

# LEGISLATIVE COUNCIL

Tuesday 1 September 2009

[First sitting: Continuation of sitting of Wednesday 24 June 2009]

*[The bells having been rung, the House resumed at 2.30 p.m. with the President (The Hon. Peter Thomas Primrose) in the chair.]*

## SPECIAL ADJOURNMENT

### Debate resumed from 24 June 2009.

**The PRESIDENT:** As members are aware, these proceedings are a continuation of the sitting of Wednesday 24 June 2009, which was interrupted at 12.37 a.m. owing to the absence of a Minister in the Chamber. Prior to the suspension of the House, the Hon. Tony Kelly had moved the motion for the special adjournment of the House until Tuesday 1 September 2009 at 2.30 p.m. The Hon. Don Harwin had been given the call to move an amendment to that motion when, due to the absence of a Minister in the Chamber, I left the chair. The question before the House is:

That this House at its rising today do adjourn until Tuesday 1 September 2009 at 2.30 p.m.

The Hon. Don Harwin has the call.

**The Hon. DON HARWIN** [2.32 p.m.]: Before I was interrupted I had begun to move an amendment to the motion for the special adjournment. But the Leader of the House, because of his own extraordinary decision to walk out of the Chamber and put us into suspended animation for 68 days, will have to amend his own motion. I will not continue with my amendment.

As I made quite clear back in June, I sought the call to debate the special adjournment because of the Government's decision to abandon a scheduled sitting day without explanation. So far as the Opposition is concerned, two issues arise. The first relates to Standing Order 34, which requires the presence of a Minister or Parliamentary Secretary in the Chamber. The second is the wider issue of the capacity of this House to determine its own sitting and its order of business. In the view of the Opposition, it is totally unacceptable for any government to be able to prevent the House from sitting—which is exactly what has happened during the past 68 days. The sittings of the House having been suspended until the ringing of a long bell, the majority of members have been deprived of their right, under standing orders should the need have arisen, to urgently recall the House under Standing Order 36. Had such a need arisen, the Government could simply have instructed its Ministers and Parliamentary Secretaries not to attend the Chamber, and that is a totally unsatisfactory state of affairs.

There is no equivalent of Standing Order 34 in any other Australian Parliament, just a convention observed in the rulings of presiding officers. That also was the position in this House before 2004. Some members may think that as this is a House of review it should not be necessary that a Minister or Parliamentary Secretary be present in the Chamber in order to allow the House to transact business; others members will take a different view. Another model can be found in the New Zealand Parliament's Standing Order 38, which requires the presence of a Minister in the Chamber in order that that parliament may transact business, but that standing order provides also for the adjournment of that parliament until the next sitting day if there is still no Minister present after the ringing of a long bell. There are other possible alternatives as well. Accordingly, I have written to you, Mr President, in your capacity as Chair of the Procedure Committee, requesting that you convene a meeting so that the members of that committee may consider terms of reference for a review of Standing Order 34.

On the wider issue of the House's ability to order its own sittings and the conduct of business, there is also a case for reflection. Like so many other aspects of this Government's performance, its management of the legislative program of this House has been woeful. The end of session legislative rush was a problem again, and that was one of the main reasons I sought the call to speak on this motion of special adjournment. During the 26 sitting days of the 2009 autumn session this House dealt with Government Business on 21 of those days. During the first 12 days the House passed 14 bills. Throughout the final nine sitting days it passed 47 bills. On the last two of those 26 sitting days the House sat until after midnight and dealt with 18 of those 47 bills.

A number of members are on the record expressing concern about the inadequate time members have to properly scrutinise legislation. Their concern is valid, and in that regard the Opposition believes that we should set a deadline for the receipt of bills from the Legislative Assembly for the spring session. The Senate's Standing Order 111 provides that a bill introduced by a Minister or received from the House of Representatives is deferred to the next period of sittings unless it was first introduced in a previous period of sittings and is received by the Senate in the first two-thirds of the sittings. Our sittings are structured differently from those of the Senate but the two-thirds benchmark is appropriate.

Given that we have nine sitting weeks left in 2009, six weeks should allow the Government sufficient time to get its legislative workload in order. Today—or technically, in parliamentary terms, tomorrow—I will give notice of a sessional order requiring that a bill introduced by a Minister or received from the Legislative Assembly after Thursday 12 November 2009 be adjourned until the first sitting day in 2010. I hope that the proposed sessional order will have the support of all members of the House. These two initiatives are a measured but, in my view, appropriate response to the events of June.

**The Hon. JOHN ROBERTSON** (Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State) [2.39 p.m.]: I move:

That the question be amended by omitting "Tuesday 1 September 2009 at 2.30 p.m." and inserting instead "15 minutes after the question on the motion for the adjournment of the House has been put and passed".

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

**Amendment agreed to.**

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

**Motion as amended agreed to.**

## **ADJOURNMENT**

**The Hon. TONY KELLY** (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [2.41 p.m.]: I move:

That this House do now adjourn.

## **POLICE AWARD NEGOTIATIONS**

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [2.41 p.m.]: The opportunity to speak this afternoon about the Government's handling of the pay negotiations for police is unique: in June I could talk only about what might happen in this regard, whereas now I can reflect on the Government's handling of the whole sorry affair. The Opposition has always strongly supported our Police Force. At the biennial conference of the Police Association held at Terrigal in May 2008 the Leader of the Opposition, Barry O'Farrell, and I publicly endorsed a police wage claim that would result in police officers receiving more than a real cut in wages, which given the CPI at the time was all that the New South Wales State Labor Government had put on the table. We should have heard the alarm bells ringing in November 2008 when concerns were raised about the death and disability scheme. The Hon. Tony Kelly's answers to questions at that time would have been of concern had we known exactly how far the Government intended to take this issue. I remind members of the statement made by the Minister for Police at that time that the Government remained committed to a death and disability scheme to provide adequate compensation to police officers. Of course, the definition of "adequate" set the tone of the Government's approach to negotiations over the months ahead.

Those who have studied the Government's approach to policing—particularly to work entitlements and protection of officers in the field or at the sharp end of policing—would not be surprised if they were to read the debate in this House on the 2001 workers compensation legislation during which I tried to amend the legislation to protect police officers from what are known as psychiatric and psychological impairment guidelines. I said then that the unique nature of the work of police officers in dealing with scenes of devastation and confronting levels of stress that most of us would never experience in a lifetime, let alone daily, should exempt them from the guidelines. Of course, the Government voted against my amendment, and that set the tone of its approach to policing and the dangers faced by police officers in the workplace.

Members of this Government are more than happy to stand next to police officers at photo opportunities. The Premier and the Minister for Police are more than happy to appear with police officers at announcements of high-profile arrests, particularly when the offences, the subject of the arrests, involved elements of danger. They are more than happy to acknowledge that police officers do their job well, but they are not prepared to pay them well for doing their job.

Of course, the Opposition has continued to pursue the Government about a number of key aspects of its negotiations with police officers. The Government's response has been to accuse the Opposition of being untruthful or of making false assertions about what the Government intended to do. The wage negotiations most certainly included the proposed amalgamation of local area commands throughout New South Wales. However, the Minister for Police said that it was entirely up to the Commissioner of Police and the Police Association to agree on whatever was wanted in that regard. We now know that the position put by the Minister in May 2009, when he was asked in this House about the Government's handling of the negotiations, was not truthful.

The real concern is the death and disability scheme. Members can imagine how police officers on the street felt when they were told by this Labor Government that they could have a pay increase, but that in return they must be prepared to surrender work entitlements and salary protections for which they had fought long and hard. When contributing to debates about WorkChoices the Hon. Amanda Fazio and her colleagues talk about protecting the entitlements of workers, but on an important occasion when the Government had an opportunity to provide such protections in an area for which it is responsible it walked away. Members of the Government are absolute hypocrites, and none more so than the member for Drummoyne, who stood alongside police officers on 20 August and said how concerned she was about the death and disability scheme and how committed she was to supporting our Police Force. Did she go online and sign the Keep Our Cops petition? No, she was not prepared to put pen to paper. She is a fraud.

## **CATHERINE HILL BAY AND GWANDALAN DEVELOPMENT**

### **GRAYTHWAITE ESTATE**

**Ms SYLVIA HALE** [2.46 p.m.]: Today, 1 September 2009, two major political stories are dominating the front pages of newspapers. I do not intend to make any comment on the circumstances surrounding the decision of the former Leader of the Government in this House to resign. However, I do acknowledge that, despite our political differences, the Greens have always found John Della Bosca to be a highly competent Minister and one of the few who genuinely attempted to answer questions asked in question time.

The other and in my view more substantive story is yesterday's important decision by the Land and Environment Court to overturn the concept plan approvals for major residential developments at Catherine Hill Bay and Gwandalan, on the New South Wales Central Coast. I congratulate the local residents and their supporters who took this action and also the Environmental Defenders Office, which ran the case. The proposals were always grossly inappropriate, and the court decision is a wonderful victory for the State's heritage and environment and for the local community.

While the decision did not directly address the issue of political donations, it does call into question the relationship between the New South Wales Labor Government and major developers who donate money to the Labor Party. The agreement that the court found had created an apprehension of bias in the way the approval decisions were made was that between the Government and a major Labor Party donor. The agreement was described by the judge as a "land bribe". The Government now has a court decision against it saying that a reasonable person might conclude that in that event there was bias in the making of a major planning decision. The decision at question was one that benefited a major party donor. This whole exercise shows just how corrupted the planning process can become when deals are done between Ministers and developers who are party donors. The court's decision will have significant implications for other major projects the Government has either approved or is assessing.

Many of the documents relied upon in this case came to light after the Greens successfully moved a Standing Order 52 motion in this House requiring the Government to make public all of the internal documents relating to the contested decisions. This demonstrates again the important role that Standing Order 52 plays in keeping the Government accountable. I commend the Opposition and the members of the crossbench who supported that motion. The court's decision demonstrates yet again that the whole major projects approval process is viewed with great suspicion by the media and the courts and is held in disrepute by the community.

The only way that the Government can begin to restore confidence in its discredited planning system is to ban all political parties and candidates from accepting political donations from developers. Anything less will merely see the planning system brought into even greater disrepute.

It was disappointing therefore to hear the statements about this matter by former Minister for Planning Frank Sartor and the current Minister for Planning, Kristina Keneally. Mr Sartor says he is "perplexed by the decision". He clearly still does not get it. Unfortunately, neither does the current Minister. While I welcome Minister Keneally's announcement that the Government will not appeal the decision or try to overturn it with retrospective legislation, she has essentially invited the developer to apply again so she can send the proposal off to her handpicked Planning Assessment Commission. A great victory for the environment and the community may be snatched away by the Government to the benefit of one of Labor's biggest financial sponsors. If so, the public response will rightly be scathing. The court's decision again raises a very serious question about the relationship between this Government and its financial supporters in the property development industry. As long as Labor keeps pocketing the developer's dollars, the Minister's so-called independent Planning Assessment Commission, which she alone appoints, is nothing more than window dressing.

I also note that tenders closed on Friday for the sale of Graythwaite, the heritage mansion and grounds in North Sydney left in trust to the Government for the care of the mentally ill. The Government is now trying to flog it to the highest bidder. I note that the Federal Labor Government has put in a bid for the purpose of saving the estate. The contrast between State and Federal Labor on this issue is stark. Federal Labor wants to preserve this great heritage asset; State Labor wants to flog it for as much as it can get. Is it any wonder that Federal Labor is popular while State Labor is so on the nose? I urge the New South Wales Government to hand the Graythwaite Estate— [*Time expired.*]

### EQUAL PAY DAY

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [2.51 p.m.]: Today I talk about the difference between what men and women earn in Australia. Today marks Equal Pay Day. Today, 1 September, has been chosen as Equal Pay Day because it is the day at which women's annual earnings reach the same level as those of men in the previous financial year. Each year, on average, Australian women earn 17 per cent less than their male counterparts. So a woman would need to work until today, 1 September, to earn what the average male employee had earned by 30 June. On 1 September 1943 Jessie Street, in a letter to the *Sydney Morning Herald*, wrote:

Women workers have been underpaid and exploited in the past. They have shown their capacity and efficiency for the Services, in defence works, and in replacing men workers in various occupations. The time has arrived when women's work must be valued at the same ratio as men's work. For instance, it is absurd that the pay of a nurse, with all her skill and responsibility, should be less than the man's basic wage. Make the payment fit the qualifications and nature of the work.

That was 66 years ago. Twenty-six years later, in 1969, the Commonwealth Conciliation and Arbitration Commission made the first equal pay for equal work decision. Here we are, 40 years later, and women are still earning less than men—including for the same work in the same industries. This pay gap exists across all industries and occupations. Over a lifetime it can add up to a difference of as much as \$1 million. A lifetime of lower wages leads to lower levels of savings and less superannuation at retirement. The average superannuation payout to a woman is projected to be \$150,000, which is half the average payout to a man in 2010-2011.

The inequality between the wages of men and women is widening. Last year, Equal Pay Day was held on 28 August. This year, women's wages have fallen even further, pushing Equal Pay Day back a further five days. Women have always made significant gains in paid employment. Women's participation in work has made a significant contribution to our workplaces, our governments, our families and our communities. The majority of women are still mostly employed in lower paid industries including retail trade; health and community services; property and business services; and education. Women also constitute a large proportion of the underemployed and the hidden unemployed. Women remain heavily underrepresented in senior management in virtually all occupations and industries. Less than 2 per cent of ASX listed companies have a female chief executive officer and only one in twelve board directors is a woman. New female graduates can expect to earn \$2,000 a year less than their male counterparts when they enter the workforce. This gap widens over their careers.

Study after study shows that women continue to be responsible for a disproportionate share of unpaid childcare and household work. The gap in gender pay simply serves to reinforce this. The issue, like so many others, is complex and does not have an easy solution. If it did, I like to think we would have been able to fix it

by now. On Equal Pay Day the members of the Equal Pay Alliance are campaigning for a number of things, including meaningful reporting by employers of equal pay and employment opportunities; regular independent monitoring and reporting to the Australian Parliament of progress to achieve gender equality, including progress towards achieving equal pay; a greater role for government agencies in auditing, promoting and implementing equal pay and employment opportunity programs in workplaces; proper valuation and funding of wages and conditions for work traditionally carried out by women; better regulation of flexible work arrangements for women and men with caring responsibilities and increased protection from discrimination on the grounds of family and carer responsibilities; improved quality, accessible and affordable childcare including after school hours and vacation care; and improved equal employment opportunity practices in workplaces including accredited work-related training and professional development. There is much work still to be done.

I welcome the Rudd Labor Government's paid parental leave scheme and the parliamentary inquiry last year into women's equal opportunities in the workforce, which included pay equity. Labor's ongoing support and commitment to a fair industrial relations system with the ability to collectively bargain remains an important part of addressing women's inequality. However, we need to do more to assist women who cannot access collective agreements. Equal Pay Day provides a chance to focus our attention on what needs to be done to close this particular inequality between women and men in Australia. That pay inequality remains unresolved is an indictment of how we all strive to build a modern and fair Australia.

### **RURAL FIRE SERVICE**

**The Hon. MELINDA PAVEY** [2.56 p.m.]: The Rural Fire Service is a unique agency that comprises thousands of volunteers who need to be led by someone who understands the specialised nature of a largely volunteer organisation. This leads me to refer to the superministry bungle by Premier Rees and Minister Steve Whan that the Rural Fire Service Association and former Minister Phil Koperberg were able to overturn. The New South Wales State Labor Government failed to consult the Rural Fire Service volunteers about the amalgamation of emergency services and police—a demonstration that Nathan Rees's proposed public service restructure was a complete farce, ill planned and very disorganised. However, the Minister for Emergency Services, Steve Whan, supported it. He tried to refute claims on ABC mid-North Coast radio that the Rural Fire Service would lose its independence. He did not apologise to the thousands of volunteers who were not consulted about the amalgamation. Nathan Rees referred to the public service restructure as the "most significant reform to New South Wales government in 30 years", yet completely failed to consult.

Members need to understand that volunteers are the backbone of the Rural Fire Service and they are furious about the way they were treated during this restructure process, how they were ignored and how they were disregarded by the New South Wales Rees Labor Government and their Minister, Steve Whan. The failure of the Labor Government comes as no surprise given that the plan for the reform was shown to be a carbon copy of a plan introduced by Premier Bligh in Queensland. The New South Wales Liberals and Nationals revealed that large portions of the plan were irrational and badly designed—a sure sign that little thought had gone into the restructure. This is reflected in public comments by the former Minister Phil Koperberg on 2 August, when he said that the decision was flawed and "if it's not broke, don't fix it—and it's not broke". That was his point of view and very much the point of view of the volunteers.

I understand from my reading of the Rural Fire Service Association website, the association representing volunteers and paid staff of the Rural Fire Service, that after a recent visit to Victoria they became emboldened to maintain the integrity of the Rural Fire Service and to ensure that decisions made in New South Wales for the service and on behalf of the service were made by the Rural Fire Service and not by the police commissioner. They became strong in their resolve having seen first hand the problems that confronted the Country Fire Authority in Victoria during the bushfires in that State in February. I particularly acknowledge the efforts of the executive of the Rural Fire Service Association in this regard. I acknowledge also the efforts of the former Minister and member for Blue Mountains, Phil Koperberg, for staring down the Premier and Minister Steve Whan to ensure that the Rural Fire Service continued to be recognised as a unique organisation composed mainly of people who serve the people of New South Wales in a voluntary capacity.

That leads me to my next point. I am concerned that comments I have made about volunteer numbers within the organisation are being skewed by my political opponents. I am concerned, having read a document prepared while Nathan Rees was the Minister for Emergency Services, that we are critically short of volunteers in a number of areas throughout the State. A document I obtained under the provisions of the freedom of information legislation reveals, for example, that in the Bland and Temora zones there are 70 per cent fewer

bush firefighters than required, that there are 30 per cent fewer than required on the far South Coast, and almost 10 per cent fewer than required in the Blue Mountains, which is one of the highest bushfire alert areas in New South Wales.

I raised some of these concerns at the Rural Fire Service Association executive meeting at Port Macquarie on 25 July. It has come to my attention that my opponents are suggesting that I am not supporting volunteers, that I am denigrating volunteers. I make it very clear that by raising the shortfall in volunteer numbers in some brigades I am supporting volunteers. It is in the interests of their safety that we should encourage more volunteers back to the Rural Fire Service. I do not think there is any argument that the number of volunteers suggested by the Government, through Minister Whan, is the right number over an extended period of time. But I doubt whether there are 70,000 active people in the Rural Fire Service currently, whether in the catering brigades or in the fire fighting brigades. We need to get the right numbers. We should encourage people back to the service and not put our heads in the sand and allow Minister Whan to send public servants out to argue against politicians. *[Time expired.]*

## **DENTAL PROSTHESES IMPORTS**

### **FILEP KARMA IMPRISONMENT**

**Ms LEE RHIANNON** [3.01 p.m.]: Every dental patient should be confident that the crown, bridge or denture going into his or her mouth is safe regardless of where it is made, but this is not the case in Australia, where unregulated imports of dental prosthetics potentially contain toxic heavy metals like nickel, cadmium or lead. Whether it is a crown for a damaged tooth, a bridge for a missing one, a set of dentures or a mouthguard, up to 40 per cent of dental prostheses are thought to be manufactured overseas. This manufacture takes place in countries across Asia, including China, where labour and materials are cheap, and health and safety standards are lax. For example a \$1,300 crown can be manufactured in China for as little as \$25.

Without doubt, there are overseas manufacturers who produce high-quality prosthetics, but how can the public trust what their crowns and bridges are made of when imported prosthetics are not required to meet the same high standards as locally manufactured ones? Prosthetics manufactured in New South Wales are currently regulated by the Therapeutic Goods Administration, which undertakes a range of activities to ensure that therapeutic goods manufactured in this country are of an acceptable standard. Laboratory technicians in New South Wales and most other Australian States who are responsible for all aspects of the construction of bridges, crowns, dentures and other dental prosthetics must be registered and certified. Neither of these conditions currently applies to overseas technicians whose prostheses are imported into Australia.

