

# LEGISLATIVE COUNCIL

Tuesday 29 May 2007

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

**The President** read the Prayers.

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

## ADMINISTRATION OF THE GOVERNMENT

**The PRESIDENT:** I report the receipt of the following message from His Excellency the Hon. James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales:

J J Spigelman  
LIEUTENANT-GOVERNOR

Office of the Governor  
Sydney 2000

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

18 May 2007

## ADMINISTRATION OF THE GOVERNMENT

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

Marie Bashir  
GOVERNOR

Office of the Governor  
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 19 May 2007.

19 May 2007

## DEATH OF HIS HIGHNESS KING MALIETOA TANUMAFILI II OF SAMOA

**The PRESIDENT:** I announce the death on 11 May 2007 of His Highness King Malietoa Tanumafili II of Samoa. On behalf of the House I have extended to members of the royal family and the people of Samoa the deep sympathy of the Legislative Council in the loss sustained.

*Members and officers of the House stood in their places.*

## DEATH OF THE HONOURABLE DONALD ROSS BURTON, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

**The PRESIDENT:** I announce the death on 17 May 2007 of the Hon. Donald Ross Burton, aged 87 years, a member of this House from 1976 to 1984. On behalf of the House I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

*Members and officers of the House stood in their places.*

## MINISTRY

**The Hon. DELLA BOSCA:** I announce that on 2 April 2007 the following Ministers were designated as Senior Ministers:

The Hon. John Joseph Della Bosca, MLC  
The Hon. Michael Costa, MLC  
The Hon. John Hatzistergos, MLC  
The Hon. Frank Ernest Sartor, MP  
The Hon. Reba Paige Meagher, MP  
The Hon. David Andrew Campbell, MP  
The Hon. Eric Michael Roozendaal, MLC  
The Hon. Ian Michael Macdonald, MLC  
The Hon. Anthony Bernard Kelly, MLC  
The Hon. Philip Christian Koperberg, MP  
The Hon. Kevin Patrick Green, MP  
The Hon. Kristina Kerscher Keneally, MP

## COMMISSION FOR CHILDREN AND YOUNG PEOPLE

### Report

**The President** tabled, pursuant to the Parliamentary Electorates and Elections Act 1912, a report entitled "Audit of Child-Related Conduct Declarations in Accordance with the Requirements of the Parliamentary Electorates and Elections Act 1912", dated 28 May 2007.

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

## UNPROCLAIMED LEGISLATION

**The Hon. Tony Kelly** tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 28 May 2007.

## AUDITOR-GENERAL'S REPORT

**The Clerk** announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Financial Audits report of the Auditor-General Volume Two 2007, dated May 2007, received out of session and authorised to be printed on 16 May 2007.

## GENERAL PURPOSE STANDING COMMITTEE NO. 2

### Government Response to Report

**The Clerk** announced the receipt, pursuant to standing orders, of the Government's response to report No. 23, entitled "Review of Inquiry into Complaints Handling within NSW Health", received out of session and authorised to be printed on 22 May 2007.

## STANDING COMMITTEE ON LAW AND JUSTICE

### Government Response to Report

**The Clerk** announced the receipt, pursuant to standing orders, of the Government's response to report No. 33, entitled "Impact of the Family Law Amendment (Shared Parental Responsibility) Act 2006 (Commonwealth)", received out of session and authorised to be printed on 29 May 2007.

## GRETLEY MINE DISASTER

### Production of Documents: Report of Independent Legal Arbitrator

**The Clerk** announced the receipt of the report of the independent legal arbitrator Sir Laurence Street dated 9 May 2007, on the disputed claim of privilege on papers relating to the Gretley mine disaster. The Clerk announced further that the report is available for inspection by members of the Legislative Council only.

## FORESTS NSW AND BORAL TIMBER

### Production of Documents: Report of Independent Legal Arbitrator

**The Clerk** announced the receipt of the report of the independent legal arbitrator Sir Laurence Street dated 15 May 2007, on the disputed claim of privilege on papers relating to Boral timber. The Clerk announced further that the report is available for inspection by members of the Legislative Council only.

## HUNTER AND OUTER SUBURBAN RAIL CARS

### Production of Documents: Report of Independent Legal Arbitrator

**The Clerk** announced the receipt of the report of the independent legal arbitrator Sir Laurence Street dated 25 May 2007, on the disputed claim of privilege on papers relating to Hunter rail cars. The Clerk announced further that the report is available for inspection by members of the Legislative Council only.

## PETITIONS

### Wyargine Reserve Vehicular Access

Petition opposing proposed changes to the draft Mosman environment plan that seek to allow vehicular access to bushland bordering Wyargine Reserve and requesting that the Minister for Planning and the Minister for Climate Change, Environment and Water review this matter, received from **Mr Ian Cohen**.

## BUSINESS OF THE HOUSE

### Withdrawal of Business

**Private Members' Business item No. 19** outside the Order of Precedence withdrawn by **Mr Ian Cohen**.

## BUSINESS OF THE HOUSE

### Postponement of Business

**Business of the House Notice of Motion No. 2** postponed on motion by **Ms Sylvia Hale**, on behalf of **Ms Lee Rhiannon**.

**Private Members' Business item No. 2** in the Order of Precedence postponed on motion by **Dr John Kaye**.

**Private Members' Business item No. 4** in the Order of Precedence postponed on motion by the **Hon. Duncan Gay**.

**Private Members' Business item No. 5** in the Order of Precedence postponed on motion by the **Hon. Robert Brown**.

## PARLIAMENTARY COMMITTEES

### Membership

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of committees from the Leader of the Opposition and crossbench members:

#### Privileges Committee

Opposition members:	The Hon. Jennifer Gardiner The Hon. Don Harwin
Crossbench member:	Reverend the Hon. Fred Nile

**Standing Committee on Law and Justice**

Opposition members: The Hon. John Ajaka  
The Hon. David Clarke  
Crossbench member: Ms Sylvia Hale

**Standing Committee on Social Issues**

Opposition members: The Hon. Marie Ficarra  
The Hon. Trevor Khan  
Crossbench member: Dr John Kaye

**Standing Committee on State Development**

Opposition members: The Hon. Matthew Mason-Cox  
The Hon. Melinda Pavey  
Crossbench member: Reverend the Hon. Fred Nile

**General Purpose Standing Committee No. 1**

Opposition members: The Hon. Matthew Mason-Cox  
The Hon. Melinda Pavey  
Crossbench members: Dr John Kaye  
Reverend the Hon. Fred Nile

**General Purpose Standing Committee No. 2**

Opposition members: The Hon. Marie Ficarra  
The Hon. Robyn Parker  
Crossbench members: Reverend the Hon. Dr Gordon Moyes  
Ms Lee Rhiannon

**General Purpose Standing Committee No. 3**

Opposition members: The Hon. John Ajaka  
The Hon. Trevor Khan  
Crossbench members: Ms Lee Rhiannon  
The Hon. Roy Smith

**General Purpose Standing Committee No. 4**

Opposition members: The Hon. David Clarke  
The Hon. Jennifer Gardiner  
Crossbench members: Ms Sylvia Hale  
The Hon. Roy Smith

**General Purpose Standing Committee No. 5**

Opposition members: The Hon. Rick Colless  
The Hon. Charlie Lynn  
Crossbench members: The Hon. Robert Brown  
Mr Ian Cohen

**PARLIAMENTARY COMMITTEES****Chairs and Deputy Chairs**

**The PRESIDENT:** I inform the House that the following members have been nominated by the Leader of the Government and the Leader of the Opposition as Chairs and Deputy Chairs of standing committees of the Legislative Council:

**Privileges Committee**

Chair: The Hon. Kayee Griffin  
Deputy Chair: The Hon. Jennifer Gardiner

**Standing Committee on Law and Justice**

Chair: The Hon. Christine Robertson  
Deputy Chair: The Hon. David Clarke

**Standing Committee on Social Issues**

Chair: The Hon. Ian West  
Deputy Chair: The Hon. Trevor Khan

**Standing Committee on State Development**

Chair: The Hon. Tony Catanzariti  
Deputy Chair: The Hon. Melinda Pavey

**MFS GROUP AGED RENTAL ACCOMMODATION****Adjournment (Standing Order 201)**

**The PRESIDENT:** I have received from the Hon. Catherine Cusack a notice under Standing Order 201 of her desire to move the adjournment of the House to discuss the following matter of urgency:

Aged rental accommodation.

**The Hon. CATHERINE CUSACK** [3.04 p.m.]: I am very sorry to raise with the House a matter of utmost urgency, that is, the failure of the Government to deliver on solemn commitments made concerning the rights, wellbeing and future of residents of four aged rental complexes located in Tamworth, Dubbo, Orange and Wagga Wagga. Had the Minister for Fair Trading delivered on her promises the now even greater crisis facing those residents would have been averted. Members will recall that six weeks ago a crisis erupted in those facilities when their operator, Village Life, abruptly called meetings to tell 200 elderly residents that they were about to receive notices terminating their tenancies and leading to their eviction on 28 May 2007. This triggered widespread outrage and confusion. Even the Office of Fair Trading seemed confused, mistaking those facilities for retirement villages. Eventually it was realised that they are not retirement villages but aged rental complexes, which operate quite differently.

A chain of 10 facilities across Australia, four of which are in New South Wales, owned by MFS, a property investment group, were operated by Village Life, a sort of hotel management group for aged rental accommodation. Village Life was in the process of withdrawing management services for those facilities. Why that had occurred is still unclear. What is clear is that as part of that withdrawal Village Life took action to terminate all of the tenancy agreements, causing distress and anxiety to the residents, whose average age is 85 years. The residents are generally not well off, with assets of \$50,000 or less, and most are highly dependent on rental assistance and the pension. The Village Life model sees 100 per cent—

**The Hon. Greg Donnelly:** Point of order: The member is giving significant detail of the substantive matter of the motion. That is not in accordance with the purpose of Standing Order 21. The member should focus on why the matter is urgent, and not give the House detail, as she is attempting to do.

**The Hon. CATHERINE CUSACK:** To the point of order: To establish urgency I want to highlight the vulnerability of residents currently facing an immediate crisis. I want to give the House information to establish that the reason for the urgency is the vulnerability of these residents. That is why we need to discuss the matter now.

**The PRESIDENT:** Order! I uphold the point of order. The Hon. Catherine Cusack has acknowledged that she should be addressing why the matter is urgent, and I ask the member to do just that.

**The Hon. CATHERINE CUSACK:** This matter is urgent because, following the announcement by the Minister on 19 April that a crisis had been averted, a new crisis erupted in these residences at 5.00 p.m. yesterday, 28 May. In spite of the Minister's statement on 19 April that MFS had appointed SunnyCove to take over the management of its four New South Wales properties as well as properties around Australia, no management contract had been signed at that stage and none has been signed subsequently. As a result, when Village Life withdrew management services to those facilities at 5.00 p.m. yesterday no operator had been contracted to step in and fill the void. Indeed, as I speak there is still no operator under contract to take management responsibility for those 10 facilities, including the four in New South Wales.

Residents at those facilities are in a state of utter distress. Nobody is legally responsible for delivering on their tenancy agreement, which includes provision of three meals a day and heavy laundry services. Managers at those facilities do not have employment contracts with anybody. The managers are in a high state

of confusion. In fact, they have set up their own blog site on the Internet to try to obtain more information about what on earth is going on. The Minister for Fair Trading committed the Office of Fair Trading to supervising and checking all contracts being drafted and signed. He said that the office would attend all of the meetings organised by SunnyCove to ensure that residents' rights, responsibilities and interests were being respected. The Office of Fair Trading not only failed to attend any of those meetings but also is nowhere to be seen today when the residents have found themselves without any contracted manager or any dispute resolution mechanism.

The Office of Fair Trading does not have a tenancy agreement with anyone. Residents are now in a far worse position than they were six weeks ago when they were given 28 days notice. As at today this entire management arrangement could collapse at one minute's notice. Nobody has any legal recourse to anybody else. It is absolutely extraordinary! I have argued that one of the key factors is that the Minister for Fair Trading, Linda Burney, who stepped into this matter in April when everyone was in an uproar, gave very specific undertakings to the residents and the community. Had she followed through on any of her promises the crisis we are facing today would have been averted. Residents in the facilities are coming to grief today. I remind the House of the serious nature of the promises. Honourable members might recall her words on 19 April when she announced that the situation had been resolved. In a media release she welcomed the news that MFS had appointed retirement village operator SunnyCove. By the way, SunnyCove is not a retirement village operator but an operator of aged rental premises, which is completely different. Honourable members may recall seeing the Minister on television telling residents that they should crack open the champagne because the whole issue had been resolved. She said:

I am concerned that the residents now need some certainty about the future of these new arrangements.

The Commissioner for Fair Trading has been directed to examine the agreement entered into by the MFS Group and SunnyCove to make sure that the residents' interests have been protected.

That did not happen. Had it happened we would have discovered six weeks ago that there was no agreement at all and this crisis today could have been averted. The Minister said:

At the same time the Commissioner will also review the leases signed by the residents to assess their appropriateness.

Had people from the department sought to do that they would have discovered that there were no leases, and that representatives of SunnyCove had no right to enter the premises and meet with residents. How could they review the appropriateness of leases when they did not exist? The Minister said:

The NSW Government will be asking SunnyCove to meet with residents in all four locations to explain the new arrangements to them. Officers from Fair Trading will attend each of these meetings to answer questions from residents.

Four meetings were organised by SunnyCove, but could an officer from Fair Trading be found? Not one attended, which meant that no questions were able to be asked by, or answered for, residents. The Minister said:

The Department of Health will arrange for councillors to be available should any residents require additional support.

This has not happened. I have received a report of one distressed resident being sent to hospital in Tamworth by taxi. The hospital put the resident straight back in the taxi and sent that person home again. That is an example of the level of counselling, support and sympathy residents have received from the Government. In addition, no councillors or officers from Fair Trading are to be found assisting residents. There is no plan or network to support these residents, even though the current position means that the entire management of the facility, including the provision of meals, could collapse at a moment's notice.

This matter is extremely urgent. The commitments made by the Minister in another place to the Parliament, in addition to her commitments made to residents by way of media release and on television six weeks ago when everyone was told to crack open the champagne, have fallen over and the residents are facing a crisis. It is of the utmost importance that this matter be canvassed in the House today, and that the Minister and her department receive a very clear message of anger, disappointment and dissatisfaction at their lack of performance, which has allowed a new and more serious crisis to develop.

**Urgency agreed to.**

**The Hon. CATHERINE CUSACK** [3.14 p.m.]: I move:

That this House do now adjourn to discuss the following matter of urgency:

Aged rental accommodation.

I thank the House for allowing this discussion to proceed. The Opposition is concerned about the Government's failure on multiple levels to protect and manage the interests of residents of Village Life. Our overriding concern is for the welfare of residents in the four aged rental complexes operated by Village Life until 5 o'clock yesterday but owned by MFS. However, our understanding is that the four complexes have been placed on the market and a new purchaser has been found. The ownership of the complexes will change on or about 20 June this year. I mention that because it is significant that the properties are in the process of being sold. Without any question their sale will impact on negotiations between MFS and SunnyCove. The operating contract and the cost of operating the facilities will affect the market value of the properties. Therefore it is utterly essential that the Commissioner for Fair Trading take a proactive interest in this matter to ensure that the rights of the residents are protected and not compromised because an operating agreement is being negotiated in the context of a sale of the properties.

If it were vitally important when the Minister made the commitment that Fair Trading would be proactively involved then it became even more important when it was announced that the properties were being sold. Out of consideration for these residents the Opposition announced on 19 April that it would take a bipartisan approach to assist the Government in resolving the difficulties facing residents and assure the Minister for Fair Trading, Linda Burney, of the smooth transition of legislation to protect the interests of these residents. I am sorry to report to the House that the Minister has rejected our offer of bipartisanship. For more than a month the Minister has ignored a request for a briefing from the Commissioner for Fair Trading. Most recently she declined that request in writing and, instead, sent a copy of a whole lot of media releases that were issued in April, which was no substitute. She has given us no opportunity to proceed on a bipartisan basis.

On 19 April when Minister Burney announced that the future of residents in Village Life facilities was secure and that residents should crack open the champagne she announced specific measures undertaken by her department to ensure the interests of residents. I referred to some of those measures when I outlined why this matter was urgent. In the spirit of bipartisanship the Opposition endorsed these measures. Like the rest of the community, we accepted the Minister's assurances. However, today we know that none of those steps were taken and that there was no follow through. We share with residents a real sense of anger and betrayal. We are alarmed that the Minister does not seem to know the difference between a retirement village and an aged rental complex. The Minister's media release of 19 April is headed "Burney Welcomes Retirement Village Outcome". It stated that retirement village operator SunnyCove had been appointed to take over management of MFS villages. But this is wrong, wrong, wrong.

