

LEGISLATIVE COUNCIL

Wednesday 9 September 2009

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

The President read the Prayers.

UNITED NATIONS INTERNATIONAL DAY OF PEACE

Motion by the Hon. Amanda Fazio agreed to:

That this House notes that:

- (a) the United Nations International Day of Peace (Peace Day) is celebrated internationally on 21 September each year and provides an opportunity for individuals, organisations and nations to create practical acts of peace on a shared date,
- (b) Peace Day was established by a United Nations resolution in 1981 to coincide with the opening of the General Assembly,
- (c) the first Peace Day was celebrated in September 1982 and in 2002 the General Assembly officially declared September 21 as the permanent date for the International Day of Peace.
- (d) during the discussion of the United Nations resolution that established the International Day of Peace, it was suggested that:

"Peace Day should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples ... This day will serve as a reminder to all peoples that our organisation, with all its limitations, is a living instrument in the service of peace and should serve all of us here within the organisation as a constantly pealing bell reminding us that our permanent commitment, above all interests or differences of any kind, is to peace."
- (e) the Ministry for Peace Australia will be opening its Peace Day vigil at 10.00 a.m. on 21 September at the Martin Place Amphitheatre, an event that is open for all to attend,
- (f) that this year Afghanistan Alive is calling on people to show solidarity with the people of Afghanistan by committing themselves to one minute of silence on Peace Day, and
- (g) that anyone anywhere can celebrate Peace Day and that the impact of millions of people in all parts of the world coming together for one day of peace can be immense.

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**.

BUSINESS OF THE HOUSE

Postponement of Business

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

Government Business Orders of the Day Nos 1 and 2 postponed on motion by the Hon. Tony Kelly.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Investigation into Corrupt Conduct Associated with Tendering for TransGrid Work", dated September 2009, received and authorised to be made public this day.

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

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

The Hon. GREG PEARCE [11.07 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 229 outside the Order of Precedence, relating to a reference to General Purpose Standing Committee No. 4, be called on forthwith.

This matter is urgent because of the immense public interest and concern to investigate the integrity and transparency of the planning system. This is a matter of great public importance and great public urgency. With respect, it would be impossible for any member of this House not to know of that immense public interest and the urgency of this matter. Therefore, I recommend that the motion be called on forthwith.

Ms SYLVIA HALE [11.09 a.m.]: The Greens have discussed the matter. We believe that the matter should proceed, but I inform the House that we will seek to amend the body of the motion.

The Hon. TONY KELLY (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [11.10 a.m.]: Once again this is politically motivated. The motion does not propose a fair dinkum look into political donations because if it did the Liberals would have included themselves and all other donations. Instead it is targeting particular people who donate to the Labor Party and particular Labor Party Ministers. It is obviously just a political stunt and consequently it is not urgent.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

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

Noes, 16

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

Pairs

Mrs Pavey	Mr Della Bosca
Mr Pearce	Mr Macdonald

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Greg Pearce agreed to:

That Private Members' Business item No. 229 outside the Order of Precedence be called on forthwith.

GENERAL PURPOSE STANDING COMMITTEE NO. 4**Reference**

The Hon. GREG PEARCE [11.17 a.m.]: I move:

1. That General Purpose Standing Committee No. 4 inquire into and report on land dealings and planning decisions relating to land or interests in land held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd in or around Badgerys Creek, and in particular:
 - (a) identification of land or interests in land in or around Badgerys Creek held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd or any company or body or individual associated with such companies and/or what is referred to in the Department of Planning documents as the Medich Property Group,
 - (b) the roles of the Minister for Planning, the office of the Minister for Planning, any other Minister, the Department of Planning, and any other NSW government department or agency past or present, or any individual within the said entities, in decisions or assessments relating to that land, including, but not limited to, decisions or assessments on the Western Sydney Employment Lands Investigation Area,
 - (c) the roles of any member of the Government, the office of any member of the Government or any other party in dealing with the land,
 - (d) the role and activities of the State Labor Party head office and any lobbyist in relation to these matters, and
 - (e) other relevant matters arising from the Government's planning policies and decisions.
2. That the Committee report by 20 November 2009.

This is an important inquiry given the intense public interest in questions about the integrity and transparency of the planning system, which have arisen as a result of events over the past couple of weeks. At the outset I make it clear that the Coalition's intention in moving this motion for an inquiry is to avoid any witch-hunt and any interference with other investigations that are taking place. It is to firmly and quickly deal with the questions that now hang over the planning system in this State. I emphasise again that it is not the intention with this inquiry to in any way interfere with or touch upon a police investigation into matters of which all members are aware nor is it in any way intended to interfere with or influence any investigation by the Independent Commission Against Corruption that may take place in relation to corruption issues.

A great deal of concern has been expressed about the potential influence of developers in the planning process. It is in the interests of the public to have transparency in the planning process to ensure that our planning system is beyond reproach. Members in this House have previously considered these sorts of matters—the most obvious example or precedent being the Orange Grove inquiry, which arose because questions were asked about the integrity and transparency of the planning process. It is entirely appropriate for members in this House to investigate such matters. This motion, which has been carefully drafted, will result in a quick inquiry with a reporting date of 20 November this year. It has been carefully drafted to ensure that it does not become a broad-ranging witch-hunt into all sorts of other issues.

I hope that members on the crossbenches will support this inquiry, which raises a number of issues relating to transparency and integrity—issues about which they are concerned. I would like this inquiry to examine carefully issues relating to matters that have been raised. We have not supported the concept of a much broader and wide-ranging inquiry into the planning system, in large part because such an inquiry is currently underway. I understand that the Standing Committee on State Development has already taken evidence in such an inquiry and it is preparing its report. We do not think it would be a sensible use of resources, and we would not want to pre-empt the report of that committee's general inquiry into the planning system, by embarking now on another broad-ranging inquiry.

This inquiry will examine the planning system, planning instruments and, to an extent, the influence of various parties in the planning system. It is relevant to conduct this inquiry because of the land involved, which has been identified in the motion. We have been told by the Department of Planning that that land has been the subject of consideration for a rezoning—it is continuing to be the subject of consideration for a rezoning—which would have a significant impact on the value of that land. I refer members to a Department of Planning circular or press release—I am not sure what it is—dated 7 September 2009 and headed, "Former CSIRO site, Badgerys Creek." All members are aware that the former CSIRO site is the site that is now owned by the companies mentioned in the motion. The Department of Planning document states:

In early 2007, the NSW Government released an Action Plan for Sydney's employment lands ...

This included a recommendation to investigate a large tract of land in Western Sydney ...

The former CSIRO site—

that is, the subject land—

is incorporated in this investigation area.

In 2008 the Department of Planning declined the request for the former CSIRO site to be considered for listing as a State Significant Site, because it was decided it should not be considered in isolation in the absence of a strategic planning framework for the broader WSELIA ...

Any future development on lands identified in the WSELIA will need to be considered in the context of existing employment lands supply, proximity to existing and planned residential areas and infrastructure requirements, particularly water, sewerage and transport.

That is what the Department of Planning said on the record about what occurred in relation to this property. We know that one of the parties associated with it was Mr Vereker, who was mentioned at the inquiry of the Independent Commission Against Corruption into the performance of Wollongong City Council. We know that the current owners of the land are large donors to certain political parties. We also know that one of the lobbyists in this State is on the record as saying that he lobbied the Department of Planning on behalf of this State and that he had heard an audiotape and could tell police what was on that audiotape.

In all those circumstances we believe it is appropriate to conduct a focused and directed inquiry into the integrity and transparency of the planning system. I understand that the Greens propose to move a couple of amendments to this motion. I indicate that we will support the amendment that relates to legislative instruments, or a legislative means of ensuring integrity in the planning system. I commend the motion to the House.

Ms SYLVIA HALE [11.25 a.m.]: As Mr Greg Pearce indicated, I move:

That the question be amended as follows:

1. In paragraph 1 insert after "planning decisions" the words "by the NSW government including but not limited to those".
2. Insert after subparagraph (d):
 "(e) legislative reforms to enhance the integrity of, and public confidence in, the planning and development assessment system,"

Paragraph 1 will then read:

1. That General Purpose Standing Committee No. 4 inquire into and report on land dealings and planning decisions by the New South Wales Government including but not limited to those relating to land or interests in land held solely or jointly by Ron Medich Properties Pty Ltd in or around Badgerys Creek, and in particular:

There is huge public disquiet about the material that has been appearing in the press. I am concerned to some extent as it is highly probable that none of this material would have appeared had it not been for the murder of Mr McGurk. It is interesting to see the players and their connections that are being thrown up in this process. For example, the Tweed is well known for dodgy developments in that area. One of the substantial applicants for development approval was Mr Bob Ell of Leda Holdings. We know that Mr Ell is well known as a significant donor to the Labor Party. Right across this State—whether we care to look at the Rose Group of Catherine Hill Bay and Gwandalan, whether we look at the Tweed, or whether we look down south at Wollongong—scandals are bubbling away under the surface and only intermittently do members of the public become aware of them.

It is fortunate and it is in the public interest that this material is now seeing the light of day. That is why the Greens have been concerned about the narrow focus of the Opposition's proposal. We believe that by focusing solely on the activities of Medich Properties we are avoiding the major issues that are confronting planning in this State—issues revolving around part 3A of the Environmental Planning and Assessment Act, issues revolving around developer donations, and issues revolving around the exercise of ministerial discretion. Those issues relate also to State environmental planning policies and the way in which those policies empower the Minister to dictate to local councils and to local communities the planning decisions that will be made.

A range of issues cause huge disquiet in the community. It is inappropriate for this inquiry to not deal with at least those issues, particularly given the limited powers of parliamentary inquiries to compel witnesses to attend and provide information. The public should be encouraged to come forward and, under the protection of limited parliamentary privilege, put on the public record their knowledge of the scandalous circumstances surrounding so many significant development decisions in this State.

The committee should undertake useful work not merely by talking about Mr Medich's dealings with the Government but also by discussing and reporting on the legislative reforms to enhance the integrity of and public confidence in the planning and development assessment system. I thank the Opposition for agreeing to support that amendment. The Greens do not believe the terms of reference of the proposed inquiry go far enough. That is why we have stated publicly that a royal commission should be held. Any inquiry by the Independent Commission Against Corruption is limited by the terms of the commission's Act. Any inquiry by the Independent Commission Against Corruption will not go to the heart of the trouble, that is, the systemic opportunities for corruption and poor decision making set in place by government amendments to the Environmental Planning and Assessment Act. A royal commission should inquire more broadly into issues other than those surrounding the murder of Mr McGurk and the tape recording. The inquiry proposed by the Opposition is too limited in its scope, but public interest and the scandal surrounding the Government requires this Parliament to at least act in whatever limited capacity possible.

The Hon. TONY KELLY (Minister for Police, Minister for Lands, and Minister for Rural Affairs) [11.32 a.m.]: At the outset I welcome back the Hon. Greg Pearce, who missed the locking of the doors when the division was called. Obviously, his motion was so urgent that he missed the division! Luckily for those opposite he was paired in the end.

The Hon. Michael Gallacher: Point of order: the Hon. Greg Pearce was paired and the Minister is aware of that.

The PRESIDENT: Order! There is no point of order. Pairs are arranged informally between the parties.

The Hon. TONY KELLY: It is interesting that the member was paired for a division called during debate on his own urgency motion. As I stated earlier, the Hon. Greg Pearce has moved this motion purely for political gain and to attack the Labor Party knowing that the Standing Committee on State Development conducted a year-long inquiry into planning issues and is about to deliberate on its report. I welcome the opportunity to put some facts on the record. In early 2007 the Government released an action plan for Sydney's employment lands as recommended by the Employment Lands Task Force. This investigated large tracts of land for employment uses in western Sydney. The former CSIRO site, which has been mentioned often in the press, was included in this investigation area. Separate from this process, in 2008 the Department of Planning received and declined a request that the CSIRO land be considered for listing as a State significant site. The decision was that the CSIRO site should not be considered in isolation of the broader plans for employment land that were underway. That is why the application to consider the former CSIRO site as State significant land was declined by the department.

In July 2009 Cabinet considered plans for employment land in western Sydney and decided to proceed with rezoning 800 hectares of employment land in western Sydney, delivering about 16,500 jobs. The former CSIRO site and a number of other potential sites in the western Sydney employment lands investigation area were not rezoned. I repeat: the former CSIRO site and a number of other potential sites in the western Sydney employment lands investigation area were not rezoned as there are unresolved transport and sewerage infrastructure issues. The specific proposal for the CSIRO site was declined pending wider planning investigations. These investigations concluded that infrastructure constraints prevented the site from being rezoned at this time. The CSIRO site remains zoned rural. I repeat: The CSIRO site remains zoned rural, as it has for a number of years.

No current proposals are in place to rezone the former CSIRO site. Any future rezoning would need to be considered in the context of supply and demand for employment land in the area, proximity to existing and planned residential areas, and infrastructure requirements, particularly water, sewerage and transport. The Minister for Planning is on record stating that neither she nor her staff recall ever having had conversations or communications with Mr McGurk or Mr Medich. We will not support an upper House inquiry. These matters are best managed by the police and by the Independent Commission Against Corruption. I repeat, the fundamental fact is that the land in question was not rezoned by the Government, the Government last year rejected a request for State significant site listing for this piece of land, the New South Wales police are undertaking a murder investigation and the Independent Commission Against Corruption has launched its own investigation. As this motion is a political stunt and will probably be passed by this House, I move:

That the question be amended as follows:

1. Omit subparagraph 1 (c) and insert instead: "(c) the roles of any member of Parliament, the office of any member of Parliament or any other party in dealing with the land,".
2. Omit subparagraph 1 (d) and insert instead: "(d) the roles and activities of the State Labor Party head office and any other registered political party office and any lobbyist in relation to those matters,".

Reverend the Hon. FRED NILE [11.37 a.m.]: The Christian Democratic Party supports the general thrust of the motion of the Hon. Greg Pearce and also will support the amendments proposed by the Government. Those amendments will make the parliamentary inquiry more transparent and balanced than the terms of reference proposed in the motion of the Hon. Greg Pearce. If this motion is passed there will be three inquiries, and I am concerned about the danger of those inquiries overlapping: the upper House inquiry, the Independent Commission Against Corruption inquiry into alleged corruption—the parliamentary inquiry must guard against hindering that inquiry—and, of course, the police inquiry into the murder of Mr McGurk. That contract killing is obviously a serious matter. As I said yesterday, the police inquiry involves not just a murder but almost certainly organised crime in the shadows. The police must have all the support and authority they need to carry out their investigation, without fear or favour, and get to the truth of the matter.

I am concerned about amendments proposed by Ms Sylvia Hale, who is very anxious to have a statewide inquiry into planning and other matters. As has been stated, the Legislative Council Standing Committee on State Development is conducting an inquiry into the totality of the State's planning laws, their operation, recent amendments, and the effect of all those matters. The committee has received submissions from a large number of local government councillors in New South Wales. Some expressed no dissatisfaction with planning laws, but others are not happy. All that information has been received by the inquiry. In due course a report will be produced. I do not believe that that inquiry's activity should be duplicated by the inquiry proposed by the motion. In general, I do not believe the Greens' amendments are necessary. The motion focuses specifically on General Purpose Standing Committee No. 4 inquiring into and reporting on "land dealings and planning decisions relating to land or interests in land held solely or jointly by Ron Medich Properties Pty Ltd and Roy Medich Properties Pty Ltd in or around Badgerys Creek" and other matters. The motion sets the direction for the inquiry, and that focus should be retained.

The Hon. GREG PEARCE [11.41 a.m.], in reply: I thank members for participating in the debate. I commend the motion to the House.

The PRESIDENT: Both members who moved amendments wish the questions to be put on the parts of the amendments separately.

Question—That Ms Sylvia Hale's amendment to paragraph No. 1 be agreed to—put.

The House divided.

Ayes, 5

Mr Cohen
Reverend Dr Moyes
Ms Rhiannon

Tellers,
Ms Hale
Dr Kaye

Noes, 32

Mr Ajaka	Mr Hatzistergos	Mr Robertson
Mr Catanzariti	Mr Kelly	Ms Robertson
Mr Clarke	Mr Khan	Ms Sharpe
Mr Colless	Mr Lynn	Mr Tsang
Ms Cusack	Mr Macdonald	Mr Veitch
Mr Della Bosca	Mr Mason-Cox	Ms Voltz
Ms Fazio	Reverend Nile	Mr West
Ms Ficarra	Mr Obeid	Ms Westwood
Miss Gardiner	Ms Parker	<i>Tellers,</i>
Mr Gay	Mrs Pavey	Mr Donnelly
Ms Griffin	Mr Pearce	Mr Harwin

Question resolved in the negative.

Amendment of Ms Sylvia Hale to paragraph No. 1 negatived.

Question—That the amendment of Hon. Tony Kelly to paragraph No. 1 (c) be agreed to—put and resolved in the affirmative.

Amendment agreed to.

Question—That the amendment of Hon. Tony Kelly to paragraph No. 1 (d) be agreed to—put and resolved in the affirmative.

Amendment agreed to.

Question—That the amendment of Ms Sylvia Hale to paragraph No. 2 be agreed to—put.

The House divided.

Ayes, 20

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

Noes, 19

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

Question resolved in the affirmative.

Amendment of Ms Sylvia Hale agreed to.

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

Motion as amended agreed to.

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

QUESTIONS WITHOUT NOTICE

GOSFORD HOSPITAL EMERGENCY DEPARTMENT SERVICES

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Health. Is the Minister aware that today's emergency department performance figures show that at Gosford Hospital 62 per cent of patients with an imminently life-threatening condition were not treated within the most clinically appropriate 10-minute timeframe, 56 per cent of patients with a potentially life threatening condition were not treated within the most clinically appropriate 30-minute timeframe, and 48 per cent of patients with a potentially serious condition were not treated within the most clinically appropriate 60-minute timeframe? Is the Minister also aware that at Wyong Hospital 47 per cent of patients with an imminently life-threatening condition were not treated within the most clinically appropriate 10-minute timeframe, and similarly in relation to patients in the 30-minute and 60-minute timeframe classifications? What is the Minister doing to fix that? Will the Minister get on with the job and support our hardworking front-line hospital staff and give them the resources they need to treat Central Coast emergency patients within time?

The Hon. JOHN HATZISTERGOS: I am aware that the Leader of the Opposition and the Opposition generally do not understand how to read performance figures because if they do they would understand that the performance benchmarks do not require every patient in categories two to five to be treated in the benchmark time. Indeed, in category two, 80 per cent are to be treated within the benchmark time, categories three, four and five, less so, cascading to 70 per cent in the case of category five. The Leader of the Opposition and the shadow Minister for Health is not aware, but I am, that benchmarks measure overall performance of the emergency department, not the time that every patient has to be treated, unless they are in category one.

It is true that the State's hospitals have experienced unprecedented numbers of presentations to emergency departments, and admissions to intensive care as a result of the pandemic H1N1 2009 influenza but, despite that, more patients are receiving treatment in emergency departments within benchmark time than ever before in New South Wales, to the credit of the public hospital system and to dedicated personnel. June 2009 performance data shows that more than 174,000 emergency department attendances were recorded during the month, which is a massive 8.2 per cent increase on the same time last year. For the year, our hospitals had in excess of two million presentations. Emergency department admissions have continued to increase with an additional 3.7 per cent of patients admitted to hospitals in the same period compared to last year. That means more than 36,000 patients were admitted to hospital after the initial emergency department triage during June. For the year there were in excess of 400,000 emergency department admissions.

The increased demand for health services is also reflected in the State's ambulance workload, with a 2.7 per cent increase in ambulance transport statewide compared to the same time last year. Despite that rising demand, New South Wales remains the nation's best performer in terms of emergency department triage benchmarks. Patients are more likely to be seen in a clinically appropriate time in New South Wales emergency departments than anywhere else in the country. It is a tremendous performance by the New South Wales public hospital system and its staff. Those improvements are the results of careful planning, the setting of clear targets, the allocation of funding and support for those services. In addition, our elective surgery performance continues to be sustained, and New South Wales is effectively meeting the national benchmarks that are set for elective surgery.

The recent Australian Institute of Health and Welfare report highlighted that New South Wales had the lowest percentage of its residents waiting for surgery in excess of 365 days. In New South Wales only 1.8 per cent of residents waited in excess of a 12-month benchmark, an improvement over last year, and it compares to the national figure of 3 per cent. Most importantly, support is being given to clinicians and nurses through the Emergency Care and Surgical Services Taskforces, and the Clinical Services Redesign Program. This Government has invested in excess of 2,000 new permanent beds, and bed equivalents in the State hospital system since 2005 to ensure ready access to health services for the people of New South Wales.

What did the Coalition do when it was in government? It slashed 7,500 beds. Mrs Skinner handed out how-to-vote cards to elect a Liberal government that had slashed 7,500 beds from the public hospital system. This financial year the Government will deliver 69 medical assessment unit beds, 30 acute hospital beds, three intensive care unit beds at John Hunter, St George and Gosford hospitals, three neonatal intensive care beds—two at the Royal Hospital for Women and one at the Children's Hospital, Westmead—and expanded community acute and post-acute services for over 8,000 places. [*Time expired.*]

WHOOPING COUGH EPIDEMIC

The Hon. PENNY SHARPE: My question is addressed to the Minister for Health. What is the Government doing to address the whooping cough epidemic?

The Hon. JOHN HATZISTERGOS: Within two weeks of contracting whooping cough, a child begins to have uncontrollable fits each with 5 to 10 forceful coughs, followed by a high pitched "whoop" sound as the child struggles to breathe. Infection in newborns is particularly serious, with a death risk of up to 3 per cent, often caused by severe pulmonary hypertension. Those alarming symptoms take on an even more urgency given that New South Wales is currently in the grip of a whooping cough epidemic. In the past 12 months the number of cases has increased by more than threefold on last year. Whooping cough has taken the lives of three Australian infants this year, including one child from New South Wales, and infected more than 27,000 in the past 12 months, compared to 7,500 for the previous 12-month period.

At a meeting in Canberra last week, health Ministers from across the country backed a New South Wales initiative to set up a pandemic immunisation strategy to tackle this epidemic. Diseases such as whooping

cough know no boundary and as such this epidemic requires a national response. This national strategy will help to prevent the spread of the disease and protect vulnerable children, especially those under 12 months old. It will raise awareness about the need for boosters for new parents and childcare workers, and counteract misinformation about immunisation. Unfortunately a lot of people spread misinformation about immunisation. I do not know whether the Greens know any of them.

Those opposite should not laugh; this is serious. The misinformation on the North Coast of New South Wales about immunisation has been completely irresponsible. One of the tragedies occurred on the North Coast of New South Wales because people went around and said, "Don't immunise". This highly infectious disease is largely preventable, and I strongly urge parents to have their newborns vaccinated when they reach six weeks old, as well as themselves and close family members. The vaccine is normally given at two, four and six months of age. However, parents and general practitioners are being urged to bring the first dose forward to six weeks of age to provide earlier protection. Parents should ensure that their babies are protected from people with coughing illnesses and people with coughing illnesses should avoid young babies.

In New South Wales we have been working hard to address this epidemic for much of the year. The Rees Government had committed \$8.25 million to provide 330,000 free doses of whooping cough vaccine for parents, carers and infants since March this year. Almost 300,000 doses have so far been distributed across the State. I urge all parents across the State to have their children vaccinated. The experts recommend children be given the combination vaccine, which protects against whooping cough, and five other diseases. If symptoms develop, it is important people are diagnosed and treated early with antibiotics to help stop the disease spreading. For further information members should go to the website www.health.nsw.gov.au.

EXCEPTIONAL CIRCUMSTANCES ASSISTANCE

The Hon. DUNCAN GAY: My question without notice is addressed to the Minister for Primary Industries. Is the Minister aware that Bega Valley and Eurobodalla came out of exceptional circumstances relief last September? Is the Minister aware that those areas, along with a growing part of southern New South Wales, are experiencing worsening conditions and that producers are desperate to have that support reinstated? Will the Minister give a commitment to look again at the differing drought situations within large designated areas? Will the Minister explain why he has not put pressure on his Federal colleagues to stop delaying and to make sure that exceptional circumstances applications are approved as quickly as possible in those areas in order to protect the livelihood of our farmers?

The Hon. IAN MACDONALD: I congratulate the Deputy Leader of the Opposition on his interest in this issue. However, I fail him on his so-called facts because the Government has put forward Bega for renewal of exception circumstances relief. In fact, on about 9 May 2009 it was granted prima facie drought assistance.

The Hon. Melinda Pavey: He is very prima donna.

The Hon. IAN MACDONALD: The Hon. Melinda Pavey ought to talk; she is the prima donna of this Chamber. She is always on a high C. My point is that prima facie approval was given to Bega on about 9 May. The Government is hopeful that exceptional circumstances drought relief will be renewed for the Bega Valley. I will check on the extent of the Eurobodalla relief.

The Hon. Duncan Gay: Minister, you do remember how vociferous you were about the Howard Government.

The Hon. IAN MACDONALD: I have two minutes and fifty-three seconds to engage in conversation with the Deputy Leader of the Opposition. What was the conversation you are referring to?

The Hon. Duncan Gay: You remember how vociferous you were about the Howard Government over these matters. We have not heard a word about it since the change of Government. Can the Minister explain why that is?

The Hon. IAN MACDONALD: Is that a supplementary question? I guess the question is acceptable, because it is dealing with the word "drought".

The PRESIDENT: Order! As moderator in this House, I ask the Minister to ignore interjections and respond to the question.

The Hon. IAN MACDONALD: I always try to do that.

The PRESIDENT: Thank you, Minister.

The Hon. IAN MACDONALD: Sometimes that is exceedingly difficult, and irresistible when dealing with the Deputy Leader of the Opposition.

The Hon. Duncan Gay: What about the large areas?

The Hon. IAN MACDONALD: Just a second, I have been asked whether I have said anything. The Deputy Leader of the Opposition should go and ask Mr Tony Burke, the Federal Minister for Agriculture, Fisheries and Forestry, what he thinks about my public statements on drought. I am forever making statements about that, and I have a great list of them. If I am asked that question during the estimates hearings next week I will give the information.

The Hon. Michael Gallacher: You may not be here then.

The Hon. IAN MACDONALD: I certainly will be. The Leader of the Opposition should put his money where his mouth is.

The Hon. Michael Gallacher: You will not be answering questions about this next week. It will be the Hon. Tony Catanzariti.

The Hon. IAN MACDONALD: Don't be silly, I will be there. The Hon. Tony Catanzariti would be a very good Minister; at least he is a good local member in Griffith compared to that fellow who is there now. What is his name? Piccoli or Pickoldi, or something like that. The Hon. Tony Catanzariti would be a great member and a great Minister for the Griffith area. However, he has to serve his time to get there and would have to sit on the backbench for a fair while. My point is that I have made many statements over the last year and a half, or two years, about drought issues relating to Federal exceptional circumstances relief. We have been successful in most of the cases that we have pursued with the Federal Government on that issue. Next week I will document that for the Deputy Leader of the Opposition. In response to his supplementary question regarding the larger areas, having re-formed the protection boards and formed the new organisation, we have put in specific areas within that large area. They are known as part 1 or part 3. They nominate the area. There is no difficulty with that whatsoever.

AUBURN ATTACK ON POLICE

Reverend the Hon. FRED NILE: I ask the Minister for Police a question without notice. Will the Minister inform the House why a crowd of about 150 Muslim young men attacked police officers of the Middle Eastern Organised Crime Squad who were trying to discharge their legal duty in confiscating drugs and firearms? Were about 100 police officers, including the riot squad, the dog squad and Polair needed to break up the crowd? Were any in that crowd charged with riot and affray? If not, why not? Is there an inherent disrespect within some sections of this community towards New South Wales police and our institutions of law and order? If so, what is the Government doing to address that problem?

The Hon. TONY KELLY: I am advised that police executed several search warrants on four Auburn residences overnight and have made five arrests in relation to those search warrants. Two of the men arrested were charged with the wounding of a police officer, assault and resisting arrest. A large crowd gathered outside the houses, requiring police to call in assistance to maintain control of the situation. As Reverend the Hon. Fred Nile suggested, officers from the Public Order and Riot Squad, the Dog Unit, Polair and local police provided additional assistance and expertly managed to control and diffuse the situation. I am advised that police moved several groups away from the area. I am advised also that no member of the crowd was injured or arrested. The situation was diffused without incident. Order was maintained. I commend the police for their very efficient and swift action during the incident.

MOBILE PHONE DETECTION IN PRISONS

The Hon. AMANDA FAZIO: My question is directed to the Minister for Corrective Services. What action is the Government taking to keep mobile phones out of prisons?

The Hon. JOHN ROBERTSON: The possession and use of mobile phones by inmates poses a significant threat to the safety of prison staff and the community at large. Mobile phones may enable inmates to carry on their criminal activity from within prison. That is why the Government is committed to giving the hardworking officers of Corrective Services New South Wales the powers and resources they need to keep mobile phones out of prisons. I am pleased to advise the House that today the Government delivered on its commitment to have mobile phone detection dogs available for use within the State's correctional centres.

Starting today, Jedda the labrador and Boe the border collie will be working in New South Wales correctional centres as Australia's first mobile phone sniffer dogs. This morning, I had the opportunity to watch a demonstration of the dogs at work at Long Bay Correctional Centre. I was extremely impressed by not only the skilful tracking of the dogs themselves, but also of the professionalism of their handlers. In March this year, the Government had announced that Corrective Services New South Wales was commencing a trial project for dog detection of mobile phones in prisons. The project involved the Corrective Services New South Wales K9 Unit training Jedda and Boe to sniff out mobile phones in and around correctional centres.

The deployment of these dogs today is a result of the successful completion of the trial project. The dogs have been trained to detect trace scents of lithium, which is a chemical that is found in mobile phones. However, I am told that the trial was not without its challenges, because lithium can be found also in watch batteries as well as other technological devices. But after their intensive training, the dogs are now able to pick up the scent of phone batteries, casings and SIM-cards with exceptional accuracy. Jedda and Boe now form part of the State Emergency Unit roving group.

The great thing about the dogs is that they can be easily moved around and they are suitable for all types of facilities. The successful training of sniffer dogs is an important boost to the arsenal in the fight to keep mobile phones out of correctional centres. But it must be acknowledged that sniffer dogs are only one part of what must be a multi-faceted approach to the problem by the Department of Corrective Services. A number of other strategies in correctional centres are employed to stop mobile phone trafficking, such as the use of metal detectors, intelligence-based and random searches of inmate cells, and contraband searches of prison visitors.

The Government has also progressed in its plans for a trial of mobile phone jamming technology. The Department of Corrective Services has engaged experts in mobile phone jamming to advise the Australian Communications and Media Authority on the technical detail for the trial and develop a rollout plan for the Lithgow test site. As I have previously outlined, we cannot proceed with the trial until the authority grants a legal exemption to the Department of Corrective Services. Therefore I have also written to the authority advising it to contact my office directly if it needs any further information to assist it in its determination. I am sure all members of the House will join me in thanking the hardworking men and women of the Department of Corrective Services for their dedication and commitment to keeping our community safe.

PARLIAMENTARY ALLOWANCES

Ms LEE RHIANNON: I direct my question to the Attorney General, representing the Premier. Given that the Rudd Labor Government has moved to slash the \$100,000 printing allowance for Federal members of Parliament following reports of widespread roting, will the Premier also move to bolster public confidence in New South Wales members of Parliament by removing the \$5.5 million electorate mail-out—

The Hon. Amanda Fazio: Point of order: I believe this question is out of order as allowances for members of Parliament are set by the Parliamentary Remuneration Tribunal, not by the Premier. I would have thought that Ms Rhiannon, being a strident critic of any allowances for members of Parliament, would be well aware of that fact. I ask you to rule the question out of order.

Ms LEE RHIANNON: To the point of order: Clearly the Premier has a role and has often commented on the issue of salaries and remuneration. Surely the member does not want to gag questions on this.

The PRESIDENT: Order! I uphold the point of order. I remind members also that Standing Order 65 (2) (b) states that questions must not ask for a statement or announcement of government policy. The question is out of order on two grounds.

MINISTRY

The Hon. GREG PEARCE: I direct my question to the Attorney General, Minister for Health, and Minister for Industrial Relations. Is the reason the Minister has deflected a number of questions put to him

concerning matters of public administration for which he is responsible, including his membership of the Workplace Relations Ministerial Council, which is considering a uniform national model occupational health and safety Act, that he has been sidelined in that process by Minister Tripodi?

The Hon. JOHN HATZISTERGOS: No.

ENVIRONMENTAL TECHNOLOGIES

The Hon. MICHAEL VEITCH: My question is directed to the Minister for State Development, and Minister for Energy. Will the Minister inform the House what action the Government is taking to promote the State's best environmental technologies?

The Hon. IAN MACDONALD: There is no doubt that the New South Wales Government is committed to growing skills and industries in conservation in this State, as witnessed by our response to the February Jobs Summit. New South Wales offers a highly attractive location for business and investment in environmentally friendly industries and technologies. We have a growing core of innovative companies working on environmental technologies, including the production of long-life batteries, solar and wind energy devices, water purification, environmental remediation, pollution monitoring, wastewater treatment and landscape management.

The Government, through Industry and Investment NSW, offers business programs to help companies grow and sustain competitiveness in conservation industries in New South Wales. These include investment facilitation and advocacy support for major projects and initiatives as well as business skills development targeted to start-ups, inventors and young entrepreneurs. Another way we are assisting the growth of conservation jobs and industries is by promoting locally developed technologies through the Australian Technology Showcase [ATS] program. Some of the State's best environmental technologies, including a company developing an air-conditioner 12 times more efficient than current models, have been inducted into this Government-supported program.