This is about jobs. The local dental prosthetic industry has lost about half its business to low-cost offshore laboratories. Highly regulated local manufacturers cannot compete with unregulated imports, and the public does not necessarily receive the benefits of these cheaper products. Prices for local and overseas dental products are comparable, but the largest proportion of profit goes to the Australian-owned clearing houses importing the products. Many of these clearing houses masquerade as Australian manufacturers. In order for the local industry to compete, the Government must either remove the Therapeutic Goods Administration regulations from the local industry or apply them to the imported products. Registration of laboratory technicians should be completely scrapped or federally harmonised to ensure that overseas technicians who produce prosthetics that are imported into Australia are subject to the same requirements. In both cases, the second option seems preferable. Regulations and registrations are required to protect the public's health.

We understand that the Therapeutic Goods Administration is currently drawing up laws in relation to these matters. We call on the State and Federal governments to put a complete stop to the import of dental prosthetics rather than allow the continuance of an unregulated yet legal environment. Overseas manufacturers are not required to provide documentation of all the materials they use in production. The Australian-owned clearing houses onselling these products to Australian dentists are not required to disclose the product's point of origin. By the time these products arrive in dental surgeries it is too late.

One completed prosthesis looks much the same as another. Dentists do not know whether they are installing a porcelain time bomb into their patient's mouth, which may one day release beryllium, nickel or lead into their system. Do members of the public not have the right to know whether they have cheap, unregulated products in their mouth? The Government must take steps to ensure that all dental patients are provided with the specific location and materials used in the manufacture of their prosthesis. This is no different from the requirement that currently exists for supermarkets and others to label produce with the country of origin. This requirement would provide the public with both awareness and choice, which is something they currently do not have.

Filep Karma, a West Papuan man, is serving 15 years in a Jayapura prison simply for being part of a rally where the West Papuan national flag, the Morning Star, was raised and for peacefully exercising his right to freedom of expression. Mr Karma, who is serving his sentence in the Abepura prison, is now in the intensive care ward at the Dok Dua Hospital in Jayapura. There is growing concern about his health: he has been ill since 6 August and I understand he has received no attention from the prison director or medical personnel.

I understand it was only after he spoke to a journalist about his condition on 17 August that he was transferred to the hospital. He is now attached to a drip and he is unable to eat or go to the toilet. I urge members to support the amnesty campaign to have Mr Karma released. We must request the local authorities to ensure that he receives all necessary medical treatment immediately. Filep Karma and all other prisoners of conscience in West Papua should be released as a sign of good faith to the people of West Papua. Flying a flag of one's own country should not be a crime. The people of West Papua deserve their rights to be recognised by Indonesia and all other people.

### WORKPLACE SAFETY

**The Hon. IAN WEST** [3.06 p.m.]: Each year thousands of Australians die or are seriously injured as a result of accidents in the workplace. However, time and again we hear bankrupt and outright false arguments against employees and their union representatives. These arguments are often made with prejudice and malice, skewing reality and ignoring the facts—arguments that simply amount to the demonisation and exploitation of employees and their representatives. Too often men and women in industries like the construction industry are forced to forgo fundamental human rights in the workplace or be accused of militancy or troublemaking.

The right to a safe, dignified work environment, the right to freely associate and the right to collectively bargain were fortunately given a boost nationally this year when the Fair Work Act came into being. I refer, in particular, to the recent settlement of a dispute between Thiess and the Construction, Forestry, Mining and Energy Union at Rhodes over four workers who were dismissed for collectively bargaining. Thiess said they were restructuring the worksite. Thiess was restructuring the site by shifting 1,500 tonnes of contaminated toxic material to Botany and by sacking four fully trained and experienced employees. There was considerable work on site for these men, yet they were sacked simply because more than 50 per cent of the workforce wanted a union enterprise bargaining agreement and Thiess was unwilling to accept this.

Let us examine the circumstances of one employee, Nigel Gould, a 48-year-old man, who is married with five kids. Nigel had worked for Thiess for the past seven years in both Queensland and New South Wales. He was fully skilled, trained and accredited. Over this time Thiess had rewarded Nigel for his excellent service to and representation of the company, but he was still sacked, simply for being union and for standing up for his fellow workers in an unsafe and hazardous environment. What happened to these men had nothing to do with the requirements or needs of Thiess and everything to do with workers' wishes to sign a fair agreement, which was collectively bargained with their fellow workmates, and for which they were represented by their union.

In exchange for giving up rostered days off and being forced to take time off when machinery broke down, they were offered a mere 1 per cent flat pay rise. This kind of agreement was only possible under the WorkChoices legislation of the former Howard Federal Government. Thiess snuck through this non-union agreement, just weeks before the rollout of the new Fair Work Act on 1 July 2009. The case was then taken to the Australian Industrial Relations Commission, the workers were found to have a case and there was a settlement in their favour.

Even though Thiess had all the cards, all the power, all the friends, and all the influence, and had imposed the unfair and unethical work conditions on the employees at Rhodes, the workers won, not only because they were right, but because they were represented by the appropriate organisation of employees. Workers rights are human rights. This is not just simple mantra but a commonly accepted fact. This settlement highlights the important role organised labour plays in allowing access to knowledge and representation in the workplace.

The New South Wales Government's best practice occupational health and safety legislation provides a number of things: first, the onus of proof is on the employer to provide a safe and healthy work environment; second, the ability for workers and their representatives to independently pursue legal action under health and safety laws; third, the requirement that employers must consult employees over matters that affect their health and safety; and, fourth, the right to a truly independent regulatory framework and representation in the workplace. The legislation, in conjunction with industrial representation, is the best protective measure against

the worst excesses of those who seek to sacrifice safety and workers' lives for the profit margin. It is time that these Neanderthals joined the rest of us in the twenty-first century and acknowledged that world's best practice workplace safety is a right and not a privilege.

**PARLIAMENTARY LIBRARIAN MR GREIG TILLOTSON AND MANAGER RESEARCH SERVICE  
DR DAVID CLUNE RETIREMENT**

**The Hon. DON HARWIN** [3.11 p.m.]: I take this opportunity to formally acknowledge the enormous contributions that Mr Greig Tillotson and Dr David Clune have made to this Parliament during 35 years of service in the Parliamentary Library. Both are now retiring. Greig Tillotson joined the Parliamentary Library in December 1974 as part of the library's reference section staff. He quickly demonstrated an aptitude for the work, and his dedication and remarkable memory have enabled him to become an expert on parliamentary process and our State's political history. Greig was appointed as the Manager, Reference and Information Services in 1994, and his experience and knowledge have made him an invaluable asset for parliamentarians and for those writing about the history of politics in New South Wales. Greig's contribution is repeatedly praised, for example, in the foreword of memoirs, biographies and political histories. Troy Bramston, who wrote about former Premier Neville Wran, for example, has acknowledged Greig's "helpful advice and assistance", while Anne Twomey has saluted his "assistance in hunting down obscure references".

I know from first-hand experience when writing about Premier Carruthers exactly what they are referring to, and I have in the past acknowledged the special debt I owe to Greig. In 1978 Greig Tillotson completed a Master of Arts degree in History from the University of Sydney, and eight years later he received a Masters in Librarianship from the University of New South Wales. In February 2006 Greig was appointed as the New South Wales Parliamentary Librarian. Through difficult periods of budget cuts and restructuring, Greig's commitment, patience and courtesy has seen the library's reference section continue to provide an excellent service to members without disruption, often meeting quite challenging deadline requests. I thank Greig for his professionalism and assistance as a librarian, and I thank him for the friendship he has accorded to me over the 25 years I have been in this place as a staff member and now as a member.

Dr David Clune is a dedicated librarian and a historian with an impressive and accomplished body of work to his credit. It has been my privilege to work with him as a parliamentarian and as a contributor to two of his books, and it is indeed a pleasure to have his friendship. David was also appointed to the staff of the Parliamentary Library in 1974 after completing a Bachelor of Arts and a Diploma in Librarianship. He worked in various sections of the library, including technical services, newspaper clippings, reference and information services, and government publications. David was the library's first media monitoring librarian and in 1984 he was promoted to the position of Senior Librarian. In 1982 David received his Master of Arts from the University of Sydney following the completion of a thesis on the 1941 New South Wales election in rural areas. David has always had a strong interest in New South Wales electoral history, and in 1991 he was awarded a doctorate by the University of Sydney for his dissertation "The Labor Government in New South Wales, 1941-1965: A study in longevity in Government".

In 1994 David was appointed manager of the library's new research service, with responsibility for the establishment and management of the service and for the development of its publication program. This aspect of the library's work over the past 15 years has been an invaluable resource for members. I acknowledge David's role in commissioning Antony Green's excellent analyses of recent State elections. David initiated the New South Wales Parliament's Centenary of Federation project, which became the three-volume series *The Peoples Choice: Electoral Politics in 20th Century New South Wales*. He co-edited the books with historian Michael Hogan and also contributed several chapters. This work, however, was to bear even more significant fruit. The enthusiasm with which those books were received at their launch led to the establishment of the Sesquicentenary of Responsible Government in New South Wales History Project Committee. David was heavily involved in the work of the committee, reviewing the manuscripts of the numerous books prior to publication.

In the committee's 2002-03 annual report the committee chairman, Rodney Cavalier, singled out David for particular praise, noting, "David Clune has been an outstanding contributor, a deputy in all but title. The Parliament is very fortunate to have his memory and his research at its disposal." As a member of the committee, I would certainly endorse those observations. David made contributions to a number of publications sponsored by the sesquicentenary committee in addition to assuming responsibility for two notable works. With Gareth Griffith of the Parliamentary Library, he authored *Decision and Deliberation: the Parliament of New South Wales 1856-2003*, an exhaustive history of this place, and along with former University of Sydney



lecturer Associate Professor Ken Turner he co-edited the two volumes of *The Premiers of New South Wales 1856-2000*, which detailed the political careers of our State's first 39 Premiers. David contributed the chapters concerning Premiers Donaldson, Wade, Fuller and Cahill.

I also thank David for his constant support to me in my push to initiate research on non-Labor politics. I know Ian Hancock particularly values the assistance and suggestions David gave him while writing *The Liberals*. Since the publication of *The Premiers* books, David has once again taken on the role of co-editor with Ken Turner. They are currently producing a biographical volume on all the Governors of New South Wales, which is due for publication early next year and which will serve as an excellent companion work to *The Premiers* books. David is currently on secondment for six months to the Governor's book project and then has plans to retire from his position in the Parliamentary Library. With the departures of Greig and David, this place loses a pair of gentlemen with tremendous knowledge. They have made enormous contributions to the Parliamentary Library and I wish them well with their future endeavours.

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

**Motion agreed to.**

**The House adjourned at 3.16 p.m. until Tuesday 1 September 2009 at 3.31 p.m.**

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# LEGISLATIVE COUNCIL

Tuesday 1 September 2009

[Second Sitting]

**The President (The Hon. Peter Thomas Primrose)** took the chair at 3.31 p.m.

**The President** read the Prayers.

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

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The PRESIDENT:** I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. Spigelman  
LIEUTENANT-GOVERNOR

Office of the Governor  
Sydney 2000

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth of Australia, he has this day assumed the administration of the Government of the State.

30 August 2009

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The PRESIDENT:** I report the receipt of the following message from Her Excellency the Governor:

Marie Bashir  
GOVERNOR

Office of the Governor  
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 30 August 2009 at 6.30 p.m.

30 August 2009

## ASSENT TO BILLS

Assent to the following bills of the previous session reported:

Rookwood Necropolis Repeal Bill 2009  
Appropriation Bill 2009  
Appropriation (Parliament) Bill 2009  
Appropriation (Special Offices) Bill 2009  
State Revenue Legislation Amendment Bill 2009  
Crimes (Administration of Sentences) Amendment Bill 2009  
Casino Control Amendment Bill 2009  
NSW Trustee and Guardian Bill 2009  
Road Transport Legislation Amendment (Traffic Offence Detection) Bill 2009  
State Revenue Legislation Further Amendment Bill 2009  
Government Information (Public Access) Bill 2009  
Government Information (Information Commissioner) Bill 2009  
Government Information (Public Access) (Consequential Amendments and Repeal) Bill 2009  
Motor Sports (World Rally Championship) Bill 2009  
Statute Law (Miscellaneous Provisions) Bill 2009  
Education Amendment (Publication of School Results) Bill 2009

**CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL 2009**

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

**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.**

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2009**

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

**EDUCATION AMENDMENT (PUBLICATION OF SCHOOL RESULTS) BILL 2009**

**Message received from the Legislative Assembly agreeing to the Legislative Council's amendment.**

**GOVERNMENT INFORMATION (PUBLIC ACCESS) BILL 2009**

**Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.**

**DEATH OF THE HONOURABLE CHARLES WILSON ANDERSON, FORMER MEMBER OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT:** It is with regret that I have to announce to the House the death of Charles Wilson Anderson on 15 August 2009, aged 91 years, a member of this House from 1951 to 1953. On behalf of the House I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

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

**DEATH OF MRS SANDRA VELLA, FORMER MEMBER OF STAFF OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT:** I inform the House of the passing on 26 July 2009 of Mrs Sandra Vella, a long-serving member of staff of the Legislative Council.

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

**LEGISLATIVE COUNCIL CLERK ASSISTANT—PROCEDURE**

**The PRESIDENT:** I inform the House that Ms Julie Langsworth has been appointed Clerk Assistant—Procedure with effect from Monday 10 August 2009.

**PARLIAMENTARY LIBRARIAN MR GREIG TILLOTSON, MANAGER RESEARCH SERVICE DR DAVID CLUNE, AND PARLIAMENTARY FINANCIAL CONTROLLER MR GREG MCGILL RETIREMENT**

**The PRESIDENT:** I inform the House of the retirement of three long-serving staff members of the Parliament. Mr Greig Tillotson, Parliamentary Librarian, commenced leave on 21 August 2009, with a view to retiring on 30 January 2012. Dr David Clune, Manager research service, Parliamentary Library, has begun a six-month secondment to edit a book of biographical studies of the governors of New South Wales, to be launched in conjunction with the Macquarie 2010 Bicentenary Celebration Committee in early January 2010. David will then proceed on leave prior to retirement. Mr Greg McGill, Financial Controller for the Parliament, commenced leave on 21 August 2009, with a view to retirement. All three officers were highly regarded and respected by members and staff of both Houses. We wish them well in the future.

**INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**The PRESIDENT** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Investigation into Attempts to Improperly Influence Warringah Council Officers", dated June 2009, received out of session and authorised to be made public on 30 June 2009.

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

**PARLIAMENTARY ETHICS ADVISER****Report**

**The PRESIDENT** tabled, pursuant to the terms of the agreement made with the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the annual report of the Parliamentary Ethics Adviser for the year ended 30 June 2009.

**POLICE INTEGRITY COMMISSION****Report**

**The PRESIDENT** tabled, pursuant to the Police Integrity Commission Act 1996, the annual report of the Police Integrity Commission for the year ended 30 June 2009.

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

**TABLING OF PAPERS**

**The Hon. JOHN ROBERTSON** tabled the following papers:

- (1) Subordinate Legislation Act 1989—Better Regulation Statement and Regulatory Impact Statement of Proposed Sporting Injuries Insurance Regulation 2009.
- (2) Report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting Period April-June 2009", dated July 2009.

**Ordered to be printed on motion by the Hon. John Robertson.**

**TABLED PAPERS NOT ORDERED TO BE PRINTED**

**The Hon. JOHN ROBERTSON** tabled, pursuant to Standing Order 59, a list of all papers tabled and not ordered to be printed since 2 June 2009.

**AUDITOR-GENERAL'S REPORTS**

**The Clerk** announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following performance audit reports of the Auditor-General:

1. Report entitled "Helping Aboriginal Defendants through MERIT: NSW Attorney General's Department, NSW Department of Health, NSW Police Force", dated August 2009, received out of session and authorised to be printed on 5 August 2009.
2. Report entitled "Environmental Grants Administration: Department of Environment, Climate Change and Water, NSW Environmental Trust", dated August 2009, received out of session and authorised to be printed on 29 August 2009.

**JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL****Report: Report on the Fifth General Meeting with the Valuer General**

**The Clerk** announced the receipt, pursuant to the Valuation of Land Act 1916, of Report No. 1/54, entitled "Report on the Fifth General Meeting with the Valuer General", dated June 2009, received out of session and authorised to be printed on 26 June 2009.

**The Hon. KAYEE GRIFFIN** [3.40 p.m.]: I move:

That the House take note of the report.

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

## **STANDING COMMITTEE ON LAW AND JUSTICE**

### **Report: Adoption by Same-Sex Couples**

**The Clerk** announced the receipt, pursuant to Standing Order 231, of Report No. 39, entitled "Adoption by Same-sex Couples", dated July 2009, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 8 July 2009.

**The Hon. CHRISTINE ROBERTSON** [3.40 p.m.]: I move:

That the House take note of the report.

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

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**The Clerk** announced the receipt, pursuant to the Legislation Review Act 1987, of a report entitled "Legislation Review Digest No. 10 of 2009", dated 31 August 2009, received out of session and authorised to be printed on 31 August 2009.

## **WALLAGA LAKE ABORIGINAL COMMUNITY ASBESTOS WASTE**

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

**The Clerk** tabled, pursuant to resolution of 4 June 2009, documents relating to an order for papers regarding Wallaga Lake, received on 25 June 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

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

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

## **CITYRAIL EASY ACCESS PROGRAM**

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

**The Clerk** tabled, pursuant to resolution of 18 June 2009, documents relating to the CityRail Easy Access Program, received on 1 July 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

## **BUDGET 2009-2010**

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

**The Clerk** tabled, pursuant to resolution of 24 June 2009, documents relating to an order for papers regarding the 2009-10 budget, received on 8 July 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

**Production of Documents: Claim of Privilege**

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

**CAPITAL SPENDING PROJECTIONS****Production of Documents: Return to Order**

**The Clerk** tabled, pursuant to resolution of 24 June 2009, documents relating to projections of capital spending, received on 8 July 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

**CARBON POLLUTION REDUCTION SCHEME****Production of Documents: Return to Order**

**The Clerk** tabled, pursuant to resolution of 18 June 2009, documents relating to an order for papers regarding the Carbon Pollution Reduction Scheme, received on 9 July 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

**Production of Documents: Claim of Privilege**

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

**TILLEGRA DAM****Production of Documents: Dispute of Claim of Privilege**

**The Clerk** informed the House that on 1 July 2009 correspondence had been received from the Director General of the Department of Premier and Cabinet advising that following the tabling of the report of the Independent Legal Arbiter on 24 June 2009 relating to a disputed claim of privilege on documents received on 17 December 2008 regarding Tillegra Dam the Hunter Water Corporation had withdrawn its claim of privilege on one document.

**The Clerk** advised that under Standing Order 52 the document was made public on 1 July 2009.

**The Clerk** tabled the correspondence and the relevant document.

**INNER WEST BUSWAY PROJECT****Production of Documents: Report of Independent Legal Arbiter**

**The PRESIDENT:** I inform the House that on 1 July 2009 the Clerk received from Ms Lee Rhiannon written correspondence disputing the validity of a claim of privilege on documents lodged with the Clerk on 12 May 2009 relating to the Inner West Busway project. According to Standing Order, Sir Laurence Street, being a retired Supreme Court judge, was appointed as an independent legal arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Sir Laurence Street, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

**STANDING COMMITTEE ON LAW AND JUSTICE****Report: Second Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council**

**The Hon. CHRISTINE ROBERTSON**, as Chair, tabled Report No. 40, entitled "Second Review of the Lifetime Care and Support Authority and the Lifetime Care and Support Advisory Council", dated September 2009, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice.

**Report ordered to be printed on motion by the Hon. Christine Robertson.**

**The Hon. CHRISTINE ROBERTSON** [3.44 p.m.]: I move:

That the House take note of the report.

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

## **PETITIONS**

### **Marine Parks, Sanctuaries and Habitat Protection Zones**

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

### **Electricity Industry Privatisation**

Petition opposing electricity privatisation, received from **Dr John Kaye**.

### **Malabar Police Station Closure**

Petition opposing the closure of Malabar Police Station, received from the **Hon. Don Harwin**.