The facilities are not retirement villages, they are not covered by the Retirement Villages Act, and SunnyCove is not an operator of retirement villages. The whole problem is that the facilities are rental premises and subject to tenancy agreements. If the Minister charged with responsibility cannot understand the simple difference between a retirement village and an aged rental complex then it is no wonder that we now face a second crisis that is potentially worse than the first. For honourable members not familiar with the significance of these differences I will spell them out. A retirement village is a facility that residents buy into. They pay maintenance fees and contribute to a sinking fund. Residents have an elected committee to negotiate with owners and managers, and they have access to annual financial statements and also to a disputes resolution procedure.

If the whole enterprise becomes severely dysfunctional or goes bankrupt the Commissioner for Fair Trading can appoint an administrator. None of the protections and procedures is in place for MFS residents. Their tenancy agreements, which are ordinary tenancy agreements that any other renter in the community has, specifically state that the provisions of the retirement Act will not apply. It is absolutely vital for the Minister to understand that we are not dealing with retirement villages; if we were, we would not have this problem.

The Minister gave an assurance in her media release that the Department of Fair Trading would examine the contract between MFS and SunnyCove. It is clear from advice I have received from the owners that the Office of Fair Trading had a meeting of sorts with those two groups, but they have not signed off on the final contract—nor could they because no final contract has been agreed to. It is my understanding that, because of the procedure that they are undertaking, once they have signed off on the final contract a copy of it will be forwarded to the Commissioner for Fair Trading for information. How is it possible for Minister Burney to say that the contract will be improved and the requirements of the department will be included if they are not seeing the contract until after it has been signed? On 9 May 2007 the Minister stated in Parliament:

One day after we became aware of the situation, Office of Fair Trading staff were sent to support residents in meetings with the operators. The Government immediately established the retirement housing options task force under the fine leadership of Commissioner for Fair Trading Lyn Baker. The task force consisted of representatives of four agencies: the Office of Fair Trading, the Department of Housing, the Department of Ageing, Disability and Home Care and the New South Wales Health Department. Our public servants moved swiftly and effectively.

Where is this task force? What has it done? How swift and effective is it if nobody turned up to the SunnyCove residents' meetings, no follow-through occurred on the matter of contracts, no monitoring of progress, or should I say lack of progress, occurred in the signing owner-operator contracts, new tenancy contracts, new manager contracts or new authorisations for direct debit payments for rental payments? None of this paperwork has been done and we are now a day past the withdrawal of Village Life. If these swift and effective public servants did not even seem to know that none of that paperwork had been done it makes one wonder what they have been doing.

If they had followed through on even one of the items on the Minister's long list of assurances to residents those swift and efficient public servants would have realised that a second crisis was looming and steps could have been taken to put pressure on MFS and the outgoing operators to behave in a humane and ethical manner, consistent with the interests of the residents. What has the Minister done to ensure that these swift and effective public servants did not fall asleep as soon as the media hullabaloo subsided? Clearly, the Minister has done nothing. The problem for the Minister is that her personal assurances and her personal advice to residents to crack open the champagne now come under scrutiny. Minister Burney also told Parliament on 9 May:

The Commissioner for Fair Trading has examined the new agreement and reviewed the leases signed by the residents and has advised that some improvements are needed, and they will be implemented.

How can this have happened if there is not a finalised contract? MFS advised that the arrangement is for the contract to be signed and then a copy sent to the Office of Fair Trading. In other words, there will be no prior approval of the contract and no ability to follow through on the Minister's pledge that these improvements will be implemented. The Minister also told Parliament:

The Office of Fair Trading will monitor this situation closely and will advise me of anything that may have a negative impact on the residents.

As if losing an operator and having no-one to replace them does not qualify as negative! If that does not, I do not know what does. The Minister also stated:

I will be assiduous in this monitoring ... the Premier said to thousands of older people at the Seniors Concert this year, "You are valued and you are loved."

None of those promises has been delivered on. One has to wonder whether this is the tough love of the Iemma Government. Who would want that sort of worthless love from the Government that has failed so miserably in its duties to elderly, vulnerable residents, has failed to grasp the offer of a bipartisan solution, and has failed abominably in its monitoring and reporting on this matter to Parliament?

As I speak there is confusion and distress among the former Village Life residents. Those residents appreciate that they are now living on the goodwill of the managers who have agreed, without any contract or legal guarantee of payment, that they will continue to care and provide meals for those residents. I am told that in Tamworth another person in serious distress was taken to hospital today. I recognise that many operators are themselves in a high state of anxiety. They are trying to negotiate new contracts with SunnyCove even though SunnyCove does not have the legal authority to negotiate because it does not have a contract with the owners. The 90-day transition period is meant to commence when MFS eventually signs a contract, and there is confusion about when that will be.

As I have said, the residents are elderly. They cannot believe that this could have been allowed to happen a second time. I can only condemn the Minister and her department because the warnings about a second crisis could not have been clearer. In the space of six weeks the department and the Minister went straight back to sleep again and failed to deliver on monitoring. They failed to play any role whatsoever to advocate for the interests and rights of the residents. For that I believe they are culpable. They need to wake up. They need to get back into organising services for these residents, including the mental health services that so far have not materialised. They need to ensure that pressure is applied to the owner of this facility to sign a fair contract that enables a decent standard of living to be provided to the residents. That contract needs to be signed today.

**Ms SYLVIA HALE** [3.26 p.m.]: I support the motion moved by Ms Catherine Cusack. I believe it is extraordinarily important to talk about Village Life and the issues it raises, even if a deal to continue the operation of the residencies is ultimately reached. This is a problem that will not go away, because increasingly older people are becoming tenants of these types of businesses. Last week I was in Dubbo and had the opportunity to speak with the Tenants Advice and Advocacy Service. I was told of the great distress that was being experienced by residents of villages in Dubbo and Tamworth.

It is not the Greens' view that the Government is entirely at fault here. The Office of Fair Trading and Minister Linda Burney have expressed concern. The Office of Fair Trading has been proactive. But matters should not have reached this stage—a stage at which elderly people are about to be moved out of their homes before the Minister or the Office of Fair Trading decide to act. I note that the Minister has assembled a task force, although, as Ms Cusack has pointed out, how proactive that task force has been remains to be seen. This matter is urgent because during the review of the Residential Tenancies Act there is no mention of the issues raised by scenarios such as those involving Village Life, and that is a very regrettable oversight. However, it is urgent that we start dealing both legislatively and through the Office of Fair Trading regulations with the problems that have been mentioned. The Greens do not want to see any other elderly tenants fearful that they will have to be moved on each time a private operator goes under.

We must discuss the ethics of how we house elderly people. Is it really best for them to be paying nearly all of their pensions to such private operators as Village Life? Effectively, the Commonwealth is guaranteeing a profit to the operators because the Commonwealth pays the pensions and rent assistance to the tenants, who in turn pay almost 85 per cent of the amount they receive to the operator. The older people living in establishments such as Village Life are a special class of tenants. They are vulnerable to low standards of service and can be moved out if the head tenant, of which they are subtenants, terminates the lease of the premises in line with section 53C of the Residential Tenancies Act, which states that a person having superior title becomes entitled to possession of the premises. The Government must realise that operators of establishments such as Village Life are running quasi retirement villages that are not regulated under the Retirement Villages Act.

Hence there are no safeguards about the standard of service that tenants receive for food, linen, cleaning and so on, because those matters are not dealt with under the Residential Tenancies Act. The daily food allocation for a resident at Village Life was \$5 a day; a laughably inadequate sum. Tenants who pay 100 per cent of their Commonwealth rent assistance plus 85 per cent of their pension to the operators are left with only 15 per cent of their pension to meet other expenses, or for additional food. Kerry Anne Pankhurst from the Tenants Advice and Advocacy Service put it succinctly when she said, "The Residential Tenancies Act is inadequate."

It is urgent that the Government revisit the relevant Acts and regulations to ensure that older people experience a decent standard of living and good nutrition, and have some extra money left over after they have met their housing costs. I do not suggest that the Minister is insensitive to these issues, but the Greens wish to see immediate action on the legislation and regulations. Prior to the collapse of Village Life the Government should have better regulated the sector. The Government has an obligation to plan ahead, and debating this matter now will, I hope, focus the minds of the Department of Fair Trading and the Minister to move to introduce new regulations that will protect those most vulnerable people.

**The Hon. CHRISTINE ROBERTSON** [3.31 p.m.]: I have considerable concern about residents in Village Life complexes.

**The Hon. Jennifer Gardiner:** We all do.

**The Hon. CHRISTINE ROBERTSON:** Thank you. I have increasing concerns about those residents as negotiations are undertaken for the long term. It suddenly behoves some members of this House to play political games with aged people who are thinking about their futures and need surety for their future. One of the biggest issues in this debate is the choice available for retirement living. Government members who contributed to this debate understand that currently there are two choices; one under the Retirement Villages Act and the other under the Residential Tenancies Act. The Retirement Villages Act often requires quite hefty up-front payments before a resident can be accepted into that system. Yes, that process tends to have more services attached to it and, yes, it does incur more conditions.

However, not everyone in our community, particularly those in the Village Life program, has the necessary up-front money. Many have been in rental accommodation all their lives. When they require extra services and resources—including a healthy lifestyle, adequate food and assistance with accommodation—the Residential Tenancies Act offers certain further options. It is appalling that a group of residents had the misfortune not to be informed appropriately about the change of contract. I know from local newspapers and local gossip that residents were threatened with being put out of their accommodation and that their units were to be let to young persons. I am unsure as to how much of that was scaremongering, by goodness knows whom, but I do know it was a very disruptive time for those people.

The Department of Fair Trading moved in very quickly and has worked hard to ensure the long-term future for those people and to ensure that the new lease arrangements will cover their needs. The department has negotiated with SunnyCove to take over the contracts. The Department of Fair Trading has been working with SunnyCove to ensure that the contracts meet the requirements of those residents in the future.

**The Hon. Catherine Cusack:** No, it has not; there are no contracts.

**The Hon. CHRISTINE ROBERTSON:** If the Hon. Catherine Cusack had listened to what I said, she would know that I said that the department is currently working with SunnyCove. The department is still working with them.

**The Hon. Catherine Cusack:** What does that mean? They are not there.

**The Hon. CHRISTINE ROBERTSON:** I will not respond to any more of that nonsense. In response to the allegations of the Opposition, I advise that the Department of Fair Trading has been in constant contact with SCV Group Limited regarding the takeover of management of the Village Life complexes, and that it has been in contact with local people. I have been advised that agreement has been reached between the parties, although the contracts are yet to be signed. I have been advised that the services have not been interrupted, a crucial step. I was told that at 5 o'clock yesterday the contracts were finished off. However, the people were fed yesterday and the program still operates for their benefit. That is what is important—not some political point-scoring. It is important that aged persons who have taken up the option to live in a Village Life complex have their services continued—and that is what has happened.

My local newspaper, the source of much information that we are debating, reported that the new contracts might exclude pets. Residents may not be allowed to take their dogs or cats with them to the retirement villages. Under the Act many villages stipulate that there be no dogs or cats. That is an important consideration for many elderly people. SCV Group Limited held meetings with the residents at Tamworth and Dubbo on 30 April 2007, and with residents of Wagga Wagga and Bathurst on 1 May 2007. Office of Fair Trading staff were in attendance at all meetings. The Department of Health was on standby to provide counselling as needed, but its services were not required.

Earlier I heard a comment that mental health services were supposed to be provided to people. It should be noted that people have a choice about whether they undergo counselling. The cross-government task force that is examining the Village Life situation has already conducted a review of the new leases. On 2 May 2007 the Commissioner for Fair Trading wrote to SCV Group Limited outlining the department's concerns. The Minister for Fair Trading, Linda Burney, has visited residents at the Wagga Wagga and Bathurst sites and heard their concerns at first hand. The Office of Fair Trading will continue to closely monitor the situation to ensure that residents' rights are protected.

The task force includes representatives of the Office of Fair Trading, the Premier's Department, the Department of Housing and the Department of Ageing, Disability and Home Care—a very appropriate group. This issue involves the long-term future of not only the current residents of Village Life who are affected by the changed contracts but also the aged persons who make the choice to have residential housing outside the Retirement Villages Act. The longer-term implications of these new housing options for seniors are being examined. This year the task force will look also at other trends in seniors' accommodation as part of the Government's retirement village and tenancy law reform programs. The task force is due to report in coming weeks.

That is a summary of the situation. It totally refutes many accusations made in this debate. It is important to note that the Office of Fair Trading has a long history of working very closely on these issues and on following up any concerns. It is doing a very good job. The New South Wales Labor Government has done a lot of work for aged persons and agrees there is more to be done. I repeat: A mark of a decent community is that it takes care of all its citizens. I do not think anyone would deny that, as the population ages, our responsibility to look after older people increases. Older people in New South Wales are vibrant, diverse and have more choice than ever before. They actively continue to participate in and support their communities and families.

We must afford protection to older people so that individual groups are not ripped off by dodgy businesspeople, but I honestly believe that that has not happened in this State. Persons living in aged care accommodation must be afforded every opportunity to negotiate with those offering contracts and they must receive public service assistance. Other concerned citizens are working closely with older people to ensure that

their quality of life continues. There are many other important aged care projects, but I believe they should be articulated at another time.

A couple of weeks ago I was disturbed greatly by the continuing contract processes. However, no-one is ignoring them. When the Hon. Catherine Cusack visited Tamworth Village Life centre an amazing amount of negative information appeared in all the media. That did nothing proactively to ensure that these people have the skills and ability to negotiate good contracts in the future. It is important to recognise that these people need assistance. [*Time expired*].

**The Hon. TREVOR KHAN** [3.42 p.m.]: The level of information the Government has on this matter, and its level of interest, are reflected in the contents of a letter to the editor from the Hon. Christine Robertson that coincidentally appeared in this morning's *Northern Daily Leader*. That letter reads in part:

Minister Burney and her Department of Fair Trading have been, and will continue to be, untiring in their efforts to make sure that the residents' interests are protected.

That letter appeared on the very day the *Northern Daily Leader* reported that residents of Village Life in Tamworth were uncertain as to whether they would get a meal. Apparently so informed were the Hon. Christine Robertson and the Department of Fair Trading that it seems it slipped under the radar that 28 May had come and gone, that Village Life had pulled out from the operation of the centre, and that nobody was officially in place to protect them.

**The Hon. Christine Robertson:** That is not true.

**The Hon. TREVOR KHAN:** Unfortunately, they are the facts. A number of people from all political persuasions have visited the residents of Village Life. My attendances started on 18 April this year when I was invited there by residents to attend and to hear their distress stories. That scenario was not created by me or by anyone else; Village Life created it. Residents were distressed and concerned that they were to be thrown out of their homes, in many cases without their possessions to enable them to furnish another unit or flat. That was not the only visit or the only contact I have had with Village Life. I have had continual contact with residents of the village and they have contacted the Hon. Catherine Cusack to obtain updates on what we know and to inform us of what was going on.

One would have thought that in those circumstances the Hon. Catherine Cusack and I, or any other Opposition members, were doing nothing other than showing the level of human decency and care for residents of that village that they rightfully deserve. The Hon. Christine Robertson wrote a letter to the *Northern Daily Leader* that attacked the Hon. Catherine Cusack for visiting Tamworth and speaking to residents. That is indicative of the Hon. Christine Robertson and the Government playing politics, not of the Hon. Catherine Cusack.

The situation is simply this. The average age of Village Life residents is 83. These people have limited financial means and in many cases they have lost their spouses and have no nearby family members. Therefore they are highly dependent on proper and effective action by the Government to ensure that their rights are protected. In this case we have not seen that at all. In this case, over a protracted period, we have heard a lot of words but we have seen no action. The responsible Minister should be condemned for her failure to adequately protect such vulnerable members of our community.

**The Hon. CATHERINE CUSACK** [3.45 p.m.], in reply: I thank all honourable members for their contributions. Ms Sylvia Hale made some comments questioning the model and the wider issues that have been raised by the Village Life crisis. I endorse the issues that were raised by Ms Sylvia Hale. We do not philosophically object to their funding their accommodation via their pensions and rent assistance. We are concerned about the current structure of Centrelink payments for this type of accommodation. We believe that rental accommodation for elderly people is a huge growth industry. Elderly people cannot afford to buy into these retirement villages but they are able to access a retirement village lifestyle in this way.