The Australian Technology Showcase [ATS] is helping promote innovative New South Wales companies to national and international markets to help build conservation and smart jobs and help in the fight against climate variation. Since its inception in 1998, the ATS program has helped more than 600 companies attract investment and generate exports and domestic sales valued at more than \$720 million, including more than \$49 million in 2007-08. The ATS includes 261 current and alumni New South Wales members covering a range of technology areas.

Environmental technologies in the ATS include Caringbah company Air Change Pty Ltd, which has won a \$450,000 grant from the Climate Ready program to develop the Green Machine, a world-first air-conditioning system up to 12 times more energy efficient than traditional systems. This machine will combine an indirect evaporative cooling system with highly efficient heat exchanger technology and solar power. It will eliminate the need for air-conditioner compressors and ozone-depleting refrigerants. The system is due on the market by 2011 for both domestic and commercial use. Air Change says heating, ventilation and air-conditioning account for up to 40 per cent of the energy used in commercial buildings and 4 per cent of Australian greenhouse gas emissions. The company hopes that its machine will help the fight against climate change by drastically reducing energy consumption required for cooling.

Another New South Wales company in the ATS, Vecor Australia Pty Ltd, of Roseville, has developed a process to convert fly ash waste from coal-fired power stations into low-cost and lightweight ceramic tiles. Vecor has also won a Climate Ready grant. Other New South Wales environmental technologies being promoted through the ATS include: Katoomba company Clearwater Technology Pty Ltd, which makes chemical-free water recycling systems for treating wastewater for reuse in irrigation, toilet cisterns and path washing; and Silverwater company Nubian Water Systems Pty Ltd, which makes a low-energy and chemical-free automated water filtration system that takes greywater from handbasins, showers, baths and washing machines and makes it suitable for irrigation and internal reuse.

The New South Wales Government, through Industry and Investment NSW, has also developed a directory profiling 81 New South Wales companies working in the field of environmental improvement. We will continue to work with industry to ensure New South Wales remains at the forefront of environmental technological development.

CANOLA HANDLING CHARGES

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Does the Minister acknowledge that GrainCorp is charging conventional canola farmers \$2.50 per tonne of canola for verification and segregation services? If the Minister acknowledges that this is occurring, would he agree that this has given genetically modified [GM] canola an unfair market advantage? Why are GM canola growers not paying for segregation by grain handlers?

The Hon. IAN MACDONALD: I normally would not enter into the commercial relationships and situations in the grains industry. I do not have the precise details of any fee that may be charged or how it applies. I will have a look at that matter. I have had discussions with industry, with the Australian Oilseeds Federation and others in the past year. I understood that there was a significant demand now for some of the GM canola varieties. It appears that last season there was some success with the about 5,000 hectares grown to it in New South Wales and Victoria. I do not have the specific details of any charge that is being made for handling. I will have a look at the issue.

Mr IAN COHEN: I ask a supplementary question. Would the Minister agree in principle that in relation to segregation, GM canola growers should pull their weight and pay the charges in a similar way to the conventional growers?

The Hon. IAN MACDONALD: As I said, I will talk to the—

[Interruption]

I am not going to say whether I agree or do not agree. I am going to find out what the situation is before I make a comment.

MINISTER FOR CORRECTIVE SERVICES AND MICHAEL MCGURK

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Corrective Services, Minister for Public Sector Reform, and our very Special Minister of State. Can the Minister confirm whether his dealings with Michael McGurk continued after the Minister became a Minister of the Crown, given that he had extended contact with Mr McGurk following a dispute over the sale of Currawong when the Minister was Secretary of Unions NSW?

The Hon. JOHN ROBERTSON: I have been missing my special friend on the other side of the Chamber—the frustrated, and almost, candidate for Monaro. Mr McGurk was one member of an unsuccessful group that failed in its bid for Currawong. My recollection is that I had two meetings with Mr McGurk when I was Secretary of Unions NSW, and that I have had no further contact.

CHILD PROTECTION

The Hon. LYNDIA VOLTZ: I address my question without notice to the Minister for Police. Will the Minister update the House on the action the Rees Government is taking to improve child protection measures?

The Hon. TONY KELLY: This morning I attended the breakfast at Parliament House as part of National Child Protection Week organised by the National Association for the Prevention of Child Abuse and Neglect, known as NAPCAN. In fact, the NAPCAN Chief Executive Officer, Maree Faulkner, who is in the gallery, organised this morning's event. My ministerial colleague the Minister for Community Services, Linda Burney, and I were addressed by Angela Barker, a young woman from Victoria. Miss Barker spoke with a great deal of sincerity and courage. Unfortunately, Miss Barker is confined to a wheelchair and is able to speak only through a computer. She was the victim of a very vicious attack from a former boyfriend, which left her with partial brain damage when she was 16 years old.

Miss Barker has courageously taken her story, both in person and through a DVD, to school students in years 9, 10 and 11 to help educate them and to bring about change. The message was loud and clear: We, as a community, must do everything we can to address the protection of children. NAPCAN is commencing a two-month campaign to engage the Australian community about the prevention of child abuse and neglect, commencing with a national online survey of community attitudes that will be used to help develop effective

prevention strategies. This survey is part of the Council of Australian Government's "Protecting Children is Everyone's Business: National Framework for protecting Australia's Children 2009-2020"—the largest survey of its kind in Australia.

The survey commenced yesterday with more than 2,000 people going online. It would do members well to go online at www.napcan.org.au to establish what that survey entails. Complementing the work that is being done at a national level, New South Wales continues to pioneer significant improvement to child protection systems as part of the response to the report of the Wood inquiry. In March 2009 the New South Wales Government released its response to the inquiry and prepared a high-level action plan entitled "Keep Them Safe: A Shared Approach to Child Wellbeing". The plan shares the child protection responsibility across both government and non-government agencies to get better protection for our children. Child wellbeing units are being created in the main mandatory reporting agencies, including the New South Wales Police Force.

Reports of children who are not at immediate risk of significant harm will be forwarded to these units for appropriate action, or further referral to regional intake and referral services that will be established to provide services to children who may otherwise be missing out. Children who are believed to be more seriously at risk will continue to be referred to the Department of Community Services helpline. I am pleased to be able to say that the child wellbeing units are on track to commence operations in October 2009. The units will become fully operational with the commencement of the new legislation in January 2010. The wellbeing of Australian children is everybody's business—it is not just the responsibility of governments—and should be shared by the whole community: by individuals, professionals, businesses and the media. I commend the work of bodies such as NAPCAN that work tirelessly to promote positive change and to ensure a safer future for our children. I hope that National Child Protection Week is a success in engaging all Australians to help make a difference in the protection of our children.

POLICE TASER USE

Ms SYLVIA HALE: I address my question to the Minister for Police. In a recent media release the Minister repeated his undertaking that tasers "will be used by police only under strict conditions when someone poses a real and immediate risk to themselves, other members of the public or to police". How, therefore, does the Minister explain the actions of police who, in November 2008, threatened to taser a climate change activist who was locked onto machinery at Bayswater power station in order to make him unlock himself; and the use of a taser on a man in Oxford Street on 29 March 2009 even though footage shows him as appearing to comply with police instructions to leave the roadway, and then the use of a taser on him a second time, even though he was surrounded by four police officers? Why should anyone believe the Minister when he says that police will not misuse tasers?

The Hon. TONY KELLY: Once again I advise the House that if any member is aware of any accusation about any police officer in New South Wales, there is an appropriate body to whom that member can make representations. The police have standard operating procedures for the use of tasers and everything else they do. If the member is aware of any specific accusations, rather than repeat those accusations in this House she should make representations to a police station, to the Police Integrity Commission [PIC], or to the Professional Standards Command. Four groups investigate the activities of the New South Wales police—the Professional Standards Command, the Ombudsman, the ICAC, and the Police Integrity Commission. The member should report any such accusations to one of those groups; she can take her pick.

TAMWORTH HOSPITAL REDEVELOPMENT

The Hon. TREVOR KHAN: My question without notice is addressed to the Attorney General, and Minister for Health. Now that the Tamworth health services plan has been completed and endorsed will the Minister confirm that this plan will form the basis for the redevelopment of Tamworth hospital? Will the Minister confirm that the redevelopment of Tamworth hospital will include the provision of radiotherapy services? Will the Minister confirm that the redevelopment of the hospital includes an upgrade to a 297-bed facility from the present 350 day beds, and if not why not? Is the Minister aware that the former Minister for Health, the Hon. John Della Bosca, indicated to the *Northern Daily Leader* that he hoped to travel to Tamworth within six weeks—that is, within six weeks of 24 August 2009? Now that the Attorney General is the Minister for Health will he confirm whether he is prepared to visit Tamworth and the hospital, speak with local medical practitioners and staff, and obtain on-the-ground knowledge and advice from staff on the redevelopment and how it will proceed?

The Hon. JOHN HATZISTERGOS: The Hon. Trevor Khan has a real nerve to ask questions about Tamworth hospital. At the last election he lined up behind a candidate who said it was not necessary. I am intrigued with the run of questions we are getting from the member about Tamworth hospital, what is being provided, and what is not being provided. The Government's commitments on Tamworth hospital are clear. What is not clear is the Opposition's commitment to that hospital.

STATE ECONOMY

The Hon. HENRY TSANG: My question is directed to the Treasurer. Will the Treasurer provide the House with the Government's response to recent economic data?

The Hon. ERIC ROOZENDAAL: I acknowledge the interest of the Hon. Henry Tsang in this important matter. The New South Wales Labor Government is focused on jobs, 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. Those green shoots of recovery are starting to emerge in New South Wales despite the best efforts of Coalition members to wheel out Barry O'Farrell's lawnmower and mow them down. Their absurd calls to halt the stimulus measures at both a State and Federal level underline their relentless attacks on this State's economy, on the good name of New South Wales, and on the good work being done by both the State and Federal Labor governments. The Westpac-Melbourne Institute Consumer Sentiment Index, which was released this morning, surged by 5.2 per cent in September—from 113.4 per cent in August to 119.3 per cent in September. That is an increase of 34.4 per cent over the past four months. It is the largest four-month increase in the 35-year history of the index. The Hon. Greg Pearce nods in agreement. He understands these figures. His little shadow mate is also nodding. This is the strongest data in more than a generation. I echo the sentiments of Westpac chief economist Bill Evans.

The Hon. Duncan Gay: You would.

The Hon. ERIC ROOZENDAAL: We have the expert here questioning Bill Evans's knowledge. That is ridiculous. Is the Deputy Leader of the Opposition advising Barry O'Farrell on his stimulus strategy? It must be him! I reject that attack on Bill Evans, the chief economist of Westpac. He is a good guy. I have met him and I know him. Mr Evans said:

The standout story is the "relief rally" for consumers—relief that the economy has avoided recession and that expected job losses have not materialised.

This shows the relative health and confidence of consumers in Australia and in New South Wales. Our healthy retail sales figures and robust consumer confidence can be attributed to low interest rates and positive results in the labour market. Clearly, the Federal stimulus measures have had a direct effect on consumer confidence in New South Wales—measures that the Coalition and Barry O'Farrell oppose. Just as importantly, our job-supporting infrastructure investment—\$62.9 billion over four years—and our housing stimulus measures announced in the budget have contributed directly to an increased confidence in this State. Our assistance to first home buyers, stamp duty concessions for newly constructed homes and, of course, a massive \$62.9 billion infrastructure investment have successfully combined to keep our economies strong.

More good news comes from the caravan and camping sector. The Caravan and Camping Industry Association has issued a release saying that caravanning holidays are tipped to lead domestic tourism following reports of increased caravan registrations since the New South Wales Labor Government abolished stamp duty on 1 July 2009. New South Wales caravan registrations have jumped 33 per cent, saving travellers almost \$1 million in stamp duty tax in just two months. [*Time expired.*]

The Hon. HENRY TSANG: I ask a supplementary question. Can the Treasurer elucidate his answer?

The Hon. ERIC ROOZENDAAL: Members might not be aware that caravan and camping is the fastest-growing tourism area in Australia. Barry Baillie, chief executive officer of the association, says that caravan and camping holidays are leading the resurgence for domestic tourism. He said:

The abolition of stamp duty on caravans, camper trailers and 5th wheelers in NSW is great news for our industry and the general touring public, freeing up extra cash for tourist to spend while on holiday.

This is all part and parcel of the New South Wales Government's economic stimulus strategies. We have a number of plans in place.

The Hon. Duncan Gay: Have you been in a caravan, Eric?

The Hon. ERIC ROOZENDAAL: Many a time. The team effort of the State and Federal governments and their individual and combined stimulus strategies is about ensuring that the New South Wales economy stays strong. Most importantly, it is about protecting jobs in New South Wales by underpinning around 160,000 jobs each year. This is why we reject outright the suggestions by Barry O'Farrell—and apparently his economic adviser in this place, the Deputy Leader of the Opposition—to stop the stimulus package. Already the great fear around the world is a jobless recovery and a double-dip in recession. That is why we must maintain the stimulus strategy in the best interests of this State.

AGL ELECTRICITY PRICING

Dr JOHN KAYE: My question is directed to the Treasurer. Has the Australian Energy Regulator criticised private sector electricity generator AGL for exercising market power in the South Australian region of the national electricity market, resulting in 27 episodes in 2009 of spot market prices exceeding \$5,000 per megawatt hour? Given AGL's track record in exploiting market power and the Australian Energy Regulator's admission that it does not have the legislative power to cope with highly concentrated generator markets, will the Treasurer rule out the sale of any generator trading rights or generator development sites in New South Wales to AGL?

The Hon. ERIC ROOZENDAAL: The Hon. John Kaye is many things, but he is consistent. He is consistent in trying to undermine every market reform and competition policy ever pursued by this Government. Let us think about what he said. We are in the middle—

Dr John Kaye: Point of order: The Minister clearly is debating the question, and that is outside the standing orders.

The Hon. ERIC ROOZENDAAL: To the point of order: I am reflecting on the member's performance in this House.

The PRESIDENT: Order! Although Ministers are not specifically restricted in the way that they answer questions, their responses must be generally relevant to the question asked and they must not debate the question. Ministers may, however, debate the actual issue to which the question refers. All members should be aware that the requirements of standing orders, particularly those relating to the rules of debate, have regularly been interpreted as also applying to the answering of questions. For example, it has been ruled that answers containing imputations of improper motives and personal reflections are out of order.

The Hon. ERIC ROOZENDAAL: The process we are going through is taking to market the retailers, appropriate development sites and generator trader contracts. Any idea that we should start ruling out individual bidders before the process has commenced and before we proceed to an expression of interest is crazy. The member wants to take some of the competition out of the process. Let us think about that logic. We want to encourage competition but we will take one of the bidders out of the process?

Dr John Kaye: That's not competition—

The Hon. ERIC ROOZENDAAL: Well, who will be left, genius? Who will be left if you take one of the major potential bidders out of the process? This reflects the member's obsession to undermine every reform undertaken by this Government—reform that is desperately required to ensure that we do not have future brownouts, to ensure there is future generation capacity in this State, and to ensure that we de-risk the budget from having to meet the cost of future generation.

MENTAL HEALTH SERVICES

The Hon. JOHN AJAKA: My question is directed to the Attorney General, and Minister for Health. Why is the Government selling off the Garrawarra Centre, given that it is one of the few dementia-specific facilities in New South Wales? Will the Minister reverse his predecessor's ill-conceived decision to sell off the centre, given that a recently released Alzheimer's Australia report found that there are more than 1,300 new cases of dementia each week?

The Hon. JOHN HATZISTERGOS: I will take the question on notice and get back to the member.

CENTRAL COAST SERVICES

The Hon. EDDIE OBEID: My question is addressed to the Minister for the Central Coast. Will the Minister please inform the House about the Government's achievements in delivering services to the people of the Central Coast?

The Hon. JOHN HATZISTERGOS: I am pleased to be able to advise the member about this important part of New South Wales. The Government recognises that significant population growth is occurring on the Central Coast and is investing to meet that demand in health, education and, importantly, in law and order. We are committed to delivering outcomes for the people of the Central Coast. That is why the Government has spent \$225 million rebuilding Gosford and Wyong hospitals. The Central Coast hospital facilities are now second to none. This major rebuild has provided new emergency departments, new operating theatres, new medical and children's wards, more beds, more specialist equipment and technology, and better staff amenities. The Government is investing \$1.32 billion to deliver better services and improved health infrastructure across the Northern Sydney Central Coast Area Health Service in 2009-10. That represents a \$64 million increase on the previous year, which is part of an overall \$15.1 billion Health budget. That is a record investment by the Government to meet the demands of a growing and ageing population.

Education is also a high priority on the Government's list. This year we began construction of a new high school at Kariong so that it will be ready for students in term one of the new school year in 2010. At Warnervale in term four last year, the Government opened a new primary school that is now one of the newest state-of-the-art primary schools in New South Wales. As part of the Government's commitment to law and order, \$14.6 million will be spent on a brand-new Wyong police station, which will be completed in early 2011, with \$8.8 million having been allocated this financial year. The release yesterday of the Bureau of Crime Statistics and Research's quarterly crime bulletin shows that crime rates are stable or decreasing on the Central Coast. For the two years to June 2009, none of the major crime categories showed a significant increase, with all 17 crime category rates on the Central Coast either stable or decreasing.

For the Gosford-Wyong region, rates of malicious property damage in the last year decreased by 10.6 per cent and non-domestic violence assaults decreased by 12.4 per cent. To support our police on the front line on the Central Coast, the Government is investing in the delivery of justice to keep pace with the region's growth. Last week the member for Terrigal asked the Premier a question concerning when I will be visiting the Central Coast. I am able to advise the House that I will be visiting next week. Indeed, I have already visited the Central Coast to inspect the upgrade of the Gosford Court House and I will again visit the area when I officially open the courthouse.

I note the hard work of local members of Parliament on the Central Coast in the other place—the member for Gosford, Marie Andrews, the member for The Entrance, Grant McBride, and the member for Wyong, David Harris. It is through their hard work that the delivery of services to the people of the Central Coast is at the forefront of our minds.

PORT MACQUARIE BASE HOSPITAL EMERGENCY DEPARTMENT

The Hon. MELINDA PAVEY: I direct my question to the Attorney General, and Minister for Health. Given that a recently released New South Wales Health performance report reveals that the emergency department of Port Macquarie hospital is one of the worst in the State, with the following percentages of patients not being treated in time—29 per cent in the imminently life-threatening category, 39 per cent in the potentially serious category, and a massive 55 per cent in the potentially life-threatening category—how could the \$1.3 million emergency department's upgrade possibly deal with the current crisis situation? Will the New South Wales Labor Government commit to a further expansion to address this failure to treat patients on time?

The Hon. JOHN HATZISTERGOS: I commence my response to questions regarding Port Macquarie hospital as I always do—by reminding the Opposition of its record in relation to Port Macquarie hospital. This is the hospital that the Coalition built. Members will recall that the Auditor-General said that the deal was the equivalent of that government paying three times for the hospital and then giving it away. It is the same hospital of which the Deputy Leader of the Opposition, Mrs Skinner, was so proud that she said "there was no better way to deliver health services". The Opposition should not seek to talk about performance. We should all bear in mind that the Coalition will do all that again if they win government. This is the political group that not only slashed hospital beds numbers but also downgraded approximately 30 hospitals. The Hon. Melinda Pavey was handing out how-to-vote cards for the previous Coalition Government. She knew all about that disgraceful performance.

I repeat to the Hon. Melinda Pavey what I said to the Leader of the Opposition: If the Opposition wants to analyse emergency department performance figures, it should understand what those figures mean. They do not mean that every patient in every category, except for category 1, has to be treated within that time limit.

The Hon. Marie Ficarra: They are benchmarks.

The Hon. JOHN HATZISTERGOS: They are benchmarks—that is exactly right—and they measure the overall performance of the emergency department. If the Opposition examines the performance of the New South Wales Labor Government, they will see that its performance is the best of any other government in the country.

PORNOGRAPHY EXPOSURE

Reverend the Hon. Dr GORDON MOYES: I direct my question to the Attorney General. Is he aware of studies by the Australian Institute of Criminology that found there is high probability of a young person being exposed to pornography prior to the age of 18? Is he aware of findings showing that 73 per cent of adolescent boys and 11 per cent of adolescent girls are exposed to X-rated videos, and that 84 per cent of adolescent boys and 60 per cent of adolescent girls are exposed to inadvertent online pornography? In particular, is he aware that widespread exposure to pornography can undermine physical, emotional and psychological wellbeing, foster open sexual lifestyles, and foster sexual violence? Given the easy access to pornography through the Internet and videos, what programs will be established in New South Wales schools to educate high school children about the dangers of early and widespread exposure to pornography?

The Hon. JOHN HATZISTERGOS: I will take the question on notice.

ABORIGINAL COMMUNITIES AND CHILD SEXUAL ASSAULT

The Hon. HELEN WESTWOOD: My question is addressed to the Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State. What action is the Government taking to reduce the incidence of child sexual assault in Aboriginal communities?

The Hon. JOHN ROBERTSON: Last week I had the privilege of attending the New South Wales Art Gallery to launch an interactive resource kit, *Speak Up*, which is a direct response to the *Breaking the Silence* report. It is part of the five-year interagency plan to tackle child sexual abuse in Aboriginal communities in New South Wales. The Government's comprehensive plan is designed both to ensure that Aboriginal people have better access to services and to reduce the incidence of child sexual abuse, disadvantage and dysfunction in Aboriginal communities. The Government recognises that the problem of child sexual assault in Aboriginal communities must be tackled with a multilayered response that involves not only government action but also community commitment, community awareness and community understanding. *Speak Up* does just that.

Speak Up is a resource kit with over four hours of material for use by facilitators who are trained to deliver information about child protection and sexual assault. The *Speak Up* kit contains a DVD for distribution to Aboriginal communities. This DVD features a welcome from prominent Aboriginal actor Leah Purcell, a rap by Aboriginal teenagers from Shoalhaven about tackling child abuse, and a number of brave Aboriginal people speaking up about their own personal experiences.

The kits are the result of a collaboration among a number of agencies, including the Education Centre Against Violence, New South Wales Health, the Department of Community Services, the Department of Aboriginal Affairs and the Department of Corrective Services. The kits have been put together after almost two years of consultation involving Aboriginal communities in the Shoalhaven, Toomelah and Boggabilla regions. More than 200 Aboriginal elders, community members, service providers, teachers, students, counsellors and other professionals were involved in focus groups. The resource kit also contains information about how to support victims as well as about community safety and prevention.

Speak Up aims to prevent the cycle of crime that so often begins with a person being exposed to abuse as a child. The value of this resource has been reflected in the fact that the *Speak Up* scriptwriter, Scott Higgins, received the award of Best Documentary, Corporate Training, at the Australian Writers' Guild awards for a role-play scenario entitled *Not My Sister*. The Department of Corrective Services is committed to reducing the high numbers of Aboriginal people in prison and is prepared to explore every possible means to achieve that. The launch of *Speak Up* reaffirms the State Government's commitment to the interagency plan. In particular, it

is a response to action 81 of the interagency plan that called for the development of a collection of culturally appropriate awareness-raising programs to target the causes and address the consequences of child sexual assault.

The Department of Corrective Services committed \$382,000 to the development of Speak Up from funds generated by Corrective Services Industries. Speak Up makes it clear that child sexual abuse has no place in Aboriginal culture and that everyone in our community has a responsibility to protect children from abuse. I am sure that all members join me in thanking all who have been involved in the Speak Up project for their dedication and hard work.

HOSPITAL EMERGENCY DEPARTMENT RESOURCES

The Hon. MARIE FICARRA: My question is directed to the Attorney General, and Minister for Health. Is the Minister aware that at the Nepean Hospital, 51 per cent of patients with a life-threatening condition were not treated within 10 minutes, that 72 per cent of patients with a potentially life-threatening condition were not treated within 30 minutes, and that 58 per cent of patients with a potentially serious condition were not treated within 60 minutes? Similar statistics exist for Westmead Hospital. In the light of these clinical realities, how will emergency departments at those hospitals cope with the relocation of emergency surgery from Mount Druitt, as recommended by the 2009 Waxman report?

The Hon. JOHN HATZISTERGOS: This being the third question from the Opposition on the same issue, I refer the Hon. Marie Ficarra to my response to questions asked by her colleagues. We have record demand for health services across the State. Nevertheless, we have the best performing emergency departments in the country, and New South Wales also is the best performer in terms of emergency department triage. Patients are more likely to be seen in clinically appropriate times in New South Wales emergency departments than anywhere else in the country. It is a tremendous performance by our public hospital system and its staff. These improvements have been the result of careful planning and the setting of clear targets for the allocation of funding and support for these services. In addition, our elective surgery performance continues to be sustained and, indeed, improved over the past quarter. New South Wales is effectively meeting the national benchmarks set for elective surgery.

That was also recognised by the recent Australian Institute of Health and Welfare report, which highlighted that New South Wales has the lowest percentage of residents waiting for surgery in excess of 365 days. Indeed, in New South Wales only 1.8 per cent of residents wait in excess of the 12-month benchmark, which is a slight improvement on last year, compared to the national figure of 3 per cent. As part of our response to the Garling report, we are opening additional beds, employing more nurses, recruiting additional emergency department medical specialists, creating more home care support services, enhancing equipment and information technology support for our hardworking emergency department staff, funding an emergency care institute developed by emergency department clinics to support further research into better ways of caring for patients in our emergency departments, and monitoring the quality and safety of these services.

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

Questions without notice concluded.

EDUCATION FURTHER AMENDMENT (PUBLICATION OF SCHOOL RESULTS) 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.

[The President left the chair at 1.04 p.m. The House resumed at 2.30 p.m.]

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME)
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.

AUBURN ATTACK ON POLICE

Personal Explanation

The Hon. TONY KELLY, by leave: Earlier in question time in answer to a question from Reverend the Hon. Fred Nile regarding certain events that occurred in Auburn after the New South Wales Police Force executed several search warrants overnight I said that I was advised that the police had made five arrests. I am now advised that at this time two arrests have been made and further arrests are possible, which may bring the total number of arrests as a result of the search warrants to five.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Transport Needs of Sydney's North-West Sector

Debate resumed from 3 March 2009.

The Hon. JENNIFER GARDINER [2.37 p.m.]: I thank all committee members and staff of the Legislative Council for their assistance in the preparation of the report of General Purpose Standing Committee No. 4 on the transport needs of Sydney's north-west sector. The work continues to be very relevant to this minute. The people of the north-west sector of Sydney have for the past decade suffered very significantly from a lack of public transport infrastructure. The committee heard that in that time virtually nothing has been done to address those needs. Over the past 10 years the people who live in the north-west have had to suffer a cycle of new and then broken promises on the delivery of major transport infrastructure, particularly rail.

The inquiry was generated by people who were frustrated and angry at years of being left out in the cold by this State Labor Government, especially in regard to transport infrastructure and services. During the inquiry the residents of the north-west sector had to endure yet another major backdown by the Government on promised transport infrastructure, namely, the indefinite deferral of the north-west metro, the deferral of the Schofields to Vineyard rail duplication and the cancellation of the Carlingford line passing loop. Those announcements were contained in the Rees-Roozendaal Government's ill-fated and ill-received mini-budget.

The committee heard from many residents in the north-west sector and community groups who related their frustration at being mired in ever-increasingly congested traffic, with no viable public transport alternative to which they can turn. They spoke of resulting negative impacts on their businesses and their social and family lives. The Committee heard also that people had made lifestyle choices and investment decisions based on the belief that the promised infrastructure would be built in that area. The belief, or the faith, that the Government was committed to and capable of delivering on its transport promises has, of course, now evaporated. That is true also of the north-west sector, and sadly it is true across metropolitan Sydney and throughout the State.

The people of the north-west sector believe that they have been discriminated against and that they have received an inequitable share of the transport infrastructure that the Government has delivered. So they have been forced into a reliance on motor vehicles. Yet they pay ever-increasing tolls while residents in other parts of Sydney receive subsidies for similar imposts. The north-west sector is an important part of the metropolitan demographic for residential and business employment opportunities. For it to survive and grow it needs to be provided with an adequate and integrated road and public transport system, the backbone of which must be a rail link. Everyone, including members of the New South Wales Government, agrees that that is a dire need. Fundamentally, based on the extensive evidence given at the committee hearings, the committee recommended that the Government should commit to funding a new rail link in the north-west.

The committee viewed the Government's failure to make a submission to Infrastructure Australia for funding of a rail link in the north-west as an opportunity lost. That process was ongoing as the committee undertook its inquiry. The committee recommended that the Government prepare a submission for a rail link to the north-west for inclusion in the national infrastructure priority list and believed that if such a submission failed to attract Federal funding—as it did—the New South Wales Government must reprioritise its funding plans and provide rail infrastructure to the north-west sector. Strategic transport planning for the north-west sector and the Sydney region needs overhauling. Of course, that has been given more currency in recent weeks because of the lack of confidence in the Government's capacity.

Infrastructure for bus, rail and road needs to be planned in an integrated manner that envisages and accommodates the need to move from one mode to another within transport corridors as needs and demands change. The committee recommended that an integrated transport planning authority be set up; which accords with the policy of the Liberal Party and The Nationals. More latterly, the Labor Government, in a major backflip, decided that the Liberal-Nationals policy in that regard was the way to go. The Government has said that it is intent upon having a more integrated approach to transport planning and implementation in future. That is long overdue, but we will not hold our breath until it is achieved.

The committee made a substantial number of recommendations. As a priority there needs to be continued planning and land acquisition for a north-west rail link from Epping to Rouse Hill, which should include an extension of the route from Rouse Hill to a point on the Richmond rail line. In response, the Government maintains that land acquisition in the corridor under consideration and extension options are continuing. However, in September 2009 I question how that process is progressing. I have no doubt that committee members will follow up on those matters during estimates hearings.

The committee recommended also that the Government issue a statement setting out the merits of a CBD Metro, a west metro and the North West Metro. The Government responded simply that the CBD Metro would be the enabler for future metro lines that would extend across Sydney, potentially to the west, north-west, south-east, and north-east. However, there has been much criticism of the proposed CBD Metro. The Government has given no commitment to anything being enabled beyond that metro, including in its response to the committee's report.

The committee recommended also that during the review of the metropolitan subregional strategies, which we heard about during the hearings and which were scheduled to be completed in March 2009, the Department of Planning, in consultation with local councils, should revise the employment and population targets for councils in the north-west sector taking into account that some major transport infrastructure projects have been deferred indefinitely. The committee recommended that the department should formally amend those targets to reflect sustainable capacity in individual local environment plans and in the Metropolitan Strategy.

The committee's report notes that the Department of Planning said that subregional strategies would be ready in March 2009 and that those estimations would be fed into a number of planning areas and then into the five-yearly review of the Metropolitan Strategy, which is scheduled for completion in 2010. I note that the Minister for Planning, Kristina Keneally, has been questioned about the status of that process, given that it is now September 2009. Again, the people in the north-west sector are concerned about the progress of those outstanding matters.

The committee heard a lot of evidence about the need to improve bus travel in the north-west. The Government has now provided additional buses, but the people really need an integrated transport system with an emphasis on a north-west rail link. The committee recommended the establishment of an integrated transport planning authority. However, as the Government has difficulty in coming up with ideas of its own, it has cut and pasted the excellent policy from the Liberals and Nationals in that regard. We will wait to see how that will operate, but at least the Government has acknowledged that the people of Sydney, not just those in the north-west sector, are crying out for an integrated transport planning authority.

The committee noted that the Liberals and The Nationals are committed to delivering on a north-west sector rail line. It is almost inevitable that there will have to be a change of government for that to come to fruition. The committee received almost 200 submissions. Initially there was some concern that the Department of Premier and Cabinet had declined the committee's invitation to appear at a public hearing because of the imminent release of the mini-budget. Fatefully, the indefinite deferral of the North West Metro featured in that mini-budget. The departmental officers appeared later on.

The committee received extensive evidence about the north-west sector's need for better transport, particularly improved public transport, matched to the region's growth, which in part had been stimulated by the Government itself. It was clear that north-west sector residents need transport that services travel within that sector as well as to neighbouring centres such as Parramatta and into Sydney's central business district. The committee chose to define the north-west sector quite broadly as the greater north west of Sydney.

I am reminded that one of our witnesses made the comment that "20 years ago much of Sydney's north-west was rolling hills dedicated mainly to rural activities. Since that time Sydney's north-west has been recognised as one of the fastest-growing regions in New South Wales." He was quoting the Government. He went on to say, "As a general rule it would be fair to say that the transport infrastructure has belatedly followed the development and growth rather than preceding it. While there have been some improvements, the region continues to play catch-up and remains poorly supported in terms of transport infrastructure and expectations enjoyed by much of Sydney." That was certainly the tenor of the angst throughout the sector and people's disappointment that time and again commitments to improve the transport infrastructure are not realised.

One of the most interesting comments made was in relation to former Premier Iemma's announcement that there would be a north-west metro link. It was greeted by none other than the Hon. John Aquilina, who said that it was a "fantastic" announcement. Well, history shows that that has turned out to be exactly right—just fantastic and completely fantasmagorical.

The Hon. DAVID CLARKE [2.52 p.m.]: As a member of General Purpose Standing Committee No. 4 I speak to the committee's report dealing with the transport needs of Sydney's north-west sector. Why did the committee find it necessary to hold an inquiry into the transport needs of Sydney's north-west sector in the first place? Because the State Labor Government has for 14 years ignored the transport needs of the people of north-west Sydney. Because the State Labor Government has for 14 years made promise after promise to solve the region's escalating transport problems but has failed to deliver on those promises. Because the State Labor Government has for the past 14 years, by its inactivity on the issue, told the people of north-west Sydney, in effect, to drop dead. That is why General Purpose Standing Committee No. 4 decided to have this inquiry. It did so in response to the growing complaints arising from the people of north-west Sydney who are angry at this Government's neglect of their transport needs. It was to refocus the Government's attention on the region's pressing transport problems and to provide solutions, which the Government seems incapable of producing by itself.