### **Livestock Health and Pest Authorities Rate Increases**

Petition requesting that the Government place an immediate moratorium on current livestock health and pest authority rates, received from the **Hon. Duncan Gay**.

### **Genetically Modified Crops and Products**

Petition requesting that New South Wales remain genetically modified crop free and investigate more stringent labelling on products already containing genetically modified strains, received from **Mr Ian Cohen**.

### **Hurlstone Agricultural High School**

Petition opposing the sale of Hurlstone Agricultural High School farm land, received from **Dr John Kaye**.

### **Program of Appliances for Disabled People**

Petition requesting that current and future budgets are based on the need for the timely provision of equipment, aids, appliances and personal care services to improve the wellbeing and quality of life for people with a disability, received from **Mr Ian Cohen**.

### **Electricity Generation**

Petition requesting that electricity generators move away from coal and replace it with cleaner sources of power, received from **Dr John Kaye**.

### **School League Tables**

Petition requesting continued support for legislation to prevent the publication of simplistic school league tables, received from **Dr John Kaye**.

## **BUSINESS OF THE HOUSE**

### **Withdrawal of Business**

**Business of the House Notices of Motions Nos 2 and 3 withdrawn by the Hon. Duncan Gay.**

**Private Members' Business item No. 58 outside the Order of Precedence withdrawn by the Hon. Christine Robertson.**

## MINISTRY

**The Hon. TONY KELLY:** I inform the House that today Her Excellency the Governor has accepted the resignation of the Hon. John Joseph Della Bosca, MLC, as Minister for Health, Minister for the Central Coast, and Vice President of the Executive Council.

Today Her Excellency appointed the Hon. John Hatzistergos as Minister for Health, Minister for the Central Coast, and Vice President of the Executive Council.

I further inform the House that in the representation of government responsibilities in this Chamber, in addition to his current responsibilities representing Ministers in the other House, the Hon. John Hatzistergos will also represent the following Ministers in relation to all matters concerning their portfolios:

The Hon. Nathan Rees MP, Premier and Minister for the Arts

The Hon. David Campbell MP, Minister for Transport and Minister for the Illawarra

The Hon. Jodi McKay MP, Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research and Minister Assisting the Minister for Health.

## LEADER OF THE GOVERNMENT IN THE LEGISLATIVE COUNCIL

**The Hon. TONY KELLY:** I inform the House that today as Deputy Leader of the Government I will act as Leader of the Government in the Legislative council. I further inform the House that I will continue as Leader of the House in the Legislative Council.

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

## QUESTIONS WITHOUT NOTICE

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### THE HONOURABLE JOHN DELLA BOSCA

**The Hon. DUNCAN GAY:** My question without notice is directed to the Minister for Primary Industries. Can the Minister rule out ever having had any discussions about employing a woman who is described in today's media as having had a relationship with the Hon. John Della Bosca?

**The Hon. IAN MACDONALD:** Yes.

## POLICE AWARD NEGOTIATIONS

**The Hon. HENRY TSANG:** My question is directed to the Minister for Police. What is the latest advice on the Government's support for the hardworking men and women of the New South Wales Police Force?

**The Hon. TONY KELLY:** I thank the member for his continued interest in the New South Wales Police Force. Last Friday the newest members of the Police Force attested from Goulburn Police College. The 174 new officers, including four new indigenous officers, have chosen a career that will be challenging at times but rewarding overall. I am very pleased to notify the House that these students will commence their careers with a pay rise. In fact, on Friday of last week an in-principle agreement was reached between the New South Wales Police Force and the Police Association on salary increases for all of the State's 15,306 police officers.

I report also that the Commissioner has made an offer of a 4 per cent increase a year for the next two years backdated to 1 July 2009. This agreement will mean that by the end of next financial year police salaries will have more than doubled since Labor came to power in 1995. All police officers were paid the interim 2.5 per cent increase backdated to 1 July, and I understand that the remaining 1.5 per cent will be backdated once the agreement is finalised. The offer meets the Government's wages policy. It includes new measures to improve the management of sick and injured officers to ensure that officers with genuine cases retain their existing entitlements. The offer represents a fair and equitable pay deal for police officers and an affordable



outcome for the taxpayers of New South Wales. While this Government has a clear position on police wage negotiations, the Leader of the Opposition and the Hon. Mike Gallacher simply do not. This is what Barry O'Farrell had to say about the in-principle agreement last Saturday:

The Opposition are sceptical about this settlement.

It is outrageous to think that the Opposition is sceptical about police wage negotiations. It mirrors Barry O'Farrell's ongoing ambivalence towards police officers. At least he had a position. When asked by Steve Price whether the Opposition would give police officers a pay rise, the Hon. Mike Gallacher could not give a straight answer, not once, but eight times.

As a Government we will continue to do all we can with regard to pay, equipment and resources, numbers and legislative support to assist police officers to make New South Wales a safer and more pleasant place to live and work. I once again remind the House of the recent Bureau of Statistics figures showing that incidents in 16 of the 17 major crime categories in this State have either remained stable or reduced. The incidence of fraud was the only category that increased, and that was attributed to an increase in the number of people driving off without paying for petrol. Police officers in this State have been doing a wonderful job protecting us from crime and criminals. They do an often dangerous job and they have now been given a fair and equitable pay rise.

#### **THE HONOURABLE JOHN DELLA BOSCA**

**The Hon. MICHAEL GALLACHER:** I direct my question to the Minister for Police. Can the Minister rule out ever having had any discussions about employing a woman who has been described in today's media as having had a relationship with the Hon. John Della Bosca?

**The Hon. TONY KELLY:** Yes, I can.

#### **CHANGE OF NAME PROCEDURES**

**The Hon. TONY CATANZARITI:** My question is directed to the Attorney General. What is the latest information on change of name procedures in New South Wales?

**The Hon. JOHN HATZISTERGOS:** The vast majority of changes of name are sought for legal and appropriate reasons. However, some individuals may attempt to abuse the change of name system to conceal a criminal past. While the New South Wales Police Force has had access to information held by the Registry of Births, Deaths and Marriages for approximately seven years, the Government recognised areas in which the exchange of information could be improved. To that end, it has implemented an Australia-first system called Live Search, which ensures that police officers in the field have live access to information about persons of interest through a timely and secure transfer protocol. On 17 July 2009, a memorandum of understanding was reached between the New South Wales Commissioner of Police and the Registrar of Births Deaths and Marriages. The memorandum of understanding sets out a new protocol for sharing information between the two agencies about people with criminal histories who change their name. The memorandum of understanding has been reviewed and approved by the Privacy Commissioner.

On the same date, interim arrangements for data exchange were agreed between the Registrar of Births Deaths and Marriages and the Commander, Operational Information Agency of the New South Wales Police Force. On 22 July 2009 a regulation was made affirming the memorandum of understanding. As of this week the new online facility has gone live, making New South Wales the first State to introduce a process whereby police officers have information at their fingertips when a convicted criminal or person of interest changes his or her name. These improvements will give New South Wales police officers even greater confidence in their ability to correctly identify persons of interest in the course of their duties.

The improvements build on the existing safeguards that the Registry of Births, Deaths and Marriages has in place to prevent criminals from wiping the slate clean. The registry has existing legislative powers to establish that a change of name is not being sought for a fraudulent or other improper purpose, to investigate change of name applications that raise doubts, to refer suspicious applications to police and to refuse change of name applications. In addition to the existing safeguards, the New South Wales Government has indicated that it will be making legislative changes that will further protect the integrity of the change of name system.

As the Rees Government has foreshadowed, it will amend the Births, Deaths and Marriages Registration Act so that if a person was born in Australia, their birth must be registered in New South Wales for them to be eligible to apply for a change of name; if a person was born overseas, they must have resided in New

South Wales for at least three consecutive years; that a person can change his or her name only once in a 12-month period and a total of three times unless there is a court order for a further change of name or the registrar exercises discretion; and the registrar will have discretion to allow a change of name in special circumstances, such as for victims of domestic violence or personal violence. There will be an important new legislative requirement for persons applying for the change of name to inform the registrar if they have a criminal record. Anyone who provides false information in this regard will be committing an offence carrying a maximum penalty of 100 penalty units and/or two years imprisonment.

Finally, the Act will be amended to specifically enable the registrar to provide change of name information to both State and Commonwealth law enforcement and security agencies. Furthermore, I have raised this issue with my colleagues at the Standing Committee of Attorneys-General meeting in August, as this is ultimately a national issue. I am pleased to advise that the other States and the Commonwealth have agreed to develop a national best practice approach with an eye to the New South Wales model so that criminals cannot abuse the change of name system or evade police detection across borders.

### **GAME COUNCIL STRATEGIC PLAN AND BUSINESS PLAN**

**Ms LEE RHIANNON:** I direct my question to the Minister for Primary Industries. Considering the Government allocated \$2.8 million to the Game Council of New South Wales in this financial year, and \$3.5 million the year before, despite the commitment the Minister gave that the Game Council will be self-funding, and since the council was established it has received more than \$11 million in public funds, with a loan of \$5 million from TCorp in 2006, \$2 million of which was paid off by the Government 2008, and considering the Premier's recent statement that the days of a secret State are over, will the Minister agree to publicly release the Game Council's 30-year strategic plan and its business plan for 2008-2012? If not, why not?

**The Hon. IAN MACDONALD:** Did I hear the member correctly—30-year strategic plan?

**Ms Lee Rhiannon:** Thirty-year strategic plan or the strategic plan.

**The Hon. IAN MACDONALD:** I have not looked at this particular document. I will have a discussion with the Game Council and see what it is prepared to do in relation to this 30-year plan. In relation to its financial performance, the Government has made it clear it will continue to support the Game Council. We believe it plays an important role in conservation activity across the State and its periodic reports about the elimination of feral animals in this State have been quite impressive. We will continue to support it.

**Ms LEE RHIANNON:** I ask a supplementary question of the Minister. Will the Minister elucidate his response with regard to the public release of the New South Wales Game Council business plan?

**The Hon. IAN MACDONALD:** As I said to the member previously, I will have a discussion with the Game Council about this issue.

### **AGENCY RESTRUCTURE BUDGET IMPACTS**

**The Hon. GREG PEARCE:** My question is directed to the Treasurer. What are the impacts of the restructure of agencies to 13 on the budget aggregates?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his interest in this matter. I am pleased I get an opportunity to talk about—

**The Hon. Melinda Pavey:** There's a piece of paper from the advisers.

**The Hon. ERIC ROOZENDAAL:** Are you finished? Do you want me to answer the question? We announced sweeping reforms to the structure of government in New South Wales, amalgamating previously separate departments to form sector-based superagencies. There are 13 new superagencies announced by the Premier and formally established by an administrative order. The superagencies are Premier and Cabinet; Treasury; Health; Education and Training; Service and Administration; Police and Emergency Services; Planning and Local Government; Justice; Human Services; Transport Infrastructure; Environment, Climate Change and Water; Industry and Investment; and Communities. Agency amalgamations will support further integration of service planning and delivery, resulting in the provision of better services to the people of New South Wales.

It is vital that the objectives of the amalgamation be understood. It is about better services for the people of New South Wales and better delivery of services to the families of New South Wales. These amalgamations will support the consolidation of back-office functions, ensuring that resources are targeted towards supporting front-line service delivery. The community can expect from these new superagencies a greater client focus, more integrated service provision through one-stop shops and less government red tape. The reform will also support the government's forward budget strategy and deliver sustainable public sector reform. The Government is committed to delivering improvements in service delivery to the New South Wales community and agency amalgamations are central to that objective.

**The Hon. GREG PEARCE:** I ask a supplementary question. Will the Treasurer elucidate his answer by addressing the impacts of the restructure on the budget aggregates?

**The Hon. ERIC ROOZENDAAL:** I refer the member to the appropriate budget papers.

### STATE ECONOMY AND JOBS

**The Hon. EDDIE OBEID:** My question is addressed to the Treasurer. Will the Treasurer update the House on jobs in New South Wales and the State's economy?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his interest in this very important matter. This afternoon the Reserve Bank decided to leave interest rates on hold. I welcome the decision to leave the cash rate unchanged at 3 per cent, the lowest in almost half a century. That is good news for New South Wales families and businesses, as we see the first green shoots of recovery in the New South Wales economy taking hold. The Opposition has consistently talked down the New South Wales economy, just like its Federal counterpart. I ask Opposition members to sit quietly because people are interested in jobs in this State and the growth and recovery of the economy in this State. It is worthwhile reflecting on the comments of the Reserve Bank Governor, Glenn Stevens, in relation to the future. He said:

Economic conditions in Australia have been stronger than expected with consumer spending, exports and business investment notable for their resilience. Measures of confidence have recovered.

That is a very important message from the Reserve Bank Governor. The number one focus of the New South Wales Government is jobs. My top priority is supporting jobs in New South Wales. I am sure members are aware that in the budget we announced a \$62.9 billion building program for New South Wales over the next four years. That will support around 160,000 jobs each year, building vital infrastructure for the future of New South Wales, contributing to economic prosperity and growth in the State. There is no doubt that the global recession hit Australia. It hit New South Wales first and it hit us hard. As Treasurer, my focus has been on maintaining business confidence and keeping the New South Wales economy strong. That is why I am pleased to see the green shoots of recovery in our economy, contrary to the constant efforts by the Coalition to talk down the New South Wales economy.

Let us talk about real jobs and what is happening in New South Wales right now. Just recently the United States retail giant Costco announced plans to expand into New South Wales, with its first warehouse in Auburn to support around 200 jobs. It is moving its headquarters from Ryde to Auburn. Only last week music retailer JB Hi-Fi announced it will open a further 17 new stores over the next three years in New South Wales, creating 765 jobs. Recently I met with the chairman of JB Hi-Fi, Patrick Elliott, to make the formal announcement. Hardware giant Bunnings will create more than 700 jobs in New South Wales, investing \$148 million into the State's economy with six new Bunnings warehouses. The list goes on, as business votes with investment into the New South Wales economy on the strength of the New South Wales economy.

We have seen giant German car manufacturer Audi open its \$50 million Lighthouse showroom on Southern Cross Drive at Zetland. It will involve 230 jobs during the construction of that landmark showroom, which, incidentally, is the biggest of its kind in the world and, being opened here in Sydney, is giving a stamp of approval for the New South Wales economy. The good news continues. New South Wales is leading the recovery of Australia's retail sector. The Australian Bureau of Statistics showed New South Wales consumers have been spending around \$11 million a day more than they were at the same time last year—before the global financial crisis—and they spent about an extra billion dollars in the June quarter than the September quarter last year. [*Time expired.*]

### REPCO RALLY

**Mr IAN COHEN:** My question is directed to the Minister for State Development. Will the Minister acknowledge that two independent ecologist assessments, commissioned by Tweed and Kyogle shire

communities, into the Repco Rally recommended that the event be referred to the Federal Minister for assessment under the Environmental Protection and Biodiversity Conservation Act? Does the Minister stand by the integrity and comprehensiveness of the 2009 biolink ecological assessments? Will the Minister advise whether the Federal Minister's office contacted his office or whether the Department of State Development has communicated with the Federal environment Minister or his department in relation to the Repco Rally? If that is the case, will the Minister provide the House with details of the communication?

**The Hon. IAN MACDONALD:** I thank the member for his question.

**The Hon. Greg Pearce:** When is the race on?

**The Hon. IAN MACDONALD:** It is on this weekend, from Thursday night through to Sunday.

**The Hon. Greg Pearce:** Will it be televised?

**The Hon. IAN MACDONALD:** It will be televised right around the world. A number of these events are held annually and each event has in the order of 51 million viewers internationally, so it is very extensive.

**The Hon. Melinda Pavey:** Will you be at the hospitality event?

**The Hon. IAN MACDONALD:** I hope to be there, but I am waiting on whether Mr Stoner will join me because he is such an expert in hospitality, having spent more than anyone else by a factor of two in two years prior to last year. Have a look at the record—twice as much. Members opposite do not want to know about that. But I am quite happy to give the Hon. Melinda Pavey a copy of the documents in due course, which I have, incidentally.

As the Hon. Ian Cohen knows, I came into this matter some time in May and put before this House legislation to ensure that the conduct of this race would be held from 3 September to 6 September. This House passed that legislation overwhelmingly. I think only four votes were against it when it was put before this House and it was passed overwhelmingly in the other Chamber. Since then we have worked assiduously to ensure that this event would occur from Thursday night onwards. Every step taken has been designed to ensure that. The Biolink report was comprehensive, containing more than 400 pages. It comprehensively covers the issues relevant to the environment and heritage. We have had many consultations since May in relation to this issue and received advice from a number of agencies with respect to, for instance, the Federal issues the member raised. I understand that last week some stakeholders or proponents in the Northern Rivers area took action in the Federal court under the Environment Protection and Biodiversity Conservation Act. My understanding is that the Federal court threw that action out.

There was discussion about action being taken by the same group, or a similar group, I think Generation 7 and No Rally, in the State courts this week. That is precisely why we came to the Parliament to get members' overwhelming endorsement of and support for this event by legislative means in May-June. That is precisely why we did it and that is precisely what has happened. We believed legal action would be taken to try to prevent this event if we did not have appropriate legislation in place to secure the necessary planning regime to conduct this race.

I stand by everything we have done in relation to this. We will look forward, like the many millions of people around the world who later this week will watch this race. I am sure it will be very successful. However, as the legislation made provision when it was introduced and agreed to by everyone in this House, we will conduct an immediate review into this race afterwards because it is in fact a race—*[Time expired.]*

#### NEWCASTLE COMMUNITY CABINET MEETING

**The Hon. ROBYN PARKER:** My question without notice is directed to the Treasurer. Can the Treasurer explain why taxpayers paid more than \$110,000 for a community cabinet meeting in the Hunter on 9 April this year, the most expensive community cabinet meeting to date—specifically, \$53,000 spent on advertising and \$30,000 spent on printing and distribution of a newsletter, and why more than \$6,500 was spent on catering for an hour-long meeting at the Newcastle Panthers Club? Would not \$110,000 be better spent on projects in the Hunter, such as easing road congestion along the New England Highway near Maitland Hospital and Maitland railway station?

**The Hon. ERIC ROOZENDAAL:** What an extraordinary question! The Opposition attacks the Government for holding a community cabinet meeting and daring to advertise and encourage the community to come to it. What audacity by the Government to invite the community! We do that because we want to hear from the community. What better way for the Government to meet with the community than to advertise! I know that the Opposition is ashamed of its shadow cabinet and that is why it will not advertise it. It was one of the most successful community cabinet meetings we have had. It was open to the community to come and participate in individual meetings and in a group meeting. What does the Opposition expect us to do—meet out in the roadway?

How insulting for the Government to offer a sandwich, an orange juice and a coffee to the community members who came to the cabinet meeting, sat there and waited patiently! How terrible of the Government to offer the community a sandwich and an orange juice! How terrible of the Government to advise the community that the cabinet meeting was on! This just underlines how wrong this Opposition is, how lost it is in understanding what open, transparent government is about. Opposition members really do not get it. Community cabinets are a cornerstone of this Government. It is about being open and transparent and allowing the community to participate and be part of the process. Community cabinets enable the community to meet Ministers, to talk to Ministers, to raise issues, and to meet with the Premier and raise issues with the Premier in a public and open setting. I can understand how uncomfortable Opposition members are about meeting the community and actually participating with them. The Government is absolutely committed to continuing with community cabinets and will continue to advertise those meetings to encourage the community to come.

### LIVERPOOL PLAINS COALMINING

**The Hon. HELEN WESTWOOD:** My question is addressed to the Minister for Mineral Resources. Can the Minister update the House on the latest progress of BHP Billiton's exploration licence activities in the Liverpool Plains?

**The Hon. IAN MACDONALD:** I thank the member for her very important question. Firstly, I must say I am aware of the community concerns regarding coalmining and its potential impacts on the Liverpool Plains region. That is why I can inform the House that the New South Wales Government and BHP Billiton have agreed to a proposal to formally ensure that BHP Billiton will quarantine the floodplains within the Caroonia exploration licence from longwall and open-cut mining. To ensure this, I will include a new condition in the exploration licence issued under the Mining Act 1992 to BHP Billiton.

