The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

PRIVATE MEMBERS' STATEMENTS

VARUNA WRITERS HOUSE TWENTIETH ANNIVERSARY

Mrs ROZA SAGE (Blue Mountains) [1.00 p.m.]: I bring to the attention of the Parliament the twentieth anniversary of Varuna Writers House in Katoomba, the only writers house in Australia, which is based at Katoomba in my electorate of Blue Mountains. I acknowledge Varuna's volunteers, staff, board and associates, who all play an integral role in making Varuna what it is today. I was extremely gratified to have the opportunity to attend the recent open day which was a great day. Varuna is formerly the home of the late Eleanor Dark, novelist, and her husband the late Dr Eric Dark. Eleanor and Eric's son, Michael, donated the house to the Eleanor Dark Foundation after forming the foundation in 1989. Varuna House was designed and built by Eleanor Dark and the garden studio was Eleanor's private writing space—a place to which the writers who now stay in residence all want to go.

The garden studio is also the place where The Timeless Land trilogy was written, along with other great works that are held in high regard not only in Australia but also worldwide. It is worth noting that The Timeless Land trilogy novels, which are about European settlement and the development of Australia, were later made into a television series in 1980. Eleanor Dark made it very clear to her young child, Michael, that he should not disturb her while she was writing, unless it was a matter of life or death. This is the story that Michael recounts.

One day Michael knocked on the door and disturbed his mother, Eleanor, who asked, "What do you want? Is it a matter of life or death?" Michael, who was about three at the time, answered, "It is a matter of life or death! I need food!" This is an indication of how consumed Eleanor was in her writing. Indeed, it is a great indication of Eleanor's passion for and commitment to her craft of writing.

The Dark family is long renowned for its commitment to the Australian community through its contribution to the arts along with its community service. It is worth noting that Dr Eric Dark served with the armed forces as a doctor during the Great War and was awarded a Military Cross for his service at Passchendaele. Dr Dark also wrote books and became involved in Australian contemporary political debates. I have had the pleasure of discovering that along with a $60,000 grant by the Heritage Council the then Minister for the Arts, Peter Collins, in the Greiner New South Wales Liberal Government, helped to secure funding of $70,000 for Varuna, starting off in a small way what is an asset not only to the Blue Mountains and New South Wales but to all Australia—a place for writers to stay and the birthplace of so many great works which will live on as an asset to Australian literature. In 1990 Peter Collins said:

Varuna is exactly what a writer's resource centre should be. It is appropriate because it is accessible to the city, it has an important literary heritage in its own right and provides a good working environment. It is a major contribution specifically for writers.

How right he was: the words still ring true 20 years later. Since opening in 1990 Varuna has offered residential fellowships to Australian writers. Varuna offers writers space and time, along with intensive residential writing programs such as mentorships and editorial mentorships. Varuna offers a range of writing programs to writers of poetry, fiction and novel, short fiction, young adult and junior fiction, drama and the screen, environmental writing, as well as creative non-fiction and illustration. Hundreds of novels have been produced by writers following courses and training at Varuna. Varuna opens its doors annually during the Sydney Writers Festival, and this year is no exception.

As part of last week's Sydney Writers Festival full program at Varuna in the Blue Mountains, Izzeldin Abuelaish featured amongst our international guests, alongside multi-award winner Aminatta Forna and fresh
new talent from the Commonwealth Writers Prize, including Katrina Best, Craig Cliff and Cynthia Jele. Also in the line-up were the exciting new Australian writers Fiona McGregor and Jesse Blackadder, and celebrated poet Judy Johnson, plus many others. I congratulate everyone at Varuna Writers House on its twentieth anniversary and wish them all a bright future in the great work they do.

COMMUNITY BUILDING PARTNERSHIP PROGRAM

Ms CARMEL TEBBUTT (Marrickville) [1.05 p.m.]: I refer today to the importance of the Community Building Partnership program grants to community organisations in my electorate. It has been enormously rewarding to see the benefits that have been delivered to the community in my electorate through this program. Recently I opened the Sydney Centre for Tennis in Camperdown, operated by the not-for-profit Sydney Community College. Community Building Partnership program funding has helped to pay for a shade structure to protect spectators and players against the weather, an enclosed children's play area where parents can supervise their children from adjoining tennis courts, and a new covered outdoor activity area.