The committee received evidence and submissions from a wide array of witnesses such as transport experts, representatives of local government, community groups and commuters generally. It was certainly a worthwhile exercise and clearly revealed the scathing anger and seething discontent of the people of north-west Sydney at the lack of action by this Government. The evidence clearly established beyond doubt that despite north-west Sydney having experienced enormous population growth in recent years, with a growth rate twice that of Sydney as a whole, there has been a massive lack of planning for and delivery of the region's transport needs by this Government. It has been vocal on promises but silent on delivery.

Let us take the issue of a north-west rail link, for example. If ever a prime piece of transport infrastructure was needed for this region this is surely it. In 1998 the Government gave a firm commitment that a north-west heavy rail link would be built and completed by 2010. However, despite repeated repackaging of the same promise, nothing happened. The project was put on hold and the previously announced completion date of 2010 was put back to 2017. Finally, in February 2008 to all intents and purposes the project was axed altogether.

In response to a recommendation in the committee's report that, as a priority, the Government continue planning and undertaking planned acquisition for a north-west rail link from Epping to Rouse Hill, including an extension from Rouse Hill to the Richmond line, the Government repeated its previous announcement that construction on the rail line had been deferred. To all intents and purposes a north-west rail link is dead and buried as far as this Government is concerned.

The Government's deceit and deception do not end there: the Parramatta to Epping rail link promised in 1998, with great fanfare, has been axed as well. Then there is the CBD-new harbour crossing rail link, which was promised in 2005. That has been guillotined as well. Yet as one promise is dumped another promise is made somewhere else. In recent times Nathan Rees has been out there touting a new \$5 billion metro to Rozelle. The Government shuffles these promises around as if they were pieces on a chessboard. What is the Government's

fallback plan to solve the escalating chaos resulting from its delay, and now ditching, of the north-west rail link? The truth is that the Government has no plan. The Opposition does have a plan, which is to make the construction of the north-west rail link a priority when it comes to government in 2011.

One thing that is very clear to me as a resident of north-west Sydney, and which was confirmed by the submissions received by the committee, is the urgent need for improved bus services in the region. The committee recommended that initiatives be undertaken by Government transport agencies to improve bus travel times in the north-west and that they be progressed and implemented as a matter of urgency. The Government's record in providing bus services in the area is deplorable and pitiful. Rail services are lacking and the Government refuses to do anything about that, but it compounds its reckless disregard for residents by failing to provide any reasonable alternative through an effective bus network. In fact, the Government has been involved in a program of slashing bus services. The member for Hawkesbury, Ray Williams, has already sounded the alarm by highlighting the compromised safety of children and the elderly who rely on bus transport and who are the victims of slashed timetables. He has pointed out that many children are now required to catch more buses to get to and from school as a result of cuts to bus services.

Our committee heard from residents whose lives are being made a misery because of the lack of public transport. One resident complained that four-hour daily commutes are not uncommon for her, with resulting stress to her social and work life. Another resident told of having to quit her job because she could no longer handle the daily grind of stress associated with bus travel. She complained, "We are being forced to live with medium density housing but not being supported with decent infrastructure. I have even started to consider moving interstate." There are thousands of similar stories to be told by long-suffering residents of north-west Sydney. Many relocated to the region influenced by Labor's promises of new transport infrastructure—promises that it has reneged upon. The problem has been very clearly pinpointed by Ron Christie, the former Olympics transport head, who said, "The point I'm making is that we are not doing anything to deal with the source of the issue, which is that vast tracts of the north-west and south-west do not have access to public transport."

This report of General Purpose Standing Committee No. 4 dealing with the transport needs of Sydney's north-west is timely. It highlights the problems and inadequacies of transport in the north-west of Sydney; it shows a pattern of deceit and deception by this Labor Government in dealing with those problems and inadequacies; and it confirms that there are solutions to these problems but that the Government has for 14 years failed to provide the solutions that are needed. It has been tardy, it has been lazy, and it has been negligent. It has failed the people of north-west Sydney. Its response to the committee's report is grossly inadequate and evasive. On the whole its response is nothing more than hype, spin and gloss. It is yet another kick in the face to the long-suffering, lied to commuters of Sydney's north-west. It is an insult to their intelligence and their patience is irreversibly exhausted.

The Hon. HENRY TSANG (Parliamentary Secretary) [2.59 p.m.]: On behalf of the Labor members of General Purpose Standing Committee No. 4—the Hon. Lynda Voltz and the Hon. Kayee Griffith—I thank the committee staff and secretariat for their help throughout this process. Obviously a tremendous amount of time and effort are required to produce reports and to conduct inquiries. I also thank all those who made submissions to and participated in the inquiry. One of the committee's recommendations to the Government was to establish an integrated planning authority with responsibility for network-wide integrated planning, and for the prioritisation and direction of all infrastructure expenditure.

Members would be aware that, as part of the budgetary process, the New South Wales Government established a new super agency—NSW Transport and Infrastructure—which is aimed at ensuring better integrated land use and transport planning for growth areas such as the north-west. The transport blueprint, a priority task for the new department, will set the direction for meeting the needs of people in the north-west into the future. In the meantime, improvements to transport services are being delivered. The Rees Government announced that it would purchase 300 new buses, and that will be a great boost to our public transport system. All areas across Sydney, Newcastle, the Central Coast, the Illawarra and the Hunter region will benefit; however, 113 of the 300 buses will go directly to the north-west.

Arrangements are being made to have all 113 buses on the road prior to April 2010, which is the quickest they can be built and delivered. The first of those buses, which has been delivered to Hillsbus, commenced operation on 22 June 2009 on route 620X—Cherrybrook to the city. Busways has also taken delivery of its first growth buses for its new services between Bankstown and The Ponds via the north-west transitway, which commenced on 29 June 2009. Commuters on route 612—from Castle Hill to North Sydney—

were provided with additional services from 13 July 2009. Bella Vista commuters now have a new service departing Bella Vista in the morning peak and, for the first time, that 613 service will operate as an express—the 613X via Lane Cove Tunnel.

These M2 services are enormously popular, and that is why the Government has added brand new buses to these peak trips. These new buses—which are air-conditioned and low-floor accessible, meet the latest emission standards and are being paid for by the New South Wales Government—were recently delivered to Hillsbus. With an additional service in the morning and evening there will be extra seats on the M2 every weekday, making for a more comfortable trip. A new integrated network for contract region 4 was also introduced on 11 May 2009, and this included the introduction of new direct services from The Hills district to the specialised centre of Macquarie Park, and new services from Castle Hill and Baulkham Hills to Westmead.

In addition to increased bus priorities, this Government will continue the work of strengthening public transport infrastructure in the north-west following the completion of the Epping to Chatswood rail link, by constructing the \$236 million rail duplication project between Quakers Hill and Schofields and examining a proposal to widen the M2. The Government is constructing new commuter car parks at Quakers Hill railway station, with 200 new spaces scheduled for completion by 2011; at Windsor railway station, where 130 extra spaces and a new bus interchange are scheduled for completion in 2010; at Blacktown railway station, with 500 new spaces for completion by 2011; and at Seven Hills, with 700 extra spaces proposed for completion by 2011.

The report recommends that initiatives being undertaken by government transport agencies to improve bus travel time in the north-west should be progressed as a matter of urgency. Alongside the north-west T-way the New South Wales Government is delivering better corridors for bus commuters in the north-west. Buses on the north-west T-way experienced growth of 28 per cent over the 12 months to 30 June 2009 compared to the same period in 2007-08. The New South Wales Government has also provided over \$40 million for the delivery of 19 bus priority projects, including \$9.5 million for the construction of 300 metres of bus lane, road widening and upgrading at the intersection of Windsor and Old Northern roads at Baulkham Hills, \$11.4 million to widen part of Windsor Road to accommodate and extend bus lanes, and \$7.5 million for bus lanes into and out of Parramatta central business district for bus services from the north-west.

In addition, as part of the Government's \$100 million Pinch Point program, a \$5 million upgrade of the St Marys Road-Richmond Road intersection in Berkshire Park will improve traffic flow and travel times. The new traffic lights at the intersection were switched on to traffic on Friday 1 May 2009. Other key features of this project include widening of Richmond Road to two lanes in each direction at the intersection of St Marys Road and Richmond Road, Berkshire Park; a right-hand turning lane from Richmond Road westbound into St Marys Road; a left-hand turning lane from Richmond road eastbound into St Marys Road; a left-hand turning lane from St Marys Road southbound into Richmond road; pedestrian crossings at traffic lights; and on-road cycle lanes on both sides of Richmond Road. The new traffic lights improve traffic flow and safety for motorists turning into Richmond Road from Llandilo, Berkshire Park and Shane's Park.

In conclusion, the Government will continue to work with stakeholders and assess demand levels to ensure that the transport needs of people in the north-west are met. As part of this, corridor acquisition for a future transport link is continuing and the transport blueprint currently being developed by NSW Transport and Infrastructure will include a strong focus on the growing north-west sector.

The Hon. JENNIFER GARDINER [3.08 p.m.], in reply: I thank my colleagues on General Purpose Standing Committee No. 4 for their input in this take-note debate. The Hon. David Clarke referred to the Labor Government's pattern of deception for people in the north-west sector, the Government's failure to deal with the transport challenges in that part of Sydney, the lack of depth in the Government's response to the committee's recommendations, and the fact that people's patience in that part of Sydney is running out.

Reverend the Hon. Fred Nile: Hear! Hear!

The Hon. JENNIFER GARDINER: I note that Reverend the Hon. Fred Nile concurs with those comments. I also thank the Hon. Henry Tsang for his input on behalf of the Labor members of the committee and, in particular, for his reference to the super agency. It is one thing to set up a super agency, but it is another thing to have super delivery of services it is meant to be delivering. We will await the delivery of those services. I thank all the members of the public, in particular those from the north-west sector of Sydney, who made

submissions to the committee during its inquiry, and I also thank all those who appeared as witnesses. I thank them for their assistance to the inquiry. In the days immediately ahead I look forward to following up on many of the issues that were raised in the inquiry.

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

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2008-2009

Debate resumed from 5 March 2009.

The Hon. JENNIFER GARDINER [3.09 p.m.]: In March 2009 General Purpose Standing Committee No. 4 tabled its report on the budget estimates 2008-09. A lot has happened—or perhaps I should say a lot has not happened—in the 11 months since the committee's six public hearings across the portfolios of Transport; the Illawarra; Planning; Redfern-Waterloo; Fair Trading and Citizenship; Small Business, Science and Medical Research; Tourism; and the Hunter. A supplementary hearing was held for the massive Transport portfolio. The committee examined proposals for a North West Metro train link as well as land acquisition for a south-west rail link. I will not go through the many issues the committee examined, but topics included the Newcastle heavy rail service, which is back in the news in a big way, and the ongoing project of great note—the expansion of Port Botany.

The committee asked questions about CountryLink rail services, the recurring school transport scheme and the recurring Maldon to Dombarton rail line, and allocated significant time to the troubles that had beset Sydney Ferries. Of course, since the last hearing a major Independent Commission Against Corruption inquiry has been held into the actions of the chief executive officer of Sydney Ferries. The committee inquired into the integrated ticketing challenges for the Government. The Tcard project has attained notoriety because of the committee's examination. No doubt it will remain an important subject that General Purpose Standing Committee No. 4 will continue to pursue. The lack of commuter car parks at railway stations in the metropolitan area was raised in March and remains an issue today because of consumer angst. With respect to the Planning and Redfern-Waterloo portfolios, the committee examined the ongoing debate about political donations from property developers, one of many subjects that General Purpose Standing Committee No. 4 must examine. Today the House has asked General Purpose Standing Committee No. 4 to commence a new inquiry into particular aspects of connections between property developers and political parties, which of course it will do.

The committee examined the work of the Growth Centres Commission, which seems to be shrinking almost to invisibility. The committee will look forward to following up what is happening to the commission in the coming days. The committee conducted an hilarious examination of the portfolios areas of Fair Trading and Citizenship featuring the Minister for Fair Trading and Citizenship, the Hon. Virginia Judge. I look forward to her returning again this year as the relevant Minister. I will bring my tissues. With respect to Small Business, Science and Medical Research, payroll tax and levels of red tape for small business are always matters on which the Opposition particularly likes to follow up. In respect to Tourism and the Hunter, my colleague the Leader of the Opposition joined the committee inquiry to raise a range of issues focusing on the Hunter, including tourist numbers, regional tourism in general, redevelopment proposals for the Newcastle central business district, and mining and its impact on Hunter Valley residents.

The Hon. Michael Gallacher: A lacklustre performance by the Minister.

The Hon. JENNIFER GARDINER: The Leader of the Opposition did not seem to be impressed by the Minister on that occasion. Perhaps he will return to ask more questions this year to see if anything has improved. The Leader of the Opposition asked questions also about ministerial office space and staff numbers in Newcastle and Sydney, various infrastructure projects in Newcastle, transport services, alcohol-related crime, what the Government was doing, if anything, for the manufacturing industry in the Hunter Valley, and many other matters. As I have stated, the hearings were conducted almost a year ago. Next week General Purpose Standing Committee No. 4 is scheduled to conduct similar examinations for the current budget year. The Opposition looks forward to that process. I do not know whether the committee will examine the same batch of ministerial portfolios because we are waiting for a ministerial reshuffle. Every day passes and no reshuffle occurs.

The Hon. Michael Gallacher: We might get Tony Catanzariti there.

The Hon. JENNIFER GARDINER: He certainly received a promotion or some degree of support during question time.

The Hon. Michael Gallacher: He had to wait his time.

The Hon. JENNIFER GARDINER: Yes, we wonder what that means, and how long. Will Kristina Keneally return as the Minister for Planning? We do not know. Perhaps the Hon. Tony Catanzariti will attend as a witness and not as a member of a committee. I thank the budget estimates secretariat for its assistance during last year's budget estimates hearings and for preparing our reports. I thank all committee members for their assistance. We look forward to the next round of budget estimates hearings. I am sure they will be as much fun as last year's hearings.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.17 p.m.]: On behalf of the Labor Party members of General Purpose Standing Committee No. 4, the Hon. Lynda Voltz and the Hon. Kayee Griffin, I also thank the secretariat for hosting and managing the budget estimates hearings. On Wednesday 15 October 2008 I attended General Purpose Standing Committee No. 4 budget estimates hearing for the portfolios of Planning and Redfern-Waterloo. Given the importance of housing affordability to New South Wales, I asked the Minister for Planning, "What is the Planning portfolio's contribution to improving housing affordability?" The Minister noted that increasing housing affordability needs a multi-layered approach by government. She said that the Government was addressing the issue of affordability in four main ways.

Firstly, the Government's actions over recent years have made sure that supply of greenfield land is at a healthy level compared to current demand and can respond quickly to a market upturn. This includes the rezoning of new release areas in south-west Sydney, including Oran Park and Turner Road. The Government's Metropolitan Development Program ensures the continuing delivery of housing land to the market and is delivering important increases to the amount of zoned and serviced land towards the State Plan target of sufficient zoned and serviced land to accommodate 55,000 potential dwellings. As of 30 June 2007 the potential of land zoned for greenfield housing was 50,022 dwellings, an increase of 41 percent since July 2005. For zoned and serviced stock, the increase was to 33,858 dwellings, or 44 per cent over two years.

Secondly, the Government introduced reforms for levying infrastructure contributions to reduce the cost of new development. Thirdly, the Minister pointed out that the Government's recent planning reforms seek to reduce red tape and improve efficiency in our State's planning system, which will help to improve housing affordability by increasing the uptake of complying development applications. Fourthly, the Minister noted that the Government is looking at targeting a number of areas that include the continued retention of low-cost housing as well as streamlining the collection of affordable housing contributions and targeting them so that they can have the greatest impact. This also includes supporting the Commonwealth National Rental Affordability Scheme to combat homelessness.

To summarise the findings of the inquiry, the Government has four levers at its disposal: ensuring an adequate supply of land stocks to meet demand both in the present and future; managing infrastructure costs so that they are not prohibitive for developers who bring new projects to market; reducing delay by improvements in the planning process; and working on ensuring an affordable supply of rental and other accommodation, particularly working in partnership with the Commonwealth Government.

On Thursday, 16 October 2008 I attended a General Purpose Standing Committee No. 4 public hearing on Fair Trading and Citizenship. Given the importance of harmony and understanding in the community, I asked the Minister for Citizenship what the Community Relations Commission does to promote harmony. The Minister advised the committee that New South Wales is the most culturally diverse community in Australia, with people from 140 countries choosing to make our State their home, while at least one in five people in the community speak a language other than English at home. This diversity is a great asset and supports the continued economic growth of New South Wales.

The Minister noted that our State is attracting a greater number of immigrants with approximately a third of new arrivals, including skilled immigrants and their families as well as subclass regulation 457 visa holders, choosing to settle in New South Wales. This is of no surprise, given that our State is the engine room of the Australian economy and one of the most competitive business locations in the Asia-Pacific. New immigrants contribute hundreds of millions of dollars to the Australian economy every year through their consumption of

goods and services and by meeting critical labour shortages. The Government has provided a sound foundation for multicultural policy in New South Wales to ensure that all residents of the State contribute to and participate in all aspects of life here.

In the year 2000 the Government enshrined the principle of multiculturalism in State legislation. Since then other Australian jurisdictions have followed the lead of New South Wales. The principles of participation, mutual respect, access to services and programs, as well as recognition of linguistic and cultural assets of New South Wales as a valuable resource, affirm that people in our State have the right to access government services. Since 1983 the Ethnic Affairs Priorities Statement has been the vehicle for moving multicultural policy forward in the New South Wales public sector. Since 2000 it has also been the main vehicle for implementing the principles of multiculturalism.

The Community Relations Commission is working to ensure that the Ethnic Affairs Priorities Statement remains at the heart of planning and innovation by public sector agencies. There has been intensive collaboration with up to 20 large and important public sector agencies to uniformly monitor and assess progress against the Ethnic Affairs Priorities Statement. These agencies include NSW Health, the Department of Community Services and NSW Police. The Minister noted that the review of internal government red tape found that a number of agencies, particularly key agencies, have well-developed ethnic affairs priorities statement. That results in considerable savings to the State through improved access to and use of public services, better targeting of services, and greater participation in the workforce by people of cultural, religious and linguistically diverse backgrounds, thereby increasing the State's productivity.

By helping people to participate in society through multicultural policy and programs of the New South Wales public sector, we are making the State more resilient and robust as well as a more exciting and dynamic place in which to live and work. In conclusion, I take this opportunity to again thank all the hardworking staff of the budget estimate secretariat for their efforts in ensuring that the 2008-09 budget estimates hearings proceeded smoothly.

The Hon. DAVID CLARKE [3.25 p.m.]: As a member of General Purpose Standing Committee No. 4, I found participation in its 2008-09 budget estimates hearing both instructive and informative. It certainly instructed me on how badly the State has been neglected by the State Labor Government. It is even worse than I first imagined. The committee had the opportunity to survey the position from a whole array of government agencies and services. In virtually every area the evidence demonstrated that the Government has proved itself to be incompetent and lazy, negligent and deceitful. Promised new infrastructure has not been delivered. The upgrading of existing infrastructure has not been maintained, often with disastrous consequences for the State as well as for its economy and its citizens.

Fourteen years of neglect by the Government certainly is taking its toll. Rather than coming forward with any plan to retrieve the situation, the Government appears to be leading the State in a downward spiral to disaster. Today I will refer briefly to the committee's examination of Sydney Ferries, which is a horror story in itself. What a disaster! For years passengers have been faced with a pattern of service cancellation and all-too-frequent breakdowns. A significant proportion of passengers have deserted ferry services as a lost cause. In 2007-08 alone, 133,000 passengers walked away from the system altogether. From 2003-04 to 2008-09 patronage decreased from 14.5 million trips to 14.3 million trips instead of increasing, as one would expect in a growing city such as Sydney.

The Government has failed to provide resources for ferry services to continue to operate effectively. Safety has become a real issue. What does it take for the Government to decide to act? The Government has failed to provide new infrastructure and instead has allowed itself to be dictated to by union bosses who have vetoed the Government's attempts to do anything positive. The Government puts its commitments to the unions before its commitment to the people of New South Wales. It is no wonder that there have been nine chief executive officers of Sydney Ferries since the Government came to power 14 years ago. What a basket case the Government is! When the Coalition wins government in March 2011, it will put ferry services into good and working order. As the shadow Minister for Transport, Gladys Berejiklian, has said:

The New South Wales Liberal/Nationals will put commuters first by following the Walker Special Commission recommendations and contracting out services to provide a better, more reliable and safe ferry service.

So much needs to be fixed. When the Coalition wins government in 2011, it will be fixed—the people of New South Wales can have confidence in that.

The Hon. JENNIFER GARDINER [3.28 p.m.], in reply: I thank contributors to the discussion, particularly the last speaker whose support for the adoption of the report was so compelling and passionate.

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

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report: Protection of Public Sector Whistleblower Employees: Discussion Paper

Debate resumed from 2 September 2009.

The Hon. TREVOR KHAN [3.29 p.m.]: I will comment on the report in my capacity as a member of the committee. It is notable that the report contains a number of proposals that were prepared partway through the inquiry, so in one respect one should look at the proposals as merely suggestions to be considered by members of this place, as well as members of the public, and as a means of encouraging further discussion and debate on amendments that must be made to the Protected Disclosures Act 1994. It is worth noting that the Protected Disclosures Act 1994 is a product of the former Coalition Government, the Liberal-Nationals Government. Regrettably, the Act has been an orphan since that time; hence, in part, the need for this inquiry. However, it is notable that in 2006 the committee proposed amendments to the Protected Disclosures Act and in large part those recommendations have been all but ignored by successive Labor Governments and successive Premiers since that time.

Regrettably, this legislation has not been seen to have the appropriate sex appeal to encourage any Premier who has been in the seat since 2006 to take up the cudgels and do something about improving the lot of public servants in New South Wales and, indeed, ensuring proper governance in New South Wales. After all, the Protected Disclosures Act is all about ensuring that appropriate information flows occur and that public servants who are aware of serious and substantial waste, corrupt conduct or maladministration are given an avenue to pass on the information. Regrettably, one might think a Government that has been in power for 14 years, rather than encouraging good governance and a proper flow of information to prevent corrupt conduct, maladministration or serious and substantial waste, might simply want to close down any problem. Hence, it has continued to ignore appropriate amendments to the Protected Disclosures Act 1994.

This inquiry was a result of the combined actions of the Liberal-Nationals in this place and the sound and thoughtful involvement of Reverend the Hon. Fred Nile. When Reverend the Hon. Fred Nile was confronted by a motion that he considered inappropriate, he came up with the motion that led to this inquiry. While certain issues relating to the conduct of the inquiry may be discussed at another time, no doubt the work of Reverend the Hon. Fred Nile, both on the committee and in relation to the establishment of the inquiry, has led to a substantial and significant document of considerable worth, that is, this report. Having made some brief preliminary comments, I will now comment on the proposals contained in the report.

Proposal one deals with the establishment of a protected disclosures unit. The committee made this recommendation in 2006. It has been part of Liberal-Nationals policy for sometime and has been repeatedly commented on in public by the Liberal-Nationals, but it does not seem to have attracted any attention from the Australian Labor Party. It is designed to remove this Act from its status as an orphan. It is designed to create an environment whereby the performance of departments and of the Act is under constant monitoring and scrutiny. That proposal, whether it be in this form or in an amended form, must be a fundamental part of any amendment to the Act so that we ensure that the Act is as effective as possible on an ongoing basis, and to ensure that departments with a responsibility to properly enforce the Act perform as they should.

Proposal two states that there must be appropriate oversight to ensure that public authorities, departments, have internal policies that adequately assess and properly deal with protected disclosures. On many occasions we have seen a wide variance in performance in the application of the Protected Disclosures Act. Indeed, with similar legislation across Australia, there is not only in New South Wales but also across Australia a wide variation in the application and effectiveness of internal policies. One might add in that regard that plainly it is possible to have a document that reflects internal policy but there is no commitment in the department to ensure that that internal policy is applied.

Proposal three is that the Protected Disclosures Act be amended to provide that, in addition to public officials, people in contractual relationships with public authorities who make disclosures are eligible for

protection. The committee dealt with this at some length, as it is one of the most important amendments that can be made to the Act. Plainly, with the way public services are provided in this State, as with all other States, it is necessary to ensure that people in contractual relationships with public authorities are protected because of the interface between private enterprise and the public service.

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

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2009-2010

Debate resumed from 2 September 2009.

The Hon. MELINDA PAVEY [3.37 p.m.]: I speak in debate on the 2009-10 budget in my capacity as shadow Minister for Emergency Services. Also, I am representing the Port Macquarie and Monaro electorates to ensure that the promises made to those electorates are delivered. Sadly, this budget failed Monaro and Port Macquarie, as it did most electorates in New South Wales, in a very real way.

The Hon. Henry Tsang: Talk to Tony—he'll fix it.

The Hon. MELINDA PAVEY: Maybe the Hon. Tony Catanzariti would be better than Steve Whan in the Monaro electorate. Maybe that is a good idea. That is interesting political, strategic thinking. I am sure Steve Whan will appreciate that idea from the Hon. Henry Tsang, and I will put it to him. If the Hon. Tony Catanzariti were the member for Monaro I am sure he would do more about services at Cooma TAFE. The people at Cooma TAFE are concerned and disappointed. Before the budget they lobbied hard to get services and they failed on that front. Another big failure relates to a HealthOne facility for the Jindabyne community. I raised this issue with the Minister for Health. It should be close to his heart, given that during the 2007 State election campaign he made a strong commitment to a HealthOne facility for the Jindabyne community. Again, failure! Nothing! The Jindabyne community is devastated. The population of Jindabyne is about 5,000, and it can rise to about 10,000 during the snow season.

Jindabyne has very good private general practitioners who work closely with the community and go above and beyond the call of duty to provide amazing services. However, no public health facility is available. Unfortunately, Steve Whan is not able to go beyond his closed Labor thinking. He will not champion a HealthOne facility for the Jindabyne community that may not necessarily match the parameters of similar facilities in other communities. Steve Whan is unable to think outside the square for the community of Jindabyne, which is a big disappointment.

Steve Whan and the Labor Party also made other commitments, such as the Kings Highway. In the end the budget funding was \$2 million less than had been promised in press releases, but that is no great surprise. The Government overextends itself to look good, but at the end of the day when one looks closely at the budget one sees that the money is not there. TAFE services across New South Wales were allocated \$99 million, but nothing in particular was allocated for Cooma, which is also a great concern. The communities of Balranald, Coonamble and Manilla, which are in The Nationals electorates, were able to get HealthOne facilities up and going but unfortunately the Labor-held seat of Monaro was not. It is a real concern.

The budget made no mention of the fourth pod for Port Macquarie hospital. Since the release of this budget I have received documentation under freedom of information legislation that shows the absolute need and the desire for funding for a fourth pod—funding for which the area health service applied. The area health service knows how difficult it is to provide hospital services for a population for which it was not built. It knows that a fourth pod is desperately required, yet the budget provided no funding for it. The budget mentions a paltry sum of \$1.3 million, which the Government announces on every one of its numerous visits to Port Macquarie—I think it is as much to do with the beach as anything else. The Government does not address the core problems, that is, a hospital that is not big enough for the community it is servicing. Figures released today show the unacceptable wait times in the emergency services department for patients requiring urgent treatment. This year only \$25 million has been allocated to the Oxley Highway project. Remember that man—what is his name—Carl Scully, the flashy guy who thought he was going to be Premier?

The Hon. Catherine Cusack: Was he Joe Tripodi's friend or was he then not Joe Tripodi's friend?

The Hon. MELINDA PAVEY: He was Joe's friend. They were very special friends and then they were not special friends.

[*Interruption*]

The Hon. Catherine Cusack: Are you Joe's friend?

The Hon. Michael Veitch: Point of order: Standing orders clearly state that all comments should be directed through the Chair. I ask that you direct the Hon. Melinda Pavey to do so.

DEPUTY-PRESIDENT (Ms Sylvia Hale): Order! I ask the Hon. Melinda Pavey to comply with the standing orders.

The Hon. MELINDA PAVEY: Is the Hon. Michael Veitch a friend of Joe Tripodi? Has he had the big tap on the shoulder?

[*Interruption*]

DEPUTY-PRESIDENT (Ms Sylvia Hale): Order! The Hon. Melinda Pavey will continue.

The Hon. Charlie Lynn: Not even Carl would take the job now.

The Hon. MELINDA PAVEY: No, not even Carl would take the job now. There may be mirth but there are also serious considerations with respect to services in two wonderful communities—Jindabyne and Port Macquarie. The lack of a fourth pod for Port Macquarie Hospital was the biggest disappointment in the budget. As I said, only \$25 million was allocated for the Oxley Highway project, which brings total expenditure for the project to \$54.2 million—a shortfall of \$100 million. According to the blown-out estimate, the project will be completed by 2011. Given the nature of the finances in New South Wales I predict a sob story. The roads Minister will say, "Because of the global economic crisis, we won't be able to meet that 2011 commitment". One does not have to be brain a surgeon to think like that.

Thanks to funding from our increased insurance premiums—not funding from the State Government—the Emergency Services portfolio does not look too bad. Our increased premiums have ensured that funding has been maintained and increased according to the consumer price index in the portfolio responsible for the New South Wales Fire Brigades, the New South Wales Rural Fire Service and the State Emergency Service [SES]. It was announced in the mini-budget that from 1 July 2009 those with house and contents insurance in New South Wales will pay for 73.7 per cent of the operations of the State Emergency Service in line with funding for the New South Wales Fire Brigades and the Rural Fire Service. The remainder of the SES funding will be derived from a contribution of 11.7 per cent, down from 12.3 per cent and 13.3 per cent to the New South Wales Fire Brigades and the Rural Fire Service respectively from local government, and a 14.6 per cent contribution from the State Government.

This cost-shift to insurance holders across New South Wales will save Treasury approximately \$40 million per year in its allocation to the State's Minister for Emergency Services—it is not an increase in funding from the State Government. I am concerned about the amount allocated in the New South Wales Fire Brigades budget, the New South Wales Rural Fire Service budget and even the SES budget for capital works. A number of fire brigade stations are renovated each year, generally taking one year to complete. Therefore the budget contains no real capital works comparisons because they do not carry across over into the following year. I will address that issue in the budget estimates process. The fire station renovations listed in the 2008-09 are forecast to be complete by the end of 2009. The Opposition has requested an update from the commissioner as to how many have been completed to date.

The capital works funding for the SES has dropped, but I am advised by the SES that is due to a bigger allocation in the previous year of \$2.2 million to complete the new warehouse in Wollongong to store the SES equipment before they go out to local headquarters. I will also address during budget estimates the number of trucks the Rural Fire Service will get and where they will go. The concern amongst volunteers is that a lot of funds are absorbed in administration and not enough remains for new fire trucks and equipment—that should be a priority of this important organisation. [*Time expired.*]

The Hon. CATHERINE CUSACK [3.47 p.m.]: The 2009-10 budget delivered on 16 June must be considered in the context of budget policy established by Premier Rees in the November 2008 mini-budget,

which tightened spending at a time when the Federal Government was trying to stimulate the economy. In a bizarre twist, Treasurer Eric Roozendaal spends most of his time in this place asserting the importance of what he calls the New South Wales Government's stimulus package for the State economy, but the reality is the stimulus money in the budget is Federal funds being announced as if it were new State money. The Federal funds are earmarked for specific projects, and cover up the extent to which the State has withdrawn fiscal effort.

In other words, the entire concept of a State stimulus is a cruel hoax that is not lost on those on the front line who have to cut spending and reduce staffing as core budgets shrink and hard decisions are made. For example, for more than 10 years running the Government has agreed to large pay rises for public servants, but it has not funded those pay rises—leaving it to managers to cannibalise their program funding or shed staff to meet their statutory obligations.

I am dismayed by the stress that is placed on public servants, whether they be in administration or front-line services. It is very tough emotionally as well in public policy. Thousands of demoralised public servants are doing their best to keep services afloat and maintain professional standards—no thanks to this impervious Government. It is to the credit of staff. In the case of the Environment and Climate Change portfolio it is their passion for their work, which never ends. I certainly thank them for hanging in, in spite of such incompetent and unfeeling leadership by this decrepit and discredited Rees Labor Government.

In the 2009-2010 budget the total amount of money under the purview of the Minister for Climate Change and the Environment increased at a rate less than inflation—from \$1,333.8 million to \$1,336.1 million dollars. The Environment Trust's funding decreased slightly from \$93.9 million to \$93.4 million dollars. The Royal Botanical Gardens and Domain Trust received a small increase to its budget—from \$34.43 million to \$39.2 million. Catchment management authorities experienced their second decline in recurrent funding—decreasing from \$219.6 million in last year's budget to \$124.8 million dollars in this year's budget. As I have stated previously, I am concerned by the lack of direction of the Government on catchment management.

Capital works declined significantly as a proportion of the budget, and I am very concerned by that. In fact, the capital works for the Department of Environment and Climate Change declined by 66 per cent. It dropped from \$202.2 million to merely \$68.6 million. This decrease is due to go-slows on many capital works programs, and cuts to programs such as the Kosciuszko centenary heritage and environmental works. It should be noted that the biggest decrease in capital funding has been in river health. Last financial year, \$98 million was allocated to the Living Murray, \$20 million to Rivers Environmental Restoration, and \$16.486 million to Riverbank. This financial year, New South Wales's capital works on river health is a mere \$13.675 million across those programs. This significant decline in capital works on estuary health is concerning.

