. On Friday 30 March 2007 Premier Iemma promoted the member for Blacktown, Paul Gibson, to the Cabinet as the Minister for Western Sydney, the Minister for Sport, and the Minister for Road Safety. That very evening, after Premier Iemma had left his office, Mr Aarons received a complaint about Mr Gibson over the telephone from the Hon. Helen Westwood, who claimed to have witnessed an assault upon Sandra Nori in her electorate office in 1991. Subsequently, Mr Aarons, having correctly assessed the need to afford this matter the priority it deserved, sent a fax to Mr Iemma's house outlining the allegations. Newspaper articles at the time referred to Mr Aarons additionally emailing Mr Iemma's Chief of Staff, Mike Kaiser. After holidaying for the weekend, Mr Iemma reportedly read the facts on Sunday evening. With the cat out of the bag, the Premier put the wheels in motion that led to the dumping of Mr Gibson from the front bench on 10 April 2007.

Of course, the Premier was aware of the allegations involving Mr Gibson before he appointed him to Cabinet. We know that because the Premier himself said that he had heard rumours but was not prepared to act on such sources. We can conclude that the Premier, by appointing Mr Gibson to Cabinet, was prepared to turn a blind eye to the serious issue of violence against women. In essence, despite what he had heard, Mr Iemma was prepared, for the sake of satisfying factional allies, to ignore an allegation of violence against women, even when it involved abuse of a former colleague. An article in the *Australian* by Brad Norrington, published on 7 April 2007, indicates that Labor heavyweights—meaning certain right-wing members of the party—blamed a core group in Labor's Left for campaigning against Mr Gibson achieving a posting in the Ministry. Those named included the Hon. Helen Westwood and the Hon. Meredith Burgmann, a former President of this place. Mr Norrington relates that, because of concerns about the issue of violence against women, the Hon. Meredith Burgmann and her then fellow member of Parliament Ann Symonds approached well-known senior Labor figure John Johnson as far back as 1991 to raise concerns about Mr Gibson with the then Leader of the Opposition, the Hon. Bob Carr. It is said that former Labor powerbroker Graham Richardson, for whom Mr Iemma had worked as an adviser only months earlier, acted on Mr Carr's behalf in allegedly warning Mr Gibson not to go near Sandra Nori, with the threat that he would be drummed out of the party.

**The Hon. Christine Robertson:** Point of order: I understand that during private members' business members may refer to lateral issues or issues that have a slight connection with the matter before the House. The Hon. Trevor Khan is going over past events. That is not relevant to the motion before the House.

**The Hon. Catherine Cusack:** To the point of order: The Hon. Christine Robertson is welcome to speak in this debate but she is now making a debating point. The clearly worded motion commends the Government for its ongoing commitment to preventing violence against women. It is about the Government's record in this area.

**The Hon. Christine Robertson:** You are too clever for your own good.

**The Hon. Catherine Cusack:** I did not write the motion; the Government wrote the motion. The Government opened the door to this discussion. It is too late. Government members now have to listen to my colleague's comments.

**The PRESIDENT:** Order! This is a complicated matter. I do not wish to overly constrain the Hon. Trevor Khan with regard to the construction of his contribution. He is in order provided his remarks remain relevant to the subject matter of the motion before the Chair. However, for the remainder of his contribution I urge the member to be mindful of, and not transgress, Standing Order 91, which relates to imputations against and personal reflections upon members of either House.

**The Hon. TREVOR KHAN:** Why did the Premier of this State not know of these serious concerns? Why was he prepared to ignore the issue of violence against women and promote a member who specifically had been warned off? Premier Iemma left out of any explanations he gave Mr Gibson's record as a fundraiser for New South Wales Labor who attracted hundreds of thousands of dollars from the hotel industry. It seems that, because of Mr Gibson's ability to raise funds for the Australian Labor Party, any concerns about him or violence against women were to be swept conveniently under the carpet. It would be remiss of me to stop at simply scrutinising the Premier. It was reported in the media at the time that another Government member of this House, who was the former chief of staff to Sandra Nori, refused to give police a statement about the alleged—I stress "alleged"—assaults by Paul Gibson on Ms Nori. She said that because she believed her evidence was hearsay it was not necessary for her to cooperate with police.

Police often receive statements containing hearsay evidence. Such information may assist police in verifying evidence or provide leads to other direct sources of evidence. Additionally, hearsay evidence is admissible in some circumstances. It is not hard to imagine the hearsay evidence of the member of this House. Commonsense and experience tell us that her evidence was likely to have been that Sandra Nori said words similar to, "Paul hit me again." This raises two issues. Firstly, this may well be considered admissible as evidence of a prior consistent statement. Secondly, and just as importantly, if the Hon. Helen Westwood and the other Labor member of this House saw or heard something suggestive of violence towards their boss—who was, I imagine, also their friend—why did they not report it to police at the time? I suspect we all know the answer, as do the women of New South Wales. The Hon. Helen Westwood, the Hon. Meredith Burgmann and another member were not willing to comment in April 2007 when media interest in the issue was paramount. Sadly, it seems, they will continue to remain silent on the issue. It is a sorry tale indeed.

That is the picture of the Labor Government's stance on violence against women in 2007. Have things changed since then? Sadly, the answer is a resounding no. On 7 March 2008 Vicki Curran, a former

Wollongong council employee, was interviewed by the ABC *Stateline* program about what had occurred to her at Wollongong City Council and, more particularly, what had occurred to her and other women at the hands of a Labor heavyweight. A friend of, amongst others, the Minister for Ports and Waterways, Joe Tripodi, the Minister for Police, the Hon. David Campbell, and the Minister for Tourism, the Hon. Matt Brown, the man at the centre of all this was none other than Joe Scimone. During the interview with *Stateline* Vicki Curran said, "I feel like I have not been given a voice." When speaking of the sexual harassment that she suffered at the hands of Joe Scimone, Vicki Curran said:

No one cares, I have been let down, I would have to say by every Minister, members of Parliament. I have some correspondence alerting and asking for assistance for the right thing, the right thing by the Local Government Act. There just seems to be no support there.

Towards the end of the interview Quentin Dempster, the presenter for ABC *Stateline*, said:

With all the letters and emails Vicki Curran produced to *Stateline* to show her cries for help on behalf of intimidated staff and harassed women had been ignored by the Local Government department, Ministers and State MPs, including the member for Wollongong, Noreen Hay, she has this observation about the culture of the Australian Labor Party:

"Well, in one of my letters I highlighted the fact that when I was having a meeting with Noreen Hay, there was a brochure, a lovely glossy brochure prior to the election I think it was where they were promoting their stance against violence to women. Now, I can assure you they were alerted to severe situations, that, oh, I just had no support as a woman from the State Labor Party at all."

Quentin Dempster asked:

And this prevailed for, what, a number of years?

Vicki Curran responded:

Yep.

Quentin Dempster further asked:

So, what, they're hypocrites?

To which Vicki Curran responded:

Um, I think they're, yes, you'd have to say hypocrites.

Sadly, I am left to wonder why a member with the courage of the Hon. Helen Westwood would bring on such a motion as this. I oppose the motion. The Coalition will support the Greens amendments.