Not only do these enhancements mean that adults and children alike can more easily enjoy playing tennis; they have provided also a sun-safe play and activity area during school holiday programs. The centre provides affordable coaching, social competitions and courts for hire, and is an important community asset. The centre received Community Building Partnership grants over two years worth $55,760. Additionally, a sport and recreation facility grant for $38,000 brought the total amount to over $93,000. This is money spent on a well-planned, healthy and safe place for members of the community to come together, learn some new skills and enjoy the benefits of physical activity. I also congratulate the Sydney Community College on investing $600,000 in recent years to refurbish the complex and bring it up to speed as a high-quality facility of which it justly should be proud.

Importantly, through the sport and recreation grant the centre now has an access ramp for people with a disability. A worthy partnership has been developed also with Royal Prince Alfred Hospital, which is just down the road from the centre, for the facility to be used by visiting families and patients in occupational therapy programs. This centre and the many other education and training courses run by the Sydney Community College are a testament to their good values and hard work. I thank Mr Garry Traynor, Principal of the Sydney Community College, for his excellent efforts over the years and I congratulate him on his achievements with the college. The Community Building Partnership program was introduced by Labor in government and it made possible the very important work of local community organisations.

Other organisations to benefit from grants in my electorate include the Newtown Neighbourhood Centre, the Anglican Church in Petersham; the Anglican Church in Enmore; Sydney Stepping Stone House, which received $58,000 to build a new counselling room and upgrade storage; Scouts Australia Dulwich Hill-Marrickville, which received $18,000 to upgrade the scout hall; and Marrickville Police and Community Youth Club, which does fantastic work, received $8,800 to upgrade its facilities. There was also $30,000 for Petersham Bowling Club and $88,750 for the Sydney University Settlement to redevelop the existing building. This is another very important community organisation, which provides services to disadvantaged children and young people, particularly Indigenous children and young people in the Redfern and Waterloo areas.

Whether it is to build a new counselling room for Stepping Stone House to break the cycle of youth homelessness or to contribute to a facelift of Marrickville Police and Community Youth Club, government funding gave these groups the boost they needed to continue to carry out their work in the community. We in this place should never forget the work these organisations do. It is the work of countless individuals in small, local, determined organisations that provide so much assistance and wellbeing to the people who depend on them. This spirit of generosity and local community growth is fostered through programs such as the Community Building Partnership grants.

I well remember when I visited Stepping Stone House in Dulwich Hill, which provides accommodation and service for homeless young people, the joy with which both the coordinator and some of the young people who were being accommodated greeted the grant they received. They were very pleased to receive the funding; it meant they would be able to do some important maintenance and refurbishment works at Stepping Stone House. More importantly, they were very pleased at the acknowledgment this funding accorded both the organisation and the young people who are clients and beneficiaries of the service. I call on the new Government to continue the Community Building Partnership program. Its benefits are real, tangible and lasting. I again congratulate the Sydney Centre for Tennis in Camperdown and all the local community organisations on the work they do and the services and spirit they bring to the community in my electorate. I thank them for their contribution to a safe, happy, educated and engaged community.
Mr JOHN WILLIAMS (Murray-Darling) [1.10 p.m.]: On Easter Sunday this year I had the pleasure of visiting Shear Outback, as I have done in the past, to be involved in the recognition of people who have served the pastoral industry, particularly the shearsers who put so much effort into ensuring Australia was able to earn so much money from the wool industry. As has been said, at one stage Australia rode on the sheep's back due to the amount of wool that was produced and the prices that were obtained for it. Each year we induct some of those legends in the shearing industry who have made an outstanding commitment. One thing I found is that they were not just outstanding shearsers but also outstanding people. The families that were present to accept the inductees' awards are a clear demonstration of the sort of influence these shearsers had outside the shearing shed. There is no doubt that during their time they made a huge contribution to the pastoral industry and they were certainly outstanding and skilled shearers.