We believe that this model must be carefully assessed. Action must be taken across all States in relation to contracts. Ideally it would be good to have a standard contract across Australia rather than individual operators dreaming up their own documents. It is impossible for vulnerable and elderly people to negotiate documents without the assurance they would have from the sort of standard contract that applies with normal tenancies. The extraordinary contribution of the Hon. Christine Robertson highlighted how we find ourselves in this difficult situation. She was unable to articulate what the Department of Fair Trading has been doing, other

than to state it was working closely with people. She claimed that some of the people with whom the department had been working closely had not seen the Department of Fair Trading.

The Hon. Christine Robertson claimed that the Department of Fair Trading attended a meeting convened by SunnyCove in Tamworth. The *Northern Daily Leader* asked the Department of Fair Trading why it was not represented at that meeting, but officials were not willing to state that they were there, and they were not willing to state that they were not there. It was drawn to their attention that the commitment of the Minister was that they would attend the meeting and answer any questions by residents. The position of the Department of Fair Trading officials on that was that maybe they were there and maybe they were not, but maybe if they were there they did not identify themselves as being at the meeting and therefore we cannot really say they were not there.

The commitment of the Minister was that they would attend these meetings, they would stand up and, as part of their monitoring, they would answer residents' questions. Clearly that has not occurred. The information the Hon. Christine Robertson has given us is very misleading. The Minister did not deliver on his commitment. Residents in that facility would love to know where the Department of Fair Trading has been on this issue. It was a very rude shock for them to find themselves in this situation after the Minister told them she would ensure that their rights were protected. I think the Minister's exact words were, "Why would you have a Department of Fair Trading if it was not ensuring the protection of people's rights?"

I ask the Hon. Christine Robertson: "Do people in this situation not have a right to information? Are these residents not entitled to know what is going on?" The honourable member said the Department of Fair Trading was working closely with residents, looking at trends and doing all these things but she could not specifically articulate when, where, and what it was they did. Should not those residents have been given the information to which they were entitled? Clearly they have not received it. It is another debacle. I thank the Hon. Trevor Khan for referring to the fairly nasty letter the Hon. Christine Robertson sent to the *Northern Daily Leader*. The Hon. Christine Robertson alleged that I made many negative comments. I do not know what she means. I explained to the media that I was there—

**The Hon. Michael Costa:** Point of order: The Hon. Catherine Cusack has referred to a letter. That letter should be tabled to allow honourable members to compare it with what has been said about it. It seems ridiculous that we should be debating a letter that the Hon. Catherine Cusack refuses to table.

**The Hon. Greg Pearce:** To the point of order: The Hon. Catherine Cusack has not read from, or referred to, a letter. She simply replied to some comments made by the Hon. Christine Robertson.

**The PRESIDENT:** Order! The Hon. Catherine Cusack has referred to a letter.

**The Hon. CATHERINE CUSACK:** Mr President, I am happy to table the letter. Government members already have a copy—it is their letter—but I am happy to table it.

**The PRESIDENT:** Order! I refer members to Standing Order 54 (4). The Hon. Catherine Cusack may wish to seek the leave of the House to table the letter that has been requested.

**The Hon. CATHERINE CUSACK:** I seek leave to table the letter.

**Leave granted.**

**Document tabled.**

**The Hon. CATHERINE CUSACK:** The purpose of my visit to Tamworth, which was reported in the newspaper, was to assess the wellbeing of residents and talk directly to them as part of a process that the State Opposition has initiated. We have established a subcommittee of Opposition members of Parliament to work in a bipartisan manner with the Government to sort out what legislation is required in this area. I did not take any media releases with me on my visit. I advised the *Northern Daily Leader* that we were in Tamworth to meet residents and discuss their wellbeing. Journalists from the newspaper were present during my visit but misreported terminology regarding the parliamentary committee established by the Coalition.

The *Northern Daily Leader* has taken a most proactive approach to this issue and would not have appreciated the pedantic nature of the letter from the Hon. Christine Robertson—she sent a formal "letter to the

editor" when she could have simply checked with someone via the telephone—pointing out an error that the newspaper had made. I believe that the *Northern Daily Leader* has been doing its utmost to ensure that residents' needs are met. Perhaps the Office of Fair Trading should take a leaf out of the newspaper's book because representatives of that publication have demonstrated their concern and have been proactive in advocating on behalf of residents. If the Office of Fair Trading had put in just 1 per cent of the effort the *Northern Daily Leader* made we would not have the current problems.

I commend the Hon. Trevor Khan for his ongoing efforts and for his attendance at meetings. The residents are resilient. Village Life informed them initially that there would be a meeting but residents have received all subsequent information from the media. They are being informed not by Village Life or McLaughlins Financial Services Limited [MFS] and certainly not by the Office of Fair Trading, but via telephone calls from journalists, who say, "Have you heard the latest?" When the initial Village Life meetings were convened, residents were told that only residents and their families could attend. However, the elderly residents are not without imagination and resourcefulness. In fact, I understand that the Hon. Trevor Khan was adopted by an older resident, who became his mother, and that his adopted brother was Tony Windsor, the Federal member for New England. Those two sons attended the meetings with their adoptive mother and were thus informed and able to advocate on behalf of residents. Where was the Government during those meetings? I do not recall hearing that Fair Trading officers were present.

Setting aside the Government's rearguard action and cheap political point-scoring, the Opposition is trying to send the Government and the Minister for Fair Trading, Linda Burney, a message. We welcomed the Minister's assurances and her interest when the story erupted six weeks ago. However, her fast and efficient public servants have fallen asleep at the wheel and she must wake them. The Minister must get on with the job now because residents at these villages are suffering unnecessary anxiety and stress. Residents' comments and coverage of the issue in the local media should reinforce to the Minister that I am not making this up. It is a real problem. Residents need care and advocacy. I call on the Minister to deliver on the promises she made to those people, because everybody is relying on her to do her job.

**Discussion concluded.**

**Pursuant to standing orders motion lapsed.**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: DISALLOWANCE OF ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (DESIGNATED DEVELOPMENT) REGULATION 2007**

**The PRESIDENT:** Pursuant to standing orders the question is: That the motion proceed as business of the House.

**Question agreed to.**

**Motion by Ms Sylvia Hale agreed to:**

That the matter proceed forthwith.

**Ms SYLVIA HALE** [3.56 p.m.]: I move:

That this House disallows the Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007, published in the *Government Gazette* No. 35, dated 1 March 2007, page 1169, and tabled in this House on 9 May 2007.

I move this disallowance motion because the Greens consider the regulation to be an unnecessary and potentially damaging threat to some of our most environmentally sensitive areas. The regulation has been introduced for the purpose of overturning a court decision in favour of a Blue Mountains community group that had legal action following a proposal being lodged with the Blue Mountains City Council to build an 84-dwelling development, to be known as Parklands, that would require an on-site sewage treatment plant. The local community group, Residents Against Improper Development, was able to demonstrate to the court that anticipated off-site environmental impacts from the sewage treatment plant were not addressed in the development application before the council.

Parklands is an 11-hectare heritage property situated about one kilometre from the Blackheath village and about the same distance from the Blue Mountains World Heritage area. It is one of the last remaining

mountain estates and the site of a rare 1903 private golf course. The sewage treatment plant would be located just 150 metres from Popes Glen Creek, which flows through the World Heritage area into the Grose River and the Hawkesbury-Nepean River. The treated effluent is to be dispersed across the property. Sewerage experts engaged by the community group gave evidence during the trial that, given the size and specific features of the site and the unique elements of the Blackheath climate, the proposal is not environmentally sustainable.

The action initiated by the community culminated in a decision by the Court of Appeal in November 2006. The court unanimously agreed that on-site sewage treatment plants that are near environmentally sensitive areas such as water courses or neighbouring houses are designated developments under schedule 3 of the Environmental Planning and Assessment Regulation, and therefore require an environmental impact statement under section 78A of the Environmental Planning and Assessment Act 1979. The court specifically rejected the developer's submission that if a sewage treatment works is ancillary to another purpose, such as a resort, it should no longer be considered a designated development and no EIS should be required.

It is worth noting at this point that one of the challenges identified by the Hawkesbury/Nepean Catchment Authority is the amount of effluent flowing into the river from sewage treatment plants. The catchment authority notes that effluent from 39 sewage treatment plants discharges into the Hawkesbury/Nepean river system and that this leads to high levels of nutrients in creeks and drainage lines, threatening the water quality and the ongoing health of a river system that supplies drinking water to Sydney, the Blue Mountains and to the Illawarra.

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

## QUESTIONS WITHOUT NOTICE

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### WORKDIRECTIONS EMPLOYEES UNDERPAYMENT

**The Hon. MICHAEL GALLACHER:** My question is directed to the Minister for Industrial Relations. Does the Minister recall telling the House in May 2005 that the Commonwealth's WorkChoices legislation "would be used to lower wages and reduce working conditions"? Does he recall that those comments were part of an attack in May 2005 on a Manly restaurant called "Pink Salt", which had underpaid its workers? Does he recall, in the month before those comments, attacking Cowra Abattoir for sacking its workers? Is he aware that WorkDirections, which has offices in 23 major centres in New South Wales, has been recently publicly exposed as having underpaid 58 employees, by approximately \$70,000? In light of these revelations, what action has he taken to ensure the Office of Industrial Relations visits all New South Wales WorkDirections offices to ensure that they are complying with New South Wales industrial relations laws and workplace safety legislation, as it applies to this company?

**The Hon. JOHN DELLA BOSCA:** What a pathetic performance from the Leader of the Opposition. What a ludicrous line of questioning. What are the numbers? sixty to forty? I have told the Opposition time and again that the laws that its friends in Canberra supported would lead to its electoral destruction. And the numbers turned out to be 50 to 60. I tried to warn them at every question time and members of the Opposition would not listen. I answered Coalition questions. I answered Labor questions. I tried to warn them what will happen to the State Coalition if it continued to support John Howard's WorkChoices laws, and it would not listen. What happened to it? Just as I predicted the Opposition hit the electoral rocks of John Howard's WorkChoices laws. And now the Federal Coalition is on exactly the same course as the State Opposition. The Hon. Don Harwin, the Whip, is having a bit of a laugh to himself.

*[Interruption]*

When John Howard's laws, which the Opposition supported, hit the rocks, it will destroy the prospects of every Liberal administration and every shadow Liberal administration in this country. I make the point, as I have made time and again, that neither I, nor any member of this side of the Chamber—I have not heard anyone from the Greens, nor anyone from the public—is concerned about what individual employees do. I have said time and again that the legal framework that WorkChoices created has commenced the race to the bottom. Every press release refers to John Howard's WorkChoices laws as having corrupted the industrial and workplace policies of this nation.

I have not fought those cases differently, as the Leader of the Opposition knows full well. There has been an ongoing campaign of compliance with our State's industrial laws, unlike the Commonwealth framework that the Leader of the Opposition has championed in this place, and which has caused his own party to be ruined. There is no prospect of this Government reversing its position in relation to John Howard's WorkChoices laws or of the Australian people accepting the framework to the Commonwealth industrial relations system. Australians want an independent umpire. They want proper compliance with industrial laws. They want a fair workplace and so do most employers, all reasonable employers, but the Opposition's rotten Commonwealth Government has created a race to the bottom whereby Australians are pitched against Australians.

The Opposition is trying to take us back to the nineteenth century. The Opposition is trying to impose old-fashioned class warfare to bring about an underclass that it can exploit. That is what it is all about and its core and silly policies have led to its electoral destruction by the Leader, John Howard. As for specific matters, I ask the honourable member to place them on notice and I will address them as soon as possible.

### YOUNG WORKERS PROTECTION

**The Hon. KAYEE GRIFFIN:** My question is addressed to the Minister for Industrial Relations. Will the Minister advise the House of changes to industrial relations laws that help protect young workers in New South Wales?

**The Hon. JOHN DELLA BOSCA:** The Opposition is unbelievable. Industrial relations, John Howard's strongest boot, is really playing on the electorate. It caused the Opposition to be hopelessly beaten in the election and is causing John Howard's Government to go headlong to the rocks. He is going to repeat the achievement of Stanley Bruce—a Prime Minister who lost his own seat in an election. The Full Bench of the New South Wales Industrial Relations Commission has handed down guidelines to protect young workers from the unfair WorkChoices system. The guidelines apply to young worker protections put into law by the Iemma Government under the new Industrial Relations (Child Employment) Act 2006, and give employers clear guidance about their legal responsibilities. Combined with our laws, the no-net-detriment guidelines restore a fair set of State award conditions, ripped away by WorkChoices.

Employers who have entered into agreements under WorkChoices with a person under 18 years of age must now ensure that the total remuneration that a young person receives is comparable to the State award. The new guidelines also protect the following young worker provisions: reasonable notice of rosters and changes to shift and working hours; limitations on working late at night, early in the morning or late transportation arrangements; entitlements to annual leave and other forms of leave; and occupational health and safety protections. The commission found those protections were necessary because "There can be no doubt on the evidence that children employed by some corporate employers in this State are presently being exploited in a most unconscionable way." It also determined that "There was evidence there is a 'template' agreement being used by some employers to exploit children by severely undercutting wages and working conditions."

The Commonwealth's Office of the Employment Advocate's own website has featured lodged work contracts which set the hourly rate of pay for casual employees working on Sundays at 40 per cent less than the New South Wales award. And under Section 194 of WorkChoices there is no requirement for a minimum rate of pay for junior employees. In New South Wales more than 150,000 people under 18 years of age in formal employment will benefit from the new laws and guidelines. Even with the so-called fairness test, WorkChoices still allows basic workplace rights and entitlements to be ripped away. The Commonwealth's fairness test is a shameless scam that will do nothing to protect families from being exploited. Even the Federal workplace relations Minister, Joe Hockey, admitted yesterday that he could not guarantee workers would not be worse off as a result of his fairness test.

The WorkChoices system still lacks an independent umpire that could provide inexpensive and fast workplace justice when disputes and disagreements arise. No independent umpire remains to enforce any of the no-disadvantage provisions. Yesterday the Commonwealth Employment Advocate, who will be responsible for administering the "fairness test", told a Senate committee that hundreds of additional public servants would be needed to process Australian workplace agreements. This means small businesses will be paralysed by red tape as they manoeuvre their way through Australian workplace agreements. WorkChoices is now even more complex. It is interesting to note that while the Howard Government talks up its "fairness test", Federal Police are trying to find the source of the leaked documents that reveal the real impact of Australian workplace agreements on working families. Australian workplace agreement data leaked to the media last month shows

that 75 per cent of them cut shift work loadings, 68 per cent cut penalty rates and 52 per cent removed public holiday pay. The only way to fix them is to put the Prime Minister and his tired, arrogant Government out of a job.

### LANE COVE TUNNEL SPEED LIMIT SIGNAGE

**The Hon. DUNCAN GAY:** My question without notice is directed to the Minister for Roads. Is the Minister aware that a large number of motorists using the Lane Cove Tunnel at night have been fined for exceeding a 40 kilometre-an-hour speed limit, which they say was not properly signed? Does the Minister recognise that most of those people are not hooligans but, rather, law-abiding citizens who have made a legitimate mistake due to lack of signage, most of them on their way home from work, and may have lost their licences? Given the honest confusion of those thousands of motorists, will the Government extend the hand of compassion and give them a fair go on this occasion and remove those fines from the citizens, many of whom have lost their licences and may not be able to get to work given the lack of public transport at that time of night?

**The Hon. ERIC ROOZENDAAL:** Variable speed limits are used in the Lane Cove Tunnel for very serious safety reasons. The Burnely Tunnel crash in Melbourne earlier this year was a sobering reminder that road tunnels are a unique driving environment, and the consequences of crashes in tunnels can be devastating. Speed cameras are used because they save lives. They are there to slow people down. Reduced speed limits, when in place, are in place for road safety reasons. They are in place because people are working in the tunnel, or because there is a breakdown, crash or other incident in the tunnel. These workers are potentially in the tunnel, out of vehicles, on foot, and it may not always be possible to see them.

It is important to stress that the majority of people are doing the right thing. I am advised that the majority of the 10,000 motorists caught speeding in the first six weeks were caught while the speed limit was 80 kilometres an hour. Roads and Traffic Authority fixed speed cameras clocked one motorist driving at a speed of 156 kilometres an hour in the Lane Cove Tunnel. Driving 156 kilometres an hour on any road is reckless; driving 156 kilometres an hour in a tunnel is stupid and dangerous action. There are clear warnings of the speed limit on the approaches to the tunnel and in the tunnel itself.

Speeding is the biggest killer on our roads. It accounts for 40 per cent of all fatalities each year. Speed cameras in Sydney road tunnels are there for valid safety reasons—to ensure motorists drive at a safe speed in a confined space. There is one camera in each direction. A motorist can be infringed only once on a trip through the tunnel. Motorists, again, do not know the precise locations of the cameras for road safety reasons.