This new condition will ban longwall mining in the floodplains and open-cut mining on the actual floodplains themselves. This condition will require that any development approval sought by BHP Billiton within the initial term of the licence, or during any extensions or renewals of the licence, will not include any of the following activities in the area covered by EL 6505: longwall mining underneath the deep alluvial irrigation aquifers; longwall mining underneath the floodplain; and open cut mining on the floodplain. This will ensure that the community's fears are addressed. Let me say it again so that all can understand: there will be no longwall mining or open-cut mining under the floodplains by BHP Billiton.

The exploration project can also proceed to evaluate the viability of the resource so that a development application can be submitted for public consultation and assessment. This is a win-win for the State because many jobs in the future are predicated on our finding a way through the issues in this region. I should add that once the exploration phase has been completed, any future mining proposals still must obtain project approval under the State's comprehensive and rigorous planning legislation. These new conditions are a welcome concession from BHP Billiton and I commend the company's willingness to find the compromises we need to ensure that community concerns are addressed.

In light of delays this will create for BHP Billiton, and to ensure that all environmental issues are comprehensively addressed in any development application, I have agreed to an appropriate suspension of the deadlines the exploration licence imposes on seeking development approval and commencing any mining development. In granting this extension the New South Wales Government has informed BHP Billiton that the extension cannot be used to delay or suspend exploration and other associated environmental studies in the Caroonia project area. It is important that BHP Billiton continue to progress the assessment of the area so that certainty can be given to the community regarding any proposed future development. In this regard I have requested that BHP Billiton provide a revised work program for the evaluation of the Caroonia project.

I am also pleased to confirm that work is progressing on the Namoi water catchment study, with the ministerial oversight committee meeting for the first time recently. The committee, which is chaired by Mal

Peters, former President of the New South Wales Farmers Association, is progressing plans to enable the water study to get underway. BHP Billiton, under the guidance of its new President of Energy Coal, Jimmy Wilson, has agreed to provide some significant funding for the water study and has committed to continuing to engage closely with the local community and landowners.

It remains important that all the stakeholders involved continue to communicate and that the communities most affected are consulted on the challenges involved in regions where mining and agriculture co-exist. As I have said several times previously, mining and agriculture need to co-exist for the benefit of all rural communities and the State. Today's move is a fresh start for a project that has caused some in the community to be unduly worried.

#### **DEATH IN CUSTODY OF VERONICA BAXTER**

**Ms SYLVIA HALE:** I address my question to the Minister for Corrective Services. On 17 June this year I asked the Minister a question without notice relating to the death of a transgender Aboriginal woman in Silverwater Metropolitan Reception and Remand Centre six days after her arrest. Despite the Minister's undertaking to provide details, and despite repeated requests to his office, no answer has been provided in the 10 weeks since I asked the question. Will the Minister now answer the following questions: Why was Ms Veronica Baxter remanded to a male-only prison in breach of departmental guidelines? Has a formal inquiry into the circumstances of her death been initiated? If so, when will the report of any such inquiry be made public?

**The Hon. JOHN ROBERTSON:** Firstly I extend my sympathies to the family and friends of Ms Baxter for their loss. Again I make it clear that any death in custody is a tragedy and something that the Government and I take very seriously. Every death in custody is appropriately investigated by the New South Wales Police Force and the New South Wales Coroner. Corrective Services New South Wales' investigation into the death in custody of Veronica Baxter has been completed and has been submitted to the Coroner for a coronial inquest. Therefore it would be inappropriate for me at this time to make any further comment until the inquest is complete.

#### **AIR AMBULANCE SERVICES**

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Attorney General, and Minister for Health. Will the Minister, as this State's latest Labor Minister for Health, give a high priority to addressing widespread concerns about the future viability of the Royal Flying Doctor Service arising out of the tender for the State's air ambulance service? Will the Minister ensure that the previous Federal Government's decision to allocate funds to assist with the Royal Flying Doctor Service's capital resources is taken into account in finalising the tender? Taking into account that the Minister was appointed Minister for Health only today, if he is unable to answer my question, will he ensure there is an answer on this important matter as soon as possible?

**The Hon. JOHN HATZISTERGOS:** I can provide some information for the honourable member's edification. The Ambulance Service of New South Wales has had in place a commercial contract for the provision of air ambulance services for over 40 years. The Royal Flying Doctor Service has provided the contract for the past seven years for the supply of aircraft, pilots and engineering only. The medical crew, call taking, flight planning and dispatch functions continue to be provided by the New South Wales Ambulance Service. As the current contract with Royal Flying Doctor Service concludes in December 2011, the Ambulance Service recently issued a tender to the market for a period of 10 years from 2012 for aviation services only, such as pilots, engineers and aircraft. It is important to note that the traditional services for remote communities operated by the Royal Flying Doctor Service from Broken Hill and Dubbo do not form part of this tender. These services receive separate funding from both State and Commonwealth governments.

The Royal Flying Doctor Service performs three roles. The first is the traditional role that the service is famous for: getting doctors to go into remote communities and locations to provide a medical service when the nearest doctor or hospital is out of reach. The second is the transportation of doctors and nurses to remote hospitals and community clinics run by rural area health services. The Royal Flying Doctor Service operates these services under a government grant using its own aircraft. The third role is through the commercial contract for the supply of Ambulance Service fixed-wing aircraft at Mascot, which the Royal Flying Doctor Service has held since 2002. The Ambulance Service aircraft are used for patients who need active care during long-distance transfers to hospitals where they can receive specialised medical treatment.

We all know that the Royal Flying Doctor Service is an iconic organisation, and there is no question that the service is very good at what it does. But it is the responsibility of governments everywhere to make sure that when we contract an organisation we get the best quality for the best price. Given it is some seven years since the last Ambulance Service contract was awarded, this year we have gone out to tender for the air ambulance services. Every company that has the right infrastructure and expertise has the opportunity to tender for that contract, including the Royal Flying Doctor Service. This was clearly established at the outset of the tender process, and the Royal Flying Doctor Service has understood and supported the tender process. That tender process is still underway, so it would be inappropriate to comment about what companies have submitted tenders or how they compare. A decision on the appointment of a preferred tenderer is anticipated later this year. The assessment is done by the State Contracts Control Board. It is done with independent oversight and with all the right probity measures in place. That is what taxpaying families in New South Wales expect.

### **CORRECTIVE SERVICES REFORMS**

**The Hon. LYNDIA VOLTZ:** My question is directed to the Minister for Corrective Services. Will the Minister update the House on reforms to New South Wales Corrective Services?

**The Hon. JOHN ROBERTSON:** The State Government is implementing important reforms in Corrective Services. These reforms include a variety of changes that will save taxpayers over \$60 million a year. One of these reforms is the private sector operation of Parklea Correctional Centre. As the upper House inquiry into prison-related services noted in its recent report:

The committee believes that there is a sound argument for introducing competition to the public prison sector, and we agree that a combination of public and private operators can be beneficial.

The Government believes that the outsourcing of the operations of Parklea Correctional Centre will allow Corrective Services New South Wales to effectively benchmark the remaining publicly run correctional centres across the State. This is a view shared by Infrastructure Partnerships Australia, which said:

Global and Australian experience of competition in services markets—especially corrections—has shown that contestability delivers better outcomes for taxpayers and more humane corrective services for prisoners ...

... NSW is no different. Reform must continue in spite of noisy opposition.

There has been significant public interest in the Government's reforms at Parklea, and now is an appropriate time to update the House regarding employment protections that have been put in place for those staff. I can advise the House that current employees who apply to work at the privately operated Parklea Correctional Centre will be given a three-year recruit support payment and, upon transfer, will receive up to a 30-week transitional payment. Officers also have the option of transferring to another publicly run correctional centre, of which there are eight within a 25-kilometre radius of Parklea.

Parklea Correctional Centre, once outsourced, will continue to be accountable to an extensive array of oversight bodies, as currently occurs at Junee Correctional Centre. These include the Ombudsman, the Independent Commission Against Corruption, the Corrective Services "Parklea Monitor", the Investigations Branch of Corrective Services New South Wales, the Corrections Inspectorate of Corrective Services, Parklea Correctional Centre's own internal compliance officer, and the Commissioner for Corrective Services. The Government's position is clear. I also point out that, thanks to Ms Sylvia Hale, the Greens' position on this is clear as well. For six months Greg Smith, the so-called Opposition spokesperson on this issue, has steadfastly refused to utter a word about his position in relation to the outsourcing of Parklea Correctional Centre. Through strikes, inquiries, parliamentary debates and mass meetings, he would not tell the people of New South Wales what his position was. Then when he went on holidays, Chris Hartcher announced on 23 July, for the first time, that the Opposition was opposed to the outsourcing of Parklea because it was—and I quote him on 2SM—"a bad idea".

That was in complete contrast to the Leader of the Opposition, who made it clear on 28 October that this issue must be explored. Barry O'Farrell accused the Labor Party of ignoring prison reform. The House is owed an explanation as to the position of the Coalition on the private sector operation of prisons in New South Wales. The shadow Cabinet must make a decision. No more weasel words and no more half-truths. What is its position?

### **RENEWABLE ENERGY CERTIFICATES**

**Dr JOHN KAYE:** I direct my question without notice to the Treasurer as a shareholding Minister in the three State-owned electricity retailers. Is it correct that the three State-owned electricity retailers have failed

to purchase sufficient forward contracts to prudently cover their future obligations to surrender renewable energy certificates in respect of the Commonwealth Government's amended mandatory renewable energy target? Has the failure to purchase sufficient quantities in advance of the passage of the amended target exposed retailers to the risk of increased costs for renewable energy certificates on the spot market? What impacts will the failure to purchase have on the future of household electricity bills and on the putative sale price of the retailers? Will the Treasurer release a summary statement of the renewable energy certificates forward contract holdings in respect of each of the three State-owned electricity retailers indicating total quantities held for each in future years?

**The Hon. ERIC ROOZENDAAL:** I will take the matter on notice in view of the extensive number of questions asked by Dr John Kaye.

### MALABAR POLICE STATION

**The Hon. DON HARWIN:** I direct my question without notice to the Minister for Police. Will the Government immediately withdraw the Malabar police station site from its planned sale by auction on 17 September given the strength of community opposition demonstrated in the petition tabled today containing thousands of signatures? Will the Government reverse the recent decision to close the police station? Will the Minister allocate sufficient officers to the Eastern Beaches Local Area Command to bring it up to its authorised strength?

**The Hon. TONY KELLY:** I thank the honourable member for his question. The Government is looking at having a mobile police station in that area—

**The Hon. Michael Gallacher:** A fun bus!

**The Hon. TONY KELLY:** It is not a fun bus. The Government is looking to have a mobile police station travel from Malabar to La Perouse and to a number of beach area hotspots. I find it very amusing when members opposite raise the issue of police station closures. There seems to be some dissension in their ranks—

**The Hon. Catherine Cusack:** Tell us about the last century, Tony.

**The Hon. TONY KELLY:** On 8 July 2009—not last century but just over a month ago—the acting Opposition spokesman for police, Mr Greg Smith, said on radio 2UE:

You need a police presence and you do not get that if you have everyone based at great big area command headquarters where they are all too important to be out on the beat ... they're all too important to be walking around shopping centres or driving around streets.

On one hand the Opposition is accusing the police of laziness and on the other hand it is agreeing with the Government that police are highly effective with a visible presence on our streets. Like many government agencies, the New South Wales Police Force has a longstanding program for the disposal of surplus and non-operational assets and property. The proceeds of all asset disposals are used to support our ongoing capital works program and to build new state-of-the-art police stations and make improvements to existing facilities. New South Wales has the largest infrastructure program of any State in the country—

**The Hon. Trevor Khan:** This was part of the mini-budget process, was it not?

**The Hon. TONY KELLY:** Yes, it is a follow on from the mini-budget. No matter how many times the Treasurer tells the Opposition, its members apparently forget that New South Wales has the largest infrastructure program of any State in the country. The police portfolio is making an important contribution in that regard through its \$316 million police station program over the next four years. Nine new police stations have already been delivered and 21 new police stations are still to come, along with major upgrades to seven stations.

### CROWN RESERVE TRUSTS

**The Hon. MICHAEL VEITCH:** I address my question without notice to the Minister for Lands. Will the Minister outline how the Rees Labor Government is recognising and supporting rural and regional communities through the system of trust boards managing Crown reserves?



**The Hon. TONY KELLY:** I thank the honourable member for his question. In the area where the Hon. Michael Veitch lives there are a number of Crown reserve trusts and many volunteers who do an outstanding job. I take this opportunity to recognise the outstanding achievements of the many volunteers who manage Crown reserve trusts across New South Wales.

**The Hon. Melinda Pavey:** How many in Wellington?

**The Hon. TONY KELLY:** There are many in Wellington as well. I recognise the community spirit and commitment of trust appointees as they manage Crown reserves for the benefit of the people of New South Wales. There are around 6,000 volunteers—

**The Hon. Michael Veitch:** How many?

**The Hon. TONY KELLY:** There are around 6,000 volunteers.

**The Hon. Michael Veitch:** Across the State?

**The Hon. TONY KELLY:** Yes, on community reserve trust boards managing over 700 Crown reserves across New South Wales. Volunteers whose leadership, expertise, skills and vision are responsible for a range of good works that are required to build civic pride and keep our communities together. Reserve trust volunteers are an essential part of the fabric of local communities as they manage our community halls and other social facilities. Apart from the local community halls, reserve trusts also manage youth clubs, sporting fields, local parks and playgrounds, showgrounds, tennis courts, preschools, racecourses, cemeteries and environmental protection reserves. Some of the facilities are local tourist attractions such as heritage buildings, parks and showgrounds, which have the capacity to stimulate local areas with business interests, development, jobs and income.

As a measure of this Government's commitment to support trust volunteers, this year we are again sponsoring the New South Wales and Australian Capital Territory Regional Achievement and Community Awards. In past years these awards have put a spotlight on the success stories in regional and rural Australia. The awards confirm that regional communities are as tough and resilient as they have ever been. The awards encourage and reward outstanding individuals, networks and groups. Last year the Ashby Community Centre and Recreation Reserve, near Yamba, was the recipient of the community Crown reserve trust award for its work in maintaining this vital sports and leisure facility for that village of 1,000 people. The Government also honours the long-serving members of trust boards by recognising outstanding individual contributions to communities. Recently I recognised some 56 trustees who had served at least 10 years on cemetery trust boards, ranging from Sandgate Cemetery, near Newcastle, in the north to Woronora Cemetery, in the Sutherland Shire, in the south. They had collectively contributed a staggering 1,030 years of service to reserve trusts across the State.

Recently I announced the appointment of community members to a number of trusts, including the Peak Hill showground. Last Monday I had the pleasure of opening the Peak Hill Show, where I noted the retirement of Jock Agnew from that event's reserve trust. Jock had been of service to that community for some 35 years—a great effort indeed! My recent announcement of appointments also included the Katandra Bushland Sanctuary, near Mona Vale; recreation areas at Upper Horton, northwest of Tamworth; Dover Park, in the village of Barry, south of Blayney; and Alecstown, north of Parkes. The Government is committed to supporting these volunteers. This year the Labor Government has invested \$10 million through the Public Reserves Management Fund to improve Crown reserves throughout this State; \$30,000 every day to improve valuable community assets. [*Time expired.*]

## REPCO RALLY

**Reverend the Hon. Dr GORDON MOYES:** I ask the Minister for State Development a question without notice. Is the Minister aware that the Repco world rally championship organisers agreed to keep all Kyogle and Tweed Shire residents who would be affected by the rally, which is taking place this week and over the weekend, fully informed well ahead of time of any access prohibitions and conditions affecting their homes and properties? If so, can the Minister explain why residents were frantically sending emails to my parliamentary office, as well as offices of other members, as late as last week seeking urgent information as to whether they would be able to access their properties this weekend and could plan on being able to celebrate

Father's Day with their families in their homes? Will the Minister explain whether failure to communicate vital information to residents will be acknowledged and examined under the undisclosed terms of reference for the review that will be undertaken to evaluate the impact of this year's world championship rally?

**The Hon. IAN MACDONALD:** The review will be conducted within the framework discussed during debate in this Chamber in June this year. In relation to access restrictions, in some areas at certain times access will be restricted to allow the conduct of the rally. Access restrictions will apply for a period of about four hours in the relevant sectors, which is usual practice during rallies. Every day people will have a considerable period of access to these authorised sectors. Rallies have been conducted in this region every year. The Speed on Tweed rally, which has been held since 2002, is a popular event in the region. I understand that the access restrictions have been part of the consultation. People have been informed throughout the process about the route of the rally and considerable information has been provided on the website for residents. Anyone who objects to the access restrictions will be able to make submissions during the review process.

### **TAMWORTH FLIGHT TRAINING**

**The Hon. TREVOR KHAN:** My question without notice is directed to the Minister for State Development. Is the Minister aware that the BAE Systems Flight Training Australia flying school at Tamworth generates \$12 million in direct salary input and provides direct employment opportunities for about 230 people in the Tamworth region? Is the Minister aware that as part of the Australian Department of Defence Project Air 5428 the continued provision of flight training facilities at Tamworth is under threat? Is he aware that the potential exists for the flight training facility to be lost to Sale in Victoria? How would the loss of the flight training facility to Victoria sit with the Premier's recent announcement that he wishes to see a tripling of defence expenditure in New South Wales? Will the Minister agree that the maintenance of facilities such as the flight training school is vital in ensuring a diverse economic base to the region's economy? What steps will be taken to assist BAE Systems and the people of Tamworth to retain this vital facility in New South Wales?

**The Hon. IAN MACDONALD:** The Hon. Trevor Khan has asked a very good and positive question. The Government will take every possible step to retain this important employment-generating activity at Tamworth. As part of our upgrade of defence activity and access to defence dollars across Australia, we have recently appointed a consultant, Mr Blackburn, who has considerable expertise in the air wing of the Australian Defence Forces. We have set up a number of councils in strategic areas and we will announce shortly the appointment of a group in the Hunter. We are in the process of establishing an industry group base for New South Wales.

New South Wales should receive more defence dollars. But, as members know, in South Australia, for example, geopolitics comes into play. For one reason or another, South Australia has been prepared to sink lots of dollars into providing infrastructure facilities for vessel construction. New South Wales has won a number of contracts. Most recently Forgacs in Newcastle won a contract for the construction of destroyer modules. The Government is working extensively in this area and we have stepped up our endeavours. We will assist BAE Systems in every way possible to retain its facilities at Tamworth and win this Federal funding over Victoria.

### **ENERGYAUSTRALIA COMMUNITY PROGRAMS**

**The Hon. IAN WEST:** My question without notice is addressed to the Minister for Energy. What is the Government doing through its electrical providers to support local community groups?

**The Hon. IAN MACDONALD:** In these tough economic times it is important that we look to find as many ways as possible to support grassroots community groups across New South Wales. That is why I want to bring to the attention of the House the successful community program established by the Government through EnergyAustralia. What sets this community program apart is that it is driven by staff, the men and women who are on the ground, day in and day out, delivering an essential service to the community. Line workers, substation technicians, call centre operators and other staff who volunteer their time and effort for local community groups are able to apply for financial grants to support their great community work.

Staff run the program through regional committees, and so staff decide which groups should be supported by financial grants from EnergyAustralia. Over the past 18 months the community program has delivered 778 grants to 125 local community groups. These groups include Wyoming Football Club, Bronte Surf Lifesaving Club, Australia Red Cross Blood Service, Peshurst West Cricket Club, Central Coast Junior

Water Polo Club, Epping Lions Club, Maryland District Motorcycle Club, Blackheath Rural Fire Service and the First Oatley Bay Sea Scouts. These groups are the lifelines of our local communities. They keep us safe, fit and healthy and, most importantly, they remind us how essential it is to be active in our neighbourhoods.