I turn now to waste. This year's budget saw the continual failure of the Government to boost the reuse and recycling rate in New South Wales. New South Wales now collects five times the amount that Victoria does in landfill tax—in the form of the waste and environment levy—yet we recycle 20 per cent less than Victoria. The reason is simple: The waste and environment levy is not being reinvested into cutting-edge facilities that will slash the amount of waste going into landfill. New South Wales is trending below eight of the nine benchmarks for recycling, according to the department's recent Waste and Resource Recovery report. Industry experts acknowledge that the aspirational targets of the Government for reuse and recycling are fanciful, and will not be met.

In Victoria, where the Environment Protection Authority reinvests its smaller levy into the industry, recycling rates are outstripping those in New South Wales. In New South Wales, the money goes into general revenue to cover the poor fiscal discipline of this Government. Soon the levy will amount to 2 per cent of the taxes collected by the Government, nearly double what it was two years ago. That hike in the waste and environment levy has come about by increasing the cost per tonne of waste to landfill, and expanding the number of areas that are covered by the levy. This budget gave the Government an opportunity to turn this levy, which the Government is now addicted to as a tax, into a tool to put New South Wales back in front on recycling. The Government again failed to take this chance, and we are slipping further and further behind.

The Opposition does not oppose the use of a landfill levy as a price signal to encourage the deployment of advanced waste facilities that will reduce the amount of waste going into landfill. The price signal will encourage the recognition of the ecological costs of landfill, resource extraction, and the potential costs of the resources into which waste can be turned. All the literature points to the fact that a state of zero waste going to landfill has net benefits for ecologically sustainable development. That is why the use of the waste and environment levy is just another tax instead of a revenue source earmarked for reinvestment. It is such a

disgrace. The most worrying thing is that when one looks into the forward estimates, it can be seen that the Government expects the amount of revenue gained from the levy to continue to increase as far as the forward estimates go. Revenue from Victoria's landfill levy recently declined because of improved performance in resource recovery, reuse, and recycling. If the Government had a strategy to put New South Wales in front on recycling, it should not rely on the levy as a tax source that will continue to grow as far as the budget can see.

The 2009-2010 budget also saw the continual slide in funding to catchment management authorities, which undertake important roles in the protection and improvement of the ecology of rivers and landscapes. There is a sense of drift in landscape management policy, with the Government reacting to changes at a Federal level. Front-line environmental managers are disconcerted by the lack of a clear vision for catchment management authorities, which undertake important activities in areas such as estuarine health and native vegetation. Some Federal factors in this include the way that Minister Garrett's Caring for Country grants bypass the catchment management authorities. In a budget whose total spend on the environment was effectively static at \$1.33 billion dollars, the \$92.7 million gained by the Department of Environment and Climate Change equates to the money lost by the authorities. The budget's lack of clarity about where sources of money for catchment management authorities come from only enhances the insecurity facing those at the coalface of environmental management.

The deepest cuts to recurrent funding occurred in the places most under stress due to drought. Since the 2008-09 budget the Central West Catchment Management Authority has lost 71.3 per cent of its recurrent budget, the Murrumbidgee Catchment Management Authority has lost 57.6 per cent, the Western Catchment Management Authority has lost 55.4 per cent and the Murray Catchment Management Authority has lost 54.2 per cent. The Lachlan, Namoi, Border Rivers-Gwydir catchment management authorities all lost more than 40 per cent of their funding. The only authorities to increase their recurrent funding were urban ones: Sydney Metropolitan and Hawkesbury-Nepean. This budget failed to arrest the sense of drift in landscape management in New South Wales. In fact, it enhanced it. There is no vision or direction that seeks to advance the health of ecosystems in New South Wales, and that must be addressed with urgency.

Climate change and renewables—New South Wales's response to climate change—were a disappointment in the 2009-10 budget. In fact, nothing typifies the failure of New South Wales Labor on climate change over 14½ years like this budget does. The main purpose of a climate change policy is to reduce greenhouse gas emissions. Half of the emissions in New South Wales relate to electricity generation, which is why so much emphasis is placed on clean energy policy. Electricity represents 19.4 per cent of total State investment in infrastructure. This is a huge share of the capital spend. This year's infrastructure budget for electricity will be \$3.5 billion, which is \$44.7 million, or 1.3 per cent, less than the previous year. At a time when we should be expanding renewable energy generation and lower-carbon technologies, it is puzzling that we are reducing our overall spending in that area.

The State Plan clearly states that priority E2 is "A reliable electricity supply with increased use of renewable energy". Of course, that is something we all support. However, as the budget shows, the Labor Government is spending \$205 million to expand the Eraring power station on the Central Coast. Labor has not put in place an incentive structure to mobilize private sector investment in renewable energy. As a direct result of that lack of commitment and strained relations between the Rudd and Rees Governments, New South Wales has failed to get its fair share of Federal grants for that purpose.

The renewable energy sector is not crying out for government handouts. It wants certainty in the regulatory framework, and transition funding to assist consumers' take-up of new technologies. That would provide a more level playing field relative to an estimated \$1.5 billion in public subsidies, and support for coal and research into a mirage that is known as clean coal technology, which is unlikely to ever succeed but provides an excuse for the Government to dither and delay in providing meaningful incentives for renewables. Today my remarks are focused on waste, catchment management authorities and climate change. Time prohibits me from addressing the natural environment, but I look forward to taking that up with the Minister during the estimates hearings.

The Hon. DON HARWIN [3.57 p.m.]: With the 2009-10 budget, the State Government is once again mismanaging the State's finances, pursuing the wrong priorities and adopting policies at odds with the prevailing economic circumstances. People are frustrated with a government that is failing to deliver basic services and which puts spin and politics ahead of what is best for local communities. People are frustrated with a government that has no clear solutions to the problems facing our State.

Across New South Wales money is being wasted because the State Labor Government is refusing to listen to local communities and work with them to achieve the service improvements they want. Across New South Wales services are suffering because the Government has failed to introduce long-term, integrated solutions. A striking example of the Government's mismanagement highlighting a shocking waste of funds has been brought to my attention by the President of the Abbotsford Public School Parents and Citizens Association, Robert Vellar. This matter has been reported in today's edition of the *Australian*.

The school has been allocated a \$2.5 million grant under the Federal Government's Building the Education Revolution funding scheme, which the school community has welcomed as an opportunity to address longstanding maintenance needs and increase classroom capacity. There has been a rise in the 0-5 age group in the area over recent years and this demographic change is now translating into increased kindergarten enrolments. Obviously, additional class capacity will be necessary at Abbotsford Public School over the next decade. Having recognised this need, the principal, staff and parents and citizens association applied for the Building the Education Revolution funding grant to fund two covered outdoor learning areas, the re-turfing of the sports oval to remove asbestos fragments in the soil, and refurbishing of an older block of four classrooms.

Citing completion deadlines and associated penalties, however, the Department of Education rejected the school's request. Instead, the department proposed the demolition of an old block of four classrooms and the construction of a new block of four classrooms in its place. Such an appalling waste of funds has understandably outraged the school community. The parents and citizens president, Robert Vellar, has said, "Unless we can spend \$2.5 million better, and that means increasing the capacity of the school for future years, then we think it's a waste of money just to demolish four perfectly good classrooms and rebuild them." The classrooms earmarked for replacement by the department have recently been refurbished from funds raised by the parents and citizens association and are perfectly serviceable. The school sees absolutely no need to replace them. The situation at Abbotsford Public School clearly demonstrates that the Government is not listening to the local community and has failed to address its priorities.

The situation also reveals the longstanding maintenance problems at many of our schools. One of the items included by Abbotsford Public School as a priority for funding was the re-turfing of the sporting field to remove asbestos fragments from the soil. It is concerning to note that the need for re-turfing at the school was initially reported in 2006, and was included in the Public School Principals Forum maintenance survey in March 2007. Given that the school's proposal to address the matter out of the Building the Education Revolution funding has been rejected, one wonders how long the matter will continue to be neglected.

Similarly, one wonders how long the school will have to wait for its covered outdoor learning areas. The Minister for Education and the local member promised the school in December last year that it would receive a covered outdoor learning areas during the current term of the State Government. This promise was made prior to the development of the Building the Education Revolution scheme. During recent correspondence between the department and the school community the Minister has apparently indicated that the Building the Education Revolution funds could cover the installation of a covered outdoor learning areas in addition to the replacement of the existing block of four classrooms. Mr Vellar, in his correspondence with the Opposition, has quite rightly expressed concern that the State Labor Government is proposing to meet its own promise out of Federal Government funds. The Minister must immediately clarify the situation. She must immediately assure the Abbotsford Public School community that the covered outdoor learning areas commitment she made in December last year will be honoured out of State Government funds. Regardless of whether the school receives a federally-funded covered outdoor learning areas from Building the Education Revolution grant funds, the Minister must guarantee that the school will still receive the State-funded covered outdoor learning areas she promised last year. The school has, after all, identified the need for two covered outdoor learning areas.

The debacle over the spending of Building the Education Revolution funds at Abbotsford Public School also exposes deficiencies in the Government's long-term infrastructure delivery processes. Abbotsford Public School recently asked that the department's proposal be amended to cover the refurbishment of four classrooms and the construction of two new classrooms. This request was declined on the basis that such a plan could not be formulated in time to meet the Commonwealth Government's deadlines. This raises questions about the Education department's preparedness for changing demographics and its long-term plans for the consequent changes in class capacity requirements. It has been known for several years that more classrooms are going to be needed in many schools in the inner west, so why has the department not drawn up plans for how the necessary additional classroom capacity will be provided? At the time that the Building the Education Revolution funding became available why did the department not already have some proposals in place about how classroom capacity at schools such as Abbotsford Public School could be delivered?

Unfortunately, long-term planning by the Department of Education and Training has been a concern for a considerable time. For several years now the local community has complained about the Government's failure to implement a properly integrated solution to the chronic problems caused by swelling class sizes at inner-west schools. Nearly two and a half years ago an organiser for the Teachers Federation in the inner west spoke out about the lack of a long-term building plan and attacked the proliferation of demountables in playgrounds. She also criticised the Government for allocating capital works funds to projects that were not priorities for the schools. At the time the Government was intent on announcing high-profile projects such as the upgrading of science labs and new gym facilities. In contrast, the priorities identified by the schools themselves in a maintenance audit focused on more basic needs such as security fences, toilet blocks, playground resurfacing and sports field turfing.

Inadequate forward planning is not a problem confined to the Education department; every aspect of infrastructure delivery by this Government has been hampered by a lack of long-term, integrated planning. The portfolios of Roads, Transport, Health and Education have suffered for years because the Government has failed to develop practical long-term plans that provided coordinated solutions for the people of this State. The Government's hopeless record on forward planning has been exposed by Federal funding schemes. New South Wales has repeatedly missed out on Federal infrastructure and stimulus grants because State departments have not had adequate proposals developed and in place to take advantage of the funding on offer.

In February the *Sydney Morning Herald* reported that Infrastructure Australia officials had condemned the New South Wales Government's submission for its lack of detail on the benefits and costings of its key projects. Infrastructure Australia officials were of the view that New South Wales was at risk of being sidelined from funding because of the lack of integrated planning in the State's submission and the Rees Government's constant haphazard updating of the submission.

In April the *Sydney Morning Herald* reported that the Federal Government was keen to fund at least one major project in each State but that "the quality of some of the proposals, including those in New South Wales, is inadequate". Projects put forward by New South Wales included the \$4.8 billion CBD Metro rail link and the Sydney West Metro. Some projects had a poor state of readiness, others required further analysis, and some needed extra funding to be established. Unlike the State Labor Government, the Opposition understands that improved, coordinated infrastructure delivery is vital for the future growth and prosperity of the State. The Opposition Leader, Barry O'Farrell, has already committed a Coalition government to the goal of halving the lead time for the delivery of major infrastructure and capital works to improve services and foster growth.

The situation at Abbotsford Public School is frustratingly emblematic of the Government's flawed approach to infrastructure delivery. The Government's budget remains focused on securing big-ticket items for short-term political reasons rather than on delivering the basic service improvements that the local community wants in accordance with a properly designed, integrated plan devised through genuine consultation with residents and stakeholders. The people of New South Wales need integrated infrastructure and service delivery solutions, but with the 2009-10 budget the State Labor Government has once again failed them.

The Hon. AMANDA FAZIO [4.07 p.m.]: I congratulate my colleague the Hon. Eric Roozendaal on the 2009-10 budget that he handed down on 16 June. Despite the doom and gloom being peddled by the pessimists opposite, the budget has been very well received by the business and community sectors. The priority of the budget is to support and invest in jobs over the next four years. The New South Wales Government will invest \$69.2 billion in jobs supporting infrastructure. The record building program supports up to 160,000 jobs a year and is the biggest infrastructure program in the history of the State. Through the following specific programs the Rees Government is working to protect jobs and strengthen communities. The programs I specifically want to talk about are the Community Building Partnership, the Local Infrastructure Fund, the Housing Construction Acceleration Plan, the Building the Country package and the Major Investment Attraction Scheme.

In comparison, the New South Wales Opposition has made \$36 billion of uncosted and unfunded promises over the past two years. Apart from making spending promises willy-nilly, it has no actual policies. It was interesting to note some of the Opposition speakers making reference to the State Plan in their contributions. I am very glad that they raised the State Plan because at least I can say with some pride that we have a State Plan. We have a vision for New South Wales.

Opposition members are continually talking down the economy of this State. Last week the Hon. Catherine Cusack admitted that the Coalition had not updated its education policy since 1988, and it has

released no other policies. We have \$36 billion in uncosted promises, which is a disgrace. I refer to the comments made by the member for Ballina in the other place. He claimed that the record funding in the 2009-10 budget that went to country electorates was due to the work of sitting members of The Nationals. The money that went to their electorates was in spite of the lack of work done by those sitting members. I am proud to state that money has gone to electorates throughout New South Wales on the basis of need. This Government allocates funding where there is a community need; it does not indulge in pork barrelling. That is hard for members of The Nationals to understand because they have not changed their methods of operation since 1988.

Turning to my duty electorate of Ballina, I will outline some of this Government's major funding commitments. The health portfolio has been allocated \$105,000 for one full-time and one part-time clinical support officer for Ballina hospital to enable doctors and nurses to spend less time on paperwork and more time caring for patients. An amount of \$52,800 has been allocated for a part-time clinical support officer for Byron Bay hospital to enable doctors and nurses to do less paperwork and to provide more patient care. An amount of \$52,800 has been allocated for a part-time clinical support officer for Mullumbimby hospital. Ambulance services at Byron Bay will benefit from a \$15.6 million statewide enhancement to upgrade Ambulance Service stations and fund fleet replacement, medical equipment, electronic health records and maintenance.

In education, \$3.298 million has been allocated for the continued upgrade of facilities for welfare, information technology, retail and maritime courses, and canteen, student and staff toilets at Ballina TAFE campus. An amount of \$280,000 has been allocated for a toilet upgrade at Lennox Head Public School as part of the Government's commitment to the Principals Priority Building Program. An amount of \$200,000 has been allocated to upgrade the ventilation system at Ocean Shores Public School. An amount of \$12 million has been allocated to network investment for an energy zone substation and commencement of the construction of a new zone substation at Suffolk Park. In the area of roads, there is a \$244.3 million budgetary allocation to Ballina: \$231 million for network development; \$9.9 million for maintenance of the Ballina road network; \$544,000 for transport and traffic management; and \$2.8 million for road safety.

Let me break down the roads funding in that electorate, as roads are important to people in that area. There is a budgetary allocation of \$170 million for the Ballina bypass; \$35 million for the Alstonville bypass; \$25 million to upgrade the Pacific Highway to four lanes from Tintenbar to Ewingsdale; \$2 million for the planning of the Pacific Highway upgrade from Woodburn to Ballina; \$800,000 for a new traffic bay at Ross Lane; \$610,000 for the realignment of Bangalow Road at Tinderbox Road to improve road safety at the intersection; \$506,000 for routine safety work, including road clearing and general maintenance; \$400,000 for resurfacing of the Pacific Highway at Lawlers Lane north of Ballina; \$218,000 for maintenance of traffic lights and signs in the Ballina electorate; \$200,000 for a right-turn lane on Budgen Avenue at Alstonville; \$176,000 for traffic management work, including the construction of new cycleways and pedestrian crossings; \$150,000 for councils to maintain their local road network; \$115,000 for school crossing supervisors in Ballina; and \$25,000 for road safety officers at local councils.

In the area of transport, \$251,401 has been allocated for the maintenance of overbridges and vegetation control, and \$1.19 million for Tweed Byron and Ballina Community Transport Inc., providing transport for those unable to access regular public transport due to physical, social or geographic disadvantage. Multi-electorate work includes \$6.64 million for the Taxi Transport Subsidy Scheme; \$24.15 million for the Private Vehicle Conveyance Scheme; and \$35.46 million to fund concession travel for pensioners and students on CountryLink services. In the area of housing, this Government is delivering new homes that will better suit the needs of tenants, including disability access close to schools, shops and transport; and \$714,000 has been allocated to complete six homes in Ballina, with a total investment estimated at \$1.44 million.

An amount of \$958,000 has been allocated to complete four homes for people in need in Ballina, as part of stage one of the Nation Building Economic Stimulus Plan; \$767,000 has been allocated to complete five community housing projects in Byron Bay; \$1.82 million has been allocated for maintenance upgrades to social housing homes in the Ballina electorate; and \$5.2 million has been allocated for new community living accommodation for 18 people with a disability. The Government has allocated \$68,500 for Emigrant Creek boat ramp improvements under the Better Boating Program; \$37,500 for the construction of the Wardell public jetty; and \$25,700 for a Fishery Creek boat ramp upgrade. In the area of environment and climate change, an amount of \$150,000 has been allocated for a new kiosk and public amenities building at the Pass-Cape Byron surf club; \$25,000 to redevelop the car park at the Cape Byron surf club; and \$34,950 for the Environmental Trust for Brunswick Valley LandCare.

Ballina residents will also share in the \$208 million to be spent under the Climate Change Fund on programs, including the household rebate scheme for water tanks, energy-efficient hot water heaters, and 4½

star washing machines. Environmental regulation and compliance will be given a boost with \$71.8 million spent statewide. I have just given the figures for the Ballina electorate. There are also massive funding allocations to the Orange electorate but, unfortunately, due to time constraints I will not be able to go through what this Government is doing on the South Coast and in the Tweed. In health, \$704,000 has been allocated for six full-time clinical support officers at Orange hospital, and a \$75 million four-year statewide program will provide Orange hospital with an eight-bed medical assessment unit.

An amount of \$250 million has been allocated for the redevelopment of Orange hospital; \$1.98 million has been allocated toward Health One at Molong; Orange hospital will benefit from the rollout of electronic medical records by mid-2010; and Orange hospital will benefit from a share in the \$1 million statewide allocation for additional clinical trauma services staff. In the area of education, Bletchington Public School will receive \$2.257 million; Mudgee TAFE will receive \$3 million; a new hall will be constructed at Orange Public School; there is funding for a new woodworking unit at Gulgong High School; \$90,000 has been allocated for a toilet upgrade at Orange East Public School; \$75,000 has been allocated for a toilet upgrade at the Red Hill Environmental Education Centre; \$45,000 has been allocated for a sewerage upgrade at Cudal Public School; and \$60,000 has been allocated for a stormwater upgrade at Wellington High School. This Government has allocated \$3.29 million for new community living accommodation for 16 people with a disability. In the roads budget, \$18.6 million has been allocated to Orange. The breakdown of these budgetary allocations is so comprehensive that I will not read it but will provide it later to anybody who would like a copy.

I turn now to some of the other things that the Government is doing. It is spending a quarter of a million dollars on Cowra courthouse; \$60,000 for a new truck for the Orange branch of the State Emergency Service; and \$154,000 for the Central West Positive Connection Project, which helps kids aged nine to 14 who otherwise might be in trouble. The project helps them to maintain positive connections to education, community, family and peers. The Government has allocated \$350,000 for information technology for primary industry; \$607,000 for scientific projects and a portfolio management system at Orange; \$849,000 for a biosecurity management system at Orange; and \$757,000 towards the forensic and tertiary mental health unit at Bloomfield hospital as part of the Orange hospital redevelopment.

Massive funding has also gone into my other duty electorates of South Coast and Tweed but time constraints prevent my going into detail. I reiterate that this New South Wales Labor Government has got it right in its 2009-10 budget. We are providing funding to areas across the State on the basis of need—and for no other reason. I thank all those community representatives, local government bodies and public servants who contacted me to thank the Government for the funding that they received in the budget. I will pass on their congratulations and thanks to the Treasurer. [*Time expired*].

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

OCCUPATIONAL LICENSING LEGISLATION AMENDMENT (REGULATORY REFORM) BILL 2009

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.17 p.m.], on behalf of the Hon. Eric Roozendaal: I move:

That this bill be now read a second time.

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

Leave granted.

It is my privilege to introduce the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009.

The Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009 will remove the requirement for certain tradespeople to be licensed in New South Wales.

These changes will save costs for New South Wales businesses by removing unnecessary regulation, without compromising the quality of protection for consumers.

In the home building sector, the bill will remove licensing for:

- Floor finishers and coverers
- Kit home suppliers
- Property inspectors, and
- Lift mechanics.

The bill will clarify that:

- Kit home suppliers must continue to meet contract and information disclosure requirements under the Home Building Act 2004, and
- Disputes about kit home suppliers may continue to be heard by the Home Building Division of the Consumer, Trader and Tenancy Tribunal.

The bill will also remove licensing for:

- Optical dispensers and
- Clarify that optical dispensers will continue to be subject to the Health Care Complaints Act 1993

The removal of these licences will save businesses in these industries \$900,000 every year in administrative costs. This includes fees, as well as time taken to apply for and renew licences, and the costs of complying with unnecessary education and insurance requirements.

The New South Wales Government is committed to ensuring that regulation is required, reasonable and responsive. We are continuously seeking ways to reduce regulatory burden and red tape.

In May 2008, the Productivity Commission released its Report on the Review of Australia's Consumer Policy Framework.

The Productivity Commission recommended that the Council of Australian Governments' Business Regulation and Competition Working Group should oversee a reform program for industry-specific consumer regulation, including identifying and repealing unnecessary regulation, initially focusing on requirements that apply only in one or two jurisdictions.

In response to this program of work, the New South Wales Government reviewed licensing of eleven occupations identified as being licensed only in New South Wales, or in New South Wales and one or two other States, to determine whether the requirement is justified, and to remove any unnecessary regulation.

The New South Wales Better Regulation Office review, completed in April, looked at the costs and benefits of licensing these occupations for consumers, licensees and Government. It assessed whether licensing is the best way to protect consumers, or whether there are other less costly ways to do so.

The review included a full public consultation process.

The review is just one element of the Rees Government's comprehensive program of red tape reduction, and will contribute to our goal to cut red tape for business by \$500 million by June 2011.

I turn now to consider the bill in detail.

The bill will amend several Acts.

The bill amends the Home Building Act 2004 to remove the flooring contractor licence, and therefore the requirement for floor finishers and coverers to be licensed.

The range of flooring covered by the flooring contractor licence essentially relates to decorative aspects and the appearance of flooring, and is not considered structural work.

The licence provides information to consumers about the educational qualifications of a contractor, requires the contractor to be insured and provides the consumer with a right of redress in the event of substandard work.

However, in practice the benefits to consumers of the licensing scheme are low.

Data provided by the Office of Fair Trading indicates that there are few serious complaints about floor finishers and coverers.

The relatively low value of consumer flooring contracts means that insurance requirements are rarely activated, and disputes can be heard in the General Division of the Consumer, Trader and Tenancy Tribunal.

Protections already provided under the Consumer Claims Act 1998 and information provided on the Office of Fair Trading website are sufficient to address the risks associated with non-structural flooring work.

A contractor licence will continue to be required for structural flooring work and could be fulfilled by licences such as general building work and carpentry.

The bill amends the Home Building Act 2004 to remove the requirement for kit home suppliers to be licensed.

Licensing of kit home suppliers was introduced in response to an event in 1990 in which a major kit home supplier collapsed and consumers lost \$2.7 million in deposits.

The Home Building Act imposes probity, insurance, contractual and information disclosure requirements on suppliers. It also provides consumers a right of redress in the event of poor quality dealings.

However, the review found licensing does not provide any particular protection for consumers over and above other provisions in the Act.

The compulsory contract and information disclosure provisions and dispute resolution mechanisms will be retained, and are sufficient to address the financial risks that consumers face when purchasing a kit home.

Given the high value of most kit home purchases, the bill amends the Home Building Act to ensure that consumer rights will continue to be protected through the Home Building Division of the Consumer, Trader and Tenancy Tribunal.

The bill also amends the Home Building Act to remove the requirement for lift mechanics to be licensed through elimination of the mechanical services contractor licence.

The usefulness of the mechanical services licence is limited in practice.

All activities carried out under this licence that pose a significant threat to the health and safety of consumers are adequately covered by other regulatory frameworks.

Occupational health and safety laws apply to many of the activities covered by the mechanical services contractor licence, and these requirements are more comprehensive than conditions under the licence.

Also, many activities relating to mechanical services are considered 'specialist work' which may only be performed by an appropriately licensed or certified tradesperson such as an electrician.

By removing the mechanical services contractor licence, the bill will reduce duplicative and unnecessary regulation and reduce costs for business.

The bill amends the Home Building Act 2004 to remove the requirement for pre-purchase property inspectors to be licensed, through elimination of the building consultancy licence.

Pre-purchase inspections are visual only, and do not necessarily confirm the degree of any structural problems or the cost of rectification. A pre-purchase inspection does not include termite and other pest inspections.

The review found that with guidance on what skills and experience to look for, consumers should be able to engage a suitably qualified person to undertake a house inspection.

In relation to the abolition of these four home building licences, the bill will provide that any person who holds a current licence that is no longer required will be able to apply to the Office of Fair Trading for a pro rata refund of the fees paid for that licence.

The bill will repeal the Optical Dispensers Act 1963 and the Optical Dispensers Regulation 2007 to remove the requirement for optical dispensers to be licensed.

The licensing scheme provides a mechanism for lodging and handling complaints about licence holders. However, few issues have arisen which could not be resolved between a consumer and an optical dispenser.

Other jurisdictions do not require licensing to manage health and safety risks, and there is no evidence that consumers in any of those jurisdictions have been harmed by the absence of licensing.

For these reasons, the Government has agreed that licensing should be removed.

On repeal of the Act, optical dispensers will be subject to the Code of Conduct for Unregistered Health Professionals in schedule 3 of the Public Health (General) Regulation 2002.

The bill will make minor amendments to the Health Care Complaints Act 1993 to ensure that complaints about breaches of the Code by optical dispensers can continue to be heard by the Health Care Complaints Commission.

As a result of the removal of the licence, the Optical Dispensers Licensing Board will be wound up at the end of June 2010.

The Government recognises the work of the Board in raising professional standards in this industry and in driving developments in education programs for optical dispensers.

High professional standards will be assured in the absence of licensing with optical dispensers subject to the Code of Conduct for Unregistered Health Professionals, oversight by the Health Care Complaints Commission and general fair trading laws.

Reserve funds held by the Board—funds contributed by the industry through licence fees—should be used to support the maintenance of high professional standards in optical dispensing. The Government will be having discussions with the Board about the best use of these funds.

Health risks do exist if contact lenses are incorrectly used, and it is important that consumers are fully informed about those risks.

The sale of sight-corrective contact lenses is currently controlled through requirements for an optometrist's prescription.

The sale of cosmetic contact lenses will also be controlled through an optometrist's prescription from 1 July 2010, as part of the national registration scheme for health professionals.

The review recommended that the Code of Conduct for Unregistered Health Professionals should be amended to ensure that consumers are informed of the health risks.

However, this is now not necessary due to the decision to regulate supply of cosmetic lenses at the national level. The repeal of the Act is timed to coincide with the introduction of the national registration scheme.

Licensing of motor vehicle repairers, under the Motor Vehicle Repairs Act 1980 was also reviewed by the Better Regulation Office.

The review found the scheme achieves consumer protection, vehicle fleet safety and law enforcement outcomes. The Better Regulation Office's review re-affirmed the need for licensing motor vehicle repairers.

Motor vehicle accessories, such as audio systems and wheel trims, are produced for retail sale and for fitting by the purchaser. In many cases, they do not alter the performance or safety characteristics of a vehicle and therefore do not present a risk to the safety of consumers or vehicle roadworthiness.

However, there is some uncertainty within industry as to the whether or not accessory fitting is captured by the Act.

The review recommended that the Motor Vehicle Repairs Act be amended to clarify that licensing does not apply to the fitting of accessories which do not affect the performance, safety or security of a vehicle.

However, rather than amending the Act, the recommendation will be pursued through amending the Motor Vehicle Repairs Regulation following more detailed consideration of the best way to improve certainty for industry.

I want to make it clear that nothing in this bill will unduly reduce consumer protections in New South Wales, nor will it expose the public to undue risk.

Nor will the bill in any way affect the health or safety of consumers or the public.

This bill does not take away the protections afforded to all consumers under fair trading and contract laws.

The bill is only concerned with removing regulation that does not add value, and clarifying some provisions so that legislation is effectively protecting consumers.

The reforms contained in this bill again demonstrate the Government's firm and ongoing commitment to reducing red tape.

They follow a public consultation process and implement recommendations made by the Better Regulation Office.

The reforms will mean that more skilled people from interstate and overseas will be able to take on projects or set up businesses in New South Wales, without the unnecessary costs and effort of obtaining a licence.

This will improve the free flow of skills around the country and benefit the New South Wales economy.

The reforms demonstrate once again that New South Wales is a place where tradespeople can just get on with the business of building our economy to see us into the future.

I commend the bill to the House.

The Hon. MELINDA PAVEY [4.19 p.m.]: The Opposition will not oppose the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009. My colleagues in the lower House have spelt out clearly their concerns with the bill. The New South Wales Better Regulation Office conducted a review of occupations requiring licences and determined that in at least five cases licences were not necessary and did not achieve benefits in consumer protection. Therefore, the Government has determined that these licences represent an unnecessary cost to industry and consumers. The intention of the bill is to remove these licences from legislative requirements. On 3 July 2008 the Council of Australian Governments [COAG] agreed to develop a national trade licensing system to remove inconsistencies across State borders and allow for a much more mobile workforce. As part of the process the Council of Australian Governments asked its Business Regulation and Competition Working Group to report on the need to continue licensing trades that are licensed in only one or two jurisdictions.

As I mentioned, the New South Wales Better Regulation Office conducted a review and found that in five cases licences were unnecessary, representing an unnecessary cost to industry and, eventually, to consumers. The Government purports a saving of \$900,000 a year in compliance costs without any decrease in consumer protection. Concerns have been expressed, particularly from the Optical Dispensers Licensing Board,

that that is not the case and that there will be an impact on consumer protection. I shall refer further to that shortly. The bill amends various pieces of legislation to remove the requirement for selected occupations to be licensed. The bill will amend the Home Building Act 2004 to remove licensing for floor finishers and coverers, kit home suppliers, lift mechanics and pre-purchase property inspectors. The bill amends the Act to clarify that kit home suppliers must continue to meet contractual and information disclosure requirements, and that disputes concerning kit home suppliers may continue to be heard by the Home Building Division of the Consumer, Trader and Tenancy Tribunal.

The bill also removes the licensing of optical dispensers by repealing the Optical Dispensers Act 1963 and amending the Health Care Complaints Act to ensure that those operating as optical dispensers continue to be subject to that Act. The Optical Dispensers Act will be repealed in July 2010 to coincide with the establishment of a national registration scheme for health professionals. However, the Australasian Dispensing Opticians Association forwarded a submission to the Council of Australian Governments stating its concerns that deregulation will lead to a proliferation of untrained practitioners, which could mean a poorer and costly service to the public. The New South Wales Optical Dispensers Licensing Board stated that optical dispensing is not a trade and recommends a continuation of the current licensing system in the interests of public visual health.

Many arguments support the changes in that the bill will remove unnecessary regulation and save business and consumer compliance costs whilst not adversely affecting consumer protection, and will make it easier for skilled people from interstate or overseas to take on projects or set up businesses in New South Wales without the unnecessary costs and the effort of obtaining a licence. I remember in recent years attending a meeting on the far North Coast and learned that it is much cheaper to install a kit home in Queensland than in New South Wales because of some licensing arrangements.

The Hon. Amanda Fazio: You love Queensland. Why don't you move up there? Go on, migrate!

The Hon. Christine Robertson: Have you actually read something factual about Queensland or just this nonsense?

The Hon. MELINDA PAVEY: Removing the licensing arrangements for kit home builders will help the situation in New South Wales. I thank the peanut gallery for those comments. The bill does not remove the protections afforded to all consumers under fair trading and contract laws. Those who oppose the legislation could have a vested interest in restricting competition. The shadow Minister for Consumer Affairs, Greg Aplin, raised many of those consumer concerns and made a commitment to monitor carefully the effect of these changes. My colleague Don Page, the shadow Minister for Small Business, acknowledges the benefits of the bill, but also questions the \$900,000 in savings. Balancing all these arguments, the Opposition does not oppose the bill. Having raised some concerns, we hope that the Government will monitor the areas mentioned once the changes take effect. The Opposition will also support the amendments to correct some minor drafting errors.

Reverend the Hon. Dr GORDON MOYES [4.24 p.m.]: The Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009 has the effect of amending various pieces of legislation to remove the requirement for selected occupations to be licensed. The bill will amend several Acts. In the home building sector, the bill will remove licensing for floor finishers and coverers, kit home suppliers, property inspectors and lift mechanics. For instance, it will amend the Home Building Act 2004 to remove the flooring contractor licence and the requirement for floor finishers and coverers to be licensed. The bill further amends that Act to remove the requirement for kit home suppliers to be licensed and will also clarify that kit home suppliers must continue to meet contract and information disclosure requirements under the Home Building Act 2004. Disputes about kit home suppliers may continue to be heard by the Home Building Division of the Consumer, Trader and Tenancy Tribunal.