Fixed speed cameras are installed in New South Wales road tunnels because it is difficult to police speed limits in tunnels using conventional methods, and tunnels present access difficulties for ambulance and emergency vehicles in the event of a crash, and speed cameras have the proven effect of reducing crashes. Independent research has shown a 90 per cent drop in fatalities where speed cameras have been installed and a 20 per cent reduction in injury crashes. Every fixed speed camera in New South Wales is accompanied by high profile advance warning signs in a fixed sequence, within fixed distances.

*[Business interrupted.]*

### DISTINGUISHED VISITORS

**The PRESIDENT:** I welcome the delegation of the Vietnam National Assembly Office, led by the Honourable Dr Nguyen Si Dzung, Deputy Secretary General of the Vietnam National Assembly. Welcome to the New South Wales Legislative Council.

### QUESTIONS WITHOUT NOTICE

*[Business resumed.]*

### SCHOOL COMPUTERS

**Reverend the Hon. Dr GORDON MOYES:** I ask the Minister for Education and Training a question without notice. Is the Minister aware that an OECD report entitled "Education at a Glance 2006" indicates that in 2003 Australia was reported as having 3.57 students for every one computer in its schools? Recent findings of

the New South Wales Auditor-General indicated that there are six students for every one computer in our schools and that there are infrastructure and technical support problems holding some schools back from integrating computers into learning. Given these findings, will the Minister explain the measures that are being taken to help New South Wales students exploit their full learning potential?

**The Hon. JOHN DELLA BOSCA:** The Iemma Government welcomes the Auditor-General's performance audit report "Progress in using computers in schools," the report to which I believe the honourable member referred. The report concludes that students and teachers have significantly better access to computers since the previous audit report in 2000. I quote from the report:

There have been great strides in the integration of computer use in teaching and learning since 2000. In the 2006-07 budget this Government is providing \$676 million in recurrent funding over four years for state-of-the-art technology in our schools and TAFE colleges.

Additionally, on 16 March 2007 the Premier announced \$158 million over four years for the new technology. This includes \$66 million to connect classrooms across the State with interactive whiteboards and videoconferencing facilities by the year 2011. It also includes \$29 million to give all students their own online workspace and \$63 million to increase bandwidth further, as well as to continue to improve speed, security and reliability.

The Government has provided more than a quarter of a million computers to New South Wales public schools, with a further 36,000 scheduled for delivery during 2007 and 2008. We have also connected every New South Wales public school to the Internet, which is well ahead of the United Kingdom and the United States of America. More than 97 per cent of schools now have Internet broadband connections of two megabytes per second or better, and teachers are now better skilled than ever in using computers and incorporating them in their pedagogy, and are assessing digital multimedia resources to enhance all of their teaching and learning.

The Iemma Government is also delivering improved technical support for schools and the appointment of an additional 129 information technology support staff to provide assistance in the classroom. All schools are also provided with dedicated funds to spend on their technology priorities. In 2006 we provided over \$40 million directly to schools. The Iemma Government is committed to continuing its efforts to keep New South Wales schools at the forefront of the information and communication technologies in education and training.

### SCHOOL DISCIPLINE

**The Hon. HENRY TSANG:** My question is addressed to the Minister for Education and Training. Would the Minister outline the latest school discipline data?

**The Hon. JOHN DELLA BOSCA:** New South Wales school principals are using their increased powers to deal more effectively with misbehaving students. Recent changes to discipline procedures are resulting in safer, more cohesive classrooms. The annual suspension/expulsion data demonstrates that the Iemma Government's \$65 million investment in behaviour initiatives is working. In 2006 there was a 10 per cent increase in long-term suspensions. This indicates the principals are using their increased powers to provide a safer learning environment and are referring students to purpose-built suspension facilities.

**The Hon. Robyn Parker:** Dumping grounds.

**The Hon. JOHN DELLA BOSCA:** The member would not say that if she had ever been to one of those facilities, proving that the member is ignorant about what is happening in education these days. The interjection proves she does not know what she is talking about. Schools continue to be among the safest places in our community, with just 1.67 long suspensions for every 100 students. While suspensions were up, there has been a very significant 17 per cent reduction in students expelled from schools. This indicates that principals are taking tougher action earlier, and it is working. In 2005-06 there were more than 740,000 students in public education. In 2005, just over 750 were expelled. In 2006 that number dropped to less than 300.

Suspended students are getting the message that repeated misbehaviour will not be tolerated. They are also getting the professional support they need in the suspension and tutorial centres. New South Wales has a record number of facilities designed to improve behaviour, to manage and support disruptive students, including the 35 behaviour schools, 22 suspension centres and 40 different tutorial centres and programs. Recent data indicates 88 per cent of students sent to suspension centres learn their lessons and return to regular classes.

These measures are helping to deliver the goal of the State Plan to increase levels of attainment for all students. We are reducing disruptions in class so that students and teachers can get on with it, and students causing disruption get the help they need. New South Wales schools are producing excellent results, with statewide test results this month showing that our year 7 and 8 students have the highest literacy levels ever and the lowest numbers ever recorded in the low achievement band. The 2006 suspension and expulsion data is available on the New South Wales Department of Education and Training website. Recently the Prime Minister described the information available on these matters from the public system as partial and fragmented. The public system is the only system where this information is available.

The New South Wales Department of Education and Training makes available on its website the number of suspensions and expulsions, and the transgressions behind them. It demonstrates that the Commonwealth's real agenda is not about access to information, but about running down public education. The Prime Minister is determined to revive a debate of the 1950s to attack the public education system and the parents who enrolled their children in the public system. Despite the Commonwealth's abusive attacks, objective data shows that the system is operating well, producing the highest levels of literacy ever, maximising the potential of a generation of New South Wales students, and contributing to our community's harmony and economic success.

### **DR PATRICK POWER SENTENCE**

**Reverend the Hon. FRED NILE:** I ask the Attorney General, and Minister for Justice a question without notice. Is it a fact that former Senior Crown Prosecutor Dr Patrick Power has been sentenced by Chief Magistrate Graeme Henson to a minimum of eight months gaol for being in possession of child pornography that the Chief Magistrate regarded as particularly "distressing, wicked and evil"? Is it a fact that the maximum penalty for such an offence is five years? Is the Attorney General aware that Dr Power is seeking an appeal next month to reduce his low sentence? Will the Government appeal to have Dr Power's sentence increased, not decreased? If not, why not?

**The Hon. JOHN HATZISTERGOS:** The answer to the first question is yes. The answer to the second question is yes. The answer to the third question is yes. The answer to the fourth question is no. The appeal that is being brought by Dr Patrick Power is an appeal de novo. It is open to the court, if it wishes, to increase the sentence should that be appropriate as well as to reduce it. The advice I have received from Mr Ratke, Queen's Counsel, does not recommend that there be an appeal.

### **STATE PRODUCTIVITY GROWTH**

**The Hon. GREG PEARCE:** My question without notice is directed to the Treasurer. In the last sitting week I asked him a question about New South Wales productivity. The federal budget highlighted the importance of productivity growth, and the Federal Labor leader has emphasised his commitment to increasing productivity growth. Does he support increasing productivity growth in the New South Wales economy as a high priority? If so, what action has he taken to increase productivity growth in the New South Wales economy?

**The Hon. MICHAEL COSTA:** I am glad the honourable member asked me about the federal budget, because I have a copy of it here. It is interesting to see—

**The Hon. Greg Pearce:** Is this an audition?

**The Hon. Robyn Parker:** A practice run.

**The Hon. MICHAEL COSTA:** No, it is not an audition or a practice run. It is interesting to see references in the federal budget to productivity. Clearly, they are significant issues. When I was asked a similar question about the ageing of the population, I said that we should look at three key areas of dealing with the ageing of the population. Productivity and participation were two of the three key areas. The New South Wales Government is extremely committed to increasing productivity. It has had to step into the breach left by the Commonwealth Government in the face of the skills shortage. At the moment any business would put at the top of its list lack of availability of skilled workers. When I speak to small business operators, that issue comes up. Recently I was involved in a forum involving the engineering industry where the central issue was the lack of engineers, the lack of university places for engineers—a Federal Government issue—and lack of support for engineers. The forum focused on the skills shortage.

Providing a healthy and functioning labour market that leads to labour inputs that are required for productivity is one of the priorities of the Government. In the recent election campaign we were not only able to meet our commitment in relation to trade high schools but we were also able to announce a number of extensions to programs to reinforce the framework to support skills formation. I wish the honourable member would direct his question to the Federal Government, which has failed miserably to provide skills formation. One of the major things State and Federal governments can do for skills formation is to provide an extensive capital program. The Government has a record capital program running at more than \$10 billion a year and growing. I am very proud of that. Within the capital program we have introduced apprentice ratios to ensure that we can meet our moral as well as our economic requirements—

**The Hon. Greg Pearce:** Moral requirements?

**The Hon. MICHAEL COSTA:** Moral requirements, because—

**The Hon. Rick Colless:** You haven't got any morals.

**The Hon. MICHAEL COSTA:** We have a moral responsibility to provide educational opportunities for our young people, and to do that within the context of our capital program. The Government is doing that. But let us contrast what we are doing with what the Federal Government is doing. Honourable members may be surprised to know that in the budget released on—

**The Hon. Jennifer Gardiner:** To massive acclaim right across the nation.

**The Hon. MICHAEL COSTA:** I will come to the massive acclaim. On 8 May the Federal Government announced that it was decreasing its capital program when its revenues are at an all-time high. Based on the most extraordinary level of taxation that this country has ever seen it is decreasing its capital program. It is an absolute scandal. It is a rort. It is dishonest. It is no wonder the polls show the Howard Government will be thrown out of office because of this budget.

#### CLEAN COAL TECHNOLOGY

**The Hon. EDDIE OBEID:** My question without notice is directed to the Minister for Energy. Will he update the House on commitments the Lemma Government made on clean coal technologies in New South Wales?

**The Hon. IAN MACDONALD:** Absolutely! I thank the honourable member for his very timely question. This morning I hosted the inaugural meeting of the Clean Energy Roundtable, which provides an opportunity for senior representatives from the electricity generators, mining industry, unions and research institutions to discuss clean energy directions in an informal, but confidential, forum. It is my intention to hold further meetings of the Clean Energy Roundtable. It is another example of the Government getting on with the business of fighting climate change in a responsible and measured fashion. We have a long-term target of 60 per cent reduction in greenhouse gas emissions by 2050. Clean coal technologies in New South Wales will be a key factor in achieving this target, and will help both Australia and New South Wales adapt to a carbon-constrained future.

The Government is using the best technology available in a bid to reduce emissions and research new ways to provide cleaner, greener energy. Clean coal research was identified as one of five key actions in the Government's statement on innovation released in November last year. That is why the Government will contribute \$22 million towards two pilot clean coal projects to reduce greenhouse emissions from power stations in New South Wales. This includes a \$20 million contribution to a geosequestration project and a freehold land grant valued at \$1.9 million for the construction of an ultra clean coal demonstration plant at Cessnock. This commitment to clean coal research is part of the Government's longer-term response to climate change. We cannot have a climate change policy that does not take into account short-term reliance on fossil fuels. Coal is the world's most abundant and widely distributed fossil fuel source. In New South Wales about 90 per cent of our electricity needs are met from coal-fired power stations.

Burning coal without adding to global carbon dioxide levels is a major technological challenge that must be addressed. A number of technologies can be considered, including the strategy of advancing CO2 capture and storage, advanced pollution control devices, ultra clean coal as a turbine fuel, coal gasification and advanced coal-fired power stations including super critical generation, and oxy-firing technology. The

technology with perhaps the greatest potential for reducing CO<sub>2</sub> emissions is geosequestration. This technology is recognised internationally as a key mechanism for managing the future greenhouse emissions from coal-fired generation. The recent report of the Intergovernmental Panel on Climate Change states:

Carbon Capture Storage in underground geological formations is a new technology with the potential to make an important contribution to mitigation by 2030.

Former American Vice-President Al Gore said:

... it becomes obvious that carbon capture and sequestration will play a significant and growing role as one of the major building blocks of the solution to the climate crisis ...

Finally, the Stern report states:

... without the option of carbon capture in storage the cost of stabilisation of CO<sub>2</sub> more than triples.

That is why we are undertaking a significant geosequestration project. The initial stage of the project will identify potential CO<sub>2</sub> storage sites in New South Wales. The second stage will capture and permanently store CO<sub>2</sub> inside the geological formations. The total cost of the geosequestration project will top the \$60 million mark. The \$20 million contribution from the State Government will be matched by the coal industry's Coal 21 Fund, a voluntary fund set up by the coal industry to address greenhouse gas emissions. I have written to the Federal Minister for Resources, Ian McFarlane, asking for the Commonwealth to match the State Government and industry's financial commitment to the project. But once again the Federal Government refuses to provide a real financial commitment by offering only in-kind support to the project.

As I mentioned previously, the Government is also supporting the ultra clean coal project that will produce a high-purity, clean coal that can be burnt directly in gas turbines to generate electricity. Ultra clean coal-fired turbines potentially can reduce greenhouse gas emissions from the generator by 20 per cent to 30 per cent. [*Time expired.*]

#### AUS HEALTH INTERNATIONAL

**Ms SYLVIA HALE:** I direct my question to the Treasurer. How much revenue has the State Government owned business Aus Health International made from its involvement with the Federal Department of Immigration on Nauru? Does the Treasurer support the Federal Government's Pacific solution policy and its detention centre on Nauru? If not, will this Government now donate the revenue that its business has made from the detention of asylum seekers on Nauru to charities that support asylum seekers? Will the Government instruct the company to cease its involvement with the Federal Department of Immigration on Nauru?

**The Hon. MICHAEL COSTA:** How predictable and disappointing are the Greens on these types of issues! The reality is that the position of the Labor Party on the so-called Pacific solution is clear and unchanged. The State Government supports the position taken by our federal colleagues. However, we are talking about essential health services and their provision to people who require them. I hope the Greens are not proposing that health services be withdrawn.

Many of the health services have been provided by commonwealth agencies. While AusAID and the Commonwealth Government have been responsible for funding those services, the services are for the health and wellbeing of people who happen to be on Nauru. Is Ms Sylvia Hale proposing that we withdraw the health services? Is that what I hear her saying? Will she answer me? She is not prepared to answer. Clearly the Greens are not suggesting that.

The health services provided were capital equipment for the hospital, consumables for the hospitals, pharmaceuticals for the hospital and contracting services for hospital equipment and maintenance. We make no apology for doing that. I think any government that is compassionate and believes it has a responsibility for the wellbeing of people who are in difficulty would certainly have provided those services through a company that has been set up for the purpose of dealing with international health services or through its own emergency services. That is completely independent of the position that the Federal Government pursues in relation to asylum seekers.

We make no apologies for our position. I am very proud that we have a world-class health system that can fill the breach when there is a problem, particularly in the Pacific Rim in our region, and provide quality health services.

**Ms SYLVIA HALE:** In asking a supplementary question, I point out that my question was: Will the Government instruct the company to cease its involvement with the federal Department of Immigration? Will the Government donate the revenue that its business has made from detention of asylum seekers on Nauru to charities that support asylum seekers? Will the Government do that, or will it continue its collaboration with an indefensible final solution?

**The Hon. MICHAEL COSTA:** That is absolutely outrageous! A final solution?

**The Hon. Greg Donnelly:** Point of order: The supplementary question is argumentative and it should be struck out.

**The Hon. Michael Costa:** No, let me answer it.

**The PRESIDENT:** Order! Standing Order 65 (1) states clearly that questions cannot contain argument or inferences. Accordingly, the question is out of order.

#### DR KEVIN DONNELLY AND EDUCATION POLICY DEBATE

#### DIRECTOR GENERAL OF EDUCATION MR COUTTS-TROTTER

**The Hon. ROBYN PARKER:** My question without notice is directed to the Minister for Education and Training. Is the Minister aware that Dr Kevin Donnelly is a director of the consulting group that specialises in education, has 14 years experience as an English and History teacher, wrote a doctoral thesis on developments in the school curriculum over the past 25 years, and has numerous books, articles and research papers on the role of education in Australia? Given this, why did the Minister say on 2GB Radio this morning that Dr Donnelly is irrelevant to the education policy debate because he has "very little experience" and is a former Howard Government staffer? How can he possibly justify the appointment of Mr Coutts-Trotter to the role of Director General of Education, given that Mr Coutts-Trotter has no educational experience and is a former Carr Government staffer?