**The Hon. KAYEE GRIFFIN** [4.01 p.m.]: I support the motion by the Hon. Helen Westwood. Domestic violence is, unfortunately, an all too common occurrence in many households around New South Wales and, indeed, across the nation. There are a number of different forms of domestic violence, which include: physical assault, that is punching, kicking, pushing, slapping; sexual assault; emotional abuse, where the abuser criticises the person and often puts them down or threatens them, leaving them feeling scared or worthless; verbal abuse, which includes yelling, shouting, name calling or swearing at the person; social abuse where a person is stopped from seeing family or friends, which isolates them socially; damaging property, including furniture or the house, in order to threaten and intimidate the victim; and financial abuse where the abuser takes control of money or forces the person to hand over all their money and does not allow them to have a say in how it is spent.

The flow-on effects from domestic violence extend well beyond the household. The household should be a place of protection and security. Unfortunately, there are many children in our society who witness some form of domestic violence in their homes. Children who are exposed to domestic violence between their parents or guardians are believed to have problems developing a sense of trust or security in later life. A child's early years are fundamental to the child's development and what type of adult he or she will become.

In September 2002 a report called Domestic Violence and its Impact on Children's Development was presented at the Department of Community Service's Fourth Domestic Violence Forum, which was held at the New South Wales Parenting Centre in Glebe. The report explored the long-term impact on children who witnessed domestic violence in their homes. It stated:

If children learn in their earliest relationships that adults are not to be relied upon, the effects are likely to be long-lasting and far reaching.

The report went on to explain that in many cases the children did not develop the same sense of security and trust and that whilst boys seemed to be more aggressive, girls appeared to be more distressed. A number of children exposed to domestic violence also displayed poor academic performance and difficulties with concentration and attention. There is little doubt that witnessing domestic violence affects a child's view of the world and how people are meant to treat each other. Many young children are never able to shake the experiences they suffered or witnessed and, as the report suggests, this can have long-term effects on their future success and happiness.

It is a sad reality that domestic violence is a vastly under-reported crime. This is largely due to the fact that the victim intimately knows the perpetrator and in many cases has had a long relationship with him or her. Unfortunately, a perpetrator is more likely to increase his or her abuse than stop it. The victim is often left feeling isolated and vulnerable and in many cases has nowhere to turn for fear of being embarrassed or shunned by family or friends. This is why it is vital that community programs are promoted and that awareness of domestic violence is raised.

I have spoken before in this place about the Canterbury Domestic Violence Support Project that is underway in my local area. The Domestic Violence Pro Active Support Service—yellow card—has been in operation since March 2003 and it aims to provide victims with a follow-up and support service. When police from the Campsie Local Area Command attend a domestic violence call-out they provide the victim with a yellow card, which allows the victims to have their details forwarded to a domestic violence support worker. The support worker then contacts the victim to discuss his or her needs and offer advice and guidance. This yellow card system has been very successful in the Canterbury area, and due to its success the Domestic Violence Pro Active Support Service is in the process of being extended and funding has been granted for a green card system, which will include follow-up support, referral and advice from general practitioners in the local area.

Another worthwhile project is the It's Time to Talk Program, which is a joint partnership between the Canterbury City Council, Bankstown City Council and the Canterbury and Bankstown Domestic Violence Liaison committees. This project began in 2006 and is aimed at informing and educating the community about the impact of domestic violence, with a special message that domestic violence is everybody's business and that it is also a crime.

An accommodation project is in place also, which helps women to escape violent partners. This program assists by providing these women with removalists, locksmiths and, in some cases, a motel if a refuge cannot be found for them. At this stage more than 100 women have been assisted by this project. The One Stop Shop is another initiative that was piloted throughout November last year: representatives from Campsie Police Domestic Violence Unit, solicitors, the Department of Housing and refuge workers come together one evening a month to allow women to come together and seek out the assistance they need to deal with the situation.

My colleagues in this place have mentioned a number of other programs across the State to deal with this crime, and whilst it is wonderful to see so many helpful and useful programs available to help women who are subjected to domestic violence, it is still very alarming that many of these incidents happen behind closed doors and are never reported. By bringing the issue of domestic violence out in the open we are saying that enough is enough and everyone has a right to live without the physical, mental, social and emotional trauma associated with domestic violence. This motion is certainly an ideal opportunity to highlight the excellent programs in our community and reinforce the fact that domestic violence is a crime that should never be tolerated or excused.

**The Hon. CHRISTINE ROBERTSON** [4.06 p.m.]: I support this motion that the House commends the Iemma Government for its ongoing commitment to preventing violence against women. I believe it is very important that we endorse the whole-of-government approach that is being taken on this issue. I am appalled by the sickness of political point-taking on such an important issue and in such a sensitive time of change.

For years I worked in emergency departments in different parts of the State. A fair time ago I remember a woman who came into the intensive care unit where I was working and she had lost an ear. It was an appalling situation, and as the nurses were caring for this woman they realised she did not have a bone in her body that was not broken. She and her partner were apparently living in a van and she had been enduring a constant cycle of abuse. The nursing staff at the hospital tried desperately to get assistance for this woman but, unfortunately, the woman did not want in any way to complain about her situation—she was terrified she was going to lose the only life she knew, which was living in a van with this person who kept breaking her bones. Two weeks later the



woman was readmitted to the emergency department, but she was not alive: she was pronounced dead from a stab wound to her chest. In those days we as a group at that hospital had no recourse to get this woman assistance. I am very pleased to know that this situation no longer exists.

For several years I worked on a women's refuge committee with a group of local women to produce a very good service of refuge for women in trouble in the community, mostly in relation to domestic violence. We were a bunch of professionals or quasi-professionals on the committee and I remember one committee member saying, "Why on earth would you come to this place?" That was because we all had credit cards. If we got into some sort of trouble at home we could find somewhere to go—these people could not. They needed to know there were support services and resources they could access.

There is absolutely no way that the incidence of domestic violence has increased. I spent years working in emergency departments in the city and in the country. There is no way that I could count, or could even think about counting, the number of people—men, women and, especially, children—who came into emergency departments for treatment because they had been maimed. As an aside, I worked on the North Shore for a while. What finally made me leave was the hidden violence that occurred. There was just as much domestic violence as occurred elsewhere, but it was all "nice". That was about 20 or 30 years ago, and in those days the nice people could easily convince the professionals that there was no issue. I reinforce that this problem is not exclusive to one class of society—it happens across the board.

In 1986 I was working with a group of women in a western New South Wales village. I was involved in an intensive community development project dealing with healthy babies. Its main aim was to empower women to recognise the community knowledge base and sharing that was available and to be proud of their community and themselves. It was about increasing self-worth. I was very proud of myself and what I was doing at the time, but my naivety produced an unanticipated result. As pride and confidence increased in the community of women, the obvious physical violence visited upon them increased daily. My cleverness resulted in a change in the power structures in their homes. I had somehow managed to shift power into the women's hands and the potential for domestic violence increased. That is a good example of why we should not let missionary types loose to help people. This new program, which is about coordination, advice and information for all resource providers, will ensure that they have the appropriate information to deliver the service properly.

In some communities and societies there is an acceptance of inequitable power structures and that physical, emotional and sometimes financial abuse against women is appropriate to keep them in order and in their place. It is definitely not a new issue. I have worked in communities in which women would not report abuse because they did not want their spouse to be sent to jail. I am talking about more recent times. This issue has been referred to in the debate today by a couple of members. I have worked in emergency departments in which the cultural belief was that abused women deserved the abuse. When they came back time after time they increased the feelings of contempt for them rather than the perpetrators. Through the continued work and dedication of some sections of our community, domestic violence is no longer considered normal. Notifications, charges, arrests and protective orders have all become a much more normal outcome of domestic violence these days. Of course we are aware of more incidents, because there is more reporting. Domestic violence is no longer acceptable.