The bill amends the Home Building Act to remove also the requirement for lift mechanics to be licensed by eliminating the mechanical services contractor licence. I am not sure that I will be happy to travel in elevators in high-rise buildings knowing that the lift mechanics were unlicensed when they did work on those lifts. The bill amends the Home Building Act 2004 further to remove the requirement for pre-purchase property inspectors to be licensed by eliminating the building consultancy licence. Furthermore, the bill will repeal the Optical Dispensers Act 1963 and the Optical Dispensers Regulation 2007 to remove the requirement for optical dispensers to be licensed. On repeal of the Optical Dispensers Act, optical dispensers will be subject to the Code of Conduct for Unregistered Health Professionals in schedule 3 to the Public Health (General) Regulation 2002.

According to the Government, the removal of the licence requirement is expected to save businesses in the home building and optical dispensing industries \$900,000 each year in unnecessary administrative costs, including fees, the time taken to apply for and renew licences, and the costs of complying with education and insurance requirements. The decision to remove the licensing requirements was made after public consultation by the New South Wales Better Regulation Office. The Better Regulation Office review recommended the removal of 7 of the 11 licence categories examined; the bill will remove 5 of these licenses. In the interests of time I will focus my commentary only on the removal of licences for optical dispensers. My staff has been in contact with the Australasian Dispensing Opticians Association [ADOA] and has gained some insight into the association's concerns. The association has condemned the proposed changes to the optical dispensing industry. In its own media release the Australasian Dispensing Opticians Association stated:

The recent decision to deregulate optical dispensing in NSW by the State Government is an unfortunate turn of events for the people of New South Wales, and represents a significant step backwards in the delivery of optical health care in this State, and indeed the whole country as a whole.

The Better Regulation Office based its recommendations on the finding that there was no net benefit in licensing optical dispensers. In other words, we do not have to license optical dispensers because everybody can get their optical requirements at the local 7-Eleven store or their Coles supermarket by picking up a pair of magnifiers multiplied by 3 per cent, 4.5 per cent, or something. In particular, the Better Regulation Office found that optical dispensing poses minimal risks to the consumer with most issues being resolved by the consumer. No other State in Australia requires licensing to manage health and safety risks, and there is no evidence that consumers outside New South Wales have been physically harmed by the absence of licensing optical dispensers. But the Australasian Dispensing Opticians Association begs to differ from that view, by stating:

As countries in the Asia Pacific region move towards a more stridently regulated environment, we find ourselves in Australia moving in a retrograde fashion and are out of step with our neighbours.

The statement continues:

It takes a degree of foresight to anticipate the loss of qualified dispensing staff that will occur once those dispensers currently within the industry retire. Should the NSW Government advocate the removal of incentives towards training of staff when the replenishment of these skilled dispensers will be far less likely to occur?

The Australasian Dispensing Opticians Association [ADOA] further stated:

Further to this is the ongoing complaint of the governments of Australia, State and Federal that we are facing a skills shortage.

I ask the House to note the next statement:

Surely an industry which can address its own skills training and competency, without creating any burden on the Government would be an asset, and not a liability, for the Government and indeed the people of New South Wales and Australia as a whole.

According to Peter Jackson, the President of the Australasian Dispensing Opticians Association, TAFE-qualified optical dispensers spend three years in training and their licences cost only \$70 per year. He also stated that the licensing board is fully self-funded: it costs the Government nothing. This amending bill will strip consumers of at least one important layer of protection. For that reason, unless it is amended, I will oppose the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009.

Ms SYLVIA HALE [4.30 p.m.]: During my speech I will refer to parts of the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009 that relate to home building. The bill removes the licensing requirement for floor finishers and coverers, kit home suppliers and property inspectors. Home building is an area of significant policy failure on the part of the Government. The home building insurance scheme for the State has failed many homeowners. They have been left in despair by their inability to pursue builders who fail to complete work on their homes either to a satisfactory standard, or at all. Despite years of complaints and a parliamentary inquiry, the Government has failed to fix the problem and continues to leave consumers exposed to loss.

Similarly there are ongoing problems with the oversight of home building by the Department of Fair Trading. On behalf of the Minister for Regulatory Reform, the Minister for Tourism stated when introducing the legislation in the other place that data provided by the Office of Fair Trading indicated that there are few serious complaints relating to such people as floor finishers and coverers. That supposed absence of complaints has

been used to justify removal of a licence requirement that, in that Minister's own words "... provides information to consumers about the educational qualifications of a contractor, requires the contractor to be insured, and provides the consumer with a right of redress in the event of substandard work".

One assumes that, as the requirements are minimal, they should be enforced by people engaged in that work being required to hold a licence. But we have seen that attitude before on the part of the Department of Fair Trading. In the previous session of Parliament, this House spent some time debating issues arising from incorrectly installed or inappropriately designed high-front guttering and the damage to homes caused by the ingress of water associated with them. Despite the matter being discussed in the media for many months and documented cases showing extensive damage to homes, the Department of Trading maintained that there was no problem with that type of guttering. To this day the Department of Fair Trading is happy to have what I consider to be inadequate, if not actually misleading, advice on its website about the installation of high-front gutters.

Notwithstanding that, I am very pleased to note that the Office of Fair Trading has realised that there is a major problem in the offing. Currently the Office of Fair Trading is conducting an online survey of homeowners and licensees to ascertain whether they have encountered problems with high-front guttering. I suggest that only as a result of numerous complaints being made by members of the public, media coverage of the event, the debates undertaken in this House as well as continuing questions being asked about high-front guttering has the Office of Fair Trading been moved to act.

Dr John Kaye: And your own hard work.

Ms SYLVIA HALE: I acknowledge Dr Kaye's comment.

The Hon. Rick Colless: Self-congratulations Sylvia?

Ms SYLVIA HALE: In that case, I do not acknowledge Dr Kaye's comment. Problems with that department appear to be both broad and systemic. In June the *Australian* newspaper reported that a "health check" on the compliance division of the New South Wales Office of Fair Trading had been completed in September 2008 by two independent management consultants. The report concluded:

Fair trading investigators in NSW operate in a culture of nepotism and bullying and are unwilling to report corruption within their own ranks.

The report quotes staff in the division complaining of—

... an unprofessional workplace culture, inappropriate conduct, a failure to deal with poor performers, nepotism, favouritism and a lack of direction.

The report notes that staff in the compliance division "operate within a negative environment fuelled by ongoing and unresolved grievances". The report claims:

There has been a lack of sound leadership and planning within the division and little emphasis has been placed on best practice.

The report went on to state:

Staff have said they would be reluctant to report corrupt conduct or other forms of misconduct by staff due to a perception that 'nothing would be done about it'.

I found the department's data to be extremely unreliable in relation to high-front gutters, and I was very unimpressed with its handling of that issue. I have no reason to believe that the department is performing any better in relation to floor finishers and coverers, kit home suppliers and property inspectors than it did in relation to high-front gutters. I certainly do not think that the opinion of the Department of Fair Trading should be relied upon as the basis for removing licensing arrangements that offer protection to consumers. Home building has significant issues in regard to both safety and consumer protection. The Government does not have a good record of protecting consumers in this area. The bill will further reduce the minimal protections available to consumers.

In arguing that removing the licensing requirement will cut red tape the Government has claimed that it will cut costs to business. But I ask the Government: What analysis has it done of the increased cost to

consumers of poor or shoddy workmanship arising from reducing the limited protection that currently is available to consumers in the home building area? Removal of licensing requirements will merely shift the risk, and the costs, from business to consumers.

In conclusion, I make the point that is made so often that it has become a cliché. For most people, the largest investment they will make in their lives is the purchase of a house. It is absolutely critical for people to be able to rely upon building inspections that are arranged by prudent purchases prior to the purchase of a house. People place great store in building inspections and pay significant amounts of money for them to be carried out. That gives people certainty and peace of mind when they are investing possibly hundreds of thousands of dollars on the purchase of a home because they know that they have not acted in ignorance of some of the significant problems that the house may have. I know there are all types of shortcomings with building inspections—for example, they are only visual inspections. Clearly people may need to have more work done, but people rely upon building inspections. I believe it is essential that people upon whose reports such great reliance is placed are licensed and should be accountable for the work they do.

Similarly there is a reason to remove the floor polishers, floor finishers and floor coverers from the operation of the legislation. I think the Government has looked for areas that engage relatively few licensed people to try to save some money by no longer enforcing regulatory requirements that the community has been able to rely on to date. The cost to consumers will be horrendous. It is irresponsible for the Government to persist with this bill and for the House to pass it, so I urge members to reject it.

Reverend the Hon. FRED NILE [4.39 p.m.]: The Christian Democratic Party supports the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009, the purpose of which is to remove the requirement for selected occupations to be licensed. One practical result is that the removal of these licences will save businesses in these industries \$900,000 every year in administrative costs. This is not so much about savings the Government money; it is about saving New South Wales businesses that expenditure. A meeting of the Council of Australian Governments tried to provide uniformity of licensing arrangements in all States. The theory is that occupations licensed in all States would not be deregulated. However, when one State licensed a specific occupation and the other States did not license, it became more difficult for people to move around Australia in terms of a more mobile workforce. If the licensing requirements are removed in New South Wales, that situation will be improved. So those are three advantages of the legislation.

The original recommendation was to remove the licences for seven of eleven licence categories. However, this bill removed only five licence categories: floor finishers and coverers, kit home suppliers, lift mechanics, property inspectors and optical dispensers. The Legislation Review Committee made some comments on the bill. As for kit home suppliers, the committee noted:

Licensing of kit home suppliers was introduced in response to an event in 1990 in which a major kit home supplier collapsed and consumers lost \$2.7 million in deposits.

However, the committee acknowledged:

... the Bill amends the Home Building Act to ensure that consumer rights will continue to be protected through the home building division of the Consumer, Trader and Tenancy Tribunal.

Abolishing licences for optical dispensers does not mean that people can simply buy contact lenses at Woolworths. People require an optometrist's prescription to obtain the correct contact lenses. That will control the quality of contact lenses dispensed, if people have the good sense to ensure that their eyes are cared for properly and they obtain a prescription. The Legislation Review Committee also commented on the removal of licensing for the class of non-structural flooring. The committee stated:

However, the Committee holds concerns for the individual builders and ultimately, the consumers, especially if the Home Warranty Insurance applies only to work greater than \$12,000 in value where most of these types of contracts will not exceed this threshold and will not be covered by Home Warranty Insurance.

There is a gap, and the Government needs to look at that. In terms of removing licensing for this class of building consultancy, the committee expressed concern that:

... minimum standards for inspection reports including the requirement for a builders licence or accreditation will be removed for such pre-purchase property or building inspections. The Committee will be concerned that this may erode the purchasers' rights and basis for informed decision-making.

That is a concern. People who wish to buy a home put a lot of faith in building inspections before proceeding to purchase. I simply draw those matters to the Government's attention while supporting the bill.

Dr JOHN KAYE [4.44 p.m.]: I speak on behalf of the Greens on the Occupational Licensing Legislation Amendment (Regulatory Reform) Bill 2009, and in doing so I will add to the excellent comments of my colleague Sylvia Hale. Despite Ms Sylvia Hale's modesty in talking about high-front guttering, she covered the issue of deregulating the licensing of home building inspectors. However, I will talk more broadly about the legislation. As Ms Sylvia Hale said, the Greens oppose the bill, which is a victory of ideology over the rights of consumers. It is based on a report of April 2009 from the Better Regulation Office into the licensing of selected occupations, which in and of itself grew out of a Council of Australian Governments [COAG] report on occupational licensing. It proposes to remove the requirement to licence five occupations—that of: pre-purchase property inspectors, lift mechanics, floor finishers and coverers, kit home assemblers, and optical dispensers.

The basic structure of the report is that the Better Regulation Office claims that, firstly, a cost-benefit analysis, both qualitative and quantitative, points towards the benefits of deregulation of these occupations and, secondly, it engaged in broad-spectrum public consultation that led inevitably to the conclusion that licensing of these five occupations should be abandoned. Unfortunately, when one reads the report one finds that neither claim is true. The cost-benefit analysis is not reported in any detail. Indeed, it is largely subjective and based on assertion rather than on a quantitative analysis of the benefits. The analysis of the benefits is entirely qualitative and subjective and cannot be relied on in any objective fashion.

The public consultation largely comes down to two or three responses in some cases, and in all cases either an overwhelming or total rejection of the concept that these occupations should be deregulated. So on the ground of public consultation and on the ground of a cost-benefit analysis, the Better Regulation Office failed dismally to create any case for deregulation. The only conclusion that can be drawn across all five occupations is that this was driven by ideology. Basically, it is another example of the Better Regulation Office and the Minister driving New South Wales in a race to the regulatory bottom. The rights of consumers, the safety of the public and the health of patients are put a very poor second to the neo-liberal agenda of supposedly cutting red tape, which in reality is about handing over occupations and activities to the marketplace.

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

Dr JOHN KAYE: This bill is not simply cutting red tape; it is slicing away consumer protection. I reiterate the comments made by Ms Sylvia Hale about pre-purchase home building inspectors. It is true that most, if not all, members of this place, and many people in the community, have been through the process of purchasing a home. For most people, it is the largest single investment decision of their lives, and they rely heavily on the advice of building inspectors. Licensing provides a small measure of protection that the advice has some validity. The Better Regulation Office report states:

Provision of advice to consumers about selecting a suitably skilled person to undertake an inspection—most likely a person with building skills (such as a licensed builder or someone with equivalent skills) and experience in residential building—would benefit consumers without the costs of the licensing scheme.

Effectively, the Better Regulation Office is saying that licensing is not necessary because the reports are not absolute. It goes on to say that licensing does not matter because the reports given by building inspectors are not absolute. They are only visual, they are highly qualified and they are not always based on hard data. It ignores the very important role of the findings of pre-purchase inspectors in finding gross faults and alerting prospective purchasers to costs that they might face if they purchase a property.

The second argument advanced by the Better Regulation Office is that New South Wales is the only jurisdiction that requires licensing of home building inspectors. That is an exceptionally poor argument. If one accepts that argument, one accepts a race to the regulatory bottom. If New South Wales is doing something better than the other States, perhaps the other States should follow our example. On this matter only two submissions were received by the Better Regulation Office and both submissions opposed the idea of deregulation. As far as cost benefit analysis is concerned, the report blows the cost argument out of the water. The entire scheme costs the State just \$22,000 per year—hardly a large price to pay for the massive number of people whose lives and investment decisions are made more secure by the licensing arrangements.

The Better Regulation Office argues that "the benefits of a licensing property inspector ... are highly circumscribed by the limited scope of the reports and their usually heavily qualified nature. The inspections are visual only, and will not necessarily confirm the degree of any structural problems or the cost". The Better Regulation Office continues that provision of advice to consumers about selecting a suitably skilled person who

would benefit the consumer. Building licensing is not a suitable substitute for a licensing scheme. Without justification, the people of New South Wales, at a highly vulnerable time in their lives, are being exposed to yet another source of large risk.

With regard to optical dispensers, a licensing requirement is imposed on those who interpret prescriptions from optometrists and ophthalmologists for glasses and contact lenses, including facial measuring and the fitting of glasses but not contact lenses. This is another exceptionally cheap scheme. Administration of the scheme costs just \$70,000 a year but it raises \$156,000 a year. More is raised in licence fees than it costs the State to run the scheme. The Better Regulation Office admits that it is not a large burden, nor is it a restraint on labour mobility between States. There were just three submissions on this topic, all of which supported the retention of the licensing scheme—again, unanimous opposition to de-regulation.

The Better Regulation Office argument relies on the fact that there were very few complaints about optical dispensers. It argues that because there were very few complaints therefore it is unnecessary to regulate. The Better Regulation Office did not entertain an alternative explanation to the low number of complaints. The alternative is that the regulatory system is working exceptionally well. Combine the low cost with a low number of complaints and one has to apply the old maxim "If it ain't broke, don't fix it". It is proposed to replace regulation with the code of conduct currently used for the unregulated health professionals, but the Better Regulation Office acknowledges that it is a much less stringent test. Minister Tripodi and his red tape cutters in the Better Regulation Office are in favour of lower standards for those who dispense optical prescriptions and fit glasses. This constitutes an unnecessary exposure to the risk of badly fitting glasses, or the misreading of prescriptions, at a time when people are quite vulnerable. It is simply an issue of ideology over the best interests of people seeking glasses and contact lenses.

In relation to lift mechanics the Better Regulation Office argues that there is a duplication of occupational health and safety standards. Individual lift mechanics pay an annual licence fee of \$179 and corporations pay a mere \$316 each year to license their own employees. The estimated cost to government is about \$16,000 a year. The scheme is not expensive. On the contrary, it is remarkably cost effective. The Better Regulation Office says that the occupational health and safety laws will regulate it within WorkCover and a use of licensed and certified tradespeople will provide sufficient protection. The problem is that without lift maintenance the public, as Reverend the Hon. Dr Gordon Moyes said, may be exposed to a high degree of risk; if a lift malfunctions and breaks down, people may be trapped for lengthy periods of time. It requires different sets of expertise and goes beyond just occupational health and safety.

Garage doors will also be deregulated but will not be captured in the occupational health and safety laws. The Better Regulation Office suggests that training on safe operations can be provided by the manufacturer. In effect, the Better Regulation Office says that New South Wales should desert the field on ensuring safe lifts and automatically operated garage doors. Similar arguments apply to both floor sanders and kit home suppliers. Consumer protection will be weakened by deregulation. This bill puts the ability of governments to claim that they are cutting red tape ahead of consumer protection. This bill is not just about cutting red tape; it is also about slashing protection for consumers. It will weaken consumer protection and damage public safety. It is entirely unnecessary. It was not supported by the arguments put forward by the Better Regulation Office. The House would be well advised to reject this proposed legislation and look at better ways to regulate these professions. The Greens oppose the bill.

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.56 p.m.], in reply: I thank members for their contributions to this debate. I inform the House that the Government will not move any amendments to this bill. Those amendments referred to by the Opposition spokesperson were actually moved by the Government in the Legislative Assembly and have been accepted, so there will not be a Committee stage for this bill in this Chamber. I will refer to two issues that arose in the debate. Reverend the Hon. Dr Gordon Moyes expressed concerns about the licensing of lift mechanics and the safety of people in lifts as a result of these changes. Lift mechanic is a trade in itself, combining elements of electrical work and metalwork/fitting, and trades people will continue to be accredited as lift mechanics even without licensing. Licensing entry requirements do not guarantee that a lift mechanic is qualified. Applicants or their employees were only required to be 18 years old, to be fit and proper persons, and to have a minimum of two years experience in the relevant class of work.

WorkCover requirements compel lift owners to use qualified tradespeople to certify lifts as safe. Many activities relating to mechanical services are considered specialist work that may only be performed by an appropriately licensed or certified tradesperson. For example, a licensed electrician must undertake all electrical wiring work. Occupational health and safety laws apply to most of the activities covered by the mechanical

services contractor licence, and those requirements are more comprehensive than conditions under the licence. All lifts, escalators and moving walks must be registered annually with WorkCover in accordance with Australian Standard AS 1735. The removal of licensing is supported by the Australian Elevator Association and the Australian Manufacturing Workers Union.

I wish to clarify some comments that were made by the Minister for Regulatory Reform in the Legislative Assembly on 1 September 2009 in relation to the sale and supply of contact lenses. To protect against the health risks posed by contact lenses, from 1 July 2010 the national registration scheme for health professionals will provide that only optometrists and medical practitioners may prescribe contact lenses, whether corrective or cosmetic. Information on the safe use of contact lenses should always be provided with a prescription. To complement the provisions in the national scheme, the New South Wales Unregistered Health Practitioners Code of Conduct will be amended to provide that only persons with a qualification in optical dispensing at least equivalent to a Certificate IV may sell or dispense contact lenses.

The amendment will be made as part of New South Wales's implementation of the national scheme. These changes will maintain an appropriate level of regulatory control in New South Wales and assure the health and safety of consumers. No other State licenses optical dispensers. The last State to remove licensing was South Australia in 2007. Health risks associated with optical dispensing are limited. There were three complaints in the two-year period 2006-08, just one of which required referral to the Health Care Complaints Commission and was ultimately dealt with through conciliation. The conduct of optical dispensers will be subject to the Code of Conduct for Unregistered Health Professionals, and the Health Care Complaints Commission will hear complaints about breaches of the code by dispensers.

The Hon. Melinda Pavey reiterated the suggestion by the member for Ballina in the other place that the savings to be achieved from abolishing those licences are low and perhaps not worth the trouble. I understand that Dr John Kaye agrees with that view. Honourable members fail to realise that just as red tape creeps up incrementally, efforts to remove it are also incremental. The Government has a target of reducing red tape by \$500 million by June 2011, and it is not going to be achieved in one fell swoop. It is reforms like this that may not look like much to many in this House that will save New South Wales businesses almost a million dollars a year. That is on top of the more than \$80,000 in administrative costs borne by the Government. I emphasise that these savings are achieved without compromising the standards of industry or the necessary protections required by consumers.

Ms Sylvia Hale suggested that consumer protection would be threatened with the removal of licensing. That is not the case. The bill abolishes licensing only when the protections it provides were found to be either unnecessary or could be achieved without licensing. For example, consumers of kit homes continue to be protected by limits on deposits, prescribed contractual information and recourse to the Consumer, Trader and Tenancy Tribunal to resolve disputes. The lift mechanic licence was found to not offer any consumer protection beyond what is already established by occupational health and safety and other regulations. The health risks associated with optical dispensing are limited to incorrect use of contact lenses.

The licensing scheme ends on 1 July 2010, the same day on which the national registration scheme for health professions that will require a prescription for the sale of all contact lenses will be introduced. The abolition of those licences will not have an unacceptable impact on consumers. The bill ensures that the most important consumer protections remain in place.

Ms Sylvia Hale and Dr John Kaye suggested also that the building inspector licence is an effective protection and should be retained. New South Wales is the only State to require licences for pre-purchase property inspectors. There is no evidence to suggest that other States are worse off or overrun with cowboys because they do not have licences. It is understandable that consumers want a guarantee that pre-purchase building inspectors do a thorough job of identifying structural problems. Licensing does not provide that assurance; in fact, it can provide a false sense of security to consumers.

Licensing does not prevent substandard inspection reports. Feedback tells us that there is already a huge variation in the quality of inspectors, even though they are all licensed. The most important thing for good property inspectors is the right experience and skills in building. The Better Regulation Office report recommends that having building skills and relevant experience, such as in residential building works, is a more reliable indication of suitability than a licence. Property inspectors can seek accreditation through a number of industry associations, and consumers can choose to use that as an added criterion in selecting an inspector. The

Office of Fair Trading website will provide advice on selecting a pre-purchase property inspector. Consumers will continue to have access to the consumer protection services of the Office of Fair Trading to resolve disputes.

In response to the general comments of Dr John Kaye about the Government's apparent neo-liberal approach to deregulation, New South Wales is a national leader on some licensing schemes. For that reason, the Better Regulation Office recommended the retention of licensing for motor vehicle repairers, strata managers, structural landscapers, and wool, hide and skin dealers. There has been no slash-and-burn approach to licence removal. The Better Regulation Office received 89 public submissions from industry associations and business people. Its views, together with those of other government agencies, were used to develop the report's recommendations. The process was thorough and robust.

I again thank members for their contributions to the debate. The reforms provided by the bill will contribute towards cutting the costs for business to the tune of \$900,000 per year. In addition to those monetary benefits, the New South Wales and national economies and consumers will benefit from lower barriers to entry and increased competition in those sectors. I commend the bill to the House.

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

The House divided.

Ayes, 24

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

Noes, 5

Mr Cohen
Ms Hale
Ms Rhiannon

Tellers,
Dr Kaye
Reverend Dr Moyes

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

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

NSW LOTTERIES (AUTHORISED TRANSACTION) BILL 2009

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

BUSINESS OF THE HOUSE**Postponement of Business****Government Business Order of the Day No. 4 postponed on motion by the Hon. Penny Sharpe.****BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business****Ms LEE RHIANNON** [5.16 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 230 outside the Order of Precedence, relating to the tabling of privileged documents regarding the Inner West Busway project, be called on forthwith.

This is a matter of urgency. In his report to the Legislative Council Sir Laurence Street sets out that it is in the public interest that key documents on the Iron Cove Bridge duplication be made public. This report arose when the Roads and Traffic Authority [RTA] made a blanket claim of privilege over vast tracts of documents that this House had requested. Clearly, that frustrated proper scrutiny. This is a matter of urgency because Sir Laurence Street's report reveals that the RTA made a mistake in keeping under wraps seven out of 25 boxes of documents in relation to the project.

The determination by Sir Laurence Street sets out why key documents, including the project contract, environmental and heritage reports and correspondence between the public and the Ministry of Transport should be released in the public interest. The legal arbiter provided advice that, if followed, would result in documents being released that would help members of Parliament and the public to be better informed about this \$175 million project. Clearly it is a matter of urgency because public consultation has been sidelined by the RTA's signing the contract before the project went out for public consultation. The urgency is amplified by some of the comments made by Sir Laurence Street in his determination when he said:

The sheer number of documents falling within the claims of privilege advanced by the RTA, and the absence of identification of which documents or which parts of the documents are sought to be protected by privilege, pose great difficulty in undertaking a detailed evaluation of the claims and the grounds of dispute to the claims.

Sir Laurence Street noted that documents not privileged may be overlooked in the global mass and be included within the seven boxes. Again, the urgency becomes quite clear when we look at the issue before us, which is set out clearly in the motion. The RTA made a global claim for privilege that has robbed the public of the right to see documents that should not be shielded from public view. The arbiter's report has helped clarify this matter. Sir Laurence Street's comments on the sloppiness of the process, for example the inclusion of many different versions of the agreement schedule, which makes it difficult to ascertain the final versions, highlights why this matter needs to be clarified. We can achieve this by following the arbiter's recommendation for the release of these documents.

The urgency is added to because this House knows from the Cross City Tunnel debacle that the RTA is skilled in trying to keep back information that should rightly be in public hands. I believe the question of urgency is clearly addressed. By agreeing to this motion we will be able to address the matters raised in the arbiter's report, which will help ensure there is responsible use of public money. The release of the documents would help facilitate that process.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.18 p.m.]: The Government opposes the granting of urgency on this matter for many of the reasons that we seem to be giving on a day-to-day basis. A very long list of Government business needs to be dealt with this afternoon and this evening. Today is allocated to Government business. There is no reason why this matter is so urgent that it needs to be dealt with right here and now. The Opposition and the Greens have obviously done a deal yet again and horse-traded to try to bring their various motions to the fore. There is a whole day tomorrow to deal with this. We have a long list of legislation to deal with. I do not believe this motion should be supported. I also note that the Opposition recently moved a motion that would preclude this Government from introducing legislation post 12 November on the basis that we are taking too long to get through our legislation. If Opposition members stopped supporting these ridiculous motions from the Greens we might be able to get through it. I oppose the motion.

The Hon. DON HARWIN [5.19 p.m.]: Yesterday I made a point—and today I will make the same point—relating to urgency on the motion for the suspension of standing orders moved by a member of the Greens. This is a clear case of where the procedures of the House are not working properly. In a decision made by the elected legal arbiter, no member of this House—

The Hon. Amanda Fazio: Point of order: At this stage the Opposition Whip should be arguing why this matter is urgent; he should not be giving us a dissertation about the workability or otherwise of the standing orders and procedures of this House. The Opposition Whip should be stating why a matter relating to the inner western busway project should take precedence over Government business that is listed on the *Notice Paper* for today; he should not be enlightening us with his views about the way in which the Legislative Council should operate in his version of a perfect world.

The PRESIDENT: Order! The Opposition Whip will address the matter before the House.

The Hon. DON HARWIN: The Hon. Amanda Fazio made a series of points without affording me an opportunity to state whether the Opposition will support this urgency motion. She did not even wait to hear whether I would argue as to why this motion was not urgent; she just jumped to her feet and made some comments about procedure. Nevertheless, the procedural point is quite clear: the forms of this House should operate to ensure that this matter has precedence. Sir Laurence Street delivered an opinion and a judgement on what matters should be privileged and what matters should not be privileged. Frankly, in my view, this Government is seeking to flout that finding by Sir Laurence Street.

The Government continues to keep these papers secret, even though it has been found that they are not privileged. Therefore this is an urgent matter. It is a scandal, but it is not something about which we should be terribly surprised. Ms Lee Rhiannon said earlier that this matter should take precedence over Government business. However, earlier this morning members were given an opportunity to divide on this matter and it would not even have been debated. The Hon. Amanda Fazio well knows that Standing Order 44 would have enabled members to vote on this matter without Ms Lee Rhiannon having to move for a suspension of standing orders. The Government Whip objected to this matter being dealt with formally and objected to the necessity for it to be dealt with.

The Hon. Amanda Fazio: Point of order: The Hon. Don Harwin should be indicating why this matter is more urgent than the Government business on the *Notice Paper*, rather than giving us a dissertation about the way in which this House should operate. I ask you to rule accordingly and to remind the member that he should be indicating why this motion is more important than Government business.

The PRESIDENT: Order! I remind members that when contributing to any debate they must address the item of business or question that is before the House.

The Hon. DON HARWIN: Indeed, and I was. Thank you, Mr President, for your ruling. Government members complain about Opposition members taking up the time that should be used to deal with Government business. The resolution of this matter is in the hands of the President and the members of the Procedure Committee. If they are so concerned about it they should do something about it.

The Hon DUNCAN GAY (Deputy Leader of the Opposition) [5.24 p.m.]: This matter is urgent because this morning the Government Whip did not adhere to protocol to enable this matter to be dealt with formally.

The Hon. GREG DONNELLY [5.24 p.m.]: The Government's position on this matter is clear and has been articulated by speakers in debate on this motion. This matter is not urgent and it does not need to be dealt with now. The Government has business that needs to be dealt with today. Since our return from the winter recess we have been consistently thwarted from dealing with Government business and we have dealt with only one Government bill. We need to debate a number of bills—

The Hon. Melinda Pavey: Three.

The Hon. GREG DONNELLY: We need to debate a number of bills, but Coalition members who once again are working hand in glove with the Greens consistently hijack us. The Government cannot get through business that it needs to get through and Opposition members should be made aware of that fact. Be it on the heads of Opposition members if they decide to connive with the Greens and thwart the capacity of the Government to deal with its business.

The Hon. Duncan Gay: Point of order: The Hon. Greg Donnelly is not referring to why this matter is urgent. I ask you to bring him back to the matter before the House.

The PRESIDENT: Order! Without ruling one way or the other on the appropriateness of any member's contribution, I remind members, as I did earlier when the Opposition Whip was speaking, that the member with the call should address the item of business or question that is before the House.

The Hon. GREG DONNELLY: The way in which we do things in this House is in the hands of Opposition members. If they continue to connive with the Greens, Government members will continue to take points of order.

Mr Ian Cohen: Point of order: I ask the member to withdraw his statement that the Opposition is conniving with the Greens. We have an up-front agreement; we are not conniving. We are not talking about what this Government does with the Christian Democratic Party or the Shooters Party.

The Hon. Amanda Fazio: To the point of order: I disagree with the point of order raised by Mr Ian Cohen. Many precedents have been set by previous occupants of the chair in the Legislative Council that insults collectively against political parties are not outside the standing orders. Insults against individual members who are named are outside the standing orders and should be withdrawn. A member of a political party cannot ask for a collective insult to be withdrawn. I ask you to rule in that way.

The PRESIDENT: Order! I uphold the point made by the Hon. Amanda Fazio. There is no point of order.

Ms SYLVIA HALE [5.28 p.m.]: This matter is urgent because it is clear that the Government is trying to hide what is in these documents from public perusal. It is urgent that the public be made aware of this cover-up and of what is being kept from them.

The Hon. AMANDA FAZIO [5.28 p.m.]: I oppose the motion moved by Ms Lee Rhiannon, as I do not believe this matter is urgent. As I have said before, I do not believe there has been any attempt by any of the speakers in favour of this motion to articulate why it is more important than any of the Government business on the *Notice Paper* for today. Ms Lee Rhiannon said that this matter was urgent and she used as the basis to suggest that that because somebody placed a matter on the *Notice Paper* and asked for it to be dealt with by way of formal business, a denial of that makes the matter more urgent to be dealt with later that day. That is the most paper-thin and ludicrous argument I have heard in this Chamber for sometime. In the absence of any legitimate argument about why this matter is more urgent than Government business, I urge members to oppose this motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

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

Noes, 18

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

Pair

Mrs Pavey

Mr Obeid

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 230 outside the Order of Precedence be called on forthwith.

INNER WEST BUSWAY PROJECT

Production of Documents: Order

Ms LEE RHIANNON [5.36 p.m.]: I move:

1. That, in view of the report of the Independent Legal Arbiter Sir Laurence Street, dated 23 July 2009, on the disputed claim of privilege on documents relating to the Inner West Busway project, this House orders that the following documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk:
 - (a) Box 5: three files numbers 0347, 0348 and 1545 entitled respectively:
 - (i) Review of Environmental Factors,
 - (ii) Activity Specific File Including Assessment Report,
 - (iii) Non-Aboriginal Heritage Mitigation and Management Measures, and
 - (b) Box 8: executed copy of the final form of the Project Alliance Agreement, dated 28 November 2007, together with the final form of the 13 schedules to the Agreement.
2. That the RTA have 48 hours from the passing of this resolution to identify for the Clerk the final form of the 13 schedules to the Project Alliance Agreement, dated 28 November 2007.
3. That, if after 48 hours from the passing of this resolution, the RTA has not identified the final form of the 13 schedules to the Project Alliance Agreement, dated 28 November 2007, the Clerk is authorised to table all of the documents contained in Box 8 as referred to in the report of the Independent Legal Arbiter.
4. That, on tabling, the documents are authorised to be published.