**The Hon. JOHN DELLA BOSCA:** I do not recall saying that. In fact, I am pretty sure I did not say that Dr Donnelly had no experience. What I think I said was that his credibility should be weighed against the body of evidence that I was quoting, which were OECD figures that have underlined time and time again that the New South Wales education system is producing the best outcomes in literacy, second only to Finland across the world, is rated consistently in the top two or three in mathematics and in the top three or four in scientific literacy. They are not figures that I, Dr Donnelly or anyone else made up. That is a consistent outcome when the performance of the New South Wales education system is subjected to any type of reasonable international comparator.

New South Wales gets world-beating results. Our teachers and our students are doing better than just about anybody else in the world, yet the Commonwealth Government, Dr Donnelly, his cronies and his cronies in this House continuously run down our public schools—and they will pay for that. The Liberal-Nationals Coalition will pay not only for what is being done to working families through the Coalition's industrial relations policies but also for what has been done to the New South Wales public school system. John Howard's time has run out.

The New South Wales Coalition has sat still and let John Howard roll out his industrial relations policy. The New South Wales Coalition has not uttered one word of criticism of the Federal Government's actions in undermining the funding base of New South Wales public schools as well as the funding base for public education right across Australia. The Coalition has run down at every opportunity the performance of this State's hardworking teachers and students. Continually people ask me: What do the international figures mean? What is the OECD and why do we care about that organisation? Why do we care about the fact that each year New South Wales produces better and better results? We are achieving those better results with smaller cohorts of students, the strugglers are receiving support and students with behavioural problems are obtaining support without one zack of Commonwealth Government money to fund any of those programs—not a zack! The Coalition will pay for that, just as it will pay for the industrial relations fiasco.

In conclusion I reiterate the point I made on radio this morning. I have read some of Dr Donnelly's articles and some of his material. As far as I know, he has lived for the vast majority of his life and all of his professional life in Victoria. And the last time I checked, Victoria was on the other side of the Murray River!

Victoria has a completely different education system, a completely different experience of public education, and, I might say, a completely different curriculum. The Hon. Robyn Parker may be a trained teacher but she has not learned to critically analyse information. She should go back to school and learn to do so because the problem she has is that Dr Donnelly has had most of his experience in the Victorian education system and he has written mostly about the Victorian education system. He has ignored the fact that the New South Wales education system offers 200 additional hours of preparation for the Higher School Certificate than that offered by the Victorian system. According to the vice-chancellors of all the universities around Australia, New South Wales consistently produces the best Higher School Certificate results and is the best-performing system of any other school system around the country.

It is about time the Hon. Robyn Parker learnt about what is happening in schools, and in particular with public education, instead of embarking on an ideological crusade promoted by some bloke who, until a couple of months ago, was working as one of John Howard's offsidiers. I do not know what he was doing in the Prime Minister's office. It may be that the Hon. Robyn Parker has solved the mystery: obviously this character was giving Howard advice on education and that is why the Howard Government's education policies are so hopeless and out of touch, and are so irrelevant to the children of Australia and the needs of teachers and schools for the future. Dr Donnelly, as a Howard staffer, a Howard Government apparatchik, operated and worked in Victoria. Therefore he does not know much about what is happening in New South Wales. Maybe he would not have said some of the silly things he said, which are absolutely not true, about the New South Wales education system had he had any knowledge about what is happening in New South Wales schools.

### SEXUAL ASSAULT LEGISLATION REFORM

**The Hon. PENNY SHARPE:** My question is directed to the Attorney General. Will the Attorney outline the Lemma Government's plans to reform the definition of consent in sexual assault cases?

**The Hon. JOHN HATZISTERGOS:** The honourable member has asked a very important question. I want to ensure that victims of sexual assault are supported by our judicial system and that perpetrators are brought to account. That is why today I launched a discussion paper into the meaning of consent. Importantly, the discussion paper involves input from stakeholders and will invite input from the public. The aim of all this is to enshrine in law the definition of consent—put simply, it aims to have the word "no" mean no.

The draft exposure bill follows previous reforms to sexual assault legislation. In December 2004 the Criminal Justice Sexual Offences Task Force was set up to examine issues surrounding sexual assault in the community and the prosecution of offenders. The task force made a number of recommendations for change, including a number of legislative amendments. I am pleased to report that the majority of these recommendations have been implemented, or are in the process of being implemented. One of the most important recommendations was reform of the law of consent, which we are now acting on, with the launch of this new discussion paper and the draft exposure bill. With the help of the public's feedback, we can define in law what actually amounts to consent—and what does not.

It is likely this will bring a more uniform approach in the courts and ensure that judges give standard directions about the meaning of consent. Studies undertaken by the Attorney General's Department and the Australian Institute of Criminology have shown that the current common law definition of consent is unduly complex and causes difficulty to jurors in understanding the appropriate legal test. Providing a black letter law definition of consent will also help raise the standard applied by the courts in sexual assault matters, ensuring that they treat it as a positive requirement and not accept mere acquiescence as a substitute for real consent. Where statutory definitions of consent have been adopted in law, such as in Canada, they have had a real impact on ensuring that courts are forced to apply a more uniform test when determining whether the victim consented or not.

The draft bill will extend the list of circumstances that may negate or invalidate consent when sexual intercourse takes place. That will now include when the victim is threatened, terrorised or unlawfully detained. The draft exposure bill proposes an important addition to the list of ways that the prosecution may prove that an accused had a guilty state of mind in relation to the vital issue of consent. The bill contains an objective fault test that removes the ability of the accused to escape conviction in some circumstances simply by showing that he thought that the victim had consented. Currently the prosecution may prove that the accused either knew or was reckless about whether consent had occurred. In response, an accused might simply assert that he honestly believed that consent had occurred regardless of how unreasonable that belief is.

The law should ensure that a reasonable standard of care is taken to ascertain whether a person is consenting before initiating sexual activity. The draft bill proposes the introduction of an objective standard, one designed to refocus the minds of jurors on the standards that the community expects. Consequently the prosecution may prove the mens rea component by showing that the accused had no reasonable grounds for believing that the other person consented to sexual intercourse. This means that defendants who have irrational beliefs that their victims gave consent would no longer be able to use these to negate the prosecution's case.

If lawyers have useful or constructive suggestions, they can certainly be taken into account with the launch of this discussion paper. However, the Government intends to proceed in this direction, and already the New South Wales Rape Crisis Centre is supporting our move. I am determined to do what I can to fix any faults in our judicial system and to ensure justice for the victims. This initiative certainly is a step in that direction.

### REGIONAL FOREST AGREEMENTS

**Mr IAN COHEN:** My question is directed to the Minister for Primary Industries. Will the Minister inform the House why the regional forest agreements milestone to undertake an independent audit and review of the sustainable yield for each regional forest agreement region to be commissioned by 31 December 2006 has not yet been reached? What evidence does the Minister have to back up his repeated claim that Forests NSW is operating in accordance with the principles of ecologically sustainable forest management for each regional forest agreement region?

**The Hon. IAN MACDONALD:** Yes, it is true that the reviews have not been conducted to date. Currently the New South Wales Government is in discussion with the Commonwealth about the conduct of such reviews, and all forests will be subject to regional forest agreements not just the southern forest. We hope to have that review under way fairly shortly. I make it very clear to the Greens, who seem to misunderstand the process, that the reviews of regional forest agreements are not renegotiations of what land is available for both production and park purposes in the north or the south. The Greens are under the misapprehension that such a process would result in some alteration to boundaries, for instance, the size of the parkland versus land available for forestry.

I make it very clear that over the past few years, in effect since 1995, this Government has established an extra 1.5 million hectares of national parks and 460,000 hectares of informal forest reserves—almost two million hectares, or five million acres, over the past 10 years. Yet the Greens continue to raise every possible issue in support of adding further parks. Forests NSW has limited resources within its framework in New South Wales and has very sustainable forest practices. I cannot understand what the Greens are trying to achieve. If more production forests were to close, what would that achieve? The only outcome would be to further increase the supply of imported timber into the Australian market—which is already of the order of several billion dollars. And where would those additional timber products come from? They would come from rainforests in South-East Asia, Indonesia or other areas that have much lower environmental standards relating to the supply of timber to the market than apply here in New South Wales.

**Mr Ian Cohen:** You want to see woodchipping restored.

**The Hon. IAN MACDONALD:** Chipping? The same old shibboleth is raised by the Greens. What is chipping? In effect, chipping is the thinning of a forest to improve its productivity. Chipping underpins the strength of the industry. The Greens do not want the timber industry in New South Wales to be strong, so they do not like thinnings. However, thinning ensures sustainability of the productive capacity of forestry activities in New South Wales. The Greens have forgotten to think globally on this issue; they are too wrapped up in a few little demonstrations being staged in areas along the coast.

By undermining a strong and sustainable forestry industry—which, incidentally, amounts to a very small percentage of the forest industry in the south of the State—and by not supporting a strong and viable timber industry, the Greens would have New South Wales import more timber products. There is no question whatsoever about that. The Greens just do not get the point. They constantly seek more inclusions at the expense of the sustainable forestry industry in New South Wales. [*Time expired.*]

**Mr IAN COHEN:** I ask a supplementary question. Will the Minister confirm what he said earlier—that no mature trees, in particular old-growth trees, go through the Eden chip mill?

**The Hon. IAN MACDONALD:** With regard to the very important Eden chip mill, which ensures the sustainability and viability of forest activities in the south-east forests, I can confirm that the policy is based

upon thinnings. Occasionally, some reject timber is provided to that mill. Some sustainable environmental practices are in place in the south, and the Government will continue to pursue such practices.

### SUSHI WORLD AND FOOD SAFETY

**The Hon. TREVOR KHAN:** My question without notice is directed to the Minister for Primary Industries. When was the Minister first advised that Sushi World, or an associated company, had breached the New South Wales Food Act 2003? Was he subsequently advised that Sushi World had repeatedly failed health inspections? Was his media campaign to name and shame food outlets convicted of an offence under the Act simply in response to advice that this issue was about to break in the media, rather than concern about the provision of food safety warnings to the community? Is this more about his fixing the headline rather than the problem?

**The Hon. Greg Donnelly:** Point of order: I draw to your attention, Mr President, the argumentative nature of the member's question and the elements of sarcasm contained in it. The question should be ruled out of order.

**The PRESIDENT:** Order! The question was sailing close to the wind. However, there is no standing order that prohibits sarcasm. Consequently, I do not uphold the point of order.

**The Hon. IAN MACDONALD:** Earlier this year surveys were conducted of sushi outlets across the State. My press release relating to this matter, which was released on 17 January, dealt with the results of those surveys. The surveys showed that 46 outlets in New South Wales had been approached and 330 sushi samples were taken. Of the 330 samples that were tested none were found to be a threat to human health—a very clear endorsement of the industry overall across this State. Yesterday I learned that the enterprise to which the honourable member referred is experiencing some difficulties. As I understand it, the enterprise has been fined a number of times, it has changed management a number of times, and it has experienced a number of problems. It has been closed for various periods over the past six or seven months. Currently, it is closed under a prohibition order issued by the NSW Food Authority.

As litigation relating to this matter is being considered I will not go into the details of it. With regards the name and shame policy referred to by the honourable member, last week I said that we would place on the website of the Food Authority the names of companies and individuals that have been prosecuted and, in effect, been found guilty of breaches of the Act. That practice will be up and running in the near future. The policy of on-the-spot fines issued either by councils, who have primary responsibility for these retail outlets, or by the Food Authority will be reviewed. At the moment a problem has arisen with regard to section 137 of the Food Act, which does preclude the Food Authority from releasing the names of companies or individuals that have been given on-the-spot fines. We have the power to release the names of those who have been found guilty in the prosecution process.

**The Hon. Duncan Gay:** It is just a cover-up.

**The Hon. IAN MACDONALD:** It is not a cover-up; it is the legal framework. I invite the honourable member to read the relevant section of the Act.

**The Hon. Duncan Gay:** This is the way you do it. You try to fix the headline, not the problem.

**The Hon. IAN MACDONALD:** I said that we would conduct a review into the second order policy. If the Deputy Leader of the Opposition listened, he might learn something for once. At present we are not able, under the Act, to release the names of those who have received on-the-spot fines. That is stated quite clearly in section 137. That provision will be reviewed. The Food Act is not the only relevant legislation; national model legislation has also been enacted.

Honourable members would be aware that over the past few years uniform legislation in this regard has been introduced in this country, and New Zealand is also a signatory to that legislation. We will examine this issue in light of that model legislation. Everyone wanted uniform legislation. I have outlined the matters we will be looking at over a very short period. In the spring session of Parliament I hope to introduce some changes to the Food Act, but I will have to consult with my colleagues throughout Australia and in New Zealand. My policy is to have disclosure. [*Time expired.*]

### BEYOND SURVIVAL WORKSHOPS

**The Hon. TONY CATANZARITI:** My question is addressed to the Minister for Regional Development. Will the Minister update the House on what the New South Wales Government is doing to support non-farm businesses to survive the drought?

**The Hon. TONY KELLY:** I commend the Hon. Tony Catanzariti for his continued interest in those suffering the effects of the drought. During droughts our attention invariably focuses on farmers and graziers who suffer the devastating loss of crops and pasture and face the uncertainty of not being able to plan for the future.

[*Interruption*]

Obviously members of The Nationals do not want to hear what the Government is doing to assist people affected by the drought. The effects of drought are not confined only to farmers and to graziers; many thousands of businesses that support and rely on rural producers across country New South Wales have been hit hard by the drought.

[*Interruption*]

Mr President, I ask you to call the Deputy Leader of the Opposition to order. It is obvious that members of The Nationals are not interested in the drought.

**The PRESIDENT:** Order! I remind members that interjections are disorderly at all times. The Minister will be heard in silence.

**The Hon. TONY KELLY:** The New South Wales Government has been working closely with these businesses to help them survive during the drought and to prosper when the drought finally breaks. In particular, the New South Wales Department of State and Regional Development has established the Business Drought Assistance Program for regional businesses severely affected by the drought. Under this program, assistance is available for small businesses affected by the drought to implement business improvement or recovery strategies to diversify their operations. Assistance in the form of payroll tax relief is also available for eligible businesses dependent on farm income to assist them to keep their specialist workers during and beyond the drought.

In line with the commitment of the New South Wales Government to supporting non-farm businesses in drought-affected areas, the department has partnered with Westpac Bank to bring the Beyond Survival series of workshops to regional New South Wales. The department and Westpac are supporting businesses to attend workshops over three days at a discounted cost. For any business owner, surviving circumstances such as drought requires careful planning, and the key to ensuring continued business prosperity rests in the ability of the business owner to make effective financial decisions. The Beyond Survival workshops help businesses demystify accounting speak and recognise hidden reasons why their businesses may be underperforming.

The workshops explore key financial principles that affect every business, work through real business case studies, and offer relevant and accessible financial management tools that can make doing business easier and deliver real results. The first of these series of workshops was held in Tamworth on 16 and 17 April, with the final workshop being held on 14 May. The workshops were also held in Griffith, the hometown of the honourable member who asked the question, on 30 April and 1 May, with the final workshop being held on 21 May.

More than 30 businesses have participated in the workshops. Non-farm businesses had the opportunity to attend the Beyond Survival workshops in Dubbo yesterday and again today. They will have a final opportunity to attend on 25 June. I am delighted to report that feedback from participating businesses about the workshops held to date has been extremely positive. The Iemma Government is fulfilling its commitment to supporting regional economies. The Department of State and Regional Development will continue to monitor other New South Wales regional locations and to provide these workshops and other important support where demand is demonstrated. [*Time expired.*]

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

**Questions without notice concluded.**

## AUS HEALTH INTERNATIONAL

### Personal Explanation

**The Hon. MICHAEL COSTA**, by leave: I wish to make a personal explanation. During question time the honourable—or, in this case, dishonourable—Sylvia Hale referred to my supporting a "final solution" in relation to Nauru and the Government's policy for dealing with asylum seekers. I am absolutely disgusted by Ms Sylvia Hale's attempt to belittle one of the most significant historical events of the twenty-first century, if not in human history, in which about eight million Jews, trade unionists, homosexuals, gypsies and communists—people of her own ilk—were killed in concentration camps that were designed to eliminate them. It is appalling that Ms Sylvia Hale should compare a fairly innocuous solution to a particular problem in the South Pacific to the Holocaust and attempt to score political points. It is becoming common for the Greens to belittle this historical event in an attempt to score political points. I will give honourable members another example. The Greens label as "deniers" those people who are sceptical about climate change. We all know that that term was—

**The PRESIDENT:** Order! The Minister should stay within the leave granted to him to make a personal explanation.

**The Hon. MICHAEL COSTA:** The term "deniers" is associated in the popular mind and in academic literature with people who seek to deny the Holocaust. It is becoming commonplace for the Greens to belittle that event. I do not have to tell honourable members about the suffering brought about by the Holocaust. I have visited the Holocaust museum in Tel Aviv, Israel. I do not know whether any Greens members have been there, but I suggest they take the time to reacquaint themselves with the horrific nature of that historical event and in future do not try to compare an Australian Government policy to something so devastating, horrific and abhorrent. The Greens certainly should not try to associate my views—I reject racism in all its forms; I should not have to say this on the public record—with an attempt to deny the Holocaust. I find absolutely offensive and contemptible any attempt to make an association between the Holocaust and a particular policy position espoused by me, the Labor Party or even the Federal Government. It is a disgrace, and Ms Sylvia Hale owes the House an apology. She should withdraw the remark completely. I suggest that she also visit the Australian Holocaust museum.