At Mortdale 2nd Scout Group in Sydney's south, club members purchased compasses so that junior cubs can learn valuable bush survival skills through orienteering activities. Bronte Surf Lifesaving Club members purchased vital lifesaving tubes that have to be replaced every year to assist lifesavers during beach patrols, potentially saving hundreds of swimmers every summer. These contributions may be considered small. However, they are an essential part of improving the ability of community groups to make a difference to the education and achievements of their members. EnergyAustralia's CommunityCare program mobilises a crew of more than 600 apprentices to provide electrical upgrades for vital community centres, such as our scout halls, Rural Fire Service headquarters and lifesaving clubs. Often these clubs do not have the funds to complete essential electrical work and make do with what they have or with what they can do themselves—potentially risking their lives and the lives of others. By completing these works, EnergyAustralia apprentices are improving the safety of these facilities so that our community groups can rest easy knowing that the completed electrical work is professional and safe.

I will provide some examples of where EnergyAustralia apprentice crews, under the guidance of electrical instructors, have learned on-the-job skills while improving community facilities. MacMasters Beach Surf Life Saving Club can now offer a more modern and professional facility for the community to hire for celebrations following the instalment of more than 20 halogen lights by EnergyAustralia apprentices. At Epping scout hall five apprentices completed a thorough safety check of the site, installed emergency lights and an earth electrode that will protect workers in case of an electrical emergency, and placed a steel guard over an external anti-vandal light. The good work will continue. EnergyAustralia is targeting another 10 of these upgrades of community facilities over the next 12 months.

The community program offers an avenue for EnergyAustralia staff to unite to support national campaigns. Recently staff directed more than \$95,000 to "Movember". The most recent of these campaigns was the Red Cross National Bushfire appeal. Like all Australians, EnergyAustralia staff were touched by the tragedy and immediately offered to send specialist frontline power crews and call centre staff from New South Wales as part of its contribution to the Victorian bushfire recovery effort. Staff donated \$62,000 directly to the Victorian bushfire appeal, and EnergyAustralia was proud to match that amount dollar for dollar, bringing the total to more than \$120,000. Highly trained call centre staff also assisted the Red Cross fundraising appeal, taking more than 500 overflow calls. [*Time expired.*]

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

## DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

### SCHOOL BUS SEATBELTS

On 3 June 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Health, representing the Minister for Transport, a question without notice regarding school bus seatbelts. The Minister for Transport provided the following response:

I am advised:

The NSW Government views the safety of public transport services, particularly for school children, as paramount.

The Government's 2005 School Bus Safety Report found bus travel is the safest form of school travel in NSW. In addition to this finding, the Report also recommended that any plan to fit seatbelts to school buses should be progressed by the Australian Transport Council through the Australian Design Rule process.

In late 2005, the NSW Government (along with other jurisdictions) adopted the Australian Transport Council's National Guidelines for Risk Assessment of School Bus Routes. The Guidelines provide for bus routes to be classified according to their risk ranging from Environment 1 through to Environment 3.

The Ministry of Transport is using the Guidelines to classify school bus routes applying risk factors including road conditions, traffic conditions and climatic conditions. The risk assessment process uses NSW Roads and Traffic Authority geo-coded speed data from all State roads.

The analysis will also allow for the identification of a range of risk mitigation strategies that the operators of school bus services can apply. This may include the fitting of seatbelts on some school buses travelling over Environment 3 routes.

This approach is consistent with that taken by the Queensland Government which has determined not to fit seatbelts to all school buses but only to those operating over specific Environment 3 routes.

The Ministry of Transport is continuing to work with the Federal Government and bus operators to facilitate the fitting of seatbelts in school buses under the Federal Government's Seatbelts for Kids subsidy program.

#### **DEPARTMENT OF PRIMARY INDUSTRIES LANGUAGE SERVICES**

On 4 June 2009 Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding the Department of Primary Industries language services. The Minister for Primary Industries provided the following response:

Three bi-lingual staff are employed by NSW DPI under the Water and Nutrient Smart Farms project. Within this project these staff will be working with various ethnic groups primarily to address water use efficiency and nutrient management issues. However, they are also available to provide support to farmers from non-English speaking backgrounds in the Sydney Basin region by addressing queries regarding chemical reaccreditation or other issues within the context of the overall support package.

Languages spoken by these staff include Arabic, Vietnamese and Chinese. Access to Cambodian speaking support is also available when required.

#### **CHILDREN IN FOSTER CARE**

On 4 June 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Community Services, a question without notice regarding children in foster care. The Minister for Community Services provided the following response:

I am aware of the cases that have recently been highlighted in the media, and I am of course deeply concerned that any child is sexually abused in care.

I am also aware that in one of the highlighted cases there was a delay of some months in the matter being reporting to the police. I have been fully briefed by senior managers both on the circumstances around this delay, and on the full context in each matter. I have also been briefed about actions that were taken at the time, and the learning and improvement that has come from review of these cases.

Offering counselling and treatment to children who have been abused is a top priority for caseworkers.

A range of measures are in place to minimise the risk of abuse for children in care. The Department conducts a number of background checks on potential authorised carers including:

- a Working With Children Check
- a check of the DoCS database for references to the potential carer
- medical and personal reference checks
- checks with other agencies if the potential carer has fostered or applied to foster with another agency.

Once cleared potential authorised carers are required to successfully complete associated training leading to their agreement to comply with a Code of Conduct.

Non-government agencies contracted by the Department to provide Out-of-Home Care placement services to children and young people are designated agencies accredited by the NSW Office for Children—the Children's Guardian. These agencies are also required to complete relevant checks on their carers and staff in child related employment, and to investigate any instances of reportable conduct related to children.

The NSW Ombudsman oversees agencies if allegations of reportable conduct arise. Agencies are required to provide details of allegations and subsequent investigations pertaining to the nature and outcome of the reportable conduct matter. The Ombudsman has wide powers to monitor and review such organisations.

#### **YANGA NATIONAL PARK**

On 16 June 2009 the Hon. Robert Brown asked the Attorney General, representing the Minister for Climate Change and the Environment, a question without notice regarding Yanga National Park. The Acting Minister for Climate Change and the Environment provided the following response:

- (1) \$25.5 million.
- (2) 6,891 hectares of land regularly cropped was sold at auction for \$5,829,558.
- (3) Since Yanga was acquired in November 2005, the Department of Environment and Climate Change has spent \$38,000 on the removal of 2,500 pigs. This includes the cost of an initial baseline study, the creation of a monitoring program, purchase of materials and construction of 25 pig traps, a contribution to aerial shooting, salaries and training costs for Departmental staff, the purchase and storage of firearms, and ground baiting expenses.

### HOMELESSNESS

On 16 June 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Community Services, a question without notice regarding homelessness. The Minister for Community Services provided the following response:

I welcome the "Known Territory" report by St Vincent de Paul and recognise the valuable contribution the Report provides in raising awareness of homelessness in regional cities like Katoomba.

Departmental staff attended the launch of the Report and will meet with Dr Andy Marks to discuss the report in further detail.

"Known Territory" provides an analysis of homelessness and socio economic marginalisation in Katoomba using a series of case studies which provide an important insight into the challenges both Government and service providers face in developing the most effective response to homelessness.

The NSW Department of Housing established an Assistance Protocol for Residential Park Closures in 2007 which is supported by a number of NSW government agencies including the Department of Community Services. Further information on the protocol is available at [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au).

The development of the NSW Implementation Plan for the National Partnership Agreement on Homelessness and the NSW Homelessness Action Plan are well advanced and have been developed in close consultation with key non-government peak homelessness organisations. Both Plans embed national homelessness policy directions in a coordinated, whole-of-government response to homelessness in NSW.

Development of Regional Homelessness Plans will commence in 2009-10 and be informed by an analysis of homelessness at the regional level. This process will provide an important opportunity to build on the existing service system and improve the response to homelessness.

The Department of Community Services continues to provide support and accommodation for people who are homeless or at risk of homelessness.

### ILLEGAL BROTHELS

On 16 June 2009 Reverend the Hon. Fred Nile asked the Minister for Police, representing the Minister for Planning, a question without notice regarding illegal brothels. The Minister for Planning provided the following response:

Brothels are regulated as a land use under the Environmental Planning and Assessment Act. Each council's Local Environmental Plan prescribes where brothels may be located in their local government area. Some councils also prepare Development Control Plans which provide more detailed planning rules regarding location of brothels and sex shops.

Local councils are responsible for ensuring brothels comply with their development consent and ensuring that illegal brothels are closed down.

In 2007 the Environmental Planning and Assessment Act was strengthened to include brothel closure orders for brothels operating illegally. Councils can also take action under the Restricted Premises Act 1943 to shut down brothels which have development consent but which have been the subject of complaints.

If a brothel closure order is not complied with, the council can refer it to the Local Court or the Land and Environment Court, which can make a utilities order directing a provider of water, electricity or gas to cease providing these services to the relevant premises.

The Department of Planning does not hold data on the number of legal or illegal brothels in NSW.

In August 2007 the Independent Commission Against Corruption released a report on investigations into the regulation of brothels in Parramatta City Council. The report recommended reviewing the corruption risks in the regulation of brothels, considering adopting a system to prevent unsuitable persons from operating brothels, and legislating to require sex industry advertisements to show the relevant development consent number.

To address these recommendations the Government has formed an interagency Taskforce consisting of the Department of Planning, Attorney General's Department, Department of Local Government, NSW Police, and the Department of Premier and Cabinet.

The Taskforce has examined how brothels are regulated in NSW compared with Queensland and Victoria and has had detailed discussions with Queensland's Prostitution Licensing Authority and Victorian Prostitution Licensing Services Branch, the Victorian Compliance and Enforcement Branch and the Victorian Consumer Policy and Programs Branch of Department of Consumer Affairs Victoria. In both Queensland and Victoria there are requirements for brothel operators and managers to each hold licences.

On behalf of the Taskforce the Department of Planning has also consulted with the Australian Tax Office, the Department of Immigration and Citizenship and the Office of Liquor, Gaming and Racing. The Taskforce is currently reviewing these issues and will report to Government shortly.

**FLYING FOX CONTROL**

On 17 June 2009 Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding flying fox control. The Minister for Primary Industries provided the following response:

Special conservation loans are available through the NSW Rural Assistance Authority to erect exclusion netting to prevent flying fox damage to existing orchards with a demonstrated flying fox problem. The loan scheme covers up to 90 percent of the cost of works up to \$150,000 and the loans are repayable over a 10-year period.

NSW DPI and the Department of Environment Climate Change are currently developing a draft Standard Operating Procedure (SOP) for the humane control of flying foxes using firearms.

**DEATH IN CUSTODY OF VERONICA BAXTER**

On 17 June 2009 Ms Sylvia Hale asked the Minister for Corrective Services a question without notice regarding the death in custody of Veronica Baxter. The Minister for Corrective Services provided the following response:

I am unable to comment further on the specific circumstances of Ms Baxter's death until the Coroner completes the coronial inquest.

**KOSCIUSZKO NATIONAL PARK TOWARD CENTENARY PROJECT**

On 18 June 2009 the Hon. Catherine Cusack asked the Treasurer a question without notice regarding the Kosciuszko National Park Toward Centenary Project. The Acting Minister for Climate Change and the Environment provided the following response:

No. In previous years the Kosciuszko Centenary Fund has been noted separately in the Budget papers. This year funding is part of the Department of Environment and Climate Change's capital minor works allocation.

The Centenary Fund capital works are only one source of funding for the overall Kosciuszko National Park Towards Centenary Project.

Over the past three years since the program commenced, more than \$12 million has been spent on improved facilities in the park including the construction of new lookouts, camping areas and walking tracks, and improvements at Yarrangobilly Caves including the reopening of accommodation at the site for the first time in 40 years.

In 2009/2010 a further \$6 million is allocated to the Towards Centenary program. Works will include completion of the rebuilding of huts burned in the 2003 fires; restoration of the Kiandra Courthouse; design of a new visitor centre in Khancoban; more campground upgrades; a new lookout on the Snowy Mountains Highway near Tumut; and further improvements to road, water supply, sewage and waste management infrastructure in the Perisher Range Resorts.

**JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY**

On 23 June 2009 Reverend the Hon. Fred Nile asked the Minister for Health, representing the Premier, a question without notice regarding James Hardie and asbestos-related diseases liability. The Premier provided the following response:

The Government is aware that James Hardie Industries NV is seeking to move its domicile from the Netherlands to Ireland.

Adequate funding for asbestos compensation claims under the Final Funding Agreement ultimately depends upon James Hardie continuing to be a successful business over the next 40 or more years. The Final Funding Agreement recognises that James Hardie must be allowed sufficient flexibility to conduct its business, and it is therefore a matter for James Hardie to determine whether Ireland is a more suitable jurisdiction from which to conduct its business.

The Government has negotiated a number of amendments with James Hardie to ensure that the rights of the Government and the Asbestos Injuries Compensation Fund Limited under the Final Funding Agreement and Related Agreements continue to be protected in spite of the potential re-domicile to Ireland. James Hardie has acknowledged in the amending agreements that it continues to be bound by the Final Funding Agreement.

The Government recognises, however, that the re-domicile will not improve the financial position of the Asbestos Injuries Compensation Fund in the short term. The Government is continuing to work with stakeholders to explore all options to address the funding shortfall.

**NORTH SHORE QUARRY, PORT MACQUARIE**

On 23 June 2009 Mr Ian Cohen asked the Minister for Lands a question without notice regarding the north shore quarry at Port Macquarie. The Minister for Lands provided the following response:

Following public exhibition of the development application, Port Macquarie-Hastings Council asked the Department of Lands to provide additional material in response to submissions from the community and the Department of

Environment and Climate Change. Consequently, Lands commissioned a supplementary ecological study. The findings of this latter study were generally consistent with the conclusions and recommendations made in the earlier environmental assessment.

As regards Professor Arthur White's 2006 report, this was a plan of management for the Green and Golden Bell Frog that encompassed the broader Port Macquarie area. The contents of this report were considered in developing proposals for the continued operation of the quarry.

Based on the ecological studies, the Department of Lands is satisfied the continued operation of the quarry, if approved, will not have a significant impact on any threatened species. Accordingly, no further assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act is warranted.

#### **POKOLBIN ROADS FUNDING**

On 23 June 2009 the Hon. Robyn Parker asked the Minister for Primary Industries, and Minister for State Development, a question without notice regarding Pokolbin roads funding. The Minister provided the following response:

I am advised:

In the 2009/10 budget the NSW Government allocated Cessnock Council in Block grant funding \$1,148 000 and in REPAIR funding \$200 000 for their Regional Roads.

In the 2009/10 budget the NSW Government allocated Singleton Council in Block grant funding \$894 000 and in REPAIR funding \$204 000 for their Regional Roads.

It is a matter for these respective Councils to allocate and manage this funding according to their own priorities.

In respect of the local roads for these areas the Councils receive Federal funding under the Financial Assistance Grants and the Roads to Recovery Program.

#### **MALE VICTIMS OF DOMESTIC VIOLENCE**

On 23 June 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Community Services, a question without notice regarding male victims domestic violence. The Minister for Community Services provided the following response:

I am aware of recent NSW Bureau of Crime Statistics and Research data relating to trends in the rate of 'persons of interest' (POIs) proceeded against by Police for assault. And yes, these figures indicate steady, significant increases over the last 10 years in the rate of women being proceeded against by Police for domestic violence related assault.

The Department of Community Services is responsible for the Integrated Domestic and Family Violence Services Program, which consists of seven projects located across the State. This Program is part of the Government's new approach to addressing domestic and family violence.

These projects provide services for all victims of domestic and family violence, whether they are male or female. Activities undertaken by the projects include case management, crisis support, comprehensive risk and needs assessment of clients, and education activities to increase community understanding of and responses to people experiencing domestic and family violence.

#### **MONA VALE HOSPITAL MATERNITY SERVICES**

On 23 June 2009 the Hon. Don Harwin asked the Minister for Health a question without notice regarding Mona Vale Hospital maternity services. The Minister provided the following response:

Over the past five years Northern Sydney Central Coast Area Health Service has been undertaking a progressive program of asbestos removal from Mona Vale Hospital.

There is a comprehensive risk management framework in place to ensure the ongoing safety of patients, visitors and staff.

In mid 2009, this program will commence on Ward Level 4, which encompasses the Maternity Ward.

In order for the asbestos to be safely removed, the maternity service will be temporarily transferred to Manly Hospital.

It is estimated the removal will take approximately twelve months, after which time it is expected the maternity unit will be returned to Mona Vale Hospital.

The safety of patients and staff is a major priority and any inconvenience to expectant mothers and families during the asbestos removal program is regretted.

Women planning to give birth at Mona Vale Hospital from the beginning of July 2009 have been contacted to discuss the new arrangements.

### **WILD DOG POISONING PROGRAM**

On 24 June 2009 the Hon. Roy Smith asked the Attorney General, representing the Minister for Climate Change and the Environment, a question without notice regarding the wild dog poisoning program. The Minister for Climate Change and the Environment provided the following response:

The Department of Environment and Climate Change uses 1080 in its reserves as one of a range of control methods for foxes, wild dogs, feral pigs and rabbits. Other methods include trapping and shooting.

Pest animal control strategies including reduction of wild dog numbers are coordinated across all land tenures by the Livestock, Pest and Health Authority with input from farmers, neighbours and other government agencies.

The Department employs a state-wide policy that requires conservation risk assessments to be undertaken prior to the application of pesticides including 1080 on parks and reserves to minimise the risk of impacts on non-target species.

A total of 1.4 kilograms of 1080 was used on lands managed by DECC in the 12 months to 30 June 2009.

### **KINGS CROSS ANTISOCIAL BEHAVIOUR**

On 24 June 2009 the Hon. Don Harwin asked the Minister for Police a question without notice regarding Kings Cross antisocial behaviour. The Minister for Police provided the following response:

The NSW Police Force has advised me:

The Kings Cross Local Area Command (LAC) has implemented a number of strategies to address recent issues of noise and other anti-social behaviour created by car and motorbike hoons in the Potts Point, Woolloomooloo and Elizabeth Bay areas.

These include high visibility foot patrols covering the extended area of Darlinghurst Road and Macleay Street to HMAS Kuttabul. Operation Starscream targets excessive noise from car horns, sound systems and vehicle emissions between 1 a.m. and 3 a.m. on Saturday and Sunday mornings at Macleay Street and Greenknowe Avenue, Elizabeth Bay. Operation Elvis targets driver and vehicle compliance issues and offences including excessive speed, burnouts, dangerous driving, street racing and vehicle specification compliance.

Police are also working with the City of Sydney Traffic Committee to address traffic congestion along Darlinghurst Road and Bayswater Road, among other initiatives.

The latest crime statistics from the Bureau of Crime Statistics and Research (BOCSAR) show that in the 24 months to March 2009, robbery with a weapon not a firearm was down by 41.3% in the Kings Cross LAC. Break and enter, non-dwelling was down by 28.7% and steal from motor vehicle was down 30.5%. All other major crime categories were stable.

### **MARINE PARK REGULATIONS AND PORT STEPHENS TOURISM**

On 24 June 2009 the Hon. Robert Brown asked the Attorney General, representing the Minister for Climate Change and the Environment, a question without notice regarding marine park regulations and Port Stephens tourism. The Minister for Climate Change and the Environment provided the following response:

1. I have met with Port Stephens tourism operators at the Newcastle Regional Community meeting to discuss their issues and the Government's programs with them directly. Discussions included the recently announced reforms to the Commercial Tour Operators Licensing system, which will simplify and rationalise its administration; the undertaking of a science review; and trialling the practicality of dolphin watching distances.
2. All commercial tourism operators in NSW are subject to regulations under the National Parks and Wildlife Act. These were introduced in 2006 to meet Australian National Guidelines on approach distances for dolphins and whales.
3. When the Port Stephens Great Lakes Marine Park was declared in late 2005 existing water sports and dolphin and whale watching cruise operators were encouraged to apply for a commercial tourism permit at no cost. All operators have been offered permits allowing them to continue their business.
4. The Government is committed to supporting the widest range of appropriate and sustainable business opportunities in the marine park for the benefit of the community, and to protect the marine environment and its ecosystems.