The urgency of this motion has been explored. The legal arbiter's report sets out clearly why the documents should be released. Some of the material about which the Roads and Traffic Authority and other departments claim privilege should now be publicly available. I urge members to read the report. As is customary with Sir Laurence Street, the report is informative and expands the important case *Egan v Willis and Cahill*.

The PRESIDENT: Order! Members should pay the courtesy to the member with the call by remaining seated and silent while she is contributing to debate.

Ms LEE RHIANNON: So much of the precedent as to how matters are handled in this House was automatic when I first came into this place. I appreciate the relevant comments of the Coalition Whip on this matter because I hope we can return to the situation where formal business and reports are released and the recommendations of the legal arbiter are followed automatically. It brings discredit on this House when that important process is flouted. It has been clearly established why the substantive motion needs to be passed. I commend the motion to the House.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.37 p.m.]: The Government opposes this motion. In compliance with the resolution of the House on 12 May 2009 the Roads and Traffic Authority produced more than 4,200 documents to the Legislative Council within 14 days, at an estimated cost of over \$160,000—money that would have been better spent on road safety, education or maintenance. About 3,400 of the 4,200 documents were released. The remainder of the documents, some 800 of them, were subject to claims of legal privilege and public interest immunity. The reason that these documents were not released was that they were considered to be commercially confidential or documents which, if released, could compromise public safety and security.

The independent legal arbiter, former New South Wales Chief Justice Sir Laurence Street, found in his review of the claims of privilege that the Roads and Traffic Authority's reasons for claiming privilege over the subject documents was "well reasoned and soundly based". After reviewing the documents Sir Laurence upheld

all claims of privilege but excepted four documents. The Government does not oppose the release of three of these four documents. The fourth document, the project alliance agreement, is already publicly available on the Roads and Traffic Authority's website, minus schedule 7, or one part of the appendix.

[Interruption]

I would have thought that Opposition members would be interested in what I am saying, given that they intend to support the motion despite the existence of good reasons why a very small part of a document should not be released. For the benefit of the Opposition, I reiterate that the Government does not oppose the release of three of these four documents. The fourth document, the project alliance agreement, is already publicly available on the Roads and Traffic Authority's website, minus schedule 7, or one part of the appendix. This schedule is the commercial framework that the Government believes should remain commercial in confidence. The New South Wales Government and the Roads and Traffic Authority have been open and transparent in releasing documentation related to this project, and I reiterate that that involved some 4,000 documents. However, we believe companies that choose to work with the Government should retain the right to have their commercially sensitive material remain confidential. The Government opposes the call for papers.

The Hon. DON HARWIN [5.40 p.m.]: Originally this matter concerned a Standing Order 52 call for papers in a motion that was moved by me and supported by the House. Almost immediately after that happened I was suddenly taken to hospital and I spent a couple of days there. As a result, I was not the member who ended up disputing the claim of privilege; that was Ms Lee Rhiannon. For some time after the papers arrived I was still unwell. The Parliamentary Secretary outlined the background, and I thank her for doing so. However, the independent legal arbiter, having dealt with a number of claims of privilege, is well aware of the types of public policy considerations that need to be borne in mind concerning commercial-in-confidence contracts. Frankly, the Opposition believes that he got the balance, which always needs to be struck in these cases, right. Therefore, the Opposition supports the release of the documents.

The Hon. AMANDA FAZIO [5.41 p.m.]: The Government opposes the motion. Let us be clear about what the motion entails: the motion seeks to release a document that is commercial in confidence. It is a document that reveals details of the contractual relationships between the Government and private business. In seeking the release of that document, the motion damages the core or the heart of any commercial relationship that any government seeks to enter into which protects sensitive commercial information that should not be available to competitors of a business or commercial entity. Businesses reasonably seek and expect certainty that dealings of that nature will be confidential.

By releasing this commercially sensitive document the Parliament will do irreparable harm to the Government's standing in the business community. I know that the Greens do not care about that. They could not care less about business confidence in this State. The Greens idea of business is some kind of pre-industrial revolution cottage industry or a supplement to subsistence farming characterised by people selling produce to each other at a local farmers market. The Greens are unashamedly anti-business, and always have been, but I would have hoped that the Liberal Party and The Nationals would listen to their own base—the business community—telling them that this is a worrying precedent to set.

If the motion is agreed to, from that point on the precedent will be set. Companies that work with the Government will no longer be able to expect that the most commercially sensitive aspects of their business will remain confidential. I would have hoped that the Liberal Party and The Nationals would have wanted to foster a pro-business attitude and would support the notion that we do not put commercially confidential documents in the public arena so that they are available for all competitors to see.

The Government has released more than 3,400 documents to the Legislative Council. As the Parliamentary Secretary stated, compliance with the call for papers has cost the Roads and Traffic Authority almost \$165,000 and took more than 700 staff hours to complete. The documents that were held back were documents that were commercially confidential. If those documents are released they will do damage to the companies involved. The Government opposes the motion as reckless vandalism being perpetrated on the business community. I call on the Liberal Party and The Nationals to support the business community and reject the motion.

Ms SYLVIA HALE [5.44 p.m.]: In the light of remarks made by the Hon. Penny Sharpe, I should reiterate what was said by Sir Laurence Street in his determination:

The sheer number of documents falling within the claims of privilege advanced by the RTA, and the absence of specific identification of which documents or which parts of the documents are sought to be protected by privilege, pose great difficulty in undertaking a detailed evaluation of the claims ...

He noted that documents not privileged may be overlooked in a "global mass" and be included in the seven boxes of documents. When it comes to deciding whether to trust the Government, which says that it has the best interests of the community at heart, or whether to trust Sir Laurence Street, who presumably has no particular interest in the issue, I prefer to take Sir Laurence Street's version. I think it is very important that we do so.

Over a number of years the courts have engaged in very serious discussion of the principles behind the Egan cases by which the House established its right to require the Government to provide documents. What is at stake here is the Government's attempts to undermine the principles of *Egan v Willis and Cahill*. In relation to documents that the independent legal arbiter clearly said are not privileged, there is absolutely no reason—moreover it would be very retrogressive and retrograde—for those documents not to be released immediately.

The Hon. GREG PEARCE [5.46 p.m.]: I briefly participate in the debate to refute a couple of claims made by the Government. The business community does not object to having these documents produced and made public. Indeed, when the business community enters into contracts with the Government it expects that to be the case because the Government's own *Working with Government Guidelines* and infrastructure guidelines require the documents to be released and summaries to be produced.

The Government is so obsessed with secrecy that every time there is an order for papers it spends hundreds of thousands of dollars. But that money is spent on legal fees. Notwithstanding that there is a pattern of calls for the production of documents, the Government sends all the documents to a law firm to go through them and incurs horrendous and unnecessary expense in trying to establish grounds for claims of privilege. The record and pattern of these matters show that the majority of claims for privilege are nonsense. The Government is being completely irresponsible in wasting money by the approach it adopts to documents in respect of which it claims privilege.

Ms LEE RHIANNON [5.47 p.m.], in reply: It has been a most interesting debate: it not only is relevant to the matter before the House, but has wider implications concerning the ability of this House to exercise a power that it has easily and readily exercised in the past with regard to taking advice from a legal arbiter. My colleague Ms Sylvia Hale summed up the situation very clearly when she discussed whose advice or word one would take—the Government's or the independent legal arbiter's. Unfortunately, the Government is adding to its embarrassment and to the degree to which it has been discredited by the way in which it has handled this matter and conducted itself in the House. I commend the motion to the House. It should be quite readily supported, considering that all we are seeking to do by this motion is respond to the legal arbiter's recommendation with regard to the release of further documents.

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

Motion agreed to.

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

Second Reading

Debate resumed from 2 September 2009.

Ms SYLVIA HALE [5.49 p.m.]: The Greens do not oppose the Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009. Given the nature of the offences being dealt with, the best interests of children must be the primary consideration. Registrable persons are already required to provide DNA samples to add to the DNA database. The bill deals with some post-release offenders who have not already provided a sample. It relates to the taking of a DNA sample via taking hair or a buccal swab from persons found guilty of sexual and other serious offences against children and who are required to be registered under the Child Protection (Offenders Registration) Act 2000. That Act lists the offences, conviction for which leads to a person becoming a registrable person. The crimes listed are of a serious and indictable nature, ranging from the murder of a child, persistent sexual abuse of a child, kidnapping of a child, child pornography offences, and other serious offences involving children.

Offenders post release are deemed to be registrable persons if they have committed such a crime and they are required to report to police and other agencies on a regular basis. I asked the office of the Attorney General to explain to me why this legislation was necessary given that registrable persons are already required

to provide a DNA sample. The answer was that some released persons who have been living in the community for a time were not caught by the new DNA sample requirements so they have not been tested. A small number have sought to evade giving a sample by leaving a police station when asked to provide a sample. As they are technically not under arrest, they are therefore free to leave. When no court order is in place this allows them to avoid providing a sample.

Consent is sought at the police station or some other place, but a small minority may refuse to give that consent, or not express their view as to whether they consent, and simply leave. If an individual fails to report as required police can apply to a court for an order to authorise the carrying out of a forensic procedure before asking the relevant person to consent to that procedure being carried out, or before the person has been ordered by a senior police officer to undergo a forensic procedure. Proposed new section 75ZC provides for the making of such an order. I am advised that this is a last-resort option when a person has failed to turn up or has left a police station without completing the consent process and therefore has not provided the required DNA sample.

Under the proposed amendments the order may be made whether or not the person is present, but a police officer must advise the registrable person of a court procedure and the making of an order. If the registrable person fails to comply with the court order and does not attend at the appointed place or time they can be arrested. If there is an order but no consent the police may use reasonable force to take the sample when the person next reports or after they have been arrested under existing section 75ZD (2) in the small number of cases where there is a necessity to do so. The bill provides that when a registrable person is in a police station or other place to report as required under the Child Protection (Offenders Registration) Act they may be detained "for so long as is reasonably necessary" to determine whether they consent to the procedure. If they consent they will be detained for as long as it takes to carry out the procedure; if they do not consent they will be released unless an order has been made.

The bill provides that a person shall be detained only for "as long as is reasonably necessary", which I understand is a phrase designed to allay fears that habeas corpus safeguards could be undermined. The actual forensic procedures are defined as "non-intimate"—the taking of a hair sample or a buccal swab from the inside of the cheek—and are set out in section 75Y. The proposed amendments provide that, in relation to seeking a court order, all reasonable steps must be made by the police officer who applied for the order to notify the person of their intention to seek the order. If the registrable person is so informed and the order is made and the person then fails to comply by attending at a police station or other place for the purposes of giving the sample they can be arrested.

While the Greens do not oppose the bill, we always caution that DNA testing is not infallible. DNA evidence, together with other evidence, can help police to solve otherwise insoluble crimes. It should not be seen as a magic bullet but, because some sex offenders can have multiple victims, it is not unreasonable to use DNA as a method of linking offenders with past crimes where the offender is unknown and a DNA sample has been recovered. There are good reasons why a convicted person might want to avoid giving a sample.

The Hon. DAVID CLARKE [5.55 p.m.]: The Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009, which is not opposed by the Opposition, comes before us because of advice from the Crown Solicitor to the Government of ambiguity in the Crimes (Forensic Procedures) Act 2000. Under part 7B of the Act authority is given for the conduct of certain forensic procedures on persons who have been found guilty of sexual and other serious offences against children and who are required to be registered and are subject to certain reporting obligations under the Child Protection (Offenders Registration) Act 2000. This bill amends part 7B of the Crimes (Forensic Procedures) Act so as to enable a police officer to detain an untested registrable person when the person reports in accordance with their reporting obligations under the Child Protection Act at a police station or other place for the purpose of determining whether the person consents to the carrying out of a forensic procedure in accordance with the Crimes (Forensic Procedures) Act; if the person consents to the carrying out of the forensic procedure; and, if the person does not consent, for the purpose of obtaining a senior police officer's order to carry out the forensic procedure.

The bill will enable a police officer to use reasonable force to ensure that the detained person remains at the police station or other place, and makes clear that an application may be made to a court for an order for the carrying out of a forensic procedure on an untested registrable person, whether or not the untested registrable person has been requested to consent to the carrying out of the forensic procedure or in order to undergo the forensic procedure by a senior police officer. The bill makes it clear that a court may order the carrying out of a forensic procedure on an untested registrable person, whether or not the person is present. The bill enables a police officer to arrest an untested registrable person who fails to comply with a court order for the carrying out

of a forensic procedure for the purpose of carrying out the procedure in accordance with the order. As I indicated, the Opposition supports the purpose of the Crimes (Forensic Procedures) Act 2000 and does not oppose this bill, which seeks to remove any ambiguities and confusion relating to police powers to take DNA samples from untested registrable persons under the Act. The clarification of these police powers will assist officers in the performance of their duties, particularly in relation to suspected paedophiles. Clarification of these ambiguities will avoid the wasting of time and resources in regard to legal challenges to the powers contained in the Act.

Reverend the Hon. FRED NILE [5.58 p.m.]: The Christian Democratic Party supports the Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009, which will assist police in handling a dangerous category of criminal persons in society, that is, people who have been found guilty of sexual and other serious offences against children. It is very important for the police to carry out forensic tests particularly for DNA. This legislation was introduced to amend Part 7B of the Forensic Procedures Act 2000, which the Crown Solicitor believed was ambiguous. The object of the bill is to enable a police officer to detain an untested registrable person when the person attends a police station or other place in person to make a report in accordance with the person's reporting obligations under the Child Protection Act. The bill will fill the gap and ensure that all registrable persons are tested so that police have their DNA, which may be accessed for the purposes of investigating other offences.

The Hon. HENRY TSANG (Parliamentary Secretary) [6.01 p.m.], in reply: I thank members for their contributions to this debate. The Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009 clarifies the powers of police to take DNA samples from untested registrable offenders. It does not represent a significant shift in policy; rather, it is a clarification based on advice that the powers of police in this regard were unclear. The Government is committed to ensuring that police have adequate powers and maintain suitable safeguards with regard to the appropriation and use of DNA information. This bill strikes an appropriate balance, and I commend it to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Henry Tsang agreed to:

That this bill be now read a third time.

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

EDUCATION FURTHER AMENDMENT (PUBLICATION OF SCHOOL RESULTS) BILL 2009

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [6.02 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

Today the Parliament has the chance to correct one of the most ill-conceived and disproportionate legislative errors ever committed by this Parliament. A bizarre alliance of the Liberal-Nationals Coalition, the Greens and the minor parties put through a bill to create a criminal offence for newspapers to republish what was already public. Conceived in desperation, without reflection on its consequences, the Greens-Coalition amendment now has been exposed to the fresh air of public scrutiny. This bill will undo the folly of the 24 June amendment. It will remove subsections (4) and (5) of section 18A of the bill and restore the Act to the position it would have been in had the Greens-Coalition amendment not been moved. Let me be clear: The Greens-Coalition amendment created a criminal offence for a person to publish in a newspaper or other publicly available

document any ranking or comparison of particular schools according to school results or anything from which a school can be identified as being in a percentile of less than 90 per cent in relation to school results unless the principal of the school has given permission. I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

There are many substantive arguments against the Greens-Coalition amendment. Today I will list these arguments and detail the most serious. It is wrong in principle. It lacks proportionality. It will cause people outside New South Wales to commit offences without being aware they are committing them. It fetters free speech, public debate and academic freedom, possibly so as to be unconstitutional. It irrationally discriminates between what can be published by different kinds of media organisations. It thwarts responsible public reporting of school performance, not just irresponsible reporting. It overturns the system of accountability of government schools. Any one of these arguments would be sufficient to justify the repeal of the Greens-Coalition amendment. Together, the case is unassailable. Let me consider the most serious of these issues: that it is wrong in principle. The Greens-Coalition amendment is deeply wrong in principle because it creates a criminal offence for republishing material school results that are already public, and lawfully public. All governments of all the States and Territories have agreed that school results should be made public in a responsible fashion that allows each school's performance to be seen in a rich context. The publication of this material would be banned in New South Wales but for the exemptions allowing publication in accordance with a national agreement.

So a Government can make information widely available to the public, but a media organisation cannot repeat that same information. It is lawful for a media publication to create a website link to the material, but not to publish the material itself. It is lawful to comment on the educational implications of results but only if the media organisation does not make comparative reference to the results themselves. All parents are allowed to see all the school results for every school. They are allowed to create their own lists of schools or comparisons, but they are not allowed to share these with other parents. They are not allowed to rely on experts and commentators who publish analysis to help them understand the results of particular schools. They are not allowed to save time and draw on the conclusions of others if they are interested in working out what is the right school for their child. They must instead all become statistical experts and wade through all the analysis themselves. This legislation is wrong in principle because it is riddled with such absurdities that lack rational justification.

The Greens amendment also lacks proportionality. It fails the maxim: let the punishment fit the crime. Make no mistake, 50 penalty units for a crime is a serious penalty. It is a monetary penalty the same as or greater than the following offences—albeit some of these offences also provide for a prison term—serious racial vilification under the Anti Discrimination Act; failing to ensure a child attends school under the Education Act; providing false information to the Commission for Children and Young People about a child protection matter; possessing explosives suspected of not being for a lawful purpose; dealing with property suspected to be the proceeds of crime; and obstructing an Independent Commission Against Corruption officer. These are all potentially serious offences that may compromise the safety of individuals or impede the carriage of justice. Yet a similar level of penalty is being applied to republication of material already lawfully in the public domain. This level of penalty is totally out of step with the gravity of the offence when it is realised that the information not to be published will already be public.

These offences are also troubling because they will undoubtedly cause people to commit offences who are not aware they are committing offences. The High Court has held in the case of *Dow Jones v Gutnick* that when a newspaper based in New York publishes an article on its website, which has its servers in New Jersey, if the web page is opened and read in Australia, it is published here. The same applies within Australia. If a company in South Australia places material on its website that is accessed in New South Wales, it is published in New South Wales. The definition of "school results" under the Education Act 1990 includes results of national basic skills testing. This includes the new NAPLAN test—the National Assessment Program in Literacy and Numeracy. NAPLAN is the national basic skills test. Every student at every school does the test. There is nothing in the definition "school results" that limits the application of the Act to New South Wales school results. It clearly specifies all national school results.

So if a table comparing the results of Queensland schools in NAPLAN is published on a website in Queensland, opening the website in New South Wales is publication in New South Wales. Therefore, an offence is committed in New South Wales by publication in Queensland. This is not an extra-territorial effect of the Education Act. This is the natural effect of preventing the publication of something within New South Wales. It means publication is prevented within New South Wales, whatever the location of the original publication. It is the same effect as if the hard copy version of the *Courier Mail* was sold in newsagents in Tweed Heads. It is an infringement of the Act. Members should be in no doubt that the Greens-Coalition amendment's inclusion of the words "other document" extends to publication over the Internet. The Interpretation Act 1987 states:

"Document" means any record of information, and includes:

- (a) anything on which there is writing, or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else.

For some reason the Greens and the Coalition have been under the misapprehension that the New South Wales Parliament cannot pass legislation with respect to the Internet. This is just false. The New South Wales Constitution states:

The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace, welfare and good government of New South Wales in all cases whatsoever.

The New South Wales Parliament would only be prevented from creating laws that affected publication over the Internet if there was an inconsistent Commonwealth Act. If there is such an Act I am yet to have advice as to what that Act might be. It appears that the following publications and bodies have already, whether unwittingly or not, infringed the Act: the *Australian*, the *Courier Mail*, the *Hobart Mercury*, and the *Wynnum Herald* in the State of Queensland. One of those entities has based a newspaper report on information publicly available in New South Wales. Three of them have reported results of schools in other States. One is a State Government reporting on its website the results of its own schools. The State of Queensland is free to do what it likes in Queensland. One might think that would include the power to publish its school results on the Internet. But the Internet is available in New South Wales.

Because of the High Court's Gutnick decision, if I download the material in my office in Sydney that is published on the website of the Queensland Studies Authority, then that authority has published the material here. I have here the document published by that authority that infringes the New South Wales law. This is the absurdity of the Greens and Coalition amendment: It creates an offence committed by the State of Queensland here in New South Wales. The Greens-Coalition amendment hampers the capacity of this democracy to engage in its normal political process. Open public debate, the right of persons with disparate and inconsistent views to engage in the battle of ideas, is the fundamental core on which our democracy is built.

That is why the High Court held that free and open communication on matters related to Commonwealth elections is implied by the Constitution as limitation on the legislative powers of all Australian parliaments. Several constitutional law experts from across the political spectrum—Professor Peter Craven of Murdoch University and Professor George Williams of the University of New South Wales—have expressed the view that this law offends that principle. This is a potentially complex legal issue on which minds may differ, but this Parliament should create certainty. We should amend the law now rather than wait for a suitable case for the courts to declare the Greens-Coalition amendment invalid. Quite independently of whether there is a constitutional limitation, it is wrong for this Parliament to hamper public debate and academic freedom.

The Greens-Coalition amendment hampers legitimate academic debate about school performance. For example, if an educational or statistical academic sought to publish an academic journal article drawing school comparisons based on information published under the national agreement, they too would commit an offence. Progress in education is our understanding of what goes into making a good school, and even arguments by academics about whether there are better ways to report on school performance will be stifled by the Greens-Coalition amendment. Such progress depends on an open debate—on discussion, criticism, heated disagreement, refinement, competing proposals and ideas—all of which will be severely curtailed by the amendment.

The Greens-Coalition amendment applies differentially to different kinds of media. Radio broadcasters and television programs can all broadcast league tables with impunity. A broadcast does not come within the definition of a document. A broadcast is not a record of information; it is simply released into the airwaves momentarily and is gone. However, a recording of a broadcast is another matter. The law would catch that. Radio stations could broadcast comparisons of school results and have experts on to talk about them. But—and this is where it gets truly absurd—if the *Sydney Morning Herald* or the *Daily Telegraph* published a transcript of the broadcast in a newspaper they would become corporate criminals. If the radio or television broadcasters tried to sell a CD or DVD of such broadcasts, or if they put an audio or video file of the broadcasts on their website and members of the public downloaded it, they would be in trouble.

The bottom line is that even within New South Wales the Greens-Coalition amendment does not prevent the publication of league tables in New South Wales; it only stops documentary publications. The simple conclusion is that the Greens-Coalition amendment was not properly thought through. It introduces an irrational discrimination between broadcasters and other media. Not only does the Greens-Liberal amendment prevent the publication of simplistic league tables, it also prevents the publication of any comparisons of a more sophisticated and complex kind. Everyone concedes that there may be valid comparisons reported in responsible ways of school performance, but creating an offence for doing so poses an unacceptable risk for those who would wish to develop the way in which school comparisons are made.

Giving principals the role of granting permission to publish school comparisons destroys the system of accountability of government schools to the public. Government schools are not separate legal entities; government schools are part of the Department of Education and Training. That, in turn, is part of the State of New South Wales. It is to this Parliament and, through it, to the electors of New South Wales that the State of New South Wales is accountable; it is not through the principal of a school. For this Parliament to hand the right to the individual principal of a school to decide whether or not the public is allowed to know particular information about that school's performance is to abrogate its accountability to the voters. The principal will not be held accountable at the next election for any decision that he or she makes that parents consider to be not in their interests but the members of this Parliament will.

Our principals are dedicated professionals and I trust their ability to make sound decisions, but it is wrong in principle for the chain of accountability for their decisions not to lead back to this Parliament. Any of these arguments would be sufficient to justify repealing the Greens-Coalition amendment, but the bottom line is that the parents of New South Wales should be able to have transparency of school performance. They get one level of transparency through the national agreement. All Australian governments are part of an agreement that will see those results published on a national website. But the parents and voters of New South Wales should not be prevented from having that information debated and digested through the news media—and not just the broadcast media but also the newspapers. Some reporting may be irresponsible, but equally some may be highly responsible and meritorious. The Greens-Coalition amendment throws out all comparative reporting whether or not it is responsible. This Parliament needs to act now to right this wrong. I commend the bill to the House.

The Hon. CATHERINE CUSACK [6.04 p.m.]: On behalf of the Liberal Party and The Nationals I oppose the Education Further Amendment (Publication of School Results) Bill 2009, which seeks a simple reversal of an amending bill that was passed by the Legislative Council on 24 June 2009. That bill was the Education Amendment (Publication of School Results) Bill 2009, the purpose of which was to permit the release of test results to the Commonwealth Government as a condition of a national agreement that would see

additional funding of \$4.8 billion over four years flow into New South Wales schools. The Liberal-Nationals did not oppose the original bill, and voted for it when the Greens called a division at the second reading stage to vote against it.

Throughout debate on that bill, however, the contentious issue was the publication of league tables. This, of course, is of special concern in New South Wales because of a front-page story reported in the *Daily Telegraph* on 8 January 1997 about Mount Druitt High School under the headline "The class we failed". The story told how not a single student achieved higher than 50 per cent in the Higher School Certificate that year. It created an uproar in the community and, as a consequence, the New South Wales Labor Government introduced a regulation prohibiting the Department of Education and Training from publishing or releasing data that could be used to generate league tables.

In November 2008 the Commonwealth formalised a National Partnership Agreement as part of its Building the Education Revolution program. One of the conditions agreed upon in that agreement was for there to be more openness and accountability in terms of schools. Therefore, it was agreed that the Commonwealth be provided with all data from government and non-government schools by each of the States and Territories. The bill that was passed in June 2009 included a clause—which this bill seeks to remove—that allowed for data to flow to the Commonwealth and for funding to flow to the States and, more importantly, it prohibited the publication of league tables in newspapers.

I will clarify up-front one issue that has been a source of major confusion. The Government has made much of the fact that the clause prohibits the publication of league tables in newspapers only, and has asked why is it that the amendment moved by the Greens did not seek to prohibit publication on the Internet and by broadcast. The answer to that question is very simple: the State has jurisdiction over newspapers only. When the Opposition supported that amendment it provided the maximum protection that this Parliament was empowered to give relating to newspapers. In supporting this amendment the Opposition will be calling on the Federal Government to extend that protection to other forms of media over which it has jurisdiction. The reason that the protection currently applies only to newspapers—and I am sure this issue will be hit upon repeatedly by the Government—is merely a question of jurisdiction.

The Government's tactics in introducing this legislation and giving it priority—the bill was passed in the Legislative Assembly last night—are to me quite perplexing. The Government has spent all of the recess arguing that Barry O'Farrell and the Coalition parties somehow betrayed their principles when they supported the Greens amendment, and that the amendment was in desperate need of reversal. Of course, newspaper editors were very critical of the amendment and of the Coalition parties.

It has been debated exclusively as a freedom of the press matter. I scoured the Minister's agreement in principle speech in search of an educational argument and one that related to students and their families. I searched carefully to find any aspect of the bill that would be of benefit to children and their education. The Minister's agreement in principle speech is absolutely silent on that point; not a single educational argument is proposed in favour of the bill.

Given the problems that exist in education, the fact that the Government has introduced an education bill that is completely bereft of any reference to education for children is an indication of the politics of the bill and what we are addressing tonight. The Government enjoyed a bit of a free ride in order to keep the story alive. The terminology in the newspapers was "to wedge the Opposition", as it would seek to reverse the amendment that was passed by the Legislative Council on 24 June 2009. Labor Party members in the lower House and the upper House argued that they did not want league tables and did not support them because they knew how damaging they were. The response of the shadow Minister for Education, Skills and Youth Affairs, Adrian Piccoli, at that time was that if the Government were able to produce an amendment that would succeed in prohibiting the publication of league tables, if there were a better way of ensuring the same result—a question in relation to which all members seemed to be engaged in heated argument at the time—of course the Opposition would be willing to sit down and discuss it with the Government.

Of course, there has been no such discussion. The Government has not consulted the stakeholders. Every single educational stakeholder is opposed to this amendment, and supported the changes made to the original bill. I will not repeat Annabel Crabb's description of what the Government did during the parliamentary break—the entire two months—but members will recall that it was not attractive. The Government was not

productive and certainly was not focused on the needs of New South Wales. It appears that the Government spent the break in-fighting and was distracted from finding a more workable solution to this problem, which it seeks to solve simply by reversing an earlier amendment. That is lazy, unacceptable and disingenuous.

The Government thought it was on a winner with the politics of this issue and with pleasing newspaper editors. Rather than consult with the community about finding a resolution to this issue, the Government has played politics—and tonight we see a reversal of an amendment. Of course, nothing has changed since 24 June 2009, so it is entirely predictable that on behalf of the Opposition I say that our position has not changed; we still oppose the Government's efforts to reverse the amendment.

The Premier and his staff would describe the political environment of the Legislative Council tonight as hostile. The Government knows full well that by rushing this amendment into the Legislative Council tonight it will be defeated. The tokenism behind that is clear: the Government wants to have its cake and eat it. The Government wants to fulfil commitments given to a handful of newspaper editors whom it is desperate to please, but it has put the bill on a suicide mission by rushing it into the Legislative Council tonight. The Government knows that it is highly unlikely that the bill will be passed.

The Hon. Tony Catanzariti: You are very cynical.

The Hon. CATHERINE CUSACK: Yes, I am very cynical. I am totally cynical about every single step of this exercise. It does not surprise the Government that the Opposition is opposed to the bill; I suspect it pleases the Government that our position has not changed. The Government has provoked the education system into uproar for the past two months, and that is particularly scandalous. The education system, its administrators and schools should not have focused on whether the Government should permit the publication of league tables. The Government lost its amendment on 24 June 2009, and the matter should have been left there. Education should have been allowed to move on. But no, political points were made and the Government announced the proposed reversal of the amendment.

Consequently, rallies have been held, money has been spent on publications, groups have protested and there has been turmoil in education at a time when that is not needed. Yes, I am incredibly cynical. For the Government to rush this amendment into the House in order to guarantee its defeat is breathtakingly hypocritical. My colleague in the other place Adrian Piccoli has done a fine job researching this matter and briefing the Opposition. I pay tribute to my leader, Barry O'Farrell, who has withstood an absolute storm of outrage.

The Hon. Duncan Gay: No wonder the Big Cat is not willing to stand against Adrian Piccoli.

The Hon. CATHERINE CUSACK: I acknowledge that comment of the Deputy Leader of the Opposition.

The Hon. Tony Catanzariti: You know better than that.

The PRESIDENT: Order! Members will cease interjecting on the Hon. Catherine Cusack.

The Hon. CATHERINE CUSACK: If there is such a thing as flogging a dead horse, which is what we are doing with this amendment, I suggest to the Hon. Tony Catanzariti that there is also such a thing as defending a dead horse. This amendment is a dead horse and ought not to have been introduced at all. It is a complete and utter disgrace that it has been brought on in such a cynical, political way. For the past two months, the time of schools and the efforts of those involved in education have been wasted. I will not reiterate all the arguments against league tables, except to note that at the time that the Opposition supported the amendment the Government opposed it on the grounds clearly announced by the Parliamentary Secretary—that although it is well intentioned, it will not work.

In another place the Minister is in high dudgeon and outrage for completely different reasons. No wonder the Opposition is cynical. The Parliamentary Secretary in this place was asked the very clear question, "Would the \$4.8 billion of Commonwealth funding be jeopardised if the amendment were passed?" The clear answer was "No, it would not be jeopardised." Yet the Minister in the other place tried to justify the political games that have been played in education by arguing that funding would be jeopardised. That statement was the subject of a censure motion, and the Minister was rightly censured. We need a Minister for Education and

Training who is engaged with education and the needs of children, not one who plays political games and is obsessed with playing wedge games with the Leader of the Opposition at the expense of schools for which she is charged with responsibility.

Every educational authority that the Opposition has consulted is opposed to league tables and supports the amendment. I speak of consultation not just with government schools, unions, school principals and parents associations, but also with Catholic schools. With a couple of exceptions—former shadow Ministers who have no qualifications in education; although they have made a great contribution in other areas of their career—the Government has only two experts to quote: Peter Debnam and Stephen O'Doherty. Mr O'Doherty is not qualified in education and I believe has a very faulty memory on this issue. I have referred previously in this House to the faulty memory of Stephen O'Doherty, and I will not repeat what I have said in that regard. However, I will restate that the Liberal Party and The Nationals have been consistent on this issue from day one. For the Opposition day one was not the newspaper headline about the Mount Druitt school results; day one was the promise we made in 1988 to introduce basic skills testing in this State, because we believed that parents were entitled to more information about their children as students and that schools were entitled to that information to be able to benchmark their performance against other schools. We supported accountability and better reporting.

I might add that the Labor Party bitterly opposed all the test results that are the subject of the debate tonight. Talk about breathtaking hypocrisy! The Labor Party fought testing tooth and nail, every step of the way. It has now backflipped and supports the tests and a form of reporting of the tests that was never wanted and was never the purpose for instigating the tests in the first place. We introduced these tests and gave our word that we would not abuse the results of the tests by enabling them to be reported in a way that was damaging to schools and particularly to the individual students in those schools. When it is reported that not one student in a school attained more than 50 per cent in the Higher School Certificate, information about the results of every Higher School Certificate student in that school is disclosed.

We promised in 1998 we would not do that and here in 2009 we have remained faithful to that promise every step of the way. We have remained faithful to the commitment that these tests are for the constructive benefit of students and the information of parents. They are beneficial also because as a result of the way they are reported parents are able to know what is going on and make informed decisions. I remind the House that our commitment to choice in education is second to none. The Liberals and The Nationals introduced the dezoning of schools—another policy that was of course bitterly opposed by the Labor Party, which now tries to argue that it wants to support competition and choice.

Dr John Kaye: With good reason.