I congratulate the people, organisations and public sector workers who have persisted with this issue to prove domestic violence is a crime and not to be condoned in any form. The Premier's whole-of-government approach means that there will be coordinated action and service delivery to pull together the decades of work that has been done to remove any perception of normalcy with regard to domestic violence. That is what the changes are about; they are not about saving individual positions or trying to have one person providing every service in a geographic area. This will be a whole-of-government and whole-of-community approach to make a difference to this centuries-old problem.

**The Hon. AMANDA FAZIO** [4.15 p.m.]: I am pleased to support this motion and to say that I condemn the use of violence in any way, shape or form in our community. We all have the right to live in a community that is free from fear, but every year the lives of thousands of Australians are shattered by domestic violence. Domestic violence affects the entire community and occurs in all sectors of society regardless of geographic location, socioeconomic status, age, culture, ethnic background or religious belief. As the Hon. Christine Robertson said, there is a strong correlation between domestic violence and, ultimately, homicide within families. I have known two women who have been killed who were in violent relationships. For cultural reasons one of the women felt that she could not leave the relationship, but the other woman did leave and thought she had made a break. However, she was tracked down and fatally shot outside her workplace during her lunch break.

When we talk about something as important and as devastating as domestic violence is to the community, it is a poor effort when members opposite—particularly members of The Nationals—smear the debate. That is appalling. Members of The Nationals should look at their own camp before they have a go at other people. I am sure that all members deplore domestic violence and support the measures being implemented to try to eradicate this problem and to support the victims of domestic violence.

[*Interruption*]

**The PRESIDENT:** Order! The Hon. Duncan Gay will come to order.

**The Hon. AMANDA FAZIO:** Obviously the Hon. Duncan Gay has been out of the Chamber. He might have been in the staff bar. He obviously did not hear the Hon. Trevor Khan's contribution, which was nothing but grubby.

**The Hon. Duncan Gay:** Point of order: It is just too easy for political operatives in this place to infer that someone has been out drinking. I request you to ask the member to rescind those comments because I certainly am not a drinker in this Parliament. If you cannot win an argument, you infer someone is drunk—

**The PRESIDENT:** Order! The Hon. Duncan Gay will take his seat. I ask the member to withdraw that statement.

**The Hon. AMANDA FAZIO:** I happily withdraw it and I accept the statement from the Hon. Duncan Gay that he is not a drinker in this place. However, he did not hear the contribution of the Hon. Trevor Khan. If he had, he would have understood the context in which I made my comments. As I said, this is a very important topic. I had hoped that all members would support this motion, but obviously they will not. I am sure all members who deplore domestic violence where they know it exists and if they know it exists would support any measures implemented to try to eradicate this problem and to support the victims of domestic violence.

The New South Wales Government has been very active in working to prevent domestic violence and, as stated, has implemented a range of strategies to provide a whole-of-government approach. I am pleased that one of those strategies was implemented in my duty electorate of Orange. The victims of domestic violence—the women and children—who were involved in the program were not forced to leave their homes, the perpetrators were. Alarms with back-to-base connections to the police were installed in their homes and they were regularly visited and monitored to ensure that they were safe. The perpetrators learnt that they had to keep away from those homes and to stop harassing those women and children.

If members were to go to the New South Wales Government website and type in "domestic violence", they would get 56 responses referring to the Department of Community Services, NSW Health, the Department of Housing, the Attorney General's Department, the Legal Aid Commission and the New South Wales Police Force. I am proud of the strength and breadth of these initiatives. I urge members to stop participating in grubby and snide politics—[*Time expired.*]

**The Hon. HELEN WESTWOOD** [4.18 p.m.], in reply: I begin by thanking all members who have spoken on this motion. I acknowledge their contributions even though they may have been counter to my views on this issue. Clearly, some members will not support the motion. This is an important motion for a number of reasons. First, it is important that we acknowledge the work being done by the Government. I had hoped there would be a bipartisan approach and bipartisan support for this excellent program. It is a new strategy to deal with domestic violence and violence against women in our community in a sincere attempt to reduce the incidence of these events. I am disappointed by the approach taken by some members.

The fact that we as community leaders are speaking about domestic violence and highlighting it is important. We have all spoken about victims of domestic violence we know and its impact on their lives, their children's lives and their work mates and families. As the legislators of this State we must set standards in our community. When we speak about issues like this we must do so with a view to resolving them offering constructive suggestions. I do not think that has been the approach taken by all members, and that disappoints me. From a personal perspective—if I can borrow from an old saying—I have always acted in line with the belief that all that is necessary for the triumph of evil is for good people to do nothing. In response to the Hon. Trevor Khan's allegation against me, I can assure him I have always acted when I have known of domestic violence and I have acted until that domestic violence has stopped. I will always continue to do so and I am very proud of that.

Perhaps honourable members are not aware of the changes to the approach to domestic violence in this State because they were not aware of the review. I draw honourable member's attention to the review. It was independent of government. It received submissions from community organisations and organisations that work with victims of domestic violence. It came up with a number of recommendations that were supported by community workers and domestic violence workers. We are now seeing those recommendations endorsed through the New South Wales Government's strategy. I believe this new strategy should be allowed to be put in place and tested.

A number of honourable members, in particular the Hon. Penny Sharpe, have outlined some of the issues that were raised and the criticisms that were made, particularly by Ms Lee Rhiannon, about the new approach. I would argue strongly that this is a whole new model. It has not been about the abolition of particular positions. It is a whole new approach to domestic violence throughout the State. I urge members to allow it to be put in place and tested. I know some honourable members do not think this issue is important because they are quite willing to laugh and discuss personal matters throughout my reply. They are happy to be critical of the Government's approach, but this is a good model. It is supported by the majority of workers in the sector who work with victims of domestic violence. It should be allowed to be tested and reviewed, and it certainly will be.

I go to some matters that were raised by honourable members during the debate. The Hon. Catherine Cusack suggested the Government had backflipped on two important points, the first being naming and shaming. It is clear to me that the honourable member has not understood the Government's new legislation. The Crimes (Domestic and Personal Violence) Act that was debated last November not only delivers on the Government's promises to make it easier for women and children to obtain apprehended violence orders, it also automatically protects them with an apprehended violence order if their attacker is charged with certain personal offences. It better protects children by automatically including them on the apprehended violence order, unless there are good reasons for a judge not to do so, and it gives police greater home search powers. This new law does exactly what the Government intended it to do, by creating a new stand-alone Act for apprehended violence orders and associated domestic and personal violence issues, which gives full recognition to the seriousness of violence against women and children.

It also specifically introduces a new offence of domestic violence. This means that being convicted of domestic violence will leave a permanent stain on a person's record, which will make them readily identifiable by a sentencing court or a court making a bail determination. Formerly, offences of violence such as common assault did not specify whether the offence was committed in a domestic situation. This made it difficult to track habitual offenders. The new provision clearly achieves the Government's objective of naming offenders and protecting victims.