**Questions without notice concluded.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

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



**GENERAL PURPOSE STANDING COMMITTEE NO. 5****Reference**

**Mr IAN COHEN:** In accordance with the resolution establishing general purpose standing committees, I inform the House that on 24 June 2009 General Purpose Standing Committee No. 5 resolved to adopt the following terms of reference:

That General Purpose Standing Committee No. 5 inquire into and report on the social, environmental and economic costs and benefits of rural wind farms, and in particular:

- (a) the role of utility-scale wind generation in:
  - (i) reducing greenhouse gas emissions generated by electricity production,
  - (ii) producing off-peak and baseload power,
- (b) locating rural wind farms to optimise wind resources use and minimise residential and environmental impacts,
- (c) the impact of rural wind farms on property values,
- (d) mechanisms for encouraging local ownership and control of wind technology,
- (e) the potential role of energy generated by rural wind farms under the Australian Government's proposed Renewable Energy Target [RET], and
- (f) any other relevant matter.

**STANDING COMMITTEE ON LAW AND JUSTICE****Reference**

**The Hon. CHRISTINE ROBERTSON:** In accordance with the resolution establishing standing committees, I inform the House that on 29 June 2009 the Standing Committee on Law and Justice resolved to inquire into the following terms of reference from the Attorney General, the Hon. John Hatzistergos:

That the Standing Committee on Law and Justice inquire into and report on the use of DNA material belonging to victims of crime, with particular reference to:

- (a) The adequacy of current policies, procedures and practices to protect DNA material belonging to victims.
- (b) Whether further restrictions on the use of such DNA material would be appropriate or desirable, for example through legislation.
- (c) Any other related matter.

**STANDING COMMITTEE ON SOCIAL ISSUES****Reference**

**The Hon. IAN WEST:** In accordance with the resolution establishing standing committees, I inform the House that on 30 June 2009 the Standing Committee on Social Issues resolved to inquire into the following terms of reference from the Attorney General, the Hon. John Hatzistergos:

- (1) That the Standing Committee on Social Issues inquire into and report on the provisions for substitute decision-making for people lacking capacity in New South Wales, and in particular:
  - (a) whether any New South Wales legislation requires amendment to make better provision for:
    - (i) the management of estates of people incapable of managing their affairs, and
    - (ii) the guardianship of people who have disabilities.
- (2) The Committee is to report by February 2010.

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Precedence of Business****Motion, by leave, by the Hon. Tony Kelly agreed to:**

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House.

**Precedence of Business****Motion by the Hon. Tony Kelly agreed to:**

That notwithstanding anything contained in the standing and sessional orders, debate on committee reports take precedence for one hour.

**GENERAL PURPOSE STANDING COMMITTEE NO. 2****Report: The Program of Appliances for Disabled People****Debate resumed from 3 March 2009.**

**The Hon. ROBYN PARKER** [5.06 p.m.]: It is my view that any society should be measured by the way in which it treats its most vulnerable citizens, and in relation to the Program of Appliances for Disabled People [PADP] in this State we are not doing so well. The Government is not doing enough to fund this program so that it can meet the daily essential needs of people with severe health issues and people with disabilities who depend on this program. It is an indictment of our society that in 2009 we are here discussing what is, in many cases, an appalling situation. Following the inquiry into the Program for Appliances for Disabled People, General Purpose Standing Committee No. 2 reported in early December 2008. But I am led to believe that the situation has not improved greatly since for those who are dependent on the program.

I thank members of the Committee who all worked to get an outcome for those who depend on the program. We adopted a very consensus-based approach, and that I believe is reflected in the Committee's recommendations. I doubt whether any other committee secretariat has faced such challenges as those General Purpose Standing Committee No. 2 faced over the past year. We had to deal with some quite sensitive issues. As Chair I am grateful to the Committee staff for their sensitivity and their professionalism. They always approach with great sensitivity those who appeared before us or who wrote submissions. I acknowledge Beverly Duffy, Teresa Robinson, Cathryn Cummins, Christine Nguyen and Kate Mihaljek for their contributions to this inquiry and their hard work.

The inquiry stemmed from apparent funding inequities and concerns about departmental buck-passing. There were numerous reports of people with a disability waiting for months to get appliances to improve their physical and social mobility. These appliances included wheelchairs, mobility aids, improved wheelchair seating, computer-assisted communication devices, custom-made shoes, hoists, slings, incontinence pads and feeding aids—a huge variety of essential aids, as diverse as the needs of those people using the program. The committee's terms of reference covered the adequacy of funding for present and projected program demand, the impact of client waiting lists on other health sectors, the effects of centralising the Program of Appliances for Disabled People lodgement centres, the methods for calculating and implementing financial savings from efficiency recommendations, the appropriateness and equity of eligibility requirements, future departmental responsibility and other related matters.

The evidence the committee heard was very disturbing. Due to a lack of funding, Program of Appliances for Disabled People clients have been on waiting lists for equipment for years and some have even died while waiting. For many their existing conditions have been complicated and have deteriorated, or new conditions have developed, as a result of waiting for such a long time. For example, children with scoliosis who are waiting for appropriate sleeping and seating equipment have been waiting in terrible pain because the damage to their skeleton and the pressure on their internal organs increases daily. Lymphoedema sufferers waiting for pressure garments watch their limbs swell every day while they wait for equipment. Clients waiting for pressure cushions and mattresses develop very painful pressure sores that can lead to months in hospital undergoing treatment at a cost of up to \$100,000, and for some it can be fatal.

Clients seek the assistance of the Program of Appliances for Disabled People because they are financially disadvantaged and cannot afford to purchase essential equipment themselves. Some clients have

stopped approaching the Program of Appliances for Disabled People for assistance because they have waited for so long that they have become frustrated with the program. The committee met two-year-old Billie Boele, who came to one of the inquiry hearings with her family. Billie uses a \$13,000 powered wheelchair because she cannot walk or crawl. The State Government rejected the family's application for assistance to buy the chair because only children about to go to school are eligible. Her parents have spent \$300,000 catering for their children's needs—another child has cerebral palsy—because the Program of Appliances for Disabled People takes too long to approve applications. Billie is better off than her brother because he missed out on getting a wheelchair, and his family believe that his developmental delays have increased as a result.

In December 2008, there were 262 requests for equipment that had been lodged for more than a year. They included requests for incontinence supplies, orthopaedic shoes, and electric and manual wheelchairs. The committee heard about Evan Starling, who has muscular atrophy and who is unable to walk. His parents bought his wheelchair 10 years ago and at the time of the hearing he had been on the waiting list for a replacement for 18 months. People grow and change over time and their wheelchairs are no longer suitable. The longer they have to wait for a replacement the more difficult it is for them and the more uncomfortable they get. Mr Starling told the inquiry that he was very concerned about what the future held for him because his parents were in their seventies and could no longer afford to provide financial support. These are real cases of people waiting for equipment.

It is a disgrace and an indictment on this Government that people in the most difficult physical and economic circumstances are not given the support they need to lead the best possible life they can. The Federal Government has ratified the United Nations Convention on the Rights of Persons with Disabilities, which obliges all governments to provide equipment as an entitlement rather than as is currently the case—that is, determined by strict financial eligibility criteria. Surely these obligations mean that all people with a disability who require assistance should receive what they need as a right.

While the Program of Appliances for Disabled People received a funding boost of \$11 million during the inquiry process, it is nowhere near enough to address the waiting list. In fact, it is further proof of the program's underfunding. In its submission to the inquiry the Australian Association of Occupational Therapists said that the lack of adequate funding for PADP is the root cause of many of the other inefficiencies experienced by the program. Scarcity of funding has spawned time-consuming bureaucratic processes designed to protect budgets and to spread available resources as thinly as possible. We also heard about the lack of data that is available about the number of people with a disability, their equipment requirements and the constraints on the ability to determine future funding needs. The committee heard a great deal of evidence about the \$100 co-payment and the inequities in the system. The committee found that that was an unnecessary financial burden on clients and questioned whether the results achieved were worth the pain to which people are subjected. The committee also received many submissions about entitlements, the co-payment and eligibility. Many peak bodies contributed to the inquiry and members were very grateful for their contributions, expertise and experience.

I urge the Government to make sure that New South Wales Health honours its commitments about improvements to the system, clinical assessments and prescription services, and that services, repair and maintenance will be delivered locally. Concerns were expressed about centralisation and how that would affect local services. The inquiry mentions a PricewaterhouseCoopers review into the PADP. One issue raised involved prescriptions for clients to access equipment. That is often a protracted process and lodgement centre staff sometimes challenge the prescriptions.

I do not have time to detail the extensive evidence that was received, so I hope that honourable members read the report. The committee has already received feedback from the PADP Community Alliance about the need for increased accountability and transparency, and action to implement changes. The alliance also called for a clear framework for public reporting by government and EnableNSW of any changes made to the PADP resulting from the Government's response to the report. The alliance stressed the importance of feedback from PADP clients and stated that clients need a mechanism to be able to express their concerns.

The committee made 21 recommendations and the Government's response is rather weak. Given that funding is one of the main issues facing the PADP, it was disappointing that the Government rejected a recommendation to increase the budget to \$36.6 million. It has agreed to increase the funding by only \$5 million, which is well short of what is needed. Underfunding creates a domino effect and impacts on the health budget; it will also have a terrible impact on people's lives. That \$5 million increase will mean a 1 per cent increase in the number of clients in the program.

PADP clients also need tax relief, and the Government has accepted a committee recommendation to initiate discussions with the Federal Treasurer about the costs associated with disabilities. That is encouraging and I hope that those discussions bear fruit. Tax relief would be a great support for people whose financial resources are stretched. The committee is looking forward to more data being made available, and to transparency and clarity.

The rollout process must be improved and the committee understands that that is occurring. However, real reform will be achieved only with real commitment and real increases in funding. The heartbreaking stories of clients who have been waiting for years for equipment to make their already difficult lives just a little easier are an appalling indictment on our society. They demonstrate the way this Government has let down many people with a disability. People with a disability should be entitled to these aids and appliances as a basic human right. That should not be a pipedream, particularly in a country and a State such as ours. I strongly urge the New South Wales Government to consider increasing the funding support provided to the PADP to enable people with a disability to live a life of quality and dignity, and so that we can hold our heads high and say that we have done the best we can in this State to treat our most vulnerable citizens well.

I encourage honourable members to read the report, and to take note of the cases mentioned and the recommendations. I thank committee members for the genuine way in which they engaged in the committee process. I look forward to improvements in the PADP and the fulfilment of the commitments the Government has made about the restructure and rollout. I hope we are not required to revisit some of those issues. I commend the report.

**The Hon. CHRISTINE ROBERTSON** [5.20 p.m.]: This inquiry delivered the opportunity to be well briefed on the exciting changes being implemented by New South Wales in an effort to deliver consistent quality of service, equity of service and efficiency of service, and detailed data collection to deliver such a service. I do not mean data collection for people to pick how long someone has had to wait or if they are not getting what they want but data collection that will provide consistent delivery right across the State. One of the more innovative programs being implemented by EnableNSW relates to the collection of information about exactly what equipment is available across the State and exactly where that equipment is. For many decades we have had a dreadful situation: a person may be given a functional wheelchair, but after six months the person no longer needs it or dies and the wheelchair ends up in the backyard along with the garbage or is sent to the tip because it is in the way. The new program will address that appalling situation.

One of the issues that came up a lot during the inquiry was the length of time it takes to implement changes. The consensus amongst committee members was that changes should be implemented more quickly than what is proposed by the department and by EnableNSW. What did come to light was the massive amount of consultation. We would quite aggressively say to peak groups that consultation was taking too long, but they would say they had to talk to everyone. The people to whom the program was being delivered were defensive of the time it was taking to implement it. We found that interesting because in the first two hearings we were getting quite exasperated when we were told that it would take a year or two years to implement, but it was consultation with the affected groups that was partly at fault.

One of the problems for this type of a program being delivered right across the State in different cities and towns is little fiefdoms of individuals, professionals, prescribers and those who fill out the forms. Certainly a lot of work has been put into the new program to ensure consistency, particularly in relation to issues like prescribing. The program has retained professionals—the prescribers—where they are required. Some of the examples referred to by the Hon. Robyn Parker related to inappropriate prescribing by individual professionals. Standards for a specific purpose may not have been put together accurately or perhaps someone had a brilliant idea but did not necessarily use top-quality guidelines. Many of these issues will be addressed by using an extensive system of consultation across the State rather than by using one or two professionals who do not have the necessary skills. The information we received about the changes to this program was incredibly exciting.

I share the view of Hon. Robyn Parker, the chair of the committee, that it would be wonderful if we could have many millions of dollars for this program. Like many other programs in health, when you increase the dollars you quickly find ways to increase the use for those extra dollars. The development of efficiencies—not just efficiencies such as "Sack that worker", but efficiencies in prescribing, delivering the program and stopping incredibly expensive equipment from sitting in people's backyards when they are finished with it—such as keeping a database of where the equipment is, is not a small change but a massive change that has enabled New South Wales Health to implement efficiencies. I congratulate those who have taken it on.

In some cases there has been conflict—we heard rumblings of it along the way—because certain individuals did not want any interference in their processes. However, as a member of the committee I can comfortably say, "Tough!" It is not about the individuals who have enjoyed these programs; it is about the people receiving the service and it is about consistency of service across every single town and city throughout New South Wales. It is also about equity of service. We had information from Aboriginal persons about equitable access and as a committee member I got a bit obsessive about it. In some areas that I have had something to do with I know that there is an appalling lack of equity for Aboriginal persons based on the attitudes and beliefs of individuals who control the program in those regions. One can only hope that the new system will address that situation and there will be equity. That is just one of the sorts of issues that this massive change will address.

I am not sorry we did this inquiry when change was occurring. Sometimes I think our attitudes about what was happening were not as positive as they could have been. Mr Ian Cohen, a member of the committee, was a very valuable contributor to this process. For a long time he had pushed the issues for people involved with the PADP. I realise that no government could possibly respond to all of the minutiae that can come up in such a complex program, but I am impressed with what is happening in the program at this time. But it is not happening because of any specific government or political power; it is happening because of the incredible involvement of the service providers, the peak groups and the individuals affected, who now have a massive say in the future structure of the program.

I finish by remembering the persons involved in this organisation, both within the Health Department and without—a lot of them are volunteers—who work incredibly hard to ensure the best outcomes for this project. I wish them well in the implementation of the changes. I sometimes wish that our general purpose standing committees could work with less conflict when we are working on such incredibly important subjects and recommendations that make sense for the long term, no matter what party is in government.

**Mr IAN COHEN** [5.28 p.m.]: I speak on the inquiry into the Program of Appliances for Disabled People. Back in May 2008, prior to New South Wales and the Commonwealth injecting a one-off payment of \$11 million into the PADP budget, an adviser to the then Minister for Health, Reba Meagher, sat in my office declaring an inquiry into the program was totally unnecessary; a waste of time. I am sure Ms Meagher also advised her colleagues to vote against establishing the inquiry because it would be a total waste of time. After listening to unfathomable stories of hardship, it is clear this inquiry was very necessary and timely. To me and to many people in New South Wales with disabilities, this was one of the most important inquiries of 2008. It was important because it strikes at the heart of such fundamental and inalienable human rights. One inquiry participant put it in the following terms:

It is a sad indictment of our governments—past and present—that people with disabilities are not supported and facilitated to have as normal, equitable a life as possible. In fact it can be said that actual "disability" only arises when society fails to accommodate differences and fails to facilitate equality by removing barriers to equitable access, these barriers can be social, economic or physical. PADP is a **barrier to inclusion**, the poor provision of aids/equipment is an obstacle to those with **differing abilities thus creating the "disability"**.

Embodied in this statement is the critical impetus for reform to the PADP, a program that enables social inclusion, community participation and everyday mobility through the provision of equipment and aids. No-one in this State should have to be put on a waiting list to attain his or her basic human rights. In 2003, one in five people in New South Wales had a disability. Of those approximately 1.2 million people with a disability, 88 per cent were restricted in terms of self-care, mobility, communication, education or employment. For Aboriginal communities, the figures are even higher, with 37 per cent of indigenous Australians over 15 years having a disability or long-term health condition. These figures highlight that we are talking about a significant group of the New South Wales population that rely upon equipment programs such as the PADP. Without a viable scheme we condemn the human rights of people with a disability as irrelevant and unimportant—a failure to live up to the ideals of social inclusion.

On paper, the Government response to the inquiry is generally positive, although there are some disappointing shortfalls. Implementation of reform and delivery of an equitable program will need to move ahead with certain urgency. I will now turn to the substantive issues that the inquiry investigated. I discuss a number of issues relating to waiting lists but from the outset make it clear that we need much more sophisticated performance indicators to get an accurate picture of the program from which strong policy initiatives can be built upon. Recommendation 3, which recommends that EnableNSW apply strict performance indicators to PADP waiting lists and the results published monthly on the EnableNSW website, must be adopted as a matter

of urgency, as should the key performance indicators relating to recommendation 6 and supplier invoice payment. I congratulate the Government on supporting this recommendation and feel that publicly available key performance indicators published on the EnableNSW website should be completed before October 2009.

As at 30 June 2008, 3,688 people were on waiting lists across PADP lodgement centres in New South Wales. Of those, 964 were children. The average waiting time was 209 days and the total value of the waiting list was approximately \$7.4 million. In comparison, as at 31 May 2009, 1,093 people, including 179 children, were on waiting lists across PADP lodgement centres in New South Wales. The waiting list value at 31 May 2009 was \$4,867,851. The \$11 million injection has relieved some of the pressure on the PADP waiting list. However, without making the \$11 million recurrent, similar to what was advised in recommendation 1, we will see a resumption in the waiting list backlog. The call for the \$11 million to be recurrent is a very reasonable claim in the context of projected budgetary needs in the PricewaterhouseCoopers report.

The Government has only marginally increased funding for the PADP, with the program sharing the promised \$5 million with other EnableNSW programs. Either way we look at it, this Government has not committed a basic level of recurrent funding to meet the needs of New South Wales. We need the \$11 million recurrent as a bare minimum. With the \$11 million injection the number of children is 179 and without this amount recurrent it will quickly return to upwards of 1,000 people across the State waiting months for basic equipment. Is the Minister, whoever that might be, willing to wear that on his or her conscience?

**The Hon. Christine Robertson:** John Hatzistergos.

**Mr IAN COHEN:** Is that a permanent situation?

**The Hon. Christine Robertson:** At the moment.

**Mr IAN COHEN:** Thank you for the explanation; it is permanent at the moment. While this data contains broad program overview figures, there remain gaps in data in relation to banding, clinical priority scores, categories of equipment needed and reassessment. Investigating and collecting data on these client indicators are fundamental to aiding the design of new program procedures and administration. One argument put forward for staggering funding increases is that the administrative infrastructure is in a sub-optimal state, which means that increasing funding would not be fully capitalised upon. It is a similar argument to that run in the Department of Ageing, Disability and Home Care arena—administrative reform first, then funding increases. While we do not want to throw money into a system that does not work, reform to PADP administration is moving achingly slow. Dr Richard Matthews, Deputy Director General of Strategic Development, New South Wales Department of Health, stated in the last public hearing that collation of this data would be much easier once EnableNSW implements a new information and equipment management program in March this year.

[*Interruption*]

I agree that he is a dedicated man. Unfortunately, the new information system has not been implemented and the latest projections are that it will not be put in place until October. According to documents obtained in my call for papers, it would take 3.5 to 6 full-time staff working on approximately 150,000 files two years to reform file management. Considering that the Government has not ensured the implementation of a computer program to make it easier to manage waiting list data, I have lost a degree of faith in this Government's ability to action the necessary reforms to improve the PADP. At paragraph 3.118 the committee report states:

The frequent occurrence of PADP clients waiting years for vital equipment is inexcusable, and **has resulted in increased costs and pressures on already stretched health resources by exacerbating and/or increasing additional health conditions for clients and carers.**

Even if the Minister for Health were not to believe in human rights for people with disabilities—and I would not believe this to be true—that Minister would have a defined responsibility to deliver to New South Wales a functioning and efficient health system. In its submission, National Disability Services in New South Wales stated:

Significant economic and social benefits from investing in the timely and appropriate provision of aids and equipment are also important to consider—the rates of return in areas like health and educational outcomes are **much higher** from early investment rather than those made later in life.