The Hon. CATHERINE CUSACK: I note Dr John Kaye's comment that it was opposed with good reason. I note that the Greens do not support competition and choice in relation to schools, a policy that the Liberal Party and The Nationals have always supported. We have been steadfastly consistent on that point and will continue to be; nothing has changed. All the information and the reporting to parents will be of no benefit if there is no choice. We understand the arguments about freedom of the press and we understand and respect the sensitivities of newspapers. We have sought to maintain the status quo in New South Wales. We have not robbed anyone of his or her rights to engage in any activity. We believe there has been a disproportionate reaction to a very straightforward safeguard to protect schools.

As the shadow Minister, Adrian Piccoli, and the Leader of the Opposition, Barry O'Farrell, indicated, if the Government had been willing to discuss a more elegant way of achieving a solution, we would have been more than willing to take part in those discussions. Had that happened, one could have assumed that the Government was genuine about solving the problem. But what has occurred has highlighted to everyone, even the most loyal Labor Party supporter, that there was never a genuine attempt by the Government to protect schools or to solve the problem. The Government has twisted, turned and backflipped on every aspect of this issue at every stage of the debate.

I return to my original criticism of the Minister's agreement in principle speech, in which there was not a single word about education and the needs of the children. On every test—integrity, education, public interest and, particularly, the needs of students—the amending bill fails. Liberals and Nationals do not support it.

Dr JOHN KAYE [6.23 p.m.]: On behalf of the Greens I speak to the Education Further Amendment (Publication of School Results) Bill 2009. In theory this bill seeks to repeal the amendment that was moved by

the Greens and supported by the Coalition and every crossbench member in this House to ban the publication in newspapers in New South Wales of simplistic school comparisons based on school results. In reality this is about chasing headlines without concern for the consequences for schools, students, education and the future of this State. On 24 June 2009 the Greens moved an amendment that placed a ban on print publication of comparisons of schools based on school results—the National Assessment Program—Literacy and Numeracy [NAPLAN] tests for years 3, 5, 7 and 9, School Certificate results and Higher School Certificate results.

We did so to execute our duty to provide protection against the damage done by simplistic, misleading and damaging comparisons between schools. We did so because we were executing the obligation that New South Wales itself should have carried out, which was imposed by the Principles and Protocols for Reporting on Schooling in New South Wales that the Minister signed on behalf of the Rees Government in June 2009. That document states that each jurisdiction "will put in place strategies to manage the risk that third parties may seek to produce such tables or rankings". We did so because we felt it was essential that we protect not only schools against unfair and inaccurate stigmatising of a low ranking despite the remarkable achievements of those schools, but also students from the slander of being tagged for life as a graduate from a poor school with the consequent massive and undeserved impacts on their self-worth and ability.

We did it to protect educational outcomes across the State from what a former Director General of Education and Training in New South Wales, Dr Ken Boston, referred to as a hollowing out of the curriculum. Dr Boston, as I have said before in this House on a number of occasions, identified the decline in employability skills amongst school leavers in the United Kingdom and specifically linked it to the high-stakes testing of which league tables are an integral component. We acted to stop schools from being forced to focus on tests and ignore other educational outcomes at the peril of falling down the league table. We did it also to protect parents and the community from false and misleading information.

I ask those who support this legislation and seek to open the floodgates to simplistic league tables and comparisons in New South Wales to answer a simple question: Do they genuinely believe it is possible to represent the magic work of a school—the transformation of individuals, the creation of values and a sense of self-worth and self-confidence, and the creation of critical citizens who are aware of their society and others around them; the alchemy that is education—by summarising it in a single number or even a table of numbers? I argue that it is not possible to do so, and I put it to members who are thinking of voting for this legislation that it would be inappropriate to do so.

We acted to stop the degrading of the amazing achievements of schools by reducing them to single numbers. To claim that the publication of a number or even a table of numbers represents a school is not only misleading because it will cause parents to make poor choices based on such data, but it is also damaging because it will stigmatise schools that do not do particularly well in test results but that do brilliantly otherwise. A reputation will be created for those schools that is simply not deserved.

[The President left the chair at 6.29 p.m. The House resumed at 8.00 p.m.]

Dr JOHN KAYE [8.00 p.m.]: Earlier I had begun to outline the key reasons why the Greens moved an amendment, which was supported by the Coalition and by every crossbench member in this House, to ban the publication in newspapers in New South Wales of simplistic school comparisons based on school results. The key reasons were: to protect schools, in particular, from unfair and inaccurate stigmatisation; to protect students from the slander of being tagged as having come from a school that supposedly failed; to protect educational outcomes—in the words of Dr Ken Boston—from a hollowing out of the curriculum; and to protect parents from false and misleading information.

I observed then that the magic of a school—the complex business of transforming children into adults who are self-confident, capable of self-criticism, capable of self-awareness and capable of an understanding of their society—cannot be summarised into a single number, or even a table of numbers. In our society we stop members of the media from promoting miracle cures and perpetual motion machines, and we stop them from trying to promote youth elixirs. How then can we entertain the idea of newspapers slandering schools by reducing to a single number the achievements of an entire school? It makes no sense at all.

The Greens, crossbenchers and Coalition members acted on the best advice. We were advised by Dr Ken Boston, Professor Brian Caldwell, the unions, parents organisations and organisations representing public and private schools—a long list of organisations to which we alluded in debate on the Education Amendment (Publication of School Results) Bill in June 2009. Best of all, we have continued to receive advice from

teachers, principals, parents and students—the people who genuinely understand what is happening in education. With one voice they continue to tell us that we did the right thing; that maintaining a ban on school league tables is essential for them to deliver the sort of education that will serve them and our community well.

I challenge the Government—in fact we all challenge the Government—to produce a single educational expert with credibility who can honestly say it is sensible to allow the publication of school league tables. I advise the Government to avoid looking very silly by putting forward Joel Klein, Chancellor of the New York School District. Joel Klein's work has been deeply discredited by a system that is under stress and close to failure. His highly discredited school grading system is showing wild fluctuations that will remove any confidence one could have in the validity of the judgements made on it. Parents and teachers in the New York school district are in revolt. To rely on the advice of Joel Klein, as the Federal Minister Julia Gillard appears to be doing, will simply take away any shreds of credibility that the Government might still have in relation to this matter.

The Government will struggle to produce educational experts with any credibility that support the idea that it is okay to have open slather on school league tables. The only support that the New South Wales Labor Government has been able to find has been a club of former Liberal leaders and newspaper editors. In 1697, when William Congreve said words to the effect, "Hell hath no fury like a woman scorned", he had never stood between a newspaper editor and a paper selling a headline. Schools need politicians and governments with the courage to stand up for their best interests. Governments should not be bullied by newspapers or go chasing headlines at the expense of our schools.

The loneliness of the Government on this ought to send it a strong message: it is barking up the wrong tree. It will be on its own if it tries to open the floodgates to simplistic league tables and simplistic comparisons of schools based on school results. It will do so without the protection of sound or sensible advice from those who know about education. It is time for the Rees Government to shelve its obsession with league tables and to listen to parents, teachers, students and education experts. The problem for the Rees Government is that this is not about education, schools or students: It is all about headlines. When Premier Rees announced the legislation we were into day 20 of league tablegate. League tablegate ran longer than youthgate—20 days of headlines.

The problem for Premier Rees was that the headlines were beginning to die out. He was no longer able to wedge Barry O'Farrell or the Greens. He was no longer able to sustain it, so he came up with another tactic: He suggested to the newspapers that he would introduce this legislation. It was an ill-conceived move to eek out two more days. It worked for two days and, clearly, the Rees Government is hoping that it will work again. It is sacrificing educational outcomes for cheap political gain. The State Government's position on this matter—as much as it can be said to possess any such object—is as follows. New South Wales has handed over the school results data to the Commonwealth as part of a national agreement. Having handed over that data, somehow all its responsibility for how that data is to be used has evaporated. Somehow it has ceased to have any responsibility for that data.

Key ethical and political problems are associated with doing that. After all, it is a hand-washing exercise that would make Pontius Pilate look like he had a personal hygiene problem. After all, we handed over data that was created by laws passed by this Parliament. Once we have passed those laws and once the Government has enacted them to create that data, it cannot wash its hands and cease to have responsibility for how that data is used. Clearly, the Federal Government is doing nothing to protect the use of the data and to protect it from unfair use. It would be fair to extrapolate that Julia Gillard, from her infatuation with the philosophies of Joel Klein, would welcome the obscure and misleading uses of data from which we are trying to protect schools in New South Wales.

The data protocols provide for what we are doing now; they committed the Minister to fair and accurate reporting that will put in place strategies to manage the risk that third parties may seek to produce, such tables and rankings. On the one hand Minister Firth signs off on the data protocol and, on the other hand, she seeks to withdraw from legislation the very protection that she promised to put in place. I ask the Rees Government, and I hope the Parliamentary Secretary addresses these points in his erudite response, what exactly is its strategy? What is the strategy to manage the risks that third parties may seek to produce such tables or rankings? Were they just words Minister Firth was happy to sign off on—words of no meaning whatsoever, words to placate when in reality the strategy in New South Wales is to open schools up to the damage being done?

The Minister's agreement in principle speech in the other place contains seven key arguments against the Greens' amendment. The first argument is that the amendment is wrong in principle. The Minister said it is

wrong "because it creates a criminal offence for republishing ... school results that are already public, and lawfully public." That simply is not true. The Minister is misrepresenting the amendment. Nothing in the Greens' amendment prohibits the republication of school results. The Greens' amendment prohibits rankings and comparisons that identify schools based on those results. Second, the Minister argues that the Greens' amendment lacks proportionality. The Minister says that 50 penalty units is disproportionately large for the nature of the crime and cites a number of other matters with similar penalties but that, in her opinion, have greater impact. For example, she cites serious racial vilification, failing to ensure a child attends school, providing false information about a child protection matter, possessing explosives suspected of not being for a lawful purpose, dealing with property suspected to be the proceeds of crime, and obstructing an Independent Commission Against Corruption officer.

The Minister claims that all of these crimes attract smaller penalties than the 50 penalty units she asserts our amendment imposes on the publication of school results. That is fine, but the Minister did not take into account section 142 of the Workplace Injury Management and Workers Compensation Act 1998 that sets a maximum penalty four times greater for advertising the services of a lawyer in connection with a workplace injury in New South Wales. If it is reasonable to impose a penalty of 200 penalty units, that is, \$22,000, for advertising the services of a lawyer, surely it is equally proportionate to impose a penalty one-quarter that size, that is, 50 penalty units or \$5,500, for publishing comparisons of schools based on results. The Minister has missed the point. If she wants to talk about proportionality, let us talk about equivalent issues—the publication of advertising for a lawyer. Third, in a rather bizarre twist the Minister says the amendment will cause people outside New South Wales to commit offences without being aware they are committing them. The Minister relies on a High Court decision of questionable relevance and argues that the Greens' amendment would apply to any website published in, for example, another State but read or downloaded in New South Wales. She then claims that this would put website publishers in other States at risk of prosecution under the law.

That would be fine, except exactly the same problem would occur with section 142 of the Workplace Injury Management and Workers Compensation Act 1998 that prohibits advertising the services of a lawyer in New South Wales. A website set up by a legal firm in one State that offered services with respect to injuries in New South Wales would fall into exactly the same trap the Minister claims would exist for the website publishers of school results in other States. Effectively, the Minister is saying that the State cannot regulate any statement made on the web when, in fact, her own Government's laws do exactly that without the dire consequences she has predicted will follow from the Greens' amendment. The Minister's argument contains a huge logical inconsistency. The Minister claims that because NAPLAN, the National Assessment Program—Literacy and Numeracy tests, are a national test and the definition of "school results" includes NAPLAN, the amendment effectively bans the publication of league tables of schools in other States.

The Minister is simply wrong. The definition of "school results" in section 18A of the New South Wales Act refers to schools, which are defined in the New South Wales Act as government schools or registered non-government schools in section 26A, which in turn are defined as "a school established under this Act by the Minister" and "a school, other than a government school, for the time being registered under part 7" respectively in section 3. If we trace that back, school results—which is what our amendment refers to—refer only to the results of schools that are registered under the Act in New South Wales. The Minister is simply wrong. Fourth, the Minister claimed that the ban would hamper public debate and academic freedom. Again, that is not true. Academics can talk about results provided they do not name schools. This is similar to the way in which most academic research is conducted, where the name and identity of the subjects of experiments or other data-gathering exercises are suppressed to protect the privacy of the individual. Clearly, the name of a particular school is not relevant to the pursuit of academic discourse. There is nothing to stop an academic publishing results provided the name of the school is not identified. Such academic debate will continue regardless of the legality of simplistic league tables of schools or otherwise.

Fifth, the Minister claims that we irrationally discriminate between what can be published by different kinds of media organisations. The Minister says, "The amendment does not prevent the publication of league tables in New South Wales; it only stops documentary publications." The problem is that the Minister seems to argue that the amendment is not sufficiently effective. She cannot have it both ways. Either she does not like the amendment or she does like it. If she likes it, she ought to be worried that it is not effective enough; if she does not like it, she should be celebrating that we did not capture website publication in New South Wales. The ultimate answer to this problem is an agreed set of nationwide laws, as the Minister's own data protocol binds her and her State and Federal colleagues. An agreed set of national laws is needed to impose uniform limits on publication in all media throughout Australia.

Sixth, the Minister says that the Greens amendment thwarts responsible public reporting of school performance. That is simply not true. Nothing in the amendment stops comparisons of schools based on meaningful comparative information and the reporting of individual school results. Like the ban on false or misleading advertising, it does not stop advertising. All we have done is stop comparisons that would be inherently misleading. I found the final comment of the Minister the most amusing in a somewhat amusing speech. The Minister said that the Greens amendment overturns the system of accountability of government schools. The Minister said:

Giving principals the role of granting permission to publish school comparisons destroys the system of accountability of government schools to the public. Government schools are not separate legal entities; government schools are part of the Department of Education and Training.

If nothing else, the Minister is totally devoid of consistency. Earlier this year she and her director general went hell for leather to increase the power of school principals to select staff. Now the Minister is saying that principals do not have the ability to protect their schools from slander. She said that the Greens' attempt to give principals the ability to do so is an attack on a system of accountability. That is utter nonsense. Principals are those responsible for the running of schools. Principals are those with the greatest level of understanding of school needs. The principals have the ability, understanding and sympathy for their school to make these decisions. Heaven help us if we gave that right to the Minister, who seems not to care at all about what happens to schools in the way they are slandered.

The Minister's agreement in principle speech in the other place was full of inconsistencies, inflations and errors. Of course, the contortions were needed to justify the unjustifiable. This bill will repeal something that is important. This bill can be justified only by resorting to things that simply are not true. I shall conclude by reminding the House of the real arguments for simplistic league tables and simplistic comparisons, and unmask them. Of course, these arguments are from Julia Gillard, Minister Verity Firth, the Prime Minister and the Premier.

The first is the claim that "we need this because we need accountability and transparency. The community has a right to know what is happening in schools." What utter nonsense! How silly is it to expect that giving the community a single number or a table of numbers in any way improves transparency if the development of the intellectual, emotional and moral capacities of individuals cannot be reduced to a single table of numbers. The proposal is accountability on the cheap. If the Minister were serious about accountability, she would do what is always needed for accountability—that is, put people on the ground to talk to parents, teachers, principals and students and develop a rich understanding of what is happening in schools. No understanding is to be had from school results.

Second, the Government says that it needs this legislation to be able to help schools. Are our politicians genuinely so weak that they need public naming and shaming of schools to be spurred into action and help out the schools that are struggling? That contention is simply nonsense. If State and Federal Ministers are so concerned about schools that are struggling, they should put up more money. We should not let them put the reputations of all schools on the line. Let Ministers put their funding and administrative efforts into schools to fix up the problems that they claim league tables will expose.

Third, State and Federal Ministers claim that this legislation is about informing parents and facilitating so-called choice. If this is about facilitating choice, heaven help those who seek to make a decision based on a simple ranking without understanding what is happening at the school. The National Assessment Program—Literacy and Numeracy results, which are the sole primary school resource that will be reported on the Australian Curriculum, Assessment and Reporting Authority [ACARA] website and harvested to make league tables if this legislation is passed, are not designed to rank students, let alone schools. They are diagnostic tests, and using them to choose a school is about as crazy as choosing a general practitioner based on the body mass index of their patients. It makes no sense to choose a school based on the results of diagnostic tests.

The fourth reason put forward is that the Greens amendment is censorship. That is a totally crazy suggestion. It is not censorship to ban racial vilification, to stop the naming of minors in the criminal justice system or to stop the publication of false and misleading advertising. Neither the laws of libel nor national security laws are regarded as censorship. Freedom of information is an important and basic right within a free society. Freedom of the press is the heart and core of democracy. But like all hearts, cores and principles, it does not come without qualification. At times every principle has to be qualified by the pursuit of the public good. Protecting schools, students and educational outcomes need to come first. We must secure quality education outcomes.

Despite the rhetoric that has been levelled against the amendment, it is not heavy-handed, fundamentalist or authoritarian; rather, it is a continuation of the exact ban that the New South Wales Labor Government maintained from 1998 until June this year. If the Greens are guilty of censorship with this ban, surely the Carr, Iemma and Rees governments have been equally guilty of censorship by their ban that the Greens amendment seeks to continue. The reality of this legislation is that it is not an agenda about education or freedom of the press. The agenda is all about getting a good headline and the commodification of education. It is about turning schooling from public good to private outcomes that can be traded on a competitive market. It will turn school against school and teacher against teacher in a competitive environment that has no place in public education—and no place in education at all.

The agenda is not one that anyone who cares about the future of education will tolerate. It will not be tolerated by teachers, principals, parents, students and unions that represent teachers—and not by the Greens. I urge all members to vote against the bill if for no other reason than to honour the memory of the class of 1997 at Mount Druitt High School. What a triumph for the teachers, students and parents of public education when they sued the *Daily Telegraph*, which had labelled the Mount Druitt High School class as a failed class, and they won the case—big time. Their courage won a change to the law that would prevent that from happening again. The protection that was enshrined in the laws of New South Wales is continued by the Greens amendment. We should honour the courage of the Mount Druitt High School community by continuing that protection and maintaining the ban on the simplistic comparisons of schools in New South Wales, because we know that is so damaging.

The bill is about much more than just a good or a bad headline. It is even a lot more than just being about league tables and simplistic comparisons. The legislation, the amendment it seeks to repeal and this debate are about the future of education. If the bill is passed, that future will be that education will be reduced to a commodity, and only that which can be measured and traded will have any value. The real value of education will be degraded and turned into a simple chasing of test results. By stopping this bill, we are taking another step towards a completely different future for education—a future in which we value the creation of self-confidence and self-awareness in critical individuals who are engaged and constant citizens. It is a future that offers greater equality and that values all students equally. To do anything else would be to sell out the future of public education and of all education in New South Wales. I urge members to oppose the legislation and to stand up for the future of education in this State.

Reverend the Hon. FRED NILE [8.25 p.m.]: In joining in debate on the Education Further Amendment (Publication of School Results) Bill 2009, I point out that the bill is very simple; it could not be more simple. Its only provision is to remove the previous amendment passed by the upper House. The ability of the New South Wales Government to refuse freedom of information requests from media outlets for test results data will be retained. I note that among some comments that have been made by various individuals about publication of school league tables is a comment by a former Prime Minister, John Howard, who was quoted in the *Australian* as describing Mr O'Farrell's opposition to the publication of school league tables as "perplexing", and a comment by a former Federal education Minister, Dr Brendan Nelson, who is reported as saying that he was "flabbergasted". Dr. Nelson went on to state:

As education minister, I went to hell and back to support national standards and benchmarks for schools and the publication of those standards ...

The article in the *Australian* continued:

The Australian Liberal Students' Federation has joined the chorus of complaint. At its annual meeting in Hobart this week, it is tabling a motion to condemn Mr O'Farrell for voting with the Greens 'to hide information from parents about the performance of their children's schools and instituting totalitarian bands on media reporting'.

There have also been reports of two leading academics indicating their concerns.

The PRESIDENT: Order! The Hon. Catherine Cusack and Dr John Kaye will cease interjecting.

Reverend the Hon. FRED NILE: The censoring information has been raised. A High Court decision on free and open communication on matters relating to Commonwealth elections creates a limitation on Australian parliaments restricting the media. Constitutional law experts, such as Professor Peter Craven of Murdoch University and Professor George Williams of the University of New South Wales—who I understand hold different political viewpoints—have expressed the opinion that the law sought to be repealed by this bill offends that principle.

The New South Wales Teachers Federation organised a protest meeting of principals, teachers and administrators at the Grand Pavilion at the Rosehill Gardens Racecourse and requested participation by representatives of all political parties. Although I could have declined, I agreed to attend and decided that I should speak directly to those who attended and inform them of what I believe instead of telling them what they wanted to hear. What I had to say attracted a few boos and some heckling from sections of the audience.

At that meeting I stated my belief that the Deputy Prime Minister and Australian Labor Party Federal Minister for Education, the Hon. Julia Gillard, and the New South Wales Minister for Education and Training, Verity Firth, were to be congratulated on their efforts to introduce transparency into the Australian education system so that all parents of children attending either government or non-government schools as well as education authorities could have accurate information related to schools through league tables. I went on to state:

Obviously any information concerning schools should ensure schools are not judged or compared on a misleading basis.

This means selective schools should be compared with selective schools, disadvantaged schools with disadvantaged schools, schools with a large percentage of students where English is their second language with similar schools, schools with the majority of aboriginal children with similar schools.

Such information should be freely available through the Education Department's website.

The PRESIDENT: Order! I call the Hon. Catherine Cusack to order for the first time. I call Dr John Kaye to order for the first time.

The Hon. Greg Donnelly: Point of order: I am trying to listen to the debate. I think Reverend the Hon. Fred Nile listened to participants in the debate earlier.

The PRESIDENT: Order! I ask all members to respect the right of the member with the call to contribute to this important debate.

Reverend the Hon. FRED NILE: I further said:

There must be no censorship of the media in this area of education. However, the media must resist the temptation to sensationalise certain comparisons for a cheap headline as happened in the past with the Mt Druitt High School episode.

We do not want to see a repeat of that, but we should not overreact because of one event. I continued:

Whilst seeking to improve educational standards for all children, nothing should be done that could undermine the self-confidence and self-esteem of students, especially in a poorly ranked school.

When identifying poorly performing schools with low results the question must be: What are the reasons? It may not be the fault of the students at all but, rather, other complex factors such as overworked staff, shortage of staff, poorly maintained school buildings, inexperienced teachers lacking essential skills, constant movement of teachers and large numbers of temporary teachers. Students may have had difficulty relating to a teacher who did not teach them for the whole school year. I further said:

Some of these factors were the causes of the Mt Druitt High School low results which, once they were identified, were rectified by urgent Government intervention, so that now we see excellent results in the reorganised Western Sydney region [at Mt Druitt college].

The New South Wales Government announced that it would introduce legislation to reverse the impact of the Greens amendments, which were supported by the Coalition. I admit that I voted for the amendments. I made a misguided decision against my conscience, and I regret that now. At the protest meeting I said:

... we will now need a truce between the Government and the NSW Teachers' Federation, so that the genuine needs of all students will be recognised, as well as the rights of parents.

It is vital for the future of all students and Australia's future that no future student should ever complete our NSW school requirements without being able to adequately read or write.

This is what happened in America. That is why America had to have a revolution, which some members are now criticising. It was disgraceful that in America some children going through the school system could not read and write. I believe the same thing was happening with a small minority of students in New South Wales. Although I am a supporter of league tables, I recognise that this system should be monitored and evaluated

carefully to ensure that it is functioning to everyone's advantage—students, teachers, parents and administrators. Perhaps after a three-year trial, independent experts can carefully evaluate the scheme to ensure that it is producing positive results, and adjust or amend the scheme where necessary. I support the bill.

Ms LEE RHIANNON [8.34 p.m.]: This bill should not be passed. Much hangs on this debate, as it will go to the heart of quality education in this State. As we know, the Education Further Amendment (Publication of School Results) Bill 2009 has come about because of a massive shift in this Labor Government away from a policy that it adhered to for many, many years. I remind members that back in 2005 the then Minister for Education and Training, Ms Tebbutt, wrote to her counterpart, Dr Nelson, telling him that New South Wales, together with some other States, would not get involved in league tables. At that time Dr Nelson was fighting for league tables. It is interesting to consider that situation. It is a reminder of how far Labor's position has shifted. It is also interesting to consider some of the arguments used by Dr Nelson. He argued that the reluctance to tell parents that their children were struggling at school was symptomatic of an education system that refused to countenance failure and was responsible for the 84 per cent illiteracy rate of prisoners.

Those arguments are extreme. They are scare tactics that expose the person putting forward such arguments. Those comments stand in sharp contrast to those of Coalition members, who have been consistent on this issue. I congratulate Mr Piccoli on his work in relation to this matter. I was not present when he made his speech, but the people who heard him, including my Greens colleague Dr John Kaye, Dr Moyes and many other people who spoke at the big public rally, said that Mr Piccoli made an important contribution. We need to remember the serious problem before us. Previously when I spoke on the amendment of my colleague Dr John Kaye, which was passed successfully and which the Minister for Education and Training is now going to great lengths to remove, I referred to the public schools I had attended and the enormous difference they had made to my life.

With this debate—we are close to overturning the important step we took only a couple of months ago—it is deeply troubling where both the State and Federal Labor governments are attempting to take education in this country. We have a most curious situation in that the Prime Minister is working hard to badge himself as being against neo-liberalism. He has written 13,000 words in the *Monthly* and the *Sydney Morning Herald*—I spoke about this in the House last night—setting out all the problems with neo-liberalism. Last night I outlined that one major failing was that no measures had been put in place to wind it back. Leaving that aside for the moment, while the Prime Minister, Mr Rudd, is setting out the horrors of neo-liberalism, the Deputy Prime Minister and the New South Wales Minister for Education and Training are stripping down education. They are working hard to put education in the marketplace. They are doing everything that the Prime Minister is arguing, I believe, when he set out the problems with neo-liberalism and how damaging it is to society.

Two key Ministers at the Federal and State levels are going to enormous lengths to introduce measures that will be deeply damaging to how education works in this State. Dr Kaye made the important point that if these people are serious about improving education in this State they should provide resources. That is where our Federal and State education Ministers should be putting their efforts. They should not be trying to wind back an important amendment agreed to by this House that provided some protection from the damage that simplistic league tables can perpetuate on an education system that, in the twenty-first century, needs much support and resources pumped into it. The education system does not need to be put under the pressure that this move by the Federal and State education Ministers is perpetuating.

A number of speakers said that the National Assessment Program—Literacy and Numeracy results are not designed to rank schools. As members know, if the amendment that this House passed is repealed that will be the outcome. We should work together to protect education and outcomes. We should work together to ensure that we do not go down the path and have an absolutely terrible outcome of having simplistic league tables that show a comparison of schools. I remind members that this legislation will overturn not only an amendment that the Greens moved but also Labor policy. No clear explanation has been given about why the Labor Government wants to move this amendment. I acknowledge that a number of members of the Labor Party are distressed that their Government is taking this step, which has not been clearly explained.

I support my colleague Dr John Kaye and congratulate him on his extensive work on the amendment in the first place. It was an important contribution and provided examples around the country of how one can ensure that parents have information about a whole range of matters in relation to the education of their child. At no time should schools across the State be damaged. They work under various conditions with disparity in a whole range of resources with which they are provided. We do not want comparisons to be used in such a damaging way as to set back the education of students in this State.

The Hon. HENRY TSANG (Parliamentary Secretary) [8.42 p.m.], in reply: Yet again this House, like the Legislative Assembly, has been subject to endless speeches opposing league tables, supporting the work of schools and arguing about the difficulties of fair comparisons. The Government agrees with many of the sentiments that have been expressed. It opposes league tables, but the Greens-Coalition amendment will not stop their publication in newspapers in other States, on television, radio or the Internet. The New South Wales Government remains the only Australian government that has legislated to prevent them, despite the protestations of the then Opposition in 1997. This Government does not believe that providing data to a national website is creating a league table, any more than a student sitting the test creates a league table.

This is all immaterial, as is the quality of the national tests, their relationship to curriculum, the capacity of teachers, the Government's policies on educational equity, special education or any of the other red herrings that this debate has thrown up. These are all important and worthwhile subjects for parliamentary discussion, and close examination of any of them will demonstrate that under a Labor Government New South Wales continues to lead the country in education. But they have absolutely no relevance to the legislation before this House. They relate to the fairness of league tables but not to the Greens-Coalition amendment that we are debating. The issue here is the amendment moved by the Greens and supported by the Opposition that selectively bans reporting of information. It is not a league tables debate, despite the fact that it is this aspect of the issue that the Coalition feels comfortable debating.

The extreme discomfort of those opposite in this debate is demonstrated by their refusal to discuss the amendment. Why? Because the Opposition and the Greens know that it will not work. Government members in the Legislative Assembly have detailed substantive reasons why the amendment, which has serious unintended consequences, is a mistake. Using this House to censor the education Minister or to selectively quote from academics and educators does not change the fact that the Greens-Coalition amendment is a poor response to a serious issue. It devalues the issue because it suggests that somehow the amendment will prevent school league tables when it cannot. Schools across New South Wales will be flooded with copies of *Hansard* speeches that attempt to show their local politician's opposition to school rankings. It is laudable, but predictable and disingenuous.

While the Commonwealth runs national assessments and while, quite reasonably, all State and Territory governments provide data to the national website, this can no longer be a State issue. What we have been left with is a half-baked solution that, in effect, differentiates the New South Wales population with regard to the media they use and their access to computers and the Internet, and legislation that applies absurd penalties indiscriminately and gets in the way of a range of legitimate academic and government analyses. I will quickly list the reasons why this is poor law, the amendment should be removed and the legislation should be supported. These matters have already been clearly argued by the Government in the course of this debate.

The effects of the Greens-Coalition amendment are significant. First, they are wrong in principle. Second, they lack proportionality—the fines do not reflect the seriousness of the offence. Third, they will cause people outside New South Wales to commit offences without being aware they are committing them. Fourth, they fetter free speech, public debate and academic freedom—possibly so as to be unconstitutional. Fifth, they irrationally discriminate between what can be published by different kinds of media organisations. Sixth, they thwart responsible public reporting of school performance, not just irresponsible reporting. Last, they overturn the system of accountability of government schools by giving the principal, and not the community, through the Government, the right to provide information. Most importantly, the amendment has skewed the debate from a discussion of appropriate transparency to one of freedom of speech. This amendment has made simplistic league tables more, rather than less, likely.

The amendment, now law, has been broken deliberately or accidentally a number of times. It is probably being broken accidentally as we speak by bureaucrats in New South Wales education systems, academics in universities and schools themselves. It will be broken by local and national media, school systems and State governments. It is therefore a pointless amendment and poor law. The Greens and the Coalition have been guilty of a more serious offence than misleading the House. They have misled the community and, in particular, the education community by giving them a false understanding of the issue and a false expectation of the outcome. They have not realistically addressed the substantive issue and, while painting themselves as having the best interests of students at heart, they have betrayed themselves as being deeply embedded in a culture of low expectations and soft bigotry.

Speaker after speaker has implied that children from disadvantaged backgrounds should not have the same expectations of academic success as other students. They have implied that just getting young people to

school is enough, that academic success cannot be the aspiration of all young people and that students from disadvantaged backgrounds should be judged differently and with lower expectations of their ability and possible success. They have suggested that teachers who teach these students cannot have a significant effect in improving their outcomes. It is all false and bordering on the offensive. This attitude sits behind many of the speeches we have heard over the last weeks.

The amendment we are debating, and which only the Government has addressed, should be removed because it fails to solve any of the problems that the Opposition and Greens have identified. There can be no information firewall around New South Wales. We should not be differentiating between media, because it is offensive and will not work. The Government believes in transparency but opposes league tables. This amendment reduces transparency and does not stop league tables. It should never have been supported by the Opposition and should be removed today. If we could return to the initial debate when this amendment was added to the Government's legislation I am confident that Coalition members would have a very different position, no matter how much they protest now. The House should act responsibly and support the legislation.

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

The House divided.

Ayes, 18

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

Noes, 19

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

Pair

Mr Obeid	Mr Gallacher
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Question resolved in the negative.

Motion negatived.

Bill not read a second time.

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (CHANGE OF NAME)
BILL 2009**

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [8.59 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

The New South Wales Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009 amends the Births, Deaths and Marriages Registration Act 1995, strengthening change of name procedures so that criminals cannot utilise the change of name system to cloak their criminal records. The Births, Deaths and Marriages Act provides for the registration of births, deaths, marriages, changes of name and other events with the Registrar of Births, Deaths and Marriages. Currently, the Act allows an adult who is domiciled or ordinarily resident in New South Wales, or whose birth is registered in New South Wales, to apply to the Registrar to change his or her name. Parents and those with parental responsibility may apply to change their child's name.

In practice, a person applies for a change of name by completing a statutory declaration and providing evidence of his or her identity. Trained registry staff vet change of name applications before approval. Applications that fail checks or are suspicious are forwarded to a senior compliance officer or manager for further advice. An applicant may be called on to attend an interview in person. Approximately half the 45,000 change of name applications received each year are actually registered. There are valid reasons why a person may wish to register a change of name. For example, a victim fleeing domestic violence may wish to take steps to ensure that he or she cannot be found by the perpetrator, or a person may dislike the name that he or she was given at birth. However, some people may abuse the change of name system to conceal their criminal history in order to elude detection by law enforcement agencies. This bill will help to ensure that this does not happen.

Currently, there is no restriction under the Act on people born outside New South Wales, whether interstate or overseas, applying to the Registrar for a change of name. The bill will amend the Act so that if a person was born in Australia his or her birth must be registered in New South Wales for him or her to be eligible to apply to the Registrar for a change of name. This will enable an applicant's change of name to be directly linked to his or her birth record, thereby minimising the opportunity for fraud and abuse of the change of name system. However, the bill does allow victims of domestic violence to change their names in New South Wales regardless of whether or not their birth has been registered in New South Wales. In addition, the bill only allows people born overseas to change their name in New South Wales if they have resided in New South Wales for at least three consecutive years. This is to ensure that the individual has a connection to the State of New South Wales. However, the Registrar of Births, Deaths and Marriages will have discretion to allow a change of name in this circumstance—for example, to assist in protecting the person from harm.