Secondly, the honourable member suggested that the Government had backflipped on the location of the stand-alone unit in a central agency. Again, this is incorrect. The Violence Protection Coordination Unit will be located as a stand-alone unit in the Department of Premier and Cabinet, but sensibly it will also be located within the Office for Women. Clearly, the vast majority of domestic and family violence is perpetrated against women and it is crucial that the Government ensures that we consider the spectrum of violence that is perpetrated against women alongside our broader women's policy agenda. I am pleased the shadow Minister for Women supports this position. In a media release of 14 December last year she said:

It makes sense for the domestic violence unit to be based in the Premier's office under the direction of the Office for Women.

There has also been criticism of the deletion of the word "women" from the title. This is simply a furphy. The Violence Prevention Coordination Unit will take a leadership role in the development of policy aimed at reducing domestic and family violence. This unit will be located within the Office for Women in the Department of Premier and Cabinet. It represents a key element of the Government's response to the most important issue affecting women in our State. The unit will focus on both domestic and family violence coordination as well as violence against women more broadly. As honourable members should be well aware, while domestic violence is mainly perpetrated by men on women and children, women and girls are not the only victims. It is important that we also recognise that men and boys can be victims of domestic violence and ensure that our strategies include all victims.

The new structure incorporates senior positions not only across agencies but at the heart of government and in doing so aims to elevate the status of domestic and family violence across the New South Wales

bureaucracy. The Hon. Marie Ficarra suggests that the Opposition will need to monitor the Government's implementation of our new strategy. I am pleased that she shares our interest in this aspect of the new strategy. One of the initial key jobs of the Violence Protection Coordination Unit will be to develop and oversee the implementation of a strategic framework to underpin statewide responses to violence against women, in particular to domestic and family violence. As part of that, we have requested that the framework have in place mechanisms for reporting against initiative 4.1 of the State Plan to ensure a coordinated, integrated interagency response to domestic violence. These key accountabilities are written into the job descriptions of the Violence Protection Coordination Unit officers' positions that have recently been advertised. This will ensure that the Government has detailed monitoring mechanisms in place to make sure that our plans are working into the future.

I am pleased that the Hon. Robyn Parker mentioned Carrie's Place, in the lower Hunter region, which provides accommodation and support to women and children experiencing domestic violence. It is true to say that this work will continue through a number of projects being funded in that area. As well as funding Carrie's Place—it was funded through the new \$2 million domestic and family violence grants program to non-government organisations—projects, such as the Liverpool Women's Health Centre and the Joan Harrison Support Services for Women, are also being funded in the Liverpool area.

I believe our Government is committed to coordinating interdepartmental action on the crucial issue of domestic violence. I believe our State initiatives and programs, together with the detailed monitoring mechanisms we have put in place, will ensure that our plans are working into the future. That is why I commend this motion to the House.

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

**The House divided.**

**Ayes, 18**

Mr Ajaka	Ms Hale	Mr Pearce
Mr Clarke	Dr Kaye	Ms Rhiannon
Mr Cohen	Mr Khan	
Ms Cusack	Mr Lynn	
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Colless
Mr Gay	Mrs Pavey	Mr Harwin

**Noes, 21**

Mr Brown	Reverend Dr Moyes	Ms Voltz
Mr Catanzariti	Reverend Nile	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
Mr Hatzistergos	Mr Smith	Mr Donnelly
Mr Kelly	Mr Tsang	Mr Veitch

**Pair**

Miss Gardiner

Mr Macdonald

**Question resolved in the negative.**

**Amendment negatived.**

**Question—That the motion be agreed to—put.**

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

**Ayes, 21**

Mr Brown	Reverend Dr Moyes	Ms Voltz
Mr Catanzariti	Reverend Nile	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	<i>Tellers,</i>
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Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Ajaka
Mr Gay	Mrs Pavey	Mr Harwin

**Pair**

Mr Macdonald

Miss Gardiner

**Question resolved in the affirmative.****Motion agreed to.****OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (LIABILITY OF VOLUNTEERS) BILL  
2008****Second Reading****Debate resumed from 6 March 2008.**

**Reverend the Hon. FRED NILE** [4.39 p.m.]: I place on record the support of the Christian Democratic Party for the Occupational Health and Safety Amendment (Liability of Volunteers) Bill 2008, which was introduced by the Hon. Rick Colless. This very important bill will amend the principal Act to insert two additional subsections to remove liability of trust members and other volunteers from prosecution should the situation arise. This will be a major factor in removing any impediment to community members putting themselves forward to serve in a voluntary capacity on community-based organisations.

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

**SMOKE-FREE ENVIRONMENT AMENDMENT (MOTOR VEHICLE PROHIBITION) BILL 2008****Second Reading****Debate resumed from 6 March 2008.**

**Reverend the Hon. FRED NILE** [4.41 p.m.]: I am very pleased to have introduced the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2008. The object of this simple and straightforward bill is to amend the Smoke-Free Environment Act 2000, the principal Act, to prohibit smoking in motor vehicles. The bill introduces a maximum penalty of five units or \$550 for such an offence. Over the years that I have been a member of this House a dramatic change has evolved in the community's attitude towards the whole issue of smoking. I am sure all members would agree with that statement. Twenty years ago the right of people to smoke, anywhere and at any time, was well accepted. As the community's attitude has changed progressively over the years so too has the attitude of members of Parliament and political parties.

I have been pleased to be part of that process, and to have introduced a bill that prohibited tobacco advertising. That bill was finally passed with the support of all parties in this House, even though it had been opposed by the Coalition at one point. Subsequently I introduced a bill to initiate a prohibition on smoking in public places. That too was eventually passed with the Government's support, and its provisions are now widely accepted. Almost every day we see changes in this area, to reduce the harmful effects of smoking on people's health.

At a recent visit to Kiama council's playground for children I noted a number of signs stating that smoking was not allowed in that playground. Some councils, particularly Manly council, have given consideration to prohibiting smoking on public beaches. There has also been discussion about whether smoking should be prohibited at sporting fields and so on. These changes are being achieved without controversy and with acceptance in the community, even though a number of people—albeit a minority—still smoke. We now come to the next challenge: What should we do about the motor vehicle? The last challenge will probably be what should happen in the home. However, this legislation focuses on the motor vehicle. We know that many people smoke when they are driving. We see this every day. We see an open car window and a hand protruding from the window to flick ash onto the road. The person is driving the car with one hand, holding a cigarette with the other. I am sure all members have seen people who are smoking while driving vehicles—and in some cases those vehicles are conveying passengers.

There is debate about whether the prohibition on smoking in vehicles should be a total ban or whether it should be restricted to when a child is present in the car. I know that at this stage there is perhaps more sympathy for a bill that prohibits smoking in vehicles in which children are passengers. When we come to the Committee stage, I would be prepared to accept an amendment to the bill restricting the prohibition to vehicles in which children are passengers. I am aware that there are a number of practical problems—which police have raised—in identifying whether children are present in a car in which a person is smoking. How does a police officer know whether there are children sitting on the back seat of the vehicle? It creates another grey area and makes police enforcement difficult. I believe it would be far simpler to have a blanket prohibition on smoking in vehicles, regardless of whether children are in the car.

Police have also raised concerns about the resources involved in enforcing the legislation. I believe it would be very simple. The legislation would be enforced in the same way as seatbelt legislation is enforced. With regard to that legislation, drivers are penalised if people in a vehicle are not wearing a seatbelt. In the same way, if a person smokes while driving a vehicle, or he or she allows people in the vehicle to smoke, police would simply charge that person with an offence. In other words, the onus would be on the driver and/or owner of the vehicle; it would be their responsibility to make sure no-one smokes within the motor vehicle.