Whether we are talking about the provision of powered wheelchairs to young children so as to avoid developmental delays or the delivery of appropriately fitted equipment to avoid pressure sores and hospital readmission or reassessment costs, there is a strong economic case that parallels the social justice one for the timely provision of equipment. It is not rocket science that the prolongation of hospital stays for patients waiting for the provision of equipment could mean that NSW Health is incurring costs of \$1,000 per bed per day. It is easy to see how a fortnight stay in hospital waiting for equipment could cost the same amount as the actual equipment the patient is waiting for.

In the context of young children with equipment needs, the non-provision of equipment reduces the capacity to minimise developmental delays, translating to higher needs in Department of Ageing, Disability and Home Care supported programs. In response to recommendation 1 the Government indicated that it is providing an additional \$5 million to New South Wales equipment programs. This funding is for all equipment programs serviced through EnableNSW, not just the PADP. To an impartial observer, it would appear that the Government and the Minister do not believe there is a funding shortfall in the PADP. They believe that adopting the efficiency reforms will deliver an adequately resourced program that meets the needs of people with disabilities in New South Wales. This is evident from what the Minister stated in this House when he talked ad nauseam about efficiency gains.

Let us consider for a moment that efficiency gains will facilitate a greater proportion of the PADP budget to be spent on equipment as opposed to program administration. The Department of Health expects a 4 per cent increase in equipment expenditure budget proportion through the realisation of centralisation reforms. The PricewaterhouseCoopers PADP report—another report the Government tried to suppress and which needed to be pried from the hands of the Government with a call for papers—estimated that efficiency gains would deliver an additional \$2 million to the equipment procurement budget. The Government is in a magical fantasy world if it believes an additional \$2 million in recurrent funding will solve the PADP funding shortfalls. [*Time expired.*]

**The Hon. MARIE FICARRA** [5.38 p.m.]: Timely access to aids and appliances is essential for the health and wellbeing of people with a disability. It is essential for their independence and social inclusion, which in a developed society such as ours should be a basic human right and not influenced by financial eligibility criteria. The Program for Appliances for Disabled People assists financially disadvantaged people by providing appliances, aids and equipment to eligible New South Wales residents with long-term or lifelong disabilities, to give them personal mobility to participate within our community. The program assists not only those with physical disabilities but also the elderly, palliative care patients, and patients with cancer and other medical conditions such as multiple sclerosis. However, over the program's years of operation its performance has slipped significantly due to underfunding and poor management practices. The program has not been meeting the expectations of its clients or their carers and families.

For many years the Program for Appliances for Disabled People has been characterised by inconsistencies and administrative inefficiencies. These deficiencies have had a negative effect on clients and their carers, as well as impacting badly on suppliers and therapists. Problems with the operation of lodgement centres were highlighted by successive reviews such as the Oakton report commissioned by New South Wales Health in early 2007. The report uncovered non-compliance with Program for Appliances for Disabled operational guidelines relating to policies and procedures, diagnosis and prescriptions, the transfer of clients' files to new locations, the documentation of clients' records, application documents, co-payment processes, the utilisation of the management information systems, lodgement centre operational hours and procurement activities.

Clearly, major improvements are required to be implemented as soon as possible and ongoing monitoring by New South Wales Health will be necessary to ensure this occurs effectively. Centralisation of the program's administrative functions should improve service delivery in an equitable manner, regardless of where clients live in New South Wales. The root of the program's problems is continuing underfunding, which has created long waiting lists with marked and documented deterioration of clients' health whilst waiting on these lists. In fact, some clients had died or had physically and emotionally deteriorated badly whilst waiting for years for proper appliance assistance. Clients had suffered pain escalation, lymphedema swelling, or pressure to organs and limbs, often leading to additional medical complications with resultant hospitalisation—unacceptable consequences that cost our health system.

In one instance the committee heard of the dangerous underprovision of enteral feeding tube sets being supplied twice a week instead of once a day, increasing the risk of bacterial infections for clients due to forced

unsterilised reuse. We encourage the Government to seek national guidelines for the use of enteral nutrition systems for consistency in hygiene and health of consumers. Long-term underfunding has led to a mentality of rationing equipment and resources rather than addressing the clients' real need, making the lives of our disabled and their dedicated carers even harder to bear. As one participant told the committee:

Far too often the potential joy of receiving greater mobility, independence, comfort and dignity becomes a frustrating and personally debilitating process.

One in five Australians, or approximately 1.2 million people, have a disability. Eighty-eight per cent of people with a disability are restricted in their mobility, communication, schooling or employment. The PricewaterhouseCoopers review in June 2006 forecast a dramatic increase in the incidence of disability over the next 10 years, due to the ageing of the population along with improvements in pharmacology and medical technologies—improvements that have led to persons being better able to survive traumatic incidents, along with infants and children also surviving life-threatening conditions.

The recent one-off funding increase of \$11 million to clear current waiting lists does not meet the needs of the system, as so many potential clients have decided over the years not to seek assistance. We will need to set a recurrent increased funding base of \$36.6 million for this program as a core budget level. We will need to document, analyse, anticipate and set performance indicators around acceptable waiting times in order to meet future demands of the program. The committee recommended an immediate statewide data collection on current use, unmet need, projected need, length and monetary value of waiting lists, status of applications, and better tracking of equipment in order to more effectively deliver vital appliances and services to our disabled.

The committee felt that centralisation reform to achieve a single, statewide administration must be prioritised by the end of 2009, with the clinical assessment, prescription service provision, repair and maintenance remaining local. It is disappointing that the Government has decided it cannot meet this deadline and has given the usual bureaucratic excuses. Clients, carers and all interested parties will continue to press for concerted action. Clear communication as well as public awareness campaigns from EnableNSW will be a critical element for success during this reform process. Better coordination will be required between EnableNSW, New South Wales Health and the Department of Ageing, Disability and Home Care to arrest the significant delays in home modification processes, assessment and equipment provision. The committee felt the annual co-payment of \$100 was an unnecessary administrative financial burden on the program and adversely affected low-income clients. Unfortunately the Government has not agreed at this stage and says it will consider this aspect further. We hope that that will occur. We believe the program should operate as a full entitlement scheme based solely on clinical need, as per the United Nations Convention on the Rights of People with a Disability.

I acknowledge the recommendations contained in the position statement provided by the Council of Social Service of New South Wales on behalf of the Alliance, a forum for 13 organisations representing the needs of people with disabilities. In-principle support was given for the committee's recommendations, with emphasis placed on the need to discard archaic terms such as "disabled person" in favour of the more acceptable term "person with a disability", equipment ownership by clients to reduce costs in the reproduction of customised equipment, as well as addressing barriers to mobility and independence within defined groups. The Alliance also agreed that any delay in the design and implementation of data collection would be unacceptable. Specific recommendations in relation to the provision of services to indigenous persons, along with culturally and linguistically diverse communities, were practical and supported by professional expertise within the Alliance. A whole-of-government approach to providing better-integrated services to people with disabilities requires improved coordination between New South Wales Health and the Department of Ageing, Disability and Home Care, as outlined in the Alliance position statement.

I thank the committee chair, my parliamentary colleagues, and most of all the committee secretariat for their support, sensitivity and guidance in dealing with this most important issue of much-needed appliances for our disabled. It was a privilege to have the opportunity to hear from our disabled constituents. It is to be hoped that the Government gives further consideration to adopting the recommendations it has indicated it supports and that it gives further consideration to dropping the administratively burdensome co-payment. Most importantly, we hope the Government puts increased resourcing into completing its centralisation reform as soon as possible for the sake of all Program for Appliances for Disabled People clients.

**Reverend the Hon. Dr GORDON MOYES** [5.47 p.m.]: I speak with some joy on the General Purpose Standing Committee No. 2 report on the Program of Appliances for Disabled People. It was a very difficult report in many ways as we listened to the evidence given by so many people whose personal trauma



was absolutely horrendous. I wish to pick up a few points apart from what has already been said by previous speakers. The committee found, based upon the submissions from a range of stakeholders and government-commissioned reports, that recurrent funding for the Program of Appliances for Disabled People needed to be immediately raised to \$36.6 million in the next budget. There is no escaping this simple fact. The Government either believes in human rights and funds the Program of Appliances for Disabled People for the realisation of those rights, or it maintains the funding status quo and people remain without equipment. The committee was absolutely unequivocal, stating:

The recurrent budget for PADP is clearly inadequate and requires a substantial increase if it is to meet current demand for the program. The program requires even further budget increases in order to meet unmet and projected demand for the program—both of which appear certain to increase significantly in the near future.

Changes and reform are necessary to make sure we get maximum bang for our health dollar. Evidence from submissions and the Oakton Audit report demonstrated that basic financial management and accounting is not practised by some area health services, with Program of Appliances for Disabled People funds being basically moved from the PADP budget and utilised to support other Department of Health programs, general hospital running costs and clinics, which is technically outside the rules. These are easily resolved by establishing systems as a core facet of any responsible and accountable government program or agency.

In terms of unmet demand and increasing future need, the committee recognised that there are distinct challenges. Gaps in data collection mean that we cannot properly characterise unmet need. Spinal Cord Injuries Australia highlighted in their submission that a range of factors have created a high level of disincentive to join equipment waiting lists, thereby concealing the true level of demand. I speak with some long-term knowledge of this from Lottie Stewart Hospital, at Dundas; one of the first major hospitals to have a spinal cord injury centre to cater particularly for young men injured in road traumas, mainly through motorbike accidents, and for quadriplegic and paraplegic people with a lifelong demand for the right kinds of personal equipment to help them live within their disabilities. The Aboriginal Disability Network NSW stated—and it has been our experience—that it would not be unreasonable to suggest that for every person that has registered a request there are two who have need of specialised equipment but who have not made a request.

Lack of funding, or inconsistent and lumpy funding, also directly impacts upon equipment suppliers. The committee took evidence from a number of suppliers who told of their experiences in payment of invoices for equipment by the Health Department. For example, we heard of the department taking up to eight months to pay outstanding payments. The Independent Rehabilitation Suppliers Association of New South Wales estimated that late payments by the Health Department cost their businesses over \$1.2 million annually in interest and recovery expenses. This is another area where EnableNSW and the department need to rapidly roll out reform.

Built into the PADP scheme application process are income banding and co-payments, which my colleagues have previously mentioned. PADP applicants over 16 in bands 1 to 3 must contribute a \$100 co-payment. This includes those on very low incomes or Health Care Card holders. According to the Oakton report, co-payments in 2006-07 in all bands totalled approximately \$750,000. The Health department could not provide any details about administration or recovery costs to demonstrate that the collection of co-payments was cost effective. I remember raising the issue of whether the cost of collecting and administering that money was far higher than the \$750,000 it raised. Mr Dougie Herd, Executive Director, Disability Council of New South Wales, summed up this point by stating:

I think it is clear to everybody that the co-payment is not functioning as an income generating tool and that therefore [it] seems clear to me that there is no purpose served in collecting it.

The majority of witnesses informed the committee that the co-payment requirement is unprecedented and counter-productive. I note the response of the Government to recommendation No. 2 and its interpretation of the United Nations Convention on the Rights of People with a Disability. In light of the diverging interpretations of Article 20, we do need to come to an agreement that the eligibility criteria for PADP is so severely divorced from economic and social reality and requires significant reform to cease the infliction of systematic economic disadvantage on people with disabilities. I do fear that the magnitude of the reform required will be a disincentive for the Government to tackle this head-on.

The demand for communication devices and electronic technology for children is increasing. While recently visiting public schools throughout the State in conjunction with another inquiry, I asked about the

availability of communication devices and electronic equipment for people suffering from learning difficulties and dyslexia. I saw some of the most remarkable equipment provided by a number of good companies at cost and I have been working with a number of clubs and organisations to raise funds for local public schools to purchase this type of equipment. It should not be necessary for the private sector to provide or to fund communication devices and electronic equipment for children with increasing disabilities.

The committee heard evidence from organisations such as Northcott Disability Services, which suggested that communication devices are not adequately prioritised in the PADP scheme and are of such low priority that case therapists do not even bother applying to PADP. This must change. We are living in an era of communication devices. I am looking at members opposite who are currently using electronic devices in the House whilst I am speaking. I want people with disabilities to have the same devices as those members. The non-provision of communication equipment severely impacts a child's ability to learn, communicate and engage. The Government must wake up. We have waiting lists and there are still children waiting more than 12 months for some basic devices. The Minister needs to seriously reflect upon whether he will condemn these children to a silent world or whether he will deliver a fair and equitable PADP budget that will make provision for communication devices. My office has seen those waiting lists. I do not want to sensationalise the fact but I hope the Minister appreciates that we are far from solving the problems of PADP. We simply cannot have children waiting for communication devices or wheelchairs for a year or more. We must fix this.

I express my sincere appreciation to Mr Ian Cohen who has pushed this issue in this House for many years. He encouraged the committee to take this matter up and I thank him for his persistence in that real struggle. I thank the committee staff, who played an invaluable role. I thank my fellow committee members for the admirable level of bipartisanship shown during the inquiry. I especially thank the chair, the Hon. Robyn Parker, for taking such a strong personal interest in this program. I commend the report to the House.

**The Hon. GREG DONNELLY** [5.56 p.m.]: I commence with an anecdote. A few weeks ago I attended the Primex regional fair at Casino. Whilst at the Country Labor tent chatting with locals and people from a range of backgrounds I observed an elderly gentleman in a wheelchair. I did not ask him his precise age but I suspect he was in his 60s. He had a standard wheelchair; it was not motorised. He was placing one leg at a time on to the ground and dragging himself along. I thought how extraordinary this was. Anyone who has been to agricultural fairs would appreciate that ungraded, uneven roads are hard to navigate. This fellow, with a steely look on his face, was dragging himself along an ungraded road one leg at a time. That drove home to me how important it is for the community and the Government to improve, increase and advance the way in which we look after those in our community who are disabled and how profoundly and significantly the quality of life of those individuals should be improved. He worked his way up and down the roads of the agricultural fair dragging himself forward in his wheelchair one foot at a time. We see people buzzing around the streets in their motorised wheelchairs with big orange flags to let us know that they are coming. They move at quite a clip.

**The Hon. Christine Robertson:** If you don't move, they will run over you.

**The Hon. GREG DONNELLY:** Indeed, but we can tell from the expressions on their faces that their capacity to get around as a result of the manoeuvrability of their motorised wheelchairs makes their lives more enjoyable, notwithstanding they are unable to get around under their own steam. The Program of Appliances for Disabled People [PADP] is designed to provide equipment for the disabled to assist in their mobility, self-care and communication. The Government is committed to making PADP easier to access by people with a disability and their families and more efficient for the health professionals, who play a critical role in prescribing the equipment. The Government's response to this report is now available and has been canvassed by previous speakers. The inquiry raised important issues for people with a disability and confirmed the need for the major reforms, which were already underway in response to the independent review of PADP undertaken by PricewaterhouseCoopers. As the review was dealt with in some detail in the report, I will not go into it with any specificity.

As a result of the recommendations of the 2007 review, EnableNSW was established and is in operation. The programs which operate under the auspices of EnableNSW include the Specialised Equipment Essential for Discharge [SEED] program, the Artificial Limb Scheme [ALS], and the Home Respiratory Program [HRP] which covers the home oxygen service, the ventilator dependent quadriplegia program and the children's home ventilation program. Through the establishment of EnableNSW the Government has continued to improve the efficiency of the programs by implementing recommendations of the independent review of the PADP conducted by PricewaterhouseCoopers. It was clear from the evidence presented to the inquiry that although progress was being made there was a need to focus on advancing that progress more quickly. Various

instances presented as evidence to the inquiry showed that equipment must be delivered more efficiently. Mr Ian Cohen made the important point that we must have the capacity to ensure that what is being said is happening. We must ensure that the benchmarks that are set are being met in the implementation of the program. In this way we will ensure that the program will be rolled out in the most efficient and beneficial way for people with a disability in New South Wales.

I want to make a brief comment about the announcement made earlier this year by the Minister for recurrent funding of \$5 million every year to provide equipment to people with a disability which will assist them to live in the community. The extra funding became available on 1 July this year. In forthcoming budgets it will be an important challenge for the Government to improve and enhance the recurrent spending that can be made available for people with a disability in New South Wales. The extra \$5 million recurrent funding follows the non-recurrent enhancement of \$6 million from the State Government and \$5 million from the Commonwealth, which was allocated in 2008-09. This funding was used to alleviate the PADP waiting lists, particularly the beneficiaries of the home oxygen service. For the past 12 months this funding has made significant inroads into reducing the number of people with a disability waiting for essential equipment. But, as I said, there is room for further improvement in delivery for these people.

The total number of consumers on the equipment waiting list has decreased by more than 70 per cent and average waiting lists for equipment have halved. That is a clear indication that things are moving. Whilst more can be done, we have a clear commitment. As I stated at the outset, the Government is committed to making access to the PADP easier for people with a disability and their families. The committee was told about the importance of assistance provided to family members—even just to go to the shops or have a cup of coffee with friends—so that they can have a break from the routine of caring for a loved one. We ought not forget the family members. I thank the honourable members who participated in this very important inquiry. Their contributions were meaningful. There was contest over individual issues, which can occur in these types of inquiries. In particular, I acknowledge the very hard work of the committee secretariat who brought together a very valuable report for this House.

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

#### **ADJOURNMENT**

**The Hon. TONY KELLY** (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [6.06 p.m.]: I move:

That this House do now adjourn.

#### **PARLIAMENTARY RECESS ACTIVITIES**

**The Hon. AMANDA FAZIO** [6.06 p.m.]: Tonight I want to inform members of the numerous activities that I engaged in during the parliamentary winter recess. In early July I travelled to my duty electorate of Ballina to meet with local community members. I attended a meeting of Byron Shire Council to hand over a cheque for flood mitigation works and to provide them with details on the Community Building Partnership Program, which I also sent to all councils in my duty electorates. I then attended the Fortieth Presiding Officers and Clerks Conference in Kiribati and presented a paper on the New South Wales Parliament's Education Programs. The paper was well received by participants, who were very complimentary about the large number of programs that Graham Spindler and staff conduct each year. I also provided information on the Parliament's sustainability program to complement a paper given by the Clerk of the Australian Capital Territory Legislative Assembly. The conference coincided with the thirtieth anniversary of independence for Kiribati. I also attended those festivities.

In July I hosted the WRAP Exhibition in the Fountain Court at Parliament, which highlighted the history of the Wagga Rug. I hope that members were able to view the exhibition, which has travelled to many regional centres in New South Wales. Later in July I represented the Premier at the Egyptian National Day celebrations, which were held at the home of the Egyptian Consul General, His Excellency Mr Abousenna. I also represented the Premier at the Egyptian National Day celebration dinner, which was held by the Egyptian Council Forum at Kogarah. Both events were very enjoyable and highlighted the strong links between New South Wales and Egypt. At the dinner Dr Farid Farag, who recently retired after 40 years of continuous and dedicated community service, was announced as the Egyptian of the Year. Both events celebrated the fifty-seventh anniversary of the Free Officers Revolution of July 1952, which attained freedom for their country.

The following day I laid a wreath at the Cenotaph on behalf of the New South Wales Government to commemorate Justice for Cyprus Day. I later gave an address on behalf of the Premier at the Cyprus Community Club. Following this event, the Hon. David Clarke and I were asked to help form a New South Wales Parliamentary Friends of Cyprus group. We will work towards the establishment of this group during the current session. On 28 July 2009 I participated in a workshop on parliamentary inquiries, which was held by the Legislative Council committees and the Council of Social Service of New South Wales [NCOSS] to assist non-government organisations participating at inquiries. The workshop was very successful. I commend the Legislative Council staff and NCOSS for this valuable initiative. The next day I had the pleasure of presenting long service medals to members of the Rural Fire Service at the new Orange Fire Control Centre. From 30 July to 2 August I attended the Australian Labor Party National Conference, where I moved a resolution on Justice for Cyprus. The resolution states:

Labor will work to facilitate a just settlement of the Cyprus problem, based on UN resolutions respecting sovereignty, independence and the territorial integrity of Cyprus, and resulting in the demilitarisation and reunification of the island for the benefit of its entire people.