The proposed amendments will apply also to children, so that if a child is born in Australia the parents or person with parental responsibility can apply to change the child's name only if the child's birth is registered in New South Wales. This will not apply where a child is adopted. If a child is born overseas the parents or person with parental responsibility must have resided in New South Wales for at least three consecutive years to be eligible to apply to change the child's name. This will not apply where a child is adopted. Currently, the Births, Deaths and Marriages Act has no restriction on the number of times a person may register a change of name. A person's name should not be changed capriciously, as that name goes to his or her identity within the community.

The bill will only allow a person to change his or her name by registration once in a 12-month period and only three times in his or her lifetime, unless there is a court order for a further change of name, or if the Registrar exercises discretion to allow a further change of name. The restrictions will not include any change of name by marriage and will not apply to persons in witness protection programs or officers in authorised agencies who are using assumed identities. To ensure that people with a criminal record do not abuse the change of name system, it is proposed to amend the Act specifically to require a person applying for a change of name to disclose whether or not he or she has a criminal record. The provision of false or misleading information in this regard constitutes a special offence against the existing offence in the Births, Deaths and Marriages Act, with a maximum penalty of 100 penalty units, or two years imprisonment, or both.

A false or misleading disclosure about one's criminal history in a change of name application is in addition to an offence for any other false or misleading representation made in the same application. It is not only through legislative amendments that the New South Wales Government is stopping criminals from abusing the change of name system. New South Wales recently implemented a memorandum of understanding between the New South Wales Police Force and the New South Wales Registrar of Births, Deaths and Marriages ensuring that information is exchanged between the two agencies regarding people with criminal histories who change their names. Change of name information held by the Registrar is of interest to a range of law enforcement and security agencies.

The bill will specifically enable the registrar to provide change of name information to State, Territory and Commonwealth police forces and the New South Wales Crime Commission. Any other law enforcement or investigating agency may also be prescribed by regulation. This will help stop criminals from effectively wiping the slate clean by changing their names. The New South Wales Attorney General has also raised this issue with his colleagues at the last meeting of the Standing Committee of Attorneys-General. As a result, New South Wales is leading a Standing Committee of Attorneys-General project to develop a national best practice approach so that criminals cannot abuse the change of name system across borders. I commend the bill to the House.

The Hon. DAVID CLARKE [9.00 p.m.]: The Opposition does not oppose the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009, the purpose of which is to amend the Births, Deaths and Marriages Registration Act 1995 to change the application criteria for the registration of a change of name, to place restrictions on the registration of a change of name, to require that an applicant for registration of a change of name disclose whether he or she has a criminal record and, finally, to facilitate access to change of name information on the register by specified law enforcement and investigative agencies. The law of New South Wales provides that an adult who is domiciled or ordinarily resident in New South Wales or whose birth is already registered in New South Wales may apply to change his or her name, and parents may apply to change the name of their child.

Specifically, it is the New South Wales Births, Deaths and Marriages Registration Act 1995 that provides for the registration of births, deaths and marriages as well as changes of names. Every year in New South Wales many thousands of people apply to register a change of name for a variety of reasons. For example, persons may be dissatisfied with the name they were given at birth, or may be seeking anonymity after having obtained a domestic violence order or a restraining order against another person. There is a whole range of good and valid reasons why people may seek to change their name and register that change. The New South Wales law provides a process for such applications to be considered so as to ensure that there is evidence of identity and that there are no suspicious circumstances.

However, in recent times media attention has highlighted defects in the current legal arrangements governing change of name applications by focusing on specific cases in which individuals have changed their name to hide a criminal record from law enforcement agencies. One can think of many instances where this could occur with dire consequences. For example, it could involve a convicted paedophile changing his or her name so as to seek employment in a school, or a person with a conviction for terrorist offences securing a name change to facilitate employment in a potential terrorist target area. We have heard of the case of one paedophile legally changing his name and attempting to adopt a child. There was the case of a member of the Bandidos motorcycle gang evading a murder investigation for several years after changing his identity by deed poll.

Recently it was revealed that a person with a criminal record employed in the Attorney General's Department had gone undetected because of a legal change of name. These situations arise because under existing law criminals can change their name by deed poll and the Registry of Births, Deaths and Marriages is not required to automatically notify police. The bill is meant to stop that abuse of the law relating to a change of name. The bill amends the current law so as to provide that an adult may apply for registration of a change of his or her name only if the applicant's birth is registered in New South Wales, or if the applicant was born overseas and his or her birth is not registered in Australia the applicant has been resident in New South Wales for three consecutive years immediately preceding the application.

A similar amendment is added in respect to children. These provisions change the current law where there is no restriction on people born outside New South Wales, whether interstate or overseas, applying to register a change of name. The bill provides that the Registrar of Births, Deaths and Marriages must include a requirement in an application form for registration of a change of name to the effect that an applicant must disclose a conviction for a relevant offence. A "relevant offence" is defined as an offence punishable by imprisonment for 12 months or more and applies for both New South Wales convictions and overseas or interstate convictions. Failure to comply with this requirement would put an applicant in breach of the current section 57 of the Act relating to the provision of false and misleading representations. The existing penalty is not increased.

Henceforth the registrar will be prevented from registering a change of name if the registrar is aware that the applicant has already registered a change of name in Australia during the preceding 12 months or has already registered three or more changes of name in Australia. The bill specifies certain circumstances in which a change of name may be registered, despite the restrictions imposed by the proposed amendments and gives the registrar a discretion to register a change of name in certain circumstances including, for example, when the proposed change of name is because of the marriage of the person or when the District Court has approved the proposed change. A proviso is included that an order may be made in respect of a protected person or their children or if there is a satisfactory reason demonstrated for the change.

The bill enables the registrar to grant access to change of name information on the register by specified law enforcement agencies such as the New South Wales Police Force, the New South Wales Crime Commission, the police forces of other States and of the Commonwealth and other law enforcement or investigative agencies of the Government of New South Wales and of other States of the Commonwealth that are prescribed by the regulations. This is subject to the entering into of a memorandum of understanding. It is provided that these amendments apply when an application has been made but not finally determined before the commencement of the proposed Act. The bill will go some way at least in dealing with abuse of the State's laws relating to change of name. It closes a loophole in regard to habitual name changing.

In response to the current position, where there is no restriction on people born outside New South Wales applying for a change of name in New South Wales, there will now be a requirement that the birth must be registered in New South Wales before a change of name can be registered. The bill requires applicants to disclose serious criminal offences and ensures that law enforcement authorities are entitled to access change of name records. As I indicated earlier, the Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [9.07 p.m.]: The Christian Democratic Party supports the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009. The bill amends the Births, Deaths and Marriages Registration Act 1995, strengthening change of name procedures and preventing criminals from abusing the change of name system in order to wipe the slate clean with law enforcement agencies. The bill amends the Act so that if a person were born in Australia his or her birth must be registered in New South Wales for the person to be eligible to apply to the registrar for a change of name.

In inquiring into the background of this bill, I found that half of the 45,000 change of name applications received each year are registered. There is a vetting system for the applications and the person who applies for a change of name must complete a statutory declaration and provide evidence of his or her identity. Trained registry staff vet the change of name application before it is approved. Applications that fail checks or are suspicious are forwarded to a senior compliance officer or manager for further advice. There are valid reasons why a person may wish to register a change of name. For example, a victim fleeing domestic violence may wish to take steps to ensure that he or she cannot be found by the perpetrator, or there may be other reasons. Obviously if 45,000 applications are lodged each year, many people must feel the necessity to change their name.

An applicant who was born overseas must have resided in New South Wales for at least three consecutive years to be eligible to apply to the registrar for a change of name. The registrar will have discretion to allow the change of name in special circumstances, such as for victims of domestic violence or for other reasons of personal protection. The bill stipulates that a person can change his or her name by registration 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 if the registrar exercises discretion to allow a further change of name. The important aspect of the bill is to tighten the area dealing with persons who have a criminal record. The bill requires the person applying for the change of name to inform the registrar if he or she has a criminal record. Providing false information specifically in that regard will be an offence carrying a maximum penalty of 100 penalty points and/or two years imprisonment.

It is important to ensure that paedophiles will not be able to use this system to try to change their name and thereby escape supervision or apprehension. I note that a paedophile who has been convicted would be on the registered child offenders list, so that person would not be allowed to change their name. I understand there could be situations in which the police commissioner could give his approval for such a change of name. However, I would prefer that such a person's name never be changed. They can live with the shame of their activity. It is important that we are able to keep track of such people so that members of the public know who and where the paedophiles are.

I recall a case in Kiama in which a teacher who was charged with child abuse changed his name and was then able to get employed as a casual music teacher at another school. It was not until the parents were watching this man and saw that he was obviously putting himself in a situation where he was handling the children and putting the children on his lap that they became suspicious. An inquiry was held and it was found that he had been previously involved with child abuse. These people are very devious, and the registrar needs to be careful in investigating all applications, to ensure that certain people do not slip through the net and abuse the change of name system.

Ms LEE RHIANNON [9.11 p.m.]: The Greens will not oppose the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009, but we raise concerns about a number of aspects of it. Firstly, we have concerns about the way the bill has been introduced. It seems that it is another of these pieces of legislation that the Government comes up with after there has been a bad headline. Indeed, that seems to be what is prompting the legislation on a number of law and justice issues that come before this House. It is an attempt at media management, rather than seeking to achieve good outcomes for the people of New South Wales. The Government still seems to fail to understand—or deliberately does not recognise—that when prisoners have served their time they are allowed to rebuild their lives. Also, quite separately, the issue of privacy comes into this.

The Greens find various aspects of the bill troubling. I acknowledge that I have not been able to do as much work on the legislation as I would have wished, but the advice we have been given so far is that the bill will not provide the protection that the Government seeks to make out. If criminals want to change their name and bring forward a whole new identity, we know that is well and truly possible and that this legislation will not stop that. It is one of those ideas that the Government often grabs onto to make out it is doing something when

too often the final result is that ordinary people's lives can be made more difficult and the criminals that the Government makes out it is targeting can continue along their merry way—in this case, bringing forward false identities. We have concerns about the way in which the bill has been introduced, but we will not vote against it.

The Hon. PENNY SHARPE (Parliamentary Secretary) [9.13 p.m.], in reply: I thank honourable members for their contributions to this debate. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

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

INNER WEST BUSWAY PROJECT

Production of Documents: Claim of Privilege

The Clerk tabled, pursuant to the resolution this day, the following documents identified as not privileged in the report of the Independent Legal Arbiter Sir Laurence Street, dated 23 July 2009, on the disputed claim of privilege on papers relating to the Inner West Busway project:

- (1) Documents entitled:
 - (a) Review of Environmental Factors;
 - (b) Activity Specific File Including Assessment Report; and
 - (c) Non-Aboriginal Heritage Mitigation and Management Measures.
- (2) The executed copy of the Project Alliance Agreement, dated 28 November 2007.

ADJOURNMENT

The Hon. PENNY SHARPE (Parliamentary Secretary) [9.15 p.m.]: I move:

That this House do now adjourn.

TRIBUTE TO LADY OLWYN SOLOMONS

The Hon. TREVOR KHAN [9.15 p.m.]: I take this opportunity to speak about a true lady and one of the last of her kind. Last week I was absent from my duties in this House to attend the funeral of the late Lady Olwyn Solomons. Lady Solomons was the wife of the late Sir Adrian Solomons, a member of this House from 1969 until 1991, attaining a knighthood for his services to law and politics in 1982 at Buckingham Palace. As some would be aware, Sir Adrian was responsible for my employment with the firm of solicitors Everingham's Solomons in Tamworth. Sir Adrian was a gentle man of the first order and his wife, Lady Olwyn, was likewise a gentle lady.

Lady Solomons was born in Tamworth and she attended Tamworth Public School and later Tamworth High School. Lady Solomons' first employment was at the local newspaper, the *Northern Daily Leader*. In 1943 she married Sir Adrian and then joined the Australian Army's Medical Women's Service in 1944, having been a member of the Voluntary Aid Detachment. She served at the 102nd Australian General Hospital Tamworth until

her discharge in 1945. When the war ended Lady Solomons moved with her husband to Sydney so that he could complete his law degree. When they returned to Tamworth, Sir Adrian was one of the founding partners of the law firm Everingham Solomons.

Whilst Sir Adrian was busy with his law and subsequent political career, Lady Solomons was active in Tamworth and the surrounding areas in a variety of charitable works. She was a member of the Tuesday Club, the Garden Club, the Embroidery Club, the War Widows Guild, the Scrolls Club, the Women's Club, the Town and Country Club, and was a friend and patron of the Tamworth Regional Conservatorium of Music. She was also actively involved with Meals on Wheels, the Guide Dog Association, the RSPCA, the ABC Concerts Committee, the then Black and White Committee, now known as the Blind Society, and her church, the St Johns Church. She also volunteered at a number of local schools and visited the sick in hospital. On top of all these commitments, Lady Solomons was a committed wife, mother and, in due course, grandmother.

In the late 1980s Sir Adrian fell ill with cancer whilst still serving in this place. Because of his illness Sir Adrian and Lady Solomons moved to Sydney. Sadly, in 1991 Sir Adrian passed away. Following his death, Lady Solomons returned to again live in Tamworth, where she remained until she passed peacefully at Tamara Private Hospital. Until shortly before her death, despite periods of illness, Lady Solomons remained active in her community and church, supported by her family and friends. Her son David said, "She fitted more into her life in her 80s than what most people could do in a lifetime." And that she did. Lady Solomons is survived by her two sons, David and John, their wives, Muriel and Mary, and her grandchildren, Hannah, Ruth and Adrian. We are the lesser for her passing, but can be warmed by her memory.

BYRON BAY PLANNING

Mr IAN COHEN [9.18 p.m.]: My community in Byron shire greatly values the spectacular natural assets we have been endowed with. Byron council's collaboration with the State Government, going back as far as the late 1970s, has been important in developing equitable outcomes for the community and the natural environment in Byron Bay. Over the winter break the ongoing dispute over coastal management in Byron Bay has resurfaced with Byron council's planned retreat policy once again in the spotlight. Instead of sensible policy debate, opponents of this coastal hazard and climate change adaptation strategy are habitually misrepresenting the principle of planned retreat, its practical application and its historical relevance. Poorly formulated media coverage of planned retreat casts the concept as radicalised Green fundamentalism and a desire for nature to triumphantly destroy humanity—an irrational abandonment of property to the forces of nature. The fickle and deceptive narrative of the private property lobby on planned retreat presents the planning mechanism as a deep ecologists' ideological utopia. Adopting this vision of planned retreat conveniently allows property owners to douse themselves in victim-hood at the hands of the crazed local council.

Far from the outlandish characterisations by disaffected landowners of planned retreat as a form of vindictive lunacy—the politics of envy—planned retreat is a coastal hazard climate change adaptation policy that has State, national and international support across government and the judiciary. Byron Shire Council has adopted a policy of planned retreat since 1988 and is currently reflected in Byron Shire Council's development control plan No. 16 of 2002. The policy requires restrictions on the types of development allowable on land within certain distances of erosion zones. The restrictions generally require development to be relocatable landward as coastal hazards cause further erosion. The policy aims to maximise use of limited coastal land until a point is reached where development becomes untenable. The planned retreat policy has been open and transparent; it is listed on section 149 planning certificates. Potential owners are informed of the risks associated with buying land in a coastal hazard zone.

Planned retreat prioritises the continued public access to the beaches for the whole community of beach users consistent with the New South Wales Coastal Protection Act 1979. When we think of Byron Bay it is hard to ignore the international iconic tourism status it has held for many years. The beautiful beaches are one of the main attractions alongside the area's high regard for environmental protection. Planned retreat aims to protect this ecological, social and economic asset—the beach. There are too many examples around the world of the loss of beaches due to ill-thought-out actions to protect private property.

Planned retreat is about balancing development outcomes with the need to preserve coastline amenity. Scientifically unproven, individual erosion control measures threaten the viability of Byron's natural assets and tourism drawcards. As such, planned retreat finds the balance by protecting the community's interest in natural coastal assets while allowing landholders to develop relocatable facilities and structures on land that they know fall within an erosion zone.

One of the key measures enunciated in the New South Wales Government's recent draft Sea Level Rise Policy Statement to minimise social disruption, economic costs and environmental impacts is to "encourage appropriate development on land projected to be at risk from sea level rise". More importantly, the policy acknowledges the duty of the New South Wales Government to put public safety and protection of valuable publicly owned assets—including natural capital and assets—as a priority over private landholdings. This is not the politics of envy; it is simple common sense.

In a 1996 New South Wales Land and Environment case, *Scott v Byron Council*, Commissioner Hussey stated that the interests of the property owners needed to be "assessed against the wider public interest in terms of future beach amenity". Similarly, Justice Zelling expressed a similar sentiment in *Southern Centre of Theosophy Incorporated v South Australia*. Many other Government jurisdictions have already considered the issue of coastal erosion and private property rights. In the case of *Faulkner v Gisborne District Council* the New Zealand High Court held that:

The common law right of an owner to protect land from the inroads of the sea, although previously expressed in absolute terms, could no longer be asserted in direct opposition to a bona fide legislative policy of management of the coastline in the public interest.

In the most recent legal skirmish, *Byron Shire Council v Vaughan*, Justice Pain came to the conclusion that the protection of one property in isolation, through unproven measures, would have adverse impacts on neighbours and the Belongil Spit. Her Honour came to this conclusion after reviewing the evidence of Mr Watson, senior coastal engineer with the Coastal Unit of the New South Wales Department of Environment and Climate Change, who stated that works proposed by the respondent Vaughan would degrade beach amenity and result in the loss of public access to the beach. The case demonstrates that the Department of Environment and Climate Change appears to be of the opinion that certain protection works will come at the cost of public beach access.

In March this year representatives from both the Department of Environment and Climate Change and the Department of Planning sent a clear signal to local councils and property owners that "communities needed to get used to the idea that a beachfront home with a low elevation, or in a flood-prone area, was not a good investment". In the same month, Andrew Ash, who leads the CSIRO's Climate Adaptation Flagship program, stated:

There are going to be areas where it is not physically possible or it is not cost-effective to introduce any engineering solution and planned retreat becomes the only option.

The New South Wales Government must not derogate from a responsible and equitable coastline policy that protects the public's interest in natural assets to chase after a politically, ecologically and economically untenable solution of putting private landholdings before the public interest. The New South Wales Government needs to consider the concept of rolling easements as a realistic approach to integrated coastal management instead of pursuing fragmented engineering solutions that threaten shoreline systems, regulation and public amenity.

GRIFFITH ITALIAN MUSEUM AND CULTURAL CENTRE

The Hon. TONY CATANZARITI [9.22 p.m.]: I continue tonight to record my appreciation of the Griffith Italian Museum and Cultural Centre. This important facility is located in the impressive and important 11-hectare Griffith Pioneer Park. The Museum and Cultural Centre houses a collection of artefacts that are not only of great importance to our community, but are also of recognised national significance. The Museum and Cultural Centre came about after discussion in the community in the early 1990s. These discussions took a stronger form when in 1994 a public meeting was held at the Yoogali Club to discuss the museum. All in attendance were in agreement and promised to support the venture. Over the years that followed over \$300,000 was raised. As with all community efforts of this nature, direct gifts of cash are equally as important as "in kind" contributions, and many groups, organisations and individuals gave freely of their time, or supplied resources and materials free, or at greatly reduced cost.

As the list is so huge, I direct attention to Giovanni Batista Piazza's *A History of the Italian Settlement in Griffith* for a very detailed list of all of those involved. The numbers of individuals who gave their effort, labour and assistance is impressive, and I take this opportunity to personally thank them for their enduring contribution. I also thank those who supplied the most important things for a museum, the wonderful exhibits it contains. The museum now nestles amongst a great array of rustic Australian buildings of rough sawn timbers, hand adzed slabs, pole wood construction and tin, hessian, and wattle and daub. If one has a close look at these

buildings, all of which are outstanding examples of the Australian vernacular, one will not be surprised that some show a clear influence from the Italian immigrants. This is especially recognisable in some of the fireplaces, which are built in, or influenced by, the traditional Italian Pompeii oven style.

Other examples of this influence are recognisable in many objects in the museum and indeed the park, such as the carrot washing machine that was invented by Anacleto Giacotti in the early 1950s, which had a huge impact upon the farming industry at the time. Along with these examples is a large range of wonderful items from grappa stills to tool kits, wedding gowns to handmade children's Sunday bests, and shrines to other ephemera.

Especially important in a wider Australian context is the Continental Music Club collection. This little-known collection includes some 700 vinyl records and associated memorabilia from a radio show on 2RG that highlights and foreshadows the outstanding work of Al Grassby in changing the face of Australia. Not only was the Continental Music Club to become a model for ethnic and multicultural broadcasting in Australia, but also it was a proving ground for Al's impressive work on immigration policy, starting with integration and evolving into multiculturalism. The Italian community of Griffith is proud of its work with Mr Grassby in bringing about multiculturalism, and is honoured to house this important collection in its museum. I hope members will take the opportunity to visit the Pioneer Park and Griffith Italian Museum and Cultural Centre when they are in Griffith, and I commend the efforts of all involved in building this important cultural institution.

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

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.27 p.m.]: Mr President, I know you will join with me tonight in expressing mixed feelings in farewelling two of the most valuable, experienced, dedicated and well-respected members of staff that this Parliament has ever had. I would like to take a few minutes to reflect on the contribution of Greig Tillotson and Dr David Clune in the New South Wales Parliamentary Library. There is no debating the fact that the departure of both gentlemen will constitute a huge loss to the Parliament. It will certainly mark the end of an era for our Parliamentary Library and the loss of two of our greatest characters from this place.

These two outstanding officers started work with the Parliament on the same day in December 1974. What an asset they have been to this Parliament. They are friends to us all, and I will start by recognising the work of my dear friend Dr David Clune. I have had the pleasure of knowing David and his wife, Ros, for almost 40 years, long before I entered Parliament, after meeting them through mutual friends at a place called Rugby in southern New South Wales. I have known Greig even longer, but I will get to that later.

What an exceptional 35 years it has been here for David, who has contributed so much. I am sure I speak on behalf of all my Liberal and Nationals colleagues when I say David is one of the most well-respected parliamentary librarians we have seen, and indeed may ever see, at the New South Wales Parliament. In the 20 years or so that I have been a member, each and every encounter I have had with David has been both pleasurable and exciting, whether it was to get help with research, to seek his advice or just to have a yarn and share an anecdote—some that I could share but many that I could never repeat. I would love to read that book! I was always confident that after speaking to David I would find what I was looking for. Indeed, on some occasions I found even more than I wanted!

David's extensive and fruitful career at the New South Wales Parliamentary Library began working in reference services for members. David was the Parliament's first media librarian and should be acknowledged for implementing the media monitoring service that each of us finds so useful today. As a senior librarian during his second decade at the Parliamentary Library, David headed the library's Information Resource Unit. In 1994 David became Manager, Resource Services, and held that position until the end of June this year. David should be congratulated on his dedication and sheer passion for the history of this Parliament. His work has shaped times gone by in this place and his contribution to publications on the history of Parliament, such as *Decision and Deliberation*, will be acknowledged for years to come. I take this opportunity to wish David and Ros every success in their next venture.

It is also with mixed blessings that I stand here on the same day to farewell another great man, Greig Tillotson. I was lucky enough to know Greig before my days in Parliament. We both attended Newington College in Stanmore. In those days Greig was a quiet achiever, studious, polite and generous—he has not

changed one bit. As I mentioned earlier, Greig started here in 1974 alongside his partner in crime and great mate David Clune. After beginning his career in the Reference Section of the Parliamentary Library, Greig worked his way up to Manager, Reference and Information Services in 1994. During that period Greig established the important relationship between Reference Services and the Research Service. Greig was appointed Parliamentary Librarian in 2006. In fact, both mates were seeking that position. It took some time for the appointment to occur, and to David Clune's credit he said, "Why don't they get on with it and appoint my friend Greig to the position?" The Parliament will miss David and Greig. They have been great, proper public servants to this Parliament.

TILLEGRA DAM

Dr JOHN KAYE [9.32 p.m.]: The Rees Government's push to develop a dam at Tillegra near Dungog has been marked by the size and number of false and misleading claims to support the need for an additional water supply. Even by that debased standard, the deliberate dishonesty of Hunter Water's management in its request to have the dam declared critical infrastructure and the development application dealt with under the infamous part 3A of the Environmental Planning and Assessment Act stands out as a singular act of deception. The evidence that I will present tonight will show that Hunter Water senior managers denied to the Tillegra Dam Community Reference Group that they had requested favoured treatment for the development proposal in full knowledge that Managing Director Kevin Young had written to Director General of Planning Sam Haddad on 24 September 2007 seeking critical infrastructure status.

As the environmental assessment report hits the streets of Newcastle later this evening, the ability of the people of the Hunter to have any say in the future of their water supply and the impact on the environment has been secretly and dishonestly whisked away from them by a request from Hunter Water. Not only does this behaviour violate senior managers' responsibilities under the State Owned Corporations Act 1989, it also undermines the trust of the community that they are supposed to serve. Planning consent for this damaging, expensive and unnecessary dam is being won by deceit and dishonesty. At the February 2009 meeting of the Tillegra Dam Community Reference Group questions were submitted in writing to Hunter Water about the gazettal in January 2009 of Tillegra Dam as critical infrastructure. One of the questions asked:

Did Hunter Water apply for or request implementation of the 3A critical infrastructure process with the Department of Planning or any other Government Department?

Hunter Water's answer was unequivocal:

No, Hunter Water did not apply for or request implementation of a critical infrastructure process.

At the March community reference group meeting Ms Nicole Holmes, Hunter Water executive and Tillegra Dam Project Manager, reiterated that Hunter Water did not request a critical infrastructure determination with the Department of Planning or any other government department. However, Department of Planning documents obtained under freedom of information provisions reveal that the Managing Director of Hunter Water, Kevin Young, had applied in September 2007 to the Director General of Planning for the critical infrastructure gazetting. The letter and briefing sent by Kevin Young contain the opinion that the Tillegra Dam project was "essential to the State for economic, environmental and social reasons". This is exactly the opinion the Minister must form before a critical infrastructure declaration can be made under section 75C of the Environmental Planning and Assessment Act 1979.

Kevin Young asked Mr Haddad to approach the then Minister for Planning, Mr Frank Sartor, as a matter of priority on this matter. Former Minister Sartor sent letters stating that the Hunter Water Corporation was requesting Tillegra Dam be declared critical infrastructure to six other Ministers, including then water utilities Minister Nathan Rees. In dot points prepared for then Minister Rees, Hunter Water said:

... a critical infrastructure declaration prevents third party appeals and objector court appeals, ensuring that the Minister's decision is final and unequivocal ...

It continued:

... such a decision is considered sensible by Hunter Water, as it reduces the risk of project delays and increased costs on the assumption that Government will finalise the required planning approval for the process.

At least two Hunter Water executives who sat through the March 2009 community reference group meeting were fully aware of the critical infrastructure request by Kevin Young, and that the tabled response was untrue. Kevin Young confirmed the position taken by the Hunter Water executives at the March 2009 community reference group meeting, despite having signed the letter 1½ years earlier.

Schedule 10 to the State Owned Corporations Act 1989 No. 134 sets out clearly the responsibility of directors, chief executive officers and management of State-owned corporations such as Hunter Water. Clause 3 provides that such persons "must act honestly in the exercise of powers and discharge of functions as an officer of a State-owned corporation". A breach of the State Owned Corporations Act is considered a very serious matter and carries serious penalties. Kevin Young and other Hunter Water executives are in a position of public trust. The evidence shows that this trust has been abused. The integrity of the environmental assessment report process, and the community consultation process that is part of it, is now in grave doubt. The Government has made a mess of the Tillegra issue and should abandon the project before it is too late.

SOCIAL EQUITY

The Hon. IAN WEST [9.37 p.m.]: The budget of the New South Wales Government has many gains for the people of New South Wales. To me, an understated but extremely important development was the change towards a more sensible and economically proficient procurement policy. All one has to do is read the history books, watch the news or simply observe to realise that State intervention in economic policy leads to more desirable economic outcomes for us all. Contrary to what those on the other side of the House may say, no economic system is purely market driven and no market is pure. No economic system can function cohesively without meaningful and appropriate State intervention.

The private sector in New South Wales, by necessity, relies on the Government to lead the way and provide economic growth and opportunity. The Government is doing this through its new procurement policy. The fundamentals of the policy are based on the purchasing of Australia and New Zealand content goods and services, ensuring real and meaningful employment for the people of New South Wales, and the accountability of markets and business when procuring goods and services from the New South Wales Government. This increases our domestic productivity and profit, strengthening our markets and increasing competitive ability. Without this assistance from the Government, small business and the like would be swept away.

The New South Wales Industry Participation Plan [IPP]—which is similar to that of the Federal Government—reinforces our commitment to sound economic management to benefit all sections of our society, not simply one small oligarchical economic elite with the capacity to exploit the tax system and the system generally. The Industry Participation Plan includes the following five mandatory criteria. First is the value of investment in plant or other capital that will result from the contract. This means that the dollars of New South Wales taxpayers will be spent in ways that have tangible, productive outcomes. We are not simply handing out blank cheques; we are ensuring that our money is well spent, economically and efficiently.

The second criterion relates to the number of existing and new employees engaged in delivering the contracts and the location of the particular contracts, which will ensure there are real jobs for the people of New South Wales and not simply an abstract or prospective figure on a piece of paper. The Government must ensure that jobs and opportunities are there and that those jobs are in the areas of New South Wales where they are needed most. Reforms such as this will ensure that regions in New South Wales are not simply unemployment hubs. We are not simply leaving it to the free market to decide who needs jobs and where those jobs are needed.

The third criterion relates to the number of local suppliers that will win work as a result of the contracts and their employment numbers, which will strengthen the New South Wales economy and the position of the workers that keep the gears of the economy moving. The Government will provide assistance for those who want to keep jobs in Australia and strengthen our domestic market, not for those who seek to outsource them overseas where workers are exploited under less stringent and, in many cases, outrageous working conditions. The fourth criterion relates to the number of apprentices and trainees supported by the contracts, which is essential in the environment that we face, building a skilled and accredited workforce in New South Wales through government education and training.

We do not want to lose a generation of apprentices and trainees because of the current economic environment. Young workers must not miss out on the opportunities that so many before them have had. We want young people learning trades and out in the workforce contributing, not simply sitting at home playing Xbox because they cannot get an apprenticeship or a job during the global financial crisis. The fifth criterion relates to the regional economic impact, skills enhancement and technology transfer that will result from the contract, which, in turn, will build a modern economy and increase productivity through technology and development in the regions of New South Wales. This will have a great benefit in areas such as the important electorate of Lismore and the northern rivers. The New South Wales Government's procurement policy will

have real benefits for the whole of the New South Wales economy. It will strengthen our domestic market, provide jobs for the people of New South Wales, and improve our competitive ability and productivity [*Time expired.*]

CANADA BAY TWELFTH ANNUAL FERRAGOSTO

The Hon. DON HARWIN [9.42 p.m.]: On Sunday 16 August the City of Canada Bay held its twelfth annual Ferragosto—the largest and most popular community festival in the inner west. Ferragosto is a dynamic celebration of the rich contribution made by the Italian community to that part of Sydney. I was delighted to have the opportunity to attend that colourful event with the Leader of the Opposition, Barry O'Farrell, and my colleagues the Hon. Marie Ficarra and Victor Dominello. We walked two complete lengths of the festival along Great North Road in Five Dock accompanied by Burwood Councillor John Sidoti—he is now the mayor and has been a local business operator in Five Dock for many years—and Canada Bay Councillor Michael Megna and Councillor Mirjana Cestar. More than 100 stalls were located along the Great North Road, with a variety of food, music, entertainment and homewares available.

Thousands of local residents attended the Ferragosto and, as our Liberal team walked around the festival precinct, we had an opportunity to speak to many of them about their views on the State Labor Government and their local member's handling of important local issues. One of the themes of the feedback we received related to a concern about the Government's obsession with spin, and we were given several examples of this. Several residents expressed concern about the situation at Five Dock police station and the local member's obsession with spin on police numbers. The local member has repeatedly claimed that the station is fully manned and in operation 24 hours a day, seven days a week.

When newly graduated police recruits are allocated to the Five Dock Local Area Command she has always seized the opportunity to talk about the Government boosting police resources and the local police presence. Yet the community is keenly aware that the local Five Dock police station is little more than a shopfront facade that is often locked and unmanned. Many people know that there are fewer police officers in the area now than there were at the last election, and substantially fewer than there were at the election before that. Although the member for Drummoyne was happy to generate local media stories about her support for police and her sympathy for their cause with regard to the pay and entitlements dispute, she was not prepared to demonstrate her ostensible support by signing the Police Association's petition.

Subsequently I have noted that the member for Drummoyne continues to focus on spin rather than substance, recently announcing the commencement of community consultation on the west metro project, even though there are no detailed proposals and the State Government has failed to secure co-funding from its Federal colleagues in the Rudd Government. In light of such disillusionment and discontent with the State Labor Government in general and the local member in particular, we were pleased on our visit to Ferragosto to be able to discuss positive, practical alternatives with residents in the inner west. The response from local residents was overwhelmingly positive and a strong affirmation of the Coalition's alternative vision for New South Wales.

[*Time for debate expired.*]

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

Motion agreed to.

The House adjourned at 9.45 p.m. until Thursday 10 September 2009 at 11.00 a.m.