We have already had encouraging statements from the Government—statements that are encouraging to me personally. The Hon. Verity Firth, in her role as Minister Assisting the Minister for Health (Cancer), has initiated a discussion paper on the issue. I have received a briefing document on the proposed discussion paper, the purpose of which is to outline future possible measures to protect children from tobacco harm. The discussion paper, which was initiated by the Labor Government, is another leap forward in protecting the health of the citizens of New South Wales. A number of important proposals are to be included in the discussion paper. Obviously, the Government is testing the community's attitudes and responses to its various proposals, and that will assist the Government in preparing legislation on one or more of its proposals.

A number of the measures to be included in the discussion paper are extremely encouraging to me. One measure is ensuring that tobacco is out of sight of children at retail outlets. I have raised this issue over a long period. Indeed, I have given notice of a private member's bill to prohibit the display of tobacco products in retail outlets, supermarkets and so on. The display of tobacco products in retail outlets puts pressure on people who are trying to give up smoking. They cannot avoid being confronted with an attractive display; they are usually located at the checkout counter, which every shopper has to pass. Another measure to be included in the discussion paper is allowing only a single point of sale for tobacco in retail outlets. This is another positive proposition. A further proposed measure is the introduction of a licensing scheme for tobacco retailers, which obviously would be supported. Another proposal is requiring additional proof of age.

A further measure to be included in the discussion paper is the banning of tobacco sales from vending machines. This too is an important proposal. As we know, anyone can operate a vending machine. Underage people, who are prohibited from buying cigarettes in the normal way, can purchase them from a vending machine. A further proposal is the introduction of age restrictions for sellers of tobacco, which I believe is important. I would also include a further measure. For some time I have been troubled by the way in which the

tobacco industry now uses shops in shopping centres. A shop in Kiama shopping centre, for example, has many attractive displays of model cars but it is actually a retail tobacco shop. The shop has no purpose other than to sell cigarettes and tobacco products. It simply uses the displays of model cars, I believe, as a way of attracting families, and particularly males, to the shop. Children who see the displays of model cars perceive a link between smoking and toys: because toys are harmless so too must smoking be harmless.

The discussion paper refers also to a prohibition on voucher or Shop-A-Docket discounts for tobacco, and, finally, the banning of smoking in cars in which a child is present. I am pleased this issue is now on the agenda of the State Labor Government, and I hope the Liberal Party and The Nationals will give further consideration to it in order that it is dealt with in a bipartisan way, as other bills relating to smoking have been dealt with in the past.

Child exposure to tobacco smoke is involuntary, and children are particularly susceptible to health danger caused by inhaling tobacco smoke. In addition, children of smokers are more likely to become smokers themselves. The Government has gone to great pains to introduce measures to decrease the community's exposure to environmental tobacco smoke in enclosed public places. However, to date those legislative measures have not included provisions relating to motor vehicles. The Government could introduce legislation to prohibit smoking in a vehicle in which a child is present, which would be enforced by the police. I am hopeful that the community's response to the discussion paper is overwhelmingly in support of this proposal—even among smokers and those involved in the smoking industry.

Members will recall that when this proposal was introduced initially the Government proposed—and I supported the proposal—that a joint select committee on tobacco smoking be established to examine and inquire into the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005, which was introduced by me in this Chamber. The committee, of which I was a member, spent some time investigating this very issue. The report of that committee, which was published in June 2006, referred to some of the evidence that was placed before the committee relating to people smoking in cars in which children are present. At page 126 the report states:

The Committee further notes the evidence from the California Air Resources Board cited in the Action on Smoking and Health (ASH) submission. That study documented the concentration of smoke particles within cars, which was found to be markedly higher than in other settings such as households, presumably as a result of the confined space within a car.

That is a very important fact that all members should note. It is difficult to compare the effect on people of cigarette smoke in a house with large rooms, or even in the open air, with the effect of cigarette smoke on a passenger in the small confines of a motor vehicle. Cars are normally driven with their windows wound up, and that increases the health risk. The Hunter New England Area Health Service gave the following evidence:

Young children are especially vulnerable to the health effects of ETS as a result of their small body size.

Other evidence referred to the consequences of people throwing lighted cigarettes out of car windows. It has been proved that such behaviour can result in bushfires. If people are not concerned about the health aspects involved, surely they would be concerned that cigarettes thrown from cars can cause bushfires. The New South Wales Fire Brigades gave evidence before the inquiry in the following terms:

... 7% of bush and grass fires responded to by the NSW Fire Brigades were reported to have been started by a cigarette. A further 10% were reported to have started as a result of heat from "smokers materials" including cigarettes. In 39% of bush and grass fires responded to, the cause was undetermined. Very similar figures were also provided for 2003/04. On this basis, Commissioner Mullins concluded, "Cigarettes have definitely been identified as causing 7% of bushfires in New South Wales, and possibly up to 49%."

The Cancer Council of New South Wales, in presenting about the occurrence of smoking in cars, stated:

... at present 81% of car owners do not allow smoking in their cars and 60% of households with young children where a parent is a smoker do not allow smoking in cars.

The community is gradually responding to the health lesson but we still have one final bridge to cross: we must pass legislation to ban smoking in all private vehicles. It is the logical step to take us beyond what has been achieved up until now. Professor Chapman said in his evidence to the committee:

... that there would be a high level of public support for a ban on cars carrying children, as did ASH and the Australian Medical Association (NSW). ASH cited a 2004 survey of over 1300 Australians which found that 73% of participants supported such a ban. The Australian Medical Association (NSW) referred to a poll indicating 90% support for a ban in respect of children.

Some witnesses argued that a simple approach based on education was sufficient to get the message across. Obviously, if this bill is passed an education campaign will be required to support it. As we have done with other legislation dealing with smoking, an education campaign will be implemented to advise smokers that six months after the passing of this legislation it will be an offence for anyone to smoke in a motor vehicle in which a child is present. It would not be an offence on the day after the legislation was passed. Smokers would have a period of six months to adjust. I believe that is a very important consideration. From my point of view it is important to maintain public support for the legislation to avoid a backlash against it. Recommendation No. 26, the principal recommendation of the Joint Select Committee on Tobacco Smoking, is:

That NSW Health fund and implement a sustained educational campaign aimed at reducing smoking in cars, based on the "car and home: smoke free zone" ...

On 3 January 2007 the Government responded to that recommendation by saying that it would continue to fund and sustain an education campaign in association with non-government organisations. I believe the climate is now right within the community and within the political parties to introduce such a bill. Similar legislation is being considered in South Australia and other States, but I believe New South Wales should take the lead role in this regard to ensure the protection of its citizens. I commend the bill to the House.

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

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

### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Tony Kelly agreed to:**

That this House at its rising today do adjourn until Tuesday 8 April 2008 at 2.30 p.m.

### **ADJOURNMENT**

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.00 p.m.]: I move:

That this House do now adjourn.

## **WOLLONGONG CITY COUNCIL DEVELOPMENT APPROVALS**

### **HOME WARRANTY INSURANCE SCHEME**

**Ms SYLVIA HALE** [5.00 p.m.]: On Wednesday 5 March 2008 in the House I wrongly identified the developer of the Platinum Development in Crown Street, Wollongong, as Angelo Di Martino's ADM Projects. In fact, ADM Projects was the applicant and architect for the project, not its developer.