**Ms SYLVIA HALE:** Mr President, I seek leave to make a personal explanation.

**Leave not granted.**

## ADJOURNMENT

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.04 p.m.]: I move:

That this House do now adjourn.

## INAUGURAL SPEECH OF THE HONOURABLE LYNDA VOLTZ

**The PRESIDENT:** The Hon. Lynda Voltz is about to make her inaugural speech. I ask members to extend to her the customary courtesies.

**The Hon. LYNDA VOLTZ** [5.04 p.m.] (Inaugural Speech): I would like to acknowledge the traditional owners of the land on which this Parliament stands: the Eora people of the Gadigal nation, and all the Aboriginal nations in New South Wales. I would like to thank the New South Wales Labor Party for putting me forward to the people of this State as part of the Labor team, and the people of New South Wales for having the confidence to re-elect a Labor government. Since colonisation New South Wales has always been at the heart of economic, social and political activities in our country. New South Wales contains almost one third of the population of Australia. It has the largest economy in Australia, valued at \$320 billion in 2005-06, or about 33 per cent of Australia's gross domestic product. Our literacy standards remain amongst the highest in the world. We have a diverse environment in New South Wales, with more than 600 parks and reserves covering more than 7 per cent of the State. Some 40 per cent of our coastline is now protected.

When the First Fleet arrived in Sydney in 1788 times were hard for all, but much harder for some than for others. At that time there were an estimated 40,000 Aboriginal people, speaking 250 distinct languages, and

mostly with a shared common belief in the dreamtime and its creative deities. We all know about the serious issues involving Aboriginal health now so it is worth remembering that indigenous people were absolutely free of the diseases that came with European settlement. The new arrivals brought typhus, dysentery and cholera, as well as illnesses that Europeans took for granted such as the simple common cold. Because of this, thousands of Aboriginal people died needlessly.

Another group that bore a great burden was women. Of the convicts transported to Australia, some 24,000 were women—some were girls as young as nine years old. They laboured under the same conditions as men in as much as they were required to work in gangs of labourers building roads, were used as labourers for free settlers and were put to work in female factories. But they were also raped, flogged, considered whores and had their children removed—if indeed their children survived. The harsh reality was that many children and their mothers starved to death or died from disease. And, if it was bad for the women transported to this land, it was worse for Aboriginal women and girls, who were taken from their people, imprisoned, starved, raped and murdered.

So as we enjoy the material wealth and lifestyle of New South Wales we must never forget the suffering that it has been built on and must acknowledge the hard struggle of those who went before us. It is this struggle that laid the foundation of the party that I represent: the Australian Labor Party. It is one of the oldest and most enduring political parties in the world, and I am honoured to represent it in this Parliament. Ben Chifley best expressed the simple vision of public office in his speech to the Australian Labor Party national conference in 1949. He described Labor:

... as a movement bringing something better to the people, better standards of living, greater happiness to the mass of the people.

We have a great objective—the light on the hill—which we aim to reach by working for the betterment of mankind not only here but anywhere we may give a helping hand.

At the heart of the success of the Labor Party in New South Wales is the work of the labour movement and its rank and file members. Whilst many conservatives seek to portray the trade union movement as some type of secret Byzantine organisation, it has been vital to the transformation of Australia into a prosperous and egalitarian society. Here is a democratic movement in which nearly 1.7 million Australians participate. It is a movement that has ensured not only a safe and fair workplace but also a more equitable society. The trade unions have been at the vanguard of movements involved with the suffragettes, the widows pension, child endowment and the environment. They have supported those who fought off oppression in places such as apartheid South Africa, Soeharto's Indonesia and Marcos's Philippines, and more recently they were the earliest supporters of democracy in neighbouring East Timor. The heart of the Labor Party is the rank and file members: the men and women who stick to the party and its principles through thick and thin.

I am continuing a great tradition in my own family of association with the Australian Labor Party and the Labor movement. My grandfather, Ben Walsh, was a founding member of the Birrong branch of the Labor Party and was the union delegate for the sheet metal workers at the factory in Regents Park he worked in most of his life. My mother joined the Birrong branch when she was 17 years old and I joined the party at 15 years old. As with so many other people my age, my family is the sum total of experiences of two world wars and the Depression. Both my Australian mother's and my New Zealand father's family belief in the labour movement grew through those difficult times. Two great grandfathers fought in the First World War. Denis Walsh died slowly from mustard gas poisoning and David Lumsden was wounded with what he called the "million dollar wound"—the loss of his hand. It got him off the Western Front alive, unlike most male members of his family, who died there. Eighteen of them served on the Western Front as British troops.

My grandfather Joseph "Joey" Voltz was a boilermaker, and a union man, who was trapped in a boiler more than once and was gassed and hospitalised as a result. My grandfather James "Ben" Walsh watched his father slowly choke to death from mustard gas damage. As children they were taken to Sydney and were fostered out. His mother, Ma Smith, went back to living on the St Clair Mission in Singleton until it was flooded. She then went to live down by the river. Unlike so many members of Aboriginal families at the time, Ma Smith managed to keep track of where the family lived. All three of Ben's brothers fought in the Second World War, with uncle Keith being captured on the fall of Singapore and imprisoned in Changi.

My grandmother, Jean Voltz, was brought from Scotland to New Zealand as an 11-year-old girl following her father's injuries in the First World War. She still lives there today. My grandmother Ada worked in clothing factories and did any weekend work available to make sure there was a roof over their heads and food on the table, the memories of the Depression never far away. Those experiences, the living history we all

possess, make me what I am today. On whatever side of politics, people do not join political parties on an idle whim. As with the church or teaching, there is something in your soul that makes politics a calling—a vocation—that makes you want to be part of changing our society for the better. I have worked in factories, in the Regular Army, in pubs and in a workers health centre. I have worked for members of Parliament in electorates from the inner city of Sydney to the Torres Strait Islands. I have travelled around Australia a great deal, which has been a great education. It has given me depth and perspective on the disparity between those who have and those who have not, rich and poor, city and country.

We often hear that all politics is local but this is only true if there is a genuinely meaningful local voice. In a few short decades the Legislative Council has moved from a non-elected part-time Chamber to a fully elected body that is now uniquely placed to ensure that those that are most disenfranchised are not forgotten and there is an equitable distribution of resources across the State. That social responsibility must also ensure that all enjoy the rewards of what John Howard terms the "longest economic expansion in our modern history". Whilst the official unemployment rate is currently approximately 4.6 per cent—a figure, we must remember, that counts anyone with one hour or more of work a week as employed—the true picture is much more complex.

My background is in the Western Suburbs, where the true picture is of an extraordinarily high level of casualisation of work and of housing repossessions for those who cannot afford mortgage repayments. And even if we stick with that very narrow measure of employment, unemployment amongst indigenous people is three times higher than in the general community. In some indigenous communities unemployment is a staggering 95 per cent. Real job creation is needed, particularly in regional and remote communities where unemployment is high, if we are ever to create a better society and make a real impact on health and living standards. Of course, a great deal of responsibility for this lies with the Howard Government, which is largely content to rely on employment figures artificially boosted by the current resources boom in Western Australia and Queensland. But we can endeavour to make a difference too—and this will be a major focus for me in my new position, with a particular emphasis on jobs in indigenous communities.

A job changes the social fabric of a community. It creates opportunity, wealth and social cohesion. I am pleased to see that some large employers are taking responsibility for fixing the problems: the ANZ Bank has an indigenous employment project through its Reconciliation Plan. Because governments alone cannot provide the panacea for all of society's ills, they need to work with business and the community to ensure real change. And we must never dismiss the value of small, innovative job-creation programs, as I have seen firsthand. They can make a real difference over the long term. Even small steps by businesses will plant the seed for future change—taking on just one indigenous employee or one indigenous trainee—because it is only through real jobs and ongoing opportunities that housing and health standards in Aboriginal communities will improve. It is my hope and expectation that a concerted effort to bring employment to indigenous communities will, in turn, impact on the disproportionately high rate of incarceration of indigenous men and women.

I am often asked about my service in the Australian Regular Army. It prompts me to mention briefly an issue that rests with the Howard Government but pervades the lives of all of us, and harms our reputation overseas. Two thousand years ago Sun Tzu wrote in *The Art of War*, "Those who love war will lead the country to destruction and those who crave victory will bring it dishonour. Therefore, war is not to be loved and the glory of victory not to be longed for. Dislike of war is the highest military principle." I am not going to glorify war, but I can say firsthand that the Australian Regular Army is overwhelmingly made up of good men and women with a deep commitment to serve.

The Australian Army has shown complete professionalism in its peacekeeping roles in East Timor and its service in Afghanistan and Iraq. But armies are not responsible for the ideology that sent them to war—and I can only believe that ideology rather than good sense led to the war in Iraq. The cost has been unacceptably high both in the lives of soldiers and the lives of the innocent in Iraq that have been lost. It is difficult to see how Iraq can recover. The war has failed in what should be the guiding principles of intervention: to protect and to restore order. But the cost of pulling out and leaving Iraq in a parlous state must be weighed against the damage caused by the continued presence of troops from Western countries. The lessons of Sun Tzu should not be ignored: "While we have heard of blundering in seeking swift decisions in war, we have yet to see a smart operation that drags on endlessly." There has never been a prolonged war from which a country has benefited. As it was then, so it is now.

As I have said, the Australian Regular Army is overwhelmingly made up of good men and women. I am often asked what it was like as a woman to serve. I might just say that I do not think Pru Goward would have enjoyed it or lasted long if she finds the New South Wales Parliament a challenge! I was in the second

group of women to train at Kapooka and become a fully fledged member of a Regular Army corps rather than a member of the women's corps. I am grateful to the women who fought the fight that allowed my generation of women access to greater and more equal opportunities than those that were available to them, not only in employment but also in sport, academia and business.

I particularly thank the women who have been mentors for me over the years: firstly, Jan Burnswoods, whom I replace in this House. Jan was one of the most tenacious members of Parliament. She was a driving force on so many women's issues for a long time. We all owe her a debt of gratitude for her long service and unswerving beliefs. Sandra Nori, for whom I worked for the past eight years, is one of the cleverest people I know. Sandra's mind works at an extraordinary speed and I was always asking her to slow down so the rest of us could catch up. I also thank Elizabeth Tout, Judith Hill, Christine Kibble and Caroline Staples for their never-ending belief and support. I also thank a couple of blokes, Robert Tickner and Peter Baldwin, and all my friends. I am not about to read out an extensive list but note four of my oldest friends, Linda Perrett, Greg Shaw, James Allen and Paul O'Grady, for all the good and bad times we have shared together.

I would like to single out the union movement for my thanks and gratitude, in particular the Construction, Forestry, Mining and Energy Union, the Miscellaneous Workers Union, the Public Sector Association, the Power and Marine Engineers and the Maritime Union of Australia for their support and friendship. In particular I mention John Sutton, Andrew Ferguson, Jeff Lawrence, Annie Owens, Jim Lloyd, John Cahill, Sue Walsh, Steve Turner, Martin Byrne and Paul Garrett.

Most importantly I would like to thank my family. To my long-suffering husband Elias Bampos, my thanks for your love and support. To my beautiful girls, Katerina and Anastasia, both clever and cute, and a dangerous combination, thank you very much. To my mother, Maureen Walsh, and father, Bruce Voltz, thank you. To my in-laws, Vicky and Miltos Bampos, who travelled halfway across the world from Greece to live and raise a family in this country, thank you for your endless support and love.

To my brothers David, Mark and Anthony, my brother-in-law Nick Bampos, Laurie Ferguson and Francis Quayle, I would not be here without all of your support. And to my alternate children, Katrina, Jacinta, Liam and Shannon Byrnes-Staples and my goddaughter Astrid Jenkins and her little friend Max Lizzo, thank you very much. I intend to work hard—and I hope, effectively—in this Chamber in pursuit of what should be the guiding principle for all politicians: to bring a better standard of living and happiness to everyone.

### STATE EMERGENCY SERVICE VOLUNTEERS

**The Hon. KAYEE GRIFFIN** [5.22 p.m.]: Tonight I wish to commend State Emergency Service [SES] volunteers. In New South Wales there are approximately 10,000 volunteers. They receive first-class training in emergency response, treatment and prevention and work closely with other professionals such as New South Wales police and the New South Wales Ambulance Service. The State Emergency Service provides volunteers with the valuable training and experience they need to respond to a range of disasters and incidents. Volunteers are given training in various situations and also receive basic medical training. They may then go on to receive further training in more specialised areas such as storm and flood preparation and response, operations management to assist with the coordination of team activities in the field, media and community education that provides the volunteers with the skills needed to effectively communicate with media outlets regarding safety messages and warnings issued by the State Emergency Service, road crash rescue, logistics and vertical rescue to assist in rescuing people from cliffs and ravines.

In 2005 the State Emergency Service celebrated its fiftieth anniversary. In February 1955 the State was hit with an increase in severe flooding in the north-west and Central West regions in locations such as Dubbo, Moree, Narrabri, Coonamble and Inverell. Those floods claimed 22 lives and caused enormous damage to towns, infrastructure and farms. Following the disastrous floods the State Government set up the State Emergency Service in order to respond to and assist local communities during future floods. The organisation was based on volunteer membership from local residents and was responsible for issuing flood warnings, communications, evacuation and maintenance of essential supplies during floods.

Today the State Emergency Service headquarters is located in Wollongong, with 17 regional offices and 231 units across the State. These units consist of approximately 10,000 volunteers from the ages of 16 to 80 from all walks of life. The primary role of the State Emergency Service volunteers is to assist in times of floods, including tsunamis, with warnings, evacuation, rescue and providing essential supplies to people isolated by floodwater; and storms, with securing and covering damaged roofs, removing fallen trees and branches from

property and rescuing trapped people. In addition the State Emergency Service rescues people from vehicle accidents, cliffs and other situations almost exclusively in rural areas of New South Wales; assists other agencies in the management of disasters such as bushfires, earthquakes, landslides and technological disasters; and helps the police with searches for lost people or for evidence.

Over the past 50 years State Emergency Service volunteers have played a part in some of the State's most significant natural disasters and any other situation where they are required to lend their support to people. During this time a number of floods have caused the State severe damage. Some of these notable events include flooding in Lismore in 1974, along the Shoalhaven and the Hawkesbury in 1978 and at Kempsey in 2001. The most infamous of all was the Nyngan flood in April 1990 when the Bogan River rose. Residents were led by the heroic efforts of the State Emergency Service volunteers, who desperately attempted to raise levee banks. Over 200,000 sandbags were laid to hold back the rising flood levels. However, the levees were breached on 23 April, inundating the town and forcing the evacuation of more than 2,500 residents to Dubbo.

The two most notable storm events in Sydney were the hailstorm of April 1999 and the windstorm of August 2003, both of which generated in excess of 20,000 requests for assistance. Along with these call-outs the State Emergency Service was involved in assisting emergency and rescue services following the Granville train disaster, the Thredbo landslide and the Newcastle earthquake. This vast range of both natural and human disasters demonstrates the valuable service offered by the State Emergency Service and the effective training of the volunteers, who dedicate so much of their time.

In my local area, Canterbury State Emergency Service, in conjunction with Canterbury City Council, has played a pivotal role in arming its residents with the knowledge and resources to cope during severe storms. The "Stormsafe" brochure was developed after council approached the Canterbury service seeking advice for its ethnic community brochures. "Stormsafe" was produced in six different languages—Italian, Chinese, Korean, Arabic, Vietnamese and Greek. The State Emergency Service provided council with information on storm weather safety and what to do before, after and during a storm. The brochures were printed with funding from the NRMA.