This year we recognised five legends: Donald Francis Orgill, OAM, 1929-2005; James Leslie Seary, 1880-1955; Vincent Rainbird, 1897-1991; a local Hay recipient, Raymond Edward Gordon Congdon, 1906-1990; and Gordon Cahill, 1898-1981. These awards are not handed out lightly and the citations highlight the contributions they made to the industry and the types of people they were. Gordon Cahill was born in 1898 at Tunbridge in the Tasmanian midlands. He was one of 11 children raised on the family farm. As a young man Gordon learnt to shear with the blades, but eventually became one of about 30 Tunbridge men who travelled all over Australia from March to October each year before the Tasmanian season began in the spring. This is the outstanding part: Gordon is credited with having shorn 750,000 sheep during a 49-year career, with the high point being 326 sheep shorn at Woodbury Estate in 1960, at the age of 62. It was an absolutely outstanding performance to shear that number of sheep at that age. It is a real credit to the man that he kept himself in physical condition to be able to maintain shearing that number.

Donald Orgill was born in Rockdale, New South Wales, in 1929 and took up shearing in the Cootamundra district in 1953. In 1967 he shorhe 236 sheep in one day at "Hillside", Cootamundra. He was twice judged the best shearer at the Cootamundra show. He later helped Kevin Sarre promote the "Tally-hi" method of shearing, which is still used today in shearing sheds. Don went on to become an instructor in shearing for the New South Wales Department of Technical Education and decided the best way to promote quality shearing was through competitions, which led him into the field of competition shearing judging in 1964. Don judged shearing competitions for 30 years, including at the Melbourne, Sydney and Adelaide royal shows, the Diamond Shears competition at Longreach, and most major country shows in New South Wales and Victoria. These were the sorts of contributions these people made to the industry. They led the industry and today's shearsers have really benefited from the skills that were developed by these men. I encourage all members to visit Shear Outback if they are driving through the Hay district. It is a magnificent site and it gives people an insight into the pastoral industry in western New South Wales.

Mr RYAN PARK (Keira) [1.15 p.m.]: I congratulate Temporary Speaker Mr Lee Evans on his elevation to that position. Last Thursday I had the pleasure of attending the TAFE Illawarra annual awards, at which the member for Kiama was also present. TAFE Illawarra is a key institution in our region that provides world-class education and training that is relevant and makes people industry ready, and is of extreme quality across the courses it provides. It enrols approximately 34,000 students per year and comprises campuses across the Illawarra region, from Wollongong in the north to the South Coast, Bega and the Southern Highlands. On the night there was an opportunity to say on behalf of the community, "Thank you and well done" to teachers, students and other staff who perform at an outstanding level throughout the year. These teachers and students do more than just perform well at TAFE; they make our region well known internationally. Our region is now known as an education region. We have a world-class university and a world-class TAFE institute. It was an absolute pleasure to be there on the night to congratulate award winners, students, staff and others.

I was impressed—as I am sure the member for Kiama would have been—with the extremely diverse group of people who were present. They came from a range of backgrounds in the community. Some were mature-age students and some were younger students. Some were people who had gone through hardships to receive awards and recognition. These are exactly the sorts of people that TAFE encourages, supports and produces. It was an honour to be there on their special night to see them rewarded in front of their families and friends. The theme for the night was "Celebrating our Stars". It was an evening to recognise student and staff excellence and to celebrate their commitments and achievements. Several State medal winners—the cream of the cream
from this institute—were in attendance that night. State medals are awarded annually to TAFE students who achieve the highest mark in New South Wales for a course completed in a given year. Staff awards were given also to those who had inspired others through their vision and achievements. Teachers in all education sectors—whether public, private, Catholic, tertiary or industry-based—endeavour to inspire and to motivate others, and many of those teachers were present that evening.