I will now deal with the Home Warranty Insurance Scheme. The clearly inadequate Home Warranty Insurance Scheme in New South Wales needs an overhaul. General Purpose Standing Committee No. 2 has concluded its inquiry into this matter, and the Greens look forward to its report. I have given notice of a bill, the purpose of which is to ensure that the people of New South Wales get a better deal than they do now. The bill is based on the scheme that operates in Queensland. On Tuesday members of the Building Action Review Group briefed crossbench members. They are thoroughly disillusioned by the treatment they have received at the hands of the Office of Fair Trading and insurers such as Vero that promote the Home Warranty Insurance Scheme. The scheme should be better known as the home warranty non-insurance scam. Their frustration is palpable. They and others who have become victims of the scheme operating in New South Wales have lost their savings, their houses have been rendered uninhabitable and their families have disintegrated. Their suffering has been compounded by their attempts to achieve some measure of consumer protection and justice.

On Tuesday I asked about the effectiveness of the pilot legal service run by Macquarie Legal Centre. Clearly, the centre is not able to assist people in any meaningful way, because it lacks both the resources and expertise to give homeowners useful advice on even the most elementary procedures. The legal centre cannot offer full assistance in court cases. In one case the centre advised an aggrieved homeowner not to go to court



because it would consume his whole life. Another person received assistance with preparing paperwork, but the legal centre cited its lack of expertise as the reason it was unable to assist at a higher level. One man said the legal centre referred him to the solicitor who was representing Vero, his opponent in the litigation. I do not in any way blame the legal centre for these deficiencies. After all, it is a pilot program and legal centres are notoriously under-resourced.

The Housing Industry Association is an advocate for the present scheme. The Housing Industry Association is a significant beneficiary of the rebates and commissions that insurance companies pay when home warranty insurance is taken out. However, in Queensland, where the government-run scheme precludes commissions, the association is a major loser. Andris Bluns of the Builders Collective of Australia believes that the privatised schemes operating in all States other than Queensland have resulted in up to 60 per cent of premiums being rebated to insurance brokers and other interested parties, such as the Housing Industry Association and the Master Builders Association. It is no wonder that the Australian Consumers Association recommends unequivocally that schemes modelled on the State-run, first resort Queensland scheme be implemented nationwide.

New South Wales is not the only State where concerns about home warranty insurance have prompted investigations. I draw the attention of members to examinations of building warranty insurance schemes in both the Tasmanian and Australian Parliaments. The Tasmanian Attorney-General, Steve Kons, is investigating whether to abandon Tasmania's privatised scheme. My Greens colleague in the Parliament of Tasmania and infrastructure spokesman Kim Booth is championing such moves. The Federal Parliament is also conducting an inquiry into last-resort builders warranty insurance schemes. I congratulate my Greens colleague Senator Christine Milne on successfully moving to refer the issue to the Senate economics committee. In doing so, Senator Milne said:

Builders' warranty insurance is supposed to protect consumers from non-completion or defects in the project. But the changes made to the system in the aftermath of the HIH collapse in 2001, making the insurance payable only in the last resort where a builder dies, disappears or goes bankrupt, have created a trail of trauma and hurt across the country.

The terms of reference of the Federal inquiry include examining the central role played by the Housing Industry Association in developing government policy. Last night in the Tasmanian Parliament Kim Booth said in relation to the Housing Industry Association:

What is the HIA's modus operandi and is it accountable and transparent to its membership and the public? The answer is no. The HIA has a long history of crocodile tears going back to the late 1960s, pledging fidelity to consumer protection, but the reality is that they advocate policies that appear on the surface to be consumer-friendly but are easily manipulated to serve HIA business interests.

He went on:

There is now evidence that the current last-resort builders' warranty insurance policy cost to consumers can involve up to 60 per cent in rebates, commissions and insurance brokers' splits with the HIA and the MBA. The Housing Industry Association Insurance Services is a beneficiary of such arrangements and, contrary to HIA evidence to the Productivity Commission on 21 February this year where the obligation is to be truthful ...

[Time expired.]

## COUNTRY GREYHOUND RACING CLUBS

**The Hon. CHRISTINE ROBERTSON** [5.05 p.m.]: I want to place on record concerns about greyhound racing in New South Wales, particularly regarding country greyhound racing clubs. Recently there have been many stories in the rural media, especially relating to my duty electorates of Barwon and Tamworth, about grave concerns that country greyhound racing clubs are losing out to city clubs and even to other country clubs. Two clubs in the Barwon electorate, Moree and Coonamble clubs, stand out as being disadvantaged by a decision by Greyhound Racing New South Wales to reallocate race dates. Moree Greyhound Racing Club has been threatened with the loss of 6 of its annual allocation of 26 racing dates and Coonamble faces a reduction from 20 to 15 dates a year. This is an ongoing saga. Race dates are vital to the viability of country greyhound clubs. A reduction in the number of race dates has contributed to the demise of a number of clubs in the past five years—Albury non-TAB club, Orange non-TAB club, Moss Vale non-TAB club, Wyong non-TAB club, Singleton TAB club and, as my colleague the member for Cessnock, Kerry Hickey, mentioned recently in the other House, Cessnock TAB club.

The Moree Greyhound Racing Club and the New South Wales Greyhound Racing Clubs Association approached me in their pursuit of a more just distribution of race dates. I have a great deal of sympathy for their cause, as I have been involved in lobbying for country greyhound clubs for many years as a Country Labor member, and prior to my election to Parliament in 2003. I well understand that country greyhound clubs are run for the most part by volunteers, with trainers racing their dogs for sport and not for the modest prize money available at the non-TAB clubs. It is a social sport the whole family can be involved in, without needing a lot of money to do so. Although it costs some money, people do not have to be rich to participate. Greyhound racing is a community sport that provides entertainment and fun for rural towns such as Coonamble and Moree, as well as Broken Hill and Tweed, which have faced a loss of race dates. A critical minimum of race dates is required for greyhound clubs to operate under the regulations of Greyhound Racing New South Wales. If that number is reduced, many clubs will not be viable.

In a sport where administration costs are high, small clubs, with their limited number of race dates, are on tight budgets. The big clubs, such as Dapto, Nowra and Bathurst, have the money and patronage to keep them profitable. Often they are the clubs soaking up the dates and the dollars. A number of years ago when the legislation was reviewed and reformed I assisted country greyhound clubs. That process saw country clubs adhering to very strict regulatory conditions at the risk of losing their licences. Many of them worked very hard to comply. The goalposts keep being moved. Today there are reports of a backdown from Greyhound Racing New South Wales on cutting some of the race dates at Moree, Coonamble and Broken Hill greyhound clubs. That is welcome news. However, I call for a thorough independent review of greyhound racing in New South Wales, particularly Greyhound Racing New South Wales and its board of management. That body has an imperfect structure, otherwise clubs would not be falling over. There is a widely held perception that board members favour their own clubs in reallocating race dates. Whether that is true or not, only an independent review can remedy the deeply held mistrust in the board, particularly among non-TAB country New South Wales greyhound clubs.

Recently I discussed the situation with the Minister for Gaming and Racing, Graham West, and I believe he is considering it. I am not the only Labor member in this House who has worked hard on this issue for a considerable time; the Hon. Amanda Fazio has also worked very hard on behalf of those who have contacted us seeking assistance. It is very concerning that a structure originally set up to receive input from the industry, to represent the industry in making regulations and conditions, and to share the spoils has become what would appear to be incredibly insular and is looking after only the individual clubs that are represented on that board. This is an incredibly unfortunate situation. This group of people is playing some sort of game on both sides of the political fence. More importantly, it is very distressing for the persons whose livelihood and fun is based on a sport that is endorsed by the people of New South Wales. It must be defended at all costs.