Canterbury State Emergency Service is headed by Gary Hulme. Gary is a very dedicated local resident and was awarded the medal of the Order of Australia in recognition of his dedication and commitment not only to the residents of the Canterbury area but also to the State Emergency Service throughout New South Wales. I would like to personally thank the men and women of the Canterbury State Emergency Service for the work they have done over so many years for my local community. They support us in so many ways and they, like so many other volunteer groups across New South Wales, do not always get the recognition that they deserve.

### **DISABLED SURFERS ASSOCIATION**

**Mr IAN COHEN** [5.26 p.m.]: Tonight I will speak about the Disabled Surfers Association, an organisation with which I am very proud to have been associated, recently as a sponsor of the northern region group of the association. It is fitting that in the Year of the Lifesaver we should acknowledge and celebrate the work of the volunteers of the Disabled Surfers Association as well as the participants. The Disabled Surfers Association was established in 1986 by Gary Blaschke after he lost his kneecap in a motorcycle accident and later underwent extensive rehabilitation. Gary saw a void that needed to be filled. He recognised that many surfers with disabilities have, unfortunately, been loners with no-one to help them get back into the water. Jim Bradley from the Illawarra, an ex-teacher, has been working hard to extend the Disabled Surfers Association right across Australia.

Many disabled surfers suffer from disabilities that the general public would not consider a disability: many asthmatics, people with joint injuries and the paraplegic have found friendship and support and have renewed their interest in surfing. The Disabled Surfers Association quickly extended its coverage to all classes of disabilities. The organisation allows people with a disability to get their chance to try out the waves. The group's motto is "Surfers helping surfers". According to Gary, "It's about giving these people the opportunity to get out there and do something they would never have the opportunity to do otherwise." Everyone is welcome. The Disabled Surfers trainer, "Macca", tells the volunteers, "Never turn anyone away. Just work out how to do it." Earlier this year Gary received the Order of Australia medal for services to disabled surfing and the environment.

Among the volunteers are surfing coaches, some lifesavers and, as one volunteer has said, "just silly old surfers"—the group I would like to be included in. They are united by their desire to help. There is also a

strong commitment to safety, without a single unsafe incident in 21 years of operation, despite having taken people with the most severe disabilities into the surf. The Disabled Surfers Association is also a strong advocate of beach accessibility for all. Full accessibility must include active- and passive-inclusive strategies to facilitate all people having the opportunity to get down to the sand in the first place, to be able to cross the sand to the water's edge with dignity—not having to be dragged across on a towel or some similar primitive method—and being able to enter the water, if they desire, in safety.

On 21 April this year I had the pleasure of participating in a Hands On Day at Clarks Beach, Byron Bay. It was a beautiful, cloudless day, with warm water and no real current, making the conditions perfect for disabled surfers. The wave size was pretty good, but small, and provided a fun, speedy ride into the shallows. Beach quality was good on the day, and helpers did not have to battle to move participants and their boards out to the waves. We were able to catch waves after they broke, making for a constant ride in. On the day there were about 17 participants and more than 40 volunteers, which made for a great day of surfing. Among the participants was the Dreadlock King, Steve, from Brisbane. He used to be a professional prawn trawler and virtually a professional surfer until he fell off a verandah and severely injured his back. For him to get back in the water and ride little waves was wonderful. Other participants included Robert, who drove all the way from Perth. He is thinking of resettling somewhere on the Far North Coast.

Marusha and her mum from Bowral were holidaying in the area. Marusha is a little Indian girl with cerebral palsy. To see the smile and delight on her face when we pushed her in on the little waves gave us far more pleasure than we could possibly give her and her friend, who also has cerebral palsy. It was an absolute delight to share the waves with them. Another participant, Amy from Ballina, got out into the water and had heaps of fun. Volunteers included Pauline Menczer, a former world champion surfer, Jan Barham, the Mayor of Byron Shire Council, and me.

It was a wonderful day. We were able to give something back to people who do not have the same opportunities that we have. I have been inspired, and I would recommend to anyone to come along to "surfing days for the disabled". They are a fantastic opportunity for surfers who get so much joy from riding waves in the ocean to give something back to people much less fortunate than themselves, and to see the work of the people in the Disabled Surfing Association.

Members of the association have developed wheelchairs that float in the water. We were able to roll people down the beach in wheelchairs on big balloon-type wheels and then take them out into the water. I have been out in the water with people who are blind and people who have all manner of disabilities. It was fantastic. Some people just float in the water and take it all in, secure in the knowledge that experienced surfers are there to support them and give them the opportunity to experience the pleasure of a beautiful warm ocean. It is exceptional that Marusha, a child with cerebral palsy who was begging on the streets of Calcutta before being brought to Australia by her parents, is now able to ride beautiful clean waves in a place like Byron Bay. I am proud to be part of the Disabled Surfing Association.

### OPERATION RETZ

**The Hon. CHARLIE LYNN** [5.31 p.m.]: Last year I expressed concern over what appeared to be a political cover-up in regard to an internal police investigation codenamed Operation Retz. The investigation was initiated in 1999 to examine the numerous complaints against senior New South Wales police officers from 1994 through to the time of the investigation. As a result of this concern the Opposition and some members of the crossbench supported a motion for the tabling of the report. In a desperate attempt to deny public access to the report the Government convinced a couple of crossbench members that some police informants might be identified and compromised. The House then moved that the report be made available under privilege. In response NSW Police then used a technique known as "dump-truck discovery" in delivering the papers to the House. The report and some 30,000 pages of unindexed documents were delivered to a secure room in this Parliament, with access restricted to members only. At the same time, NSW Police were acting in open defiance of a ruling of the New South Wales Supreme Court to release the report.

I have examined the report in detail and I have looked through some of the supporting documents. I do not intend to discuss the contents of the report. However, I can advise honourable members that the Government's concern to protect the identity of police informants might have been more credible if it had also expressed a desire to protect the identity of the junior police who summoned the courage to lodge a complaint that led to the investigation in the first place. My examination of the report revealed that this was not necessary, as the senior police under investigation for corrupt practices already knew the identity of the complainants and informants.

The Government could argue that the release of 30,000 pages of supporting documents would identify witnesses and should remain under privilege, but it has no justification for not allowing the report to be tabled. My major concern about the Operation Retz report and a couple of other reports conducted during the same period is a systemic failure of leadership practices in NSW Police. I am also concerned about the pervasive and oppressive culture of fear in the police region covered by Operation Retz.

The material I have reviewed reveals a disturbing insight into incompetent and corrupt leadership and management practices at the highest levels of NSW Police. More disturbingly, the report reveals that the insidious nature of these incompetent and corrupt practices extends into the offices of the NSW Ombudsman and the Police Integrity Commission. Although much of the material in the report is highly disturbing, the reality is that the corrupt leadership culture in NSW Police is probably worse than what is indicated in the report because the practice of assigning junior police officers to investigate senior police officers is flawed. The detective inspector in charge of Operation Retz simply did not have the rank, the experience or the investigative or interrogative skills to identify the full extent of the corrupt practices encountered during the investigation.

The report reveals that this was not an oversight. A serving commander of equal rank with a formidable professional reputation was removed from the investigation because of a complaint by the officer being investigated. This decision meant that the full extent of corrupt practices within the leadership of NSW Police would never be revealed. Even so, the material in the Operation Retz report that I have examined is so damaging that its release would undermine public confidence in the NSW Police hierarchy. This view is supported by an email to the Premier from eight former New South Wales police officers on 1 December 2006. I quote the first paragraph, which states:

The sad reality of Operation Retz is that its exposure of rigging of police investigations, cover-up of criminal activity and conspiracies at the highest levels of police service, rigging of police promotions to support lovers and other favoured candidates and to undermine the careers of those not securely ensconced in a patronage network, and the bullying and intimidation of junior police who dared to challenge the incompetence and corruption of their superiors, goes to the heart of what is wrong with the New South Wales Police. Indeed, 10 years after a royal commission which focused largely on the bottom ranks of the Police Service, the situation is so bad that we need a serious Commission of Inquiry or a Royal Commission into the senior command of the New South Wales Police.

These are very serious claims that should be addressed by this House as a matter of urgency. If they are not, we, as selected members of Parliament, are neglecting and betraying the people of this State who expect us to provide proper protection for their families and communities, rather than condone a pervasive culture of corruption within the leadership ranks of the New South Wales police force. The Government achieved its aim of keeping this report from the public in the lead-up to the recent election, and NSW Police has been able to escape the demands of the New South Wales Supreme Court by quietly settling its case against former Detective Sergeant Tim Priest. It now has an obligation to table the report so that the systemic failures in NSW Police leadership in New South Wales can be properly addressed.

## RECONCILIATION

**The Hon. CHRISTINE ROBERTSON** [5.36 p.m.]: The past week marks the anniversaries of a couple of very important milestones on the journey to reconciliation with Australia's original peoples. The first of these is the fortieth anniversary of the referendum that finally gave the Government the power to implement special laws to benefit Aboriginal Australians, which goes a small way to undoing past wrongs against the first Australians. Whilst indigenous people were made citizens in 1948 and already had the vote through State laws, until this point the Constitution did not allow for special laws to be made, and thus gave successive governments an excuse for not fixing the vast problems that Aboriginal people face. It was this referendum that paved the way for land rights legislation, as well as the first Racial Discrimination Act which overrode discriminatory State legislation.

The other key outcome of the referendum was largely symbolic. Until that point indigenous people had less official recognition than livestock and were covered by the flora and fauna legislation, but when more than 90 per cent of the Australian electorate voted in favour of the proposition an important line was drawn about what was and was not acceptable in our treatment of Aboriginal Australia. The path to reconciliation and resolving the disadvantage they suffer is long and there is still much to be done, but 40 years ago Australia overwhelmingly said no to the Government being able to avoid its responsibilities in this important area.

The second occasion is the tenth anniversary of the "Bringing Them Home" report by Sir Ronald Wilson into the stolen generations. The forcible removal of indigenous people from their parents is one of the most shameful episodes in Australian history that not only destroyed families and created massive social problems but also resulted in the loss of Aboriginal culture and language. It is widely recognised as one of the

most catastrophic policies ever forced on our indigenous peoples. Of course the "Bringing Them Home" report itself does not solve all the problems this policy created, but the acknowledgment that a wrong was done is the first step to fixing these problems. As an aside, I suggest that an apology from the Federal Government to match that already made by this Parliament would be a good second step.

In the face of these two anniversaries, it is timely to reflect upon where the journey to reconciliation with our indigenous people will take us next. I have spoken previously about health conditions and a whole range of other social problems that Aboriginal Australia has had to endure since European settlement began, and for which we have done far too little to help. Life expectancy for Aboriginal people is 20 years lower than for other Australians, and this gap has widened over the last few years. While other comparable countries such as New Zealand, the United States and Canada have been closing the gap, we have not. Clearly indigenous health has to be a priority for all of us as a practical measure for reconciliation.

Education, which is so fundamental for success in life, is another area where more work is needed. The proportion of adults who did not attend school yet have post-school qualifications has decreased relative to the rest of the Australian population, while the number having left school under the age of 15 has increased relative to the rest of the community. Measurements of home ownership, employment and income show that indigenous people are far worse off than are other Australians. While there are small improvements, these indicators show no signs of the gap being closed at any time soon.

The story is not all doom and gloom. There are various programs working with specific communities that have worked and are working. However, more funding and willpower is needed to turn these small successes into greater successes, and eventually an outcome that we can all be proud of. It is too easy to throw our hands up in the air in resignation when a setback occurs. Rather, we should be looking at the next solution, and not using this as an excuse to take funding away or to lose interest in something so important.

In more than 200 years, we have travelled only a short distance on the path to reconciliation. There are practical and symbolic steps that still have to be taken. Members of this and other parliaments will debate the best way forward, with different solutions being put on the table. But one thing is for certain: we still have a long way to go to get to a time and place where the first Australians enjoy the same living conditions and respects as the rest of us. I call on all honourable members to join together to work so that Aboriginal Australians can enjoy the same benefits of being an Australian that the rest of us do—so that our national shame can one day become our national pride.

Yesterday, Sorry Day was celebrated by the Tamworth Regional Council, local Aboriginal people and other members of reconciliation groups as a part of this important week. We heard from elders and our young people from the Tamworth area about good things happening. Tamworth had the first reconciliation group in the whole of Australia, which is something they are very proud of. I am thankful and recognise that I live and work on Gamillouoi land. I am very grateful to the Gamillouoi people for being such an important part of Tamworth and for showing us that great things can happen for and with Aboriginal persons. [*Time expired.*]

### RECONCILIATION WEEK

**The Hon. ROBYN PARKER** [5.41 p.m.]: I first acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation. This sitting week of Parliament coincides with Reconciliation Week. Importantly, this year is a time when we recognise other important dates, which I will briefly mention. The first is the fortieth anniversary of the 1967 referendum. The second is the fifteenth anniversary of the Mabo land rights decision. This year Reconciliation Week has the theme "Their spirit still shines", which the New South Wales Reconciliation Council aptly describes as reflecting the respect and honour we accord the indigenous and non-indigenous people who worked together to bring about the 1967 referendum. It affirms that Australians continue to be fired by their spirit and remain committed to building a just and equitable society.

The 1967 federal referendum was aimed at removing legislative clauses that discriminated against indigenous Australians. It gave the Commonwealth the power to make laws on behalf of the Aboriginal people. Only eight out of 44 attempts to amend the Constitution have been successful, and that referendum recorded the highest yes vote from Australia ever, with 90.7 per cent voting for change. It was change that was well overdue. Last week the *Koori Mail* published an interesting article which discussed the history of the referendum and the movement behind its inception. It stated:

Those responsible for the referendum hoped that the Federal government would implement wholeheartedly a program of special rights for Aboriginal people so that they could truly become Australian citizens. This was the spirit of promise of the referendum.

What is important about those words is that they highlight the determination by Aboriginal leaders at the time that the then and future governments would continue to make progress on issues affecting indigenous people—that the referendum will not just be a high water mark in the fight for Aboriginal rights but more of an ongoing campaign that would continue for many years to come. It is important to note that the referendum did not give Aboriginal and Torres Strait Islander people the right to vote, as that was legislated for in 1962, but the overwhelming support by the Australian public was very significant.

Unfortunately I do not think the leaders at that time would have foreseen the poor progress that has plagued Aboriginal health. That was highlighted recently with the release of the Australian Medical Association's report card. It showed that the lifespan of indigenous people is 17 years shorter than the national average. Aboriginal men have a life expectancy of 59.4 compared with the national average of 77 for all Australian men. Aboriginal women have a life expectancy of 64.8 compared with the national average of 82.4. Furthermore, the life expectancy of indigenous Australians is 16 years less than the most disadvantaged 20 per cent of the overall population. The report highlighted that Aboriginal people are three times more likely to have a stroke or a heart attack than any other Australians and are more likely to die as a result of the attacks.

Recently the Medical Journal of Australia analysed records and found that diabetes rates in indigenous children are six times higher than in non-indigenous children. These are significant statistics, and unfortunately they do not reflect well on the State Government. Doctors, specialists and hospitals in rural areas are crying out for more resources that the New South Wales Labor Government has failed to deliver during 12 years in office. I am deeply concerned about the failure of this Government to fund a program to tackle child abuse in indigenous communities. The program was developed in response to the initial "Breaking the Silence" report, which found that child abuse in Aboriginal communities had reached epidemic proportions and that child sexual assault was up to four times higher than in the general population. The report also found that Aboriginal females are almost two and a half times more likely to be the victims of child sexual assault than are non-Aboriginal females.

It is Reconciliation Week. We have a bipartisan approach, but we need to make sure that funding goes where funding should go. It is a very sorry state of affairs in New South Wales that this State Government is failing its indigenous people. In contrast to that, the Federal Government has increased spending on indigenous-specific programs by 42 per cent since 1996, as reflected in \$3.5 billion funding in the forthcoming financial year in a culture of shared responsibility. With the State Budget being presented next month, we will be looking very closely at whether the New South Wales Minister will fund programs to tackle child abuse and poor health outcomes in Aboriginal communities. The Coalition will be making sure that we can support in a bipartisan and generous manner the increased funding that we are expecting. In particular, we will be addressing child abuse outcomes in New South Wales. [*Time expired.*]

### ASSYRIAN REGION, NORTHERN IRAQ

**Reverend the Hon. FRED NILE** [5.46 p.m.]: I wish to speak about the establishment of an Assyrian region in Iraq. Recently I was a guest at, and addressed, the Assyrian Sport and Culture Club. I was very impressed with their efforts on behalf of their suffering countrymen in Iraq. I am very pleased to have received a progress report dealing with the establishment of a geographically viable demarcated region for the Assyrians in northern Iraq. The body that is spearheading this effort in Australia is the Assyrian Universal Alliance, Australian Chapter, which is doing all it can to make sure that the Assyrian voice is being heard by all democratic governments, not only here in Australia but also overseas.