On Sunday 9 August I attended the India Australia Friendship Fair, which was held by the United Indian Association at Olympic Park. The Premier also attended with a number of Ministers and other Labor members of Parliament. I thank Raj Datta for inviting me, as I had a great day. The next day I travelled to my duty electorate of South Coast with the Minister for Housing, David Borger, to open a new community affordable housing project at Old Southern Road, Nowra. The development comprises 12 two-bedroom townhouses and villas with environmentally sustainable features. With \$1.7 million of New South Wales Government assistance, the project was developed by South Coast Community Housing, which is doing a wonderful job in providing quality affordable housing in its region. I also inspected a second site for which the group has lodged a development application to build 36 dwellings.

On 13 August I went to my duty electorate of Orange to present the 2009 Joy Parker Memorial Award to one of the regional winners, Nicola Reed of Orange. The Joy Parker Memorial Award acknowledges the outstanding work and dedication displayed by instructors of the New South Wales Government's learn-to-swim program, Swimsafe. Nicola Reed was chosen as the joint Western New South Wales regional winner for her high level of professionalism, customer service, reliability and commitment to the Swimsafe program. Nicola has been a valued member of the New South Wales Sport and Recreation department for 15 years, delivering Swimsafe programs in Orange. Next evening I attended the McKell Dinner where 15 long-time rank and file Labor Party members were given awards in recognition of their voluntary service to the Labor cause.

On Saturday 15 August I laid a wreath at the Cenotaph on behalf of the New South Wales Government to commemorate Victory in the Pacific Day. This was a very moving ceremony. My parents accompanied me because my father also laid a wreath on behalf of a veterans organisation to which he belongs. The next week I spent at AgQuip at Gunnedah staffing the Country Labor stall. The reception that we received was very good and many visitors were very complimentary about the initiatives of the New South Wales and Federal Labor governments.

On Saturday 22 August I represented the Premier at the Onam celebrations held by the Malayalee Association. This was a most enjoyable function and the entertainment program was of a very high standard. I travelled to the South Coast on Tuesday 25 August to open the new facilities at Milton Public School. The rebuilding cost \$10 million. One of the most outstanding features of the project was how the construction incorporated the refurbishment of heritage buildings and new buildings without losing the essence of Milton Public School, while making the most of the exceptional views and location. It was great to see such strong community support for the school. The school's choir is outstanding.

On Sunday 30 August I represented the Premier at the Ethnic Communities Council annual general meeting. The contribution by the Ethnic Communities Council to New South Wales society—which has spanned over three decades—has been very significant. The dedication and vision of the founding members of the Ethnic Communities Council has been fundamental in the shaping of multiculturalism in New South Wales. Last night, on Monday 31 August, I represented the Premier at the Partners of Veterans Association tenth anniversary dinner. The association was established as the result of a common need, and it is now a recognised and respected member of the veterans community. It lobbies hard and successfully for the wellbeing of the families of veterans. During the break I also attended a number of committee meetings and public hearings and I was involved in many other meetings with constituents and community organisations and attended to numerous party commitments. No wonder I feel like I need a holiday!

### BOVINE JOHNE'S DISEASE

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [6.11 p.m.]: I relate to the House the serious issue of bovine Johne's disease [BJD], which is affecting some beef and dairy producers in New South Wales. The issue is that bovine Johne's disease in beef herds is presently at very low levels and causes minimal loss through deaths or lost production. The current policy of quarantining infected or suspect bovine Johne's disease herds is driven by an approach by the Department of Primary Industries to interpret the legislation governing bovine Johne's disease in any manner it chooses. The aim is to reduce the prevalence of bovine Johne's disease in beef cattle herds and thereby reduce the number of infected animals entering the food chain.

This is a very worthwhile aim. However, there is a lack of a structured testing regime or abattoir surveillance for bovine Johne's disease that might effectively identify infected herds. The implications of detection of an infected animal usually deter any knowledgeable breeder from having clinically suspicious animals investigated. Most positive detections of bovine Johne's disease occur in Australian beef herds that are Market Assurance Program herds. It is worth noting that Market Assurance Program herds are generally studs that seek a marketing advantage but represent less than 1 per cent of beef herds. This means that the great proportion of the national testing program for bovine Johne's disease rests on a tiny proportion of beef herds, and that is ridiculous.

As a result, it is evident that the risk of bovine Johne's disease detection puts pressure on Market Assurance Program herds to leave the program and use the beef only declaration. This has the opposite effect to that sought by the national program, as despite the strict protocols in the Market Assurance Program bovine Johne's disease detections still occur in Market Assurance Program herds. So, even if the program were effective in reducing bovine Johne's disease in beef herds—which it is not—could the program reduce the chances of the Johne's disease organism entering the food chain? The short answer is no. As animals detected with bovine Johne's disease are sent to slaughter, it would be more logical to dispose of them in another way due to the perceived or real concern about Johne's disease in meat. Sheep flocks are no longer quarantined if they contain ovine Johne's disease.

The dairy industry, which was deregulated in February 2009 with an 11.7 per cent incidence of bovine Johne's disease, allows trading between infected herds, and infected dairy herds are slaughtered for meat consumption. By contrast, the beef industry has an incidence of bovine Johne's disease of just 0.08 per cent. Ipso facto, dairy cows present a greater risk of bovine Johne's disease entering the food chain than beef cattle. As bovine Johne's disease in beef herds has such a low prevalence, the testing relies heavily on the application of the test and the herd history, and on the integrity and competence of the parties involved in the process—the beef producer, the supervising veterinarian and the regulators, especially the Department of Primary Industries.

The current program places an unfair burden on suspect herds that are quarantined because they were purchased from a property on which an animal had subsequently been tested positive, even five years after the purchase. The suspect herds are then placed in quarantine for five years, during which time they can only be sold to slaughter. The only alternative is to slaughter all the cattle that were less than 12-months old when in contact with the suspect animal. This is a most unfair punishment on the beef producer.

As an example I cite the case of a bull that was confirmed with bovine Johne's disease in 1998. The herd status was rapidly reassessed as BJD-free and returned to the Market Assurance Program at the highest level available. In 2003, one or more animals were again identified to be bovine Johne's disease infected. However, the decision was made to reassess the herd as BJD-free and again returned to the Market Assurance Program at the highest level. In 2007, once again, one or more animals were found to be bovine Johne's disease infected and the herd was quarantined. It took until March 2009 to notify other beef producers, some of whom were in the Market Assurance Program and selling their cattle in good faith and within Market Assurance Program guidelines, that they had purchased cattle from this herd up to nine years before when it was known to have contained at least one infected animal. These producers found they were unable to trade and many were in quarantine—limiting their markets to slaughter only.

The stress on these individual farmers and the trade restrictions now being placed on those many innocent beef producers who purchased affected cattle as a result of this disease-control testing disaster is unreasonable. We need deregulation. How many beef producers will suffer before the inherently unfair, inaccurate bovine Johne's disease testing is removed? [*Time expired.*]

### TRIBUTE TO TERRIE WELLS

**Mr IAN COHEN** [6.16 p.m.]: Tonight, sadly, I speak in the House to celebrate the life of Terrie Wells—also known as Red Terra—who died very unexpectedly on 20 July. Terrie was a founding member of

my local community radio station, Bay FM, and was the station's best-known presenter through her Friday morning slot, *The Shakedown*. Terrie was integral to the entire radio station and worked tirelessly for the environment and social justice causes both in the local area and far afield, using this iconic radio program as her mouthpiece on a regular basis. I have heard her shows replayed right across the nation on the FM network because they were of a fantastic quality, and her incisive political actions were very effective.

Red's program debuted in 1988 on Bay FM's first trial broadcast, before the station was even formally on the air. She has been on air continually since then, except for a break when her son Jarrah was born. *The Shakedown* was a pioneer environment program—one of the first in Australia. Presenting a current affairs program takes a lot of hard work, and Terrie Wells was a worker. She put a massive amount of work into researching and developing the program. In the little town of Byron Bay and in Byron shire for more than two decades Red, as she was best known—and she had wonderful flaming red hair—kept listeners in the picture about local and national environmental issues and alternative politics and current affairs. She also played a real revolutionary strain of music that she loved to share with her listeners.

Red would interview people and give them the time to go in-depth on issues. She would talk with campaigners and front-line activists about climate change, nuclear issues, genetic engineering, whales and whaling, forests and biodiversity. Over the years she interviewed many big names of the environmental movement including David Suzuki, Paul Watson of Sea Shepherd Conservation Society, Michael Franti and Helene Norbert-Hodge, and she also gave an opportunity for those on-the-ground activists in forests and other organisations to get their message out in what was a very lively and engaged community in my home community of Byron shire.

Terrie worked very hard—some would say, as I do, she worked too hard. She cared a great deal for the earth; she cared a great deal for environmental issues. That came across in her broadcasting. As well as broadcasting she committed herself to the hard work of fundraising for Bay FM, including running some of Bay FM's most financially successful radiothons. Each year on her program radiothon she raised the largest number of subscriptions. She always ended her show by saying, "Take a moment to look down at your feet and see what you are standing on. This is a shakedown. The time is now."

I extend my sympathies to her son, Jarrah, her mother, Ruth Wells, and the Wells family. Terri was an amazing individual and she will be very much missed. She will be remembered as a pioneer and one of those remarkable women who work tirelessly for their community. She cared, perhaps too much, and it took its toll on her. She was deeply interested in working on environmental and social justice issues and she gave her life to it. We are all great beneficiaries of her work. She will be sorely missed by the local community.

### ASIA-PACIFIC DEMOCRACY

**The Hon. MICHAEL VEITCH** [6.21 p.m.]: Today I draw attention to the New South Wales Parliament's commitment to supporting, participating in and developing democracy throughout the Asia-Pacific region. In June of this year parliamentary officers from the Legislative Council, Mr Simon Johnson and Ms Rachel Simpson, along with Mr Leslie Gönye from the Legislative Assembly, travelled to Port Moresby, in Papua New Guinea, to assist in facilitating a four-day professional development course for parliamentary staff working in Melanesia. The course is part of a wider effort to help support democracy and strengthen parliamentary systems throughout the Asia-Pacific region.

The Centre for Democratic Institutions organises the courses and the June course was the second of its type to occur this year. The course was also convened by Mr Michael Ries, the Deputy Clerk from Queensland Parliament; Mr Derk Swieringa from Australian Business Volunteers; and Mr Quinton Clements, the Deputy Director of the Centre for Democratic Institutions at the Australian National University.

The course was held at the Parliament House in Port Moresby and the participants involved in the course were from every department of the Papua New Guinea Parliament—from Hansard and parliamentary officers to security and building services staff. There were workers from the regional assemblies in Papua New Guinea and also from the Solomon Islands and Vanuatu parliaments. The focus of the course was to help develop very practical skills in the areas of research and analysis, writing, planning and budgeting and understanding parliamentary practice and also, as reported in the local press, "to encourage staff to uphold values" and ethics within their parliamentary duties.

The days consisted of workshops such as, the Role of Parliamentary Officers, Background to the Westminster Parliamentary Model and Understanding Parliamentary Privilege. There were group activities such

as holding a public hearing and role-play activities, written exercises, sessions on the principles of good writing, planning and budgeting skills, research and analysis skills and an introduction to procedural research and, of course, extensive discussion. On the final day there was a mock public hearing. The topic chosen for the mock hearing was a foreign-owned and operated business enterprise in Papua New Guinea, which is also the topic of a Papua New Guinea committee inquiry. Mr Lawrence Daveona, who is the Director of the Papua New Guinea National Parliament Committees Secretariat and who also played a major role in facilitating other workshops, led the session. The parliamentary officers involved said it was great that the course ended with the public hearing and seeing all the skills learnt over the four days being used in a practical manner. Apparently the debates got quite heated!

The officers also said that the process was completely reciprocal and that they walked away feeling very inspired by the participants' enthusiasm about the parliamentary system. They found the staff involved in the workshops to be very proud of their role as employees of the Papua New Guinea Parliament. They were diligent and conscientious and had a desire to learn everything they could to improve their job. They have a very strong belief in the practices and process of their parliamentary system and trust unfalteringly that it will provide good governance for the people. The feedback from the course offered by participants was very positive. They found it very useful and informative. Many participants also requested the course be held every year. The Legislative Council parliamentary officers also mentioned that it was a pleasure to work closely and in a different setting with the Legislative Assembly and to find out more about lower House practices.

The Commonwealth Parliamentary Association has also twinned the New South Wales Parliament with the Bougainville and Solomon Islands parliaments. The aim of twinning parliaments is to create helpful relationships and to facilitate educational exchanges. Our Clerk of the Parliaments, Lynn Lovelock, and Leslie Gönye of the Legislative Assembly travelled to Bougainville to organise and finalise the twinning arrangement. Next week on 11 September, Mr Kingston Alu from the Papua New Guinea Parliament will be visiting us to observe our training and human resource practices.

Another point raised by the parliamentary officers involved was the outstanding hospitality they received throughout their visit to Papua New Guinea. They felt very included and had everything they required. However, perhaps the most noteworthy point was how generously everyone involved shared his or her time. I congratulate the work of our parliamentary officers both recently and in the past on their efforts to promote and nurture democracy and parliamentary practice in our neighbouring regions and I hope that the tradition of composite learning will continue far into the future.

### PAYROLL TAX

**The Hon. ROBYN PARKER** [6.26 p.m.]: As a former small business owner and operator I understand first hand the enormous imposition that payroll tax has on small businesses in this State and Labor's failure to address the monkey on the back of this sector. Payroll tax is a tax on jobs. I recently participated in the Pollies for Small Business Program and visited local small businesses—which I do every year. It is a good reminder of some of the deterrents to businesses employing people in this State and the payroll disadvantage our small businesses face when compared with small businesses in other States.

Given the current economic climate, now is not the time for a government to shy away from making responsible decisions for the benefit of employers and their employees. For 14 years, the State Labor Government has delivered nothing but poor economic management to New South Wales and has done little to help the small business sector. We have seen failed project after failed project, with millions of dollars in taxpayers' money wasted—money that could have been better spent on more nurses, more police or better roads.

I was very pleased recently to host a visit to the Hunter region by the Opposition leader, Barry O'Farrell. We visited Ultrafloor in Rutherford, which employs about 50 people. The business was set up in the Hunter region more than two decades ago because of the good pool of labour force skills, quality resources and land prices. It is an excellent example of a small business that would benefit from the New South Wales Coalition's proposed changes to payroll tax. The Coalition proposes to cut payroll tax by up to 20 per cent in 2009-10. This will involve a one-off 15 per cent across the board cut to payroll tax and an additional 5 per cent cut in the payroll tax bill of those businesses in regions with high unemployment. This is a positive and practical way of supporting small businesses, which employ about two million workers in New South Wales or two-thirds of the State's workforce. This change will help small businesses to create more jobs and it will also help to stimulate the economy and ensure economic growth, which in turn is put back into services such as health, schools, police and community facilities. Unfortunately, it would appear that this State Government only knows how to waste taxpayers' money rather than invest it wisely in services and infrastructure.

The New South Wales Opposition this week obtained figures under freedom of information legislation showing that the Government spent more than \$110,000 on a community cabinet meeting in Newcastle in April this year. That is an extraordinary amount of money. The Government spent more than \$53,000 on advertising, \$30,000 on a newsletter—which I would call propaganda—and more than \$6,500 on catering. It was reported at the time that about 400 people attended the meeting, and those attendees were vetted. That is not surprising because the cost per person would have been \$275. That is a very expensive scone or sandwich and cup of tea. Is this Labor's version of economic management? Golden scones, indeed!

At a time when the economy is tight and households are doing all they can to save money, the New South Wales Government is using taxpayers' money on its own public relations exercises that provide very little return to the region. What exactly did the Hunter get out of the community cabinet meeting? At a community cabinet meeting last year, the current Treasurer and former Roads Minister announced funding of \$200,000 for a study of the traffic conditions clogging the New England Highway at Maitland Hospital and Maitland railway station. What happened as a result of that study? If members were to ask motorists in Maitland whether there had been any changes to traffic conditions along the highway since then, the answer would be "No."

This demonstrates that the Labor Government is interested only in self-promotion, going to regional areas to get a picture in the newspaper and sending newsletters throughout the area to spruik that it came to town. The taxpayers of this State and small business operators deserve better. Given the current economic climate, they should be able to rely on the Government to properly manage the State and its affairs. A Barry O'Farrell-led Coalition Government will focus on positive, practical plans to fix the problems facing this State. This once great State will be great again under a Coalition government. It is time for a change and it is time that the people of New South Wales had the government they deserve. We cannot wait until March 2011.

#### TRIBUTE TO REVEREND FRANK MCINNES

**Reverend the Hon. Dr GORDON MOYES** [6.30 p.m.]: Today I pay tribute to the Reverend Frank McInnes, founder of Southern Cross Mission, who died in Sydney on 9 August 2009 at the age of 89. I knew Frank for many years. He was a World War II veteran. He served as an army tank driver in the forgotten war, which was the army set up in Western Australia and the Northern Territory anticipating a Japanese invasion. Upon his return to Sydney he enrolled at the Sydney Missionary and Bible College, and volunteered with the Open Air Campaigners, a very long-established organisation that used to meet nearby in Martin Place, with lawyer E. P. Field preaching the gospel to passers-by. In the early 1940s Frank worked with the Open Air Campaigners first as a volunteer and later full time, when he pioneered the use of a gospel wagon, an old converted pie wagon he got second-hand, to take the message to people wherever they were.

With the Open Air Campaigners teams Frank also took the gospel to the local beaches, reaching crowds of young people who had never had the opportunity to attend Sunday school. The teams also used music, drama, puppets, and object lessons to communicate clearly and powerfully to their audiences. One of his most popular was an illustrated message featuring a giant ship, the *Titanic*, with which he demonstrated the story of the gospel, and he acted out parts with a koala and platypus. His original style caught the eye of visiting and overseas pastors and he was frequently invited to be a guest preacher at the People's Church in Toronto, Canada, the Prairie Bible Institute, as well as the Teen Ranch, Mill Valley Ranch, the Outback Patrol Institute and youth conferences.

He met his future wife, Betty, when she was the secretary to the then Superintendent of Wesley Mission, Dr Rayward, and in 1949 they married. Frank and Betty moved to Queensland to found a branch of the Open Air Campaigners there. Eventually Frank was appointed national director of the Open Air Campaigners and moved back to Sydney. By 1958 he had resigned and developed in the medium of radio. Radio station 2CBA-FM was the first Australian Christian FM radio station, and Frank was one of the founders with Vernon Turner and chairman of the board for many years. CBA stood for Christian Broadcast Association until 2008, when the station changed its name to Hope 103.2 FM. Back then his regular Sunday morning radio program, *Christian Growth*, was on air every week for 27 years. For many years he was also a popular newspaper columnist in the *St George and Sutherland Shire Leader*, in a column called Five Minutes with Frank.

Frank's preaching and teaching ministries were also focused on pastorates including the South Cronulla Congregational Church for 12 years, and that denomination's Board of Evangelism for two years, and then at Sylvania Uniting for two years, where I acknowledge his responsibility for bringing my now son-in-law, Ron Schepis, to faith and baptising him in the sea. After that Frank continued in active guest preaching for the next



20 years. At this time, Frank and Betty became regular members of my Sunday evening congregation at Wesley Mission. He was a great encouragement to me over about 15 years, and every week we discussed my sermons and evangelistic outreach, with Frank giving me the benefit of his opinion.

Frank's wife, Betty, died in 1997 and his second marriage was to Kay Scott two years later. Kay was a highly accomplished banker and teacher and a wonderful wife for Frank. Frank and Kay were active in the Wesley Mission and also at her church, the Uniting Church in Double Bay. Frank is survived by Kay, his four children, 11 grandchildren and one great grandchild. On Friday 28 August, a thanksgiving service was held in Wesley Church Sydney and many hundreds of people who were touched by Frank's ministry attended to celebrate his life. I noted that the Open Air Campaigners website had the announcement in large bold print, coloured a festive bright red, "Latest news: Frank McInnes Promoted!" They announced his entry into heaven and proclaimed that "Heaven will be different now that Frank is there!" To me that reflects the real joy of the Christian perspective of life. However, back here on earth Frank McInnes will be greatly missed.

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

**Motion agreed to.**

**The House adjourned at 6.35 p.m. until Wednesday 2 September 2009 at 11.00 a.m.**

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