#### **NEW SOUTH WALES WOMAN OF THE YEAR AWARDS**

**The Hon. DON HARWIN** [5.10 p.m.]: On 12 October 2002, 88 Australians were among the 200 people who lost their lives in the terrorist bombing of the Sari nightclub in Bali. It was a tragedy that directly affected many Australian communities, including the New South Wales South Coast town of Ulladulla, which lost two young surfers, Craig Dunn and Danny Lewis. Since the tragedy, Gayle Dunn, the mother of Craig, has spearheaded efforts to establish a permanent local memorial. She envisaged a practical memorial that would capture the youthful spirit of adventure and opportunity that characterised the two young men. The result is the Dunn and Lewis Youth Development Memorial Complex, an \$8 million multipurpose entertainment facility on St Vincent Street in Ulladulla. It is a unique project that will provide a range of entertainment options for young people, including a ten-pin bowling alley and a performance and sports stadium, along with memorial gardens, catering facilities, a band room, lounge area, conference rooms and gymnastic facilities.

The complex will also offer a range of support services designed to help the area's young people make the most of their lives. This is an important aspect of the centre's purpose and design. While Gayle wanted the memorial to improve the recreational facilities for young people in the area, she also viewed the project as a means for raising further funds for the associated Dunn Lewis Memorial Foundation. In addition to having oversight of the recreation complex, this organisation endeavours to support young people through the awarding of grants and the provision of training opportunities.

Gayle Dunn has demonstrated tremendous determination and community spirit in leading her team of volunteers and driving the project towards fulfilment. She lobbied corporate leaders, politicians of all persuasions at each level of government—particularly my colleague the member for South Coast—to secure funding for the facility, and has worked tirelessly to ensure that the project becomes a reality. Construction of

stage one commenced in December 2006. I am delighted to report that Gayle was last month honoured in Parliament House as the South Coast Woman of the Year as part of International Women's Day. The Dunn and Lewis Youth Development Memorial Complex is a major contribution to the local community and a wonderfully fitting tribute to the memory of Gayle's son and his friend. The dedication that Gayle has shown to the fulfilment of her vision is inspiring and most deserving of the praise and honour that she has received.

Also included in this year's International Women's Day honours was the late June Webster. For the past two decades June Webster covered local events in the Shoalhaven, writing regularly about local government and State politics, latterly in the *South Coast Register*. She passed away unexpectedly last year at the age of 73, having remained professionally active to the end. I certainly remember receiving some probing questions from June over the years! June was honoured posthumously for her role as a trailblazer for women in journalism and as an inspiring mentor and role model for younger women in the media, especially on the South Coast. June excelled in her work, demonstrating a thorough understanding of her community and writing with keen insight and genuine humour. She began her career at a time when it was difficult for women to gain acceptance in journalism and has been described as a woman before her time. In more recent years she demonstrated what a significant contribution older Australians can make to their communities beyond the traditionally accepted retirement age.

This year's New South Wales Woman of the Year Awards focussed on recognising active women in paid and unpaid work, particularly those who had made outstanding contributions to improving the place of women at work or had made exceptional contributions as a volunteer. As the dedicated leader of a volunteer foundation and as a trailblazing journalist, Gayle Dunn and the late June Webster are worthy recipients of awards this year and I am pleased to report their achievements to the House.

#### WOLLONGONG AGAINST CORRUPTION GROUP

**The Hon. GREG PEARCE** [5.15 p.m.]: Tonight I draw the attention of the House to the continuing appalling treatment of the people of Wollongong and the Illawarra by the Labor Party. Some honourable members will be aware that on Tuesday a group of concerned Wollongong residents organised a train trip to Sydney for the opening of Parliament to protest against their treatment by the Labor Party. A group calling itself Wollongong Against Corruption caught the South Coast freedom train to Sydney. The group's demands are fairly simple: it wants democracy in Wollongong City Council and it wants a royal commission into corruption in the Wollongong and broader area. On Tuesday this delegation sought to see the Premier, the Minister for the Illawarra or one of the numerous Labor members representing electorates in the Illawarra. Not only were those people snubbed but they were also refused access to the Parliament building, notwithstanding that many of them wanted to attend question time and see Parliament in operation.

I had the privilege of meeting some members of this delegation on 11 March. The Leader of the Opposition, Barry O'Farrell, the member for South Coast, Shelley Hancock, and I met them, at their request, to discuss their concerns about the Labor Party in Wollongong and the Illawarra. At that stage they were asking for a democratically elected local council in Wollongong by September this year. The Leader of the Opposition indicated that we would support the early return of democracy to Wollongong and said that he thought about 18 months maximum ought to be enough time to remedy any problems identified by the Independent Commission Against Corruption [ICAC]. If it is possible to hold local government elections earlier, they should obviously proceed.

On Tuesday Mr O'Farrell addressed the delegation from Wollongong and Illawarra outside the Parliament, accompanied by the member for South Coast and me. Mr O'Farrell reaffirmed the Opposition's view that 18 months should be more than enough time to fix the problems in Wollongong City Council and he confirmed that we support the early return of an elected council. Obviously, any improvements suggested by ICAC will have to be addressed before an election takes place, but we would expect that to occur within 18 months or earlier. It is not acceptable that administrators should preside over the council for more than four years, denying the people of Wollongong their democratic right regarding decisions affecting their community. The Labor Government seems to believe that State and local governments must be at war. We have seen that administrators have been put in charge for a long time where councils have been dismissed.

The Leader of the Opposition said that on the basis of the revelations to date of the Independent Commission Against Corruption he backed the call for a royal commission into the Australian Labor Party network of influence across the Illawarra region. However, of course, we doubt that this Labor Government will establish any commission with any real power to inquire into the Labor Party unless it is forced to do so. I hope

that members realise that the people of Wollongong and the Illawarra are most concerned about their treatment and that when they next visit Parliament we welcome them and they can see some of their local representatives.

### ANZAC DAY DAWN SERVICE

#### THE CENOTAPH—MARTIN PLACE, SYDNEY

**The Hon. KAYEE GRIFFIN** [5.20 p.m.]: On 25 April this year we will commemorate the eightieth anniversary of the first official Anzac Day Dawn Service at the Cenotaph in Martin Place. After 80 years it continues to provide us with a place of remembrance and reflection. It is my understanding from information provided by the National Servicemen's Association that the tradition started because of an event that took place on 24 April 1927, when the Australian Legion of Ex-Service Clubs held its annual general meeting in Martin Place between Pitt and Castlereagh streets. The meeting was followed by a dinner and a few drinks.

This particular dinner and get-together lasted well into the early hours of Anzac Day. A group of the men headed towards Martin Place singing a number of the popular songs of the time like *It's a Long Way to Tipperary* and *Pack up your Troubles* and so on. When they reached the GPO building at Martin Place they saw an elderly woman holding a bunch of flowers. As the lady walked forward to place her flowers down on the bare granite she tripped over and dropped them. The men immediately rushed to the elderly lady's side to help her. She rose and continued towards the memorial site, placed her flowers and knelt down in prayer. Seeing this, the men followed her and one by one they each knelt beside her in silent prayer and the Martin Place Dawn Service was born. From the rowdy beginnings of that evening came a profound and monumental gesture to our fallen servicemen and women. The five ex-servicemen who first took part in this unofficial dawn service were Jim Davidson, Ernie Rushbrook, George Patterson, Len Stickley and Bill Gamble. The elderly lady's name was never known.