For the past five years the Assyrian Universal Alliance [AUA] has held several meetings with the Minister for Foreign Affairs and Trade, Andrew Downer, and raised Assyrian issues with the Prime Minister of Australia, John Howard. They managed to establish the Assyrian Parliamentary Friendship Group and launched a successful petition in the Federal Parliament in support of establishing a geographically viable demarcated region in northern Iraq for Assyrians. On Thursday 24 May this year a delegation comprising the Assyrian Universal Alliance, the Assyrian Church of the East and the Assyrian Australian National Federation undertook an official visit to Canberra to hold a number of meetings with Government officials.

The delegates who attended the meetings were very important in representing the Assyrian people in Australia. They included His Grace Bishop Mar Meelis Zaia of the Diocese of Australia and New Zealand of the Holy Apostolic Catholic Assyrian Church of the East; Hermiz Shahen, who is secretary of the Assyrian Universal Alliance; Reverend Father Genard Lazar of the Youth Ministry of the Assyrian Church of the East; Paul Azzo, the organiser of the meeting and an active member of the Assyrian community; and David David, who is the vice-president of the Assyrian Australian National Federation.

The delegation met with Kevin Andrews, the Federal Minister for Immigration and Citizenship, who was supported by one of the senators. During the meeting the delegates congratulated the Minister on his new appointment and expressed sincere gratitude for the magnificent and tireless efforts by the Prime Minister of Australia, the Hon. John Howard, in taking an active part in the process of helping Iraqi people realise a free and peaceful future by fighting terrorism and extremism in the world, particularly in the Middle East. The delegation briefed the Minister on the latest developments in Iraq and the neglect of the Assyrian issue after liberation, the wages of sectarian violence, and the systematic abuse by Islamic extremists against the entire Christian population.

As a matter of urgency and importance, the delegates called upon the Australian Government to take immediate action and lasting measures to address the major humanitarian crisis suffered by the Assyrian refugees. They requested emergency assistance such as food, shelter, education, health care facilities and legal documents for the displaced Iraqi Christians in order to improve their living conditions in the host countries, specifically Jordan, Syria, Turkey and Lebanon, where many Assyrians have been forced to flee to save their lives following murderous threats. At the conclusion of the meeting the Assyrian Universal Alliance handed an official letter with detailed reports to the Minister and a further letter addressed to the Prime Minister of Australia, the Hon. John Howard, concerning the situation of Christian refugees and the mounting number of threats facing Iraqi Assyrians.

Honourable members would know that I have supported that effort and have distributed a petition calling on the Federal Government to review the Australian immigration policy to give priority to Christians coming to Australia, particularly Christians who are being persecuted. I believe that Australia should do more to assist them. I am pleased and proud to support the Assyrian community in seeking support in Iraq as well as in Australia. [*Time expired.*]

#### INAUGURAL SPEECH OF THE HONOURABLE JOHN AJAKA

**The PRESIDENT:** I ask members to bear in mind that this is the first speech of the Hon. John Ajaka. I ask that all customary courtesies be accorded and that the member be heard in silence.

**The Hon. JOHN AJAKA** [5.51 p.m.] (Inaugural Speech): With the indulgence of this honourable House, I rise to deliver my inaugural speech. The *Bible* instructs us to "Do unto others as you would have them do unto you." As a child, as a 10-year-old altar boy at the Lebanese Melkite Catholic Church, those words from St Matthew carved a guiding life philosophy into my young heart from the moment I first heard them. But tonight I would like to combine that philosophy with the last great commandment of Jesus: "That you should love one another as I have loved you."

The *Bible* says that we must act generously with grace, with compassion, with concern and with justice. But, it is not enough just to do the right thing to others. We must love the act, and we must love the people for whom we are striving. That is how in this place I shall always endeavour to serve the people of this state; with the same commitment, compassion and love that my parents showed to me as a child.

My mother and father travelled to Australia from Lebanon in the early 1950s with my older brother and sister, Albert and Eva, in tow. After being billeted with a family in Wollongong my dad went to work shovelling coal into the furnaces at BHP and found us a house in Corrimal. Mum turned that house into a home, but she also worked in a number of factories. She always knew how important the extra money she earned would be for our family. From time to time she even worked the midnight shift to raise the money needed for her children's future schooling. My mother believed passionately in education, and for that my whole family will always be deeply grateful.

I was the first of our family to be born in Australia—in 1956 at Bulli Hospital. I was named, perhaps optimistically, after John the Baptist. Some of my first memories are of worshipping with my family at the local Catholic Church, St Joseph's in Corrimal. However, life was not all about attending church. I remember also how my family kept pigeons, goats and chickens and my being given the greatly sought after job of holding the rabbits we had caught for dinner while my father skinned them. In the early 1960s my parents moved to Rockdale and, with the births of Louie and Ann, my family was complete. Between 1964 and 1966 I lived in Lebanon. In Australia I had always been aware of my ethnic background; it was hard not to be, with the ever-present taunts and jeers thrown by other children. However, living in Lebanon I felt like a foreigner.

Upon my return I threw myself back into the Australian lifestyle. I went to school at St Joseph's in Rockdale and then Marist Brothers in Kogarah. I joined the Army cadets and graduated as the second-highest

ranking officer. I boxed for 12 years and played rugby league for eight years. I served briefly in the Army Reserve, leaving only to open my first law practice in Rockdale at the age of 27. For a little Lebanese kid from Wollongong, the son of immigrants, I felt exceptionally blessed. It was not an easy road for me, as I am sure it is not an easy road for many others, be they immigrants or first- or even second-generation Australians.

We demand that our new Australians fully embrace our way of life, and appropriately so. I have a friend who did just that. He is an Australian Moslem of Lebanese background. He came to this country when he was 10 and is now in his mid-thirties, with a beautiful wife and young children. He has contributed much to our community and is an accomplished businessman. He previously ran a successful hairdressing salon and now owns and manages a popular local day care centre.

A month ago he came to see me, very upset, after his son was subjected to a particularly vicious and racist rant. He said, "John, I don't understand it. This society asks us to embrace being Australian, but society is not embracing my children as Australians. They still see us as ethnics. They still see us as wogs." Now whilst I believe that the overwhelming majority of Australians do not engage in this behaviour, I still think there is a lesson to be remembered here. Prime Minister Howard, a great leader of our country, whom I am proud to have always supported, has often spoken of the concept of mutual obligation. I believe that that applies here too. Immigrants and those from differing ethnic backgrounds are obliged to accept and embrace the norms and traditions of Australian society. And it is just as incumbent on Australian society to open their minds and their hearts to the newer arrivals; to accept and include and embrace.

However sometimes society, and the media that reflects it, do not help that process. For example, I think there is a real argument for the abolition of ethnic descriptors when discussing alleged perpetrators of crime. Within any grouping in society there will always be the troublemakers—the hoodlums—those who refuse to embrace the laws and conventions of the time. This is just as true for racial groupings as it is for bankers, or journalists, or even politicians. However, a continual reference to "Middle Eastern criminals" and people "of Middle Eastern appearance" does not help to solve the problem; it only serves to drive wedges further into our society.

Peter El Khouri, the Chairman of the Australian Middle East Christian Council and a great friend of mine, has argued that, "There is a perception that the Middle Eastern community—Australians of Middle Eastern background—are significantly responsible for crime in the state." When this perception takes hold all sorts of unpleasant consequences follow. In the lead-up to the Cronulla riots for example, people described as being of Middle Eastern appearance were found later to be of Caucasian, Greek and Serbian background.

Last year a woman was charged by police after she falsely claimed that she and her baby boy were robbed by a man of Middle Eastern appearance armed with a screwdriver. It is interesting that she immediately chose the description "Middle Eastern appearance" for her fabricated story. The public was outraged by the attack. Media frenzy ensued, and all to find a man who did not even exist—a man alleged to be of Middle Eastern appearance. The problem is that all these attitudes trickle down into the schoolyard and into the consciousness of the next generation.

Over the past two months I have been asked on more occasions than I can recall why I decided to run for Parliament. This is the first reason. Australia is a great society, a progressive society, a society that has shown it will embrace difference. But still, even now, a latent prejudice runs through our community like an underground stream—a stream that bubbles to the surface in times and in places unexpected, as we witnessed with the emergence of the stench and stain of One Nation. When I was a child some of my peers sadly constructed my entire identity solely on my ethnic background. They isolated, separated and labelled me a wog. This was all I would ever be to them. Well, I do not want my children—any children—growing up with the feelings I had when I was growing up. We have come so far in the past 30 years in tearing down the monolith of prejudice. I am here to add my own small contribution to the continuation of this important task.

If the first reason for my presence in this place is to fight prejudice, the second is to fight injustice. I believe in the spirit of the law. I have been proud to serve in the legal profession for a quarter of a century. I believe it is a worthy and noble profession. It is an honour to have been appointed parliamentary secretary to the shadow attorney general, Greg Smith, a senior lawyer for whom I have the utmost respect. I look forward to working with Greg in trying to find good and fair policy for law and justice in this state. I also look forward to fighting for an appropriate allocation of resources in justice, including the necessary upgrades of courts such as Kogarah, and of police stations in places like Kiama, Moorebank, Rockdale and Menai.

In my time in law I have seen many issues that I believe should have been and can be addressed by this place, but today I will speak to one about which I have a great concern and for which the New South Wales Law Society has become a tireless advocate: the current compensation system for personal injury, which I believe has lost its fairness and equity. The current system was supposed to achieve a balance between the rights of injured people to compensation and the ability of the community to pay. But the result has been that the majority of people that are injured, through no fault of their own, are now not entitled to fair compensation. Whilst I understand the desire to reduce minor and vexatious claims, I believe that the new requirements have gone too far.

This situation has arisen because injured people now need to meet a certain threshold based on a percentage of bodily impairment before being considered for compensation. The present system is arbitrary because whether a person is injured at home, at work or in a car now determines the threshold the injured person must meet. The new stringent tests that were introduced have made it much more difficult to receive fair compensation for injuries suffered. The fundamental right of the individual to appeal has been limited and, contrary to the notion of fairness, the ongoing everyday impacts an injury has on a person's life are not readily taken into account. I agree with the proponents of the fair compensation campaign that this all adds up to a system that is unfair, inconsistent and too bureaucratic. The balance is now tilted too far the other way and people are not receiving the compensation that they deserve. But I believe that the system can be fixed.

The Government should abolish the present absurd system of a 10 per cent threshold for some victims and 15 per cent for others and replace it with a uniform approach to ensure fairness. I believe these arbitrary rules should be replaced with a single test to be applied to all victims of injuries. The rules should take into account the full impact people's injuries will have on their lives, including loss of future income, an incapacity to engage in their favourite recreational activities, or an ability to enjoy family activities. I believe that in the interests of fairness there should be one scheme and one test for all. This is one of the issues that will be my focus and my priority over the years ahead.

Sitting as an elected councillor on Rockdale council I know how critical good planning is for the amenity of the local urban environment. Local councils are the elected voice of local residents. They know their local areas best and should be trusted to make responsible and sensible planning decisions for their constituents. I have great concerns at the ever-increasing centralisation of planning powers and believe that this must be reversed. Councils should be permitted to retain their independence. I am also passionately concerned about the development and maintenance of necessary infrastructure in our state. For example, I am strongly of the view that after appropriate community consultation and safeguards the F6 should and must be built. It often takes me an hour and 20 minutes to travel from Kogarah Bay to the city—a journey that should take 25 minutes outside peak times. And for residents of the shire and further south, it is even worse. With the construction of the M7, the F6 is now the most urgent and necessary road development in the Sydney metropolitan basin.

I proudly stand in this place today representing the Liberal Party of Australia—a great and distinguished party, borne of enterprise, seeded in liberalism and based on merit. But I am equally proud to stand here and also represent a geographical part of our state, for the Liberal Party has allocated one member of the Legislative Council to each of eight regions in this state. We are committed to ensuring that each and every person in New South Wales has parliamentary representation in this Chamber. I am humbled to represent the St George-Illawarra province for our team. It is an area that stretches from the shores of Botany Bay in Rockdale, through the beautiful Sutherland shire, to the magnificent steel city of Wollongong and down to Nowra on the Shoalhaven. It is an area that I know and love, and I have loved it my entire life.

I have been a passionate supporter of my community through local schools and community organisations, and particularly through the mighty St George-Illawarra Dragons. They have brought me great joy and, sadly, at times they have also broken my heart, especially recently. I have served my community through my involvement in organisations like Rotary and Lions. I was proud to be elected as the first vice-president of the Lions Club of Sydney Lebanon. I have played league for Arncliffe Scots, taught boxing at the Rockdale Police Boys Club and have cheered my daughters at Taren Point Little Athletics. I am now honoured by my community, which through my selection process has given me overwhelming support to sit in this honourable place.

It is an even greater privilege to know that I will experience all facets of the Westminster system, having been elected to sit in the Legislative Council for the first four years in opposition and then the next four years in government. However, it is not a step that I could have taken alone. I would like to place on the public record my gratitude and esteem to those whose contribution, guidance and support will never be forgotten. To

Peter Debnam, a man of enormous integrity who fought a courageous election campaign against great odds, and to my leader, Barry O'Farrell, an extraordinary man who will lead the Coalition in four years time back to the government benches, I say it is a privilege to be able to work with you as part of your team. To my three regional parliamentary colleagues, Jo Gash, Danna Vale and Bruce Baird, I say that you, by your example, have individually shown how to represent your electorate and your state with civility, integrity and genuine decency.

I am proud to have many of my friends and supporters here in the gallery this evening and, as members will have seen, there are many of them. I am sorry that I cannot honour all their contributions adequately. But I sincerely thank all the members of the Liberal Party from my province who provided me with such enormous support and friendship. I also thank many of my colleagues in this Chamber for all that they have done. As a lawyer and businessman for a quarter of a century I know that I would not be where I am today without the assistance of diligent and loyal staff. I cannot thank all of them enough—particularly my current associates, Lili Gestakovska, Susie Gestakovska and Ann Dalzell, who now take responsibility for continuing the legal practice I began so long ago. I also thank my secretaries, Joanne, Sonia and Talia.

I have been blessed with many great friends and influences in my life. Many of you are here today. But there are four I want to acknowledge tonight: Charlie Micalizzi, who taught me the value of loyalty, friendship and mateship in the truest Aussie sense; Tony Maiolo, who taught me how to work closely with others; Tony Hakim, who was my first legal client 25 years ago and has supported me ever since; and Tony Curcuruto, my youngest daughter's godfather, who taught me the everlasting value of family and the responsibilities of being a father.

And it is on this point that I wish to conclude. The strongest mainstay in my life has been, without a doubt, my wonderful family. Without them, the edifice of my soul and my sanity would have crumbled long ago. With me, they have carried my hope and my concern. They have thrilled in my success and comforted in my failure. And throughout it all they have loved me without question and without reserve. To my brothers and sisters: I thank you for your love, your confidence and your never-ending support. Through your strength and support you have carried me on your shoulders. To my older and wiser brother-in-law, Maroun: you were always there as my second father, to advise and counsel me in times of need. To my other brothers- and sisters-in-law: you have truly embraced me as your brother and have honoured me with your friendship, help and love.

To my glorious and wonderful daughters, Natacha, Chanel, Holly, Maddy, Isabella and Gabrielle, I say this: No matter how long I serve in this place, no matter what position I hold, my greatest and proudest achievement will always be to have helped in the creation and care of six earthly angels. To my mother, Violet: you were the one who saw that education was the shining path. You were the one who believed in me, who encouraged me, who pushed me—at times, Mum, a little too much pushing! You carry my gratitude and my love absolutely and without qualification. And to my beautiful wife, Mary: you were the answer to my prayers when you entered my life. You restored my faith and my will to succeed. You are the true reason why I am standing here tonight. Without you I am nothing, and with all my heart I thank you for being my partner and the mother of our children.

When I was young the heroes of my childhood were King Arthur, Robin Hood and Zorro—especially Zorro. They were great characters who saw injustice and fought it with all they had. When I became a young man my new inspirations were those whose stomachs turned when they saw the prejudice in their lands—men like Gandhi, Kennedy and Martin Luther King. Tonight I stand at the beginning of another journey in my life—an exciting journey into the unknown. I hope to travel that path with diligence and integrity, passion and belief, and to always bear my sword against the twin evils of prejudice and injustice. As Martin Luther King said, "Injustice anywhere is a threat to justice everywhere."

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

**Motion agreed to.**

**The House adjourned at 6.15 p.m. until Wednesday 30 May 2007 at 11.00 a.m.**

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