The sight of this elderly lady had such an impact on the men that it prompted them to encourage the Australian Legion of Ex-Service Clubs to organise an official Anzac Day dawn service to be held at the Cenotaph in Martin Place. The first dawn service was held in 1928 and was attended by about 200 people, including the five men who were instrumental in its inception. Each year the numbers grew and by 1930 there were approximately 1,000 attendees. Today several thousand people attend the annual service in remembrance of our fallen servicemen and women.

Today the Anzac Day Dawn Service Trust Incorporated is entrusted with the responsibility of organising the dawn service. The trust's membership consists of the Australian Legion of Ex-Service Clubs and the National Servicemen's Association of New South Wales—or Nashos. Other organisations that assist in the dawn service are the Defence Force, St Johns Ambulance Brigade, the Sydney Male Choir, New South Wales Police and the Scouts and Girl Guides Association.

I take this opportunity to speak on the history of the Cenotaph in Martin Place. The word "cenotaph" means empty tomb. It honours the memories of those killed overseas and it also gives us a special place to come together to commemorate their service to our nation. A cenotaph in Sydney was first mentioned in 1924 and it was not until the following year that a planning committee was established to discuss its establishment. It was the State executive of the Returned Soldiers and Soldiers Imperial League of Australia who cried out for the cenotaph to be erected in Martin Place. They wanted it there because it was in that area that a number of soldiers had enlisted at the recruiting centre and Martin Place was considered the centre of the city, and during the war it was also seen to be the heart of the nation.

Their request was granted when in March 1926 New South Wales Premier Jack Lang offered a grant of £10,000 towards the cost of the cenotaph. Following this a contractor called Dorman Long was employed to begin the construction of the city's first and only cenotaph. The Cenotaph's base is made up of 23 pieces of granite, the same stone used for the Sydney Harbour Bridge pylon facings. The important rectangular altar-stone weighs some 20 tonnes and was put in place on 1 August 1927. The work was supervised by Dr John Bradfield, the engineer for the Sydney Harbour Bridge, and the bridge contractor, British firm Dorman Long, was responsible for the construction. The heavy granite was quarried at Moruya on the New South Wales South Coast. The 17-tonne stone had to be brought up from Sydney Harbour by a team of 20 horses.

The Cenotaph was officially dedicated in 1927 despite the fact that the soldier and sailor statues had not been completed and in fact were still in England. The bronze soldier and sailor statues were designed and

sculpted by an expatriate Australian by the name of Sir Bertrand MacKenna. Although the Cenotaph was received by the Lord Mayor on behalf of the people of Sydney the official unveiling did not take place until 21 February 1929 when the statues were finally in place. I place on the record my thanks to the National Servicemen's Association for providing this information and also for its involvement in the organising committee for the dawn service on Anzac Day, which is a very important part of our heritage and the history of this State and nation.

### **REDEEMER BAPTIST SCHOOL AND MR GRAHAM GLOSSOP**

**Dr JOHN KAYE** [5.25 p.m.]: Those who expose injustice and wrongdoing are all too often subjected to systematic harassment and vilification. This is most certainly the case for Mr Graham Glossop and his campaign to bring Redeemer Baptist School in North Parramatta to justice. Redeemer Baptist School and its leaders have mounted legal actions aimed at silencing Mr Glossop, including serving him with an apprehended violence order and an Anton Piller order accusing him of defamation and assault, and the archaic claim of conspiracy to injure. The clear aim has been to silence Mr Glossop with the threat of bankruptcy and jail.

Mr Glossop's only crime has been to speak out and expose the abusive practices of the school and its massive Centrelink and tax fraud, estimated to have cost the public purse \$20 million over the past 23 years. In December 2004 Mr Glossop distributed a newspaper article titled "Sexual Assault" to parents attending a meeting at Redeemer Baptist School. I have been informed that the next day the school's legal representative contacted Mr Glossop's solicitor and told him that the elders of Redeemer Baptist Church were going to spend an unspecified amount of money to crucify Mr Glossop. Since then they have worked hard to deliver on that threat.

In 2005 Mr Glossop attended Redeemer Baptist Church in Castle Hill to speak to Dr Max Shaw, an elder of the church, about allegations made against Mr Glossop in this Chamber by the Reverend Fred Nile. A week later Mr Glossop was served with notice of an apprehended violence order taken out against him by the director of the Redeemer Baptist School, Mr Phillip Bailey. The order was subsequently thrown out by Magistrate Garbett of Parramatta Local Court, who found there was insufficient evidence to sustain claims of harassment, intimidation or violence.

The school then took out defamation action against Mr Glossop for distributing the article "Sexual Assault" that had been published in Fairfax community newspapers. Even though this matter was also subsequently dismissed, defending it cost Mr Glossop and the others \$88,000 and Fairfax \$330,000. Redeemer Baptist School did not relent. Elders and their associates—including Ken Shaw, Chris Jones, Russell Bailey, Bradely Gibson and Jonathon Cannon—subsequently alleged that Mr Glossop assaulted Ken Shaw, a teacher at the school, at a protest outside the school. Mr Glossop was subjected to the humiliation of being carted away in a police van and locked up at Castle Hill police station for seven hours. Two counts of assault against Mr Glossop were again dismissed, with Magistrate Johnson noting, "It's quite clear that Mr Ken Shaw's evidence is lacking in credibility in a number of areas."

On the following Monday 10 members of the Redeemer Baptist School's legal team and their computer technicians turned up at Mr Glossop's home and workplace to execute an Anton Piller order. For an entire week Mr Glossop's home life was thrown into turmoil and his business was severely disrupted as computer hard drives were copied. The staff of Mr Glossop's business were suspended while the order was executed. Redeemer Baptist School subsequently sued Mr Glossop and others for conspiracy to injure in relation to protests, the distribution of materials and media statements. Defending this matter cost Mr Glossop and his friends \$400,000, causing Mr Glossop to sell his home, his business and an investment property. In the end Redeemer Baptist School withdrew its claim, thinking it had achieved its desired effect of causing Mr Glossop massive financial and personal pain. We estimate that Redeemer Baptist School spent more than \$2 million in pursuit of Mr Glossop in an appalling attempt to drive him into bankruptcy and jail. They have failed miserably on both counts.

Redeemer Baptist School has misused the courts in a barbaric attempt to destroy Mr Glossop for no other reason than that he had the courage to speak the truth about the malfeasance of this school and those who run it. They threw massive legal resources at him, accused him of being violent, a slanderer and a conspirator. Not one of their accusations stuck. Their money was spent in vain. Their efforts to silence Mr Glossop have served only to highlight the very things they wish to hide: their ongoing tax fraud and their ongoing Centrelink fraud.

No doubt the Christian Democrats and Mr David Clarke will again seek to defend the school by further vilifying Mr Glossop. They too will achieve nothing but to highlight Redeemer's attack on free speech in their attempt to silence Mr Graham Glossop in his campaign to bring Redeemer's abusive and fraudulent acts out into public scrutiny.

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

**Motion agreed to.**

**The House adjourned at 5.30 p.m. until Tuesday 8 April 2008 at 2.30 p.m.**

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