I congratulate Di Murray in particular, an inspirational woman who is a passionate educator and a terrific leader. Di has taken the Illawarra institute to new heights. TAFE Illawarra is now recognised internationally as a world-class education facility and all members from that region are justifiably proud of that achievement. On a personal note, I thank Di for her efforts that evening and for the standard of people that are leaving the institute. I make mention also of some of the key award winners that night. Samuel Smith from Callala Bay won TAFE Illawarra Student of the Year. He received also the student award for hospitality and cookery, and the major student award for Apprentice of the Year. Samuel is working in some of the highest-graded restaurants in this country. This impressive young person has been served well by our TAFE. Our region is well served by TAFE Illawarra. I place on record my thanks to the staff and the students—not only the award winners who were in attendance that evening—for the outstanding efforts achieved in education across the Illawarra.

**ST IVES SPECIAL NEEDS FOOTBALL**

Mr JONATHAN O’DEA (Davidson) [1.20 p.m.]: St Ives Football Club is a typical sporting club, although on three occasions it has received a local award for the best not-for-profit organisation on the North Shore. In addition to healthy mainstream competition it also has a special needs program, now in its eighth year of operation. St Ives special needs football, which is played at Toolang Oval, St Ives, across several fields each Saturday afternoon, averages between 20 and 40 players each year. In 2004 St Ives Football Club began a sports program reaching beyond the traditional competitive games to offer children who could not participate in structured programs a chance to become involved in sport. It gives families and children who miss out on so many activities a chance to be included. Players enjoy the benefits of football through developing physical, emotional and social skills and are helped to build confidence and self-esteem, which can last a lifetime. Involvement in a local club can also be an enjoyable experience for parents, siblings, families and friends. It is an ideal opportunity to meet new people and to share in the fun and excitement, as well as becoming part of the football family.

Aimed at children with autistic spectrum disorder, Down syndrome and intellectual disabilities, the program has been a tremendous success. This modified, non-competitive form of soccer for children with special needs enables a chaperone to take to the field with a child to assist and to guide him or her. A set of rules has been developed to provide one-on-one guidance to participants as they play. Once familiar with the play, children generally become less dependent on their chaperone until they are able to play independently. In addition to the original younger group of children aged from approximately 6 to 12 years, there is now also an older age group which largely plays independently. A couple of Saturdays ago I attended a special needs football gala day called Oddball Saturday, which was sponsored by St Ives Shopping Village. About 30 special needs children participated, kicking the ball just like their brothers and sisters, with a barbecue and a barista operating in the background. Normally the children are quite serious about their Saturday sport, but while the gala day was a bit different it was still great fun. The children played with a super-sized soccer ball, a rugby ball and squirt bottles on a beach ball—hence the name Oddball Saturday.

I congratulate St Ives Football Club, now led by President Penny Howell, and past president David Howard. David already had two sons playing for St Ives but was looking for a sporting activity for his daughter Clare, who has a disability. David initiated, and has passionately driven, the special needs program to the extent that it has spread to more than 10 clubs and areas across New South Wales, including Abbotsbury, Bankstown, Baulkham Hills, the Blue Mountains, the Eastern Suburbs, the Illawarra, Kellyville, Kings Langley, Nepean, St Ives, Sutherland, West Pennant Hills, Cherrybrook and West Pymble. It has spread also across the Tasman to New Zealand. David Howard is an example of someone who has made a real difference through seeing a community need and acting on it. He is justifiably proud of his initiative and I am pleased that he is a constituent in my electorate. As David said some years ago on a New Zealand television program:

I have seen all the kids have a really good time and it's something that I must admit I'm proud of. It's worked well.

Others like David have fought in a sporting context for children with disabilities in New South Wales, such as Tony Stevens from Sydney's west. Despite now being in his mid-eighties, Tony has fought for many decades for children with disabilities, in particular, in rollerskating activities. The efforts and contributions of people such as David Howard and Tony Stevens deserve acknowledgement and encouragement in this place.
VESAK DAY

Mr GUY ZANGARI (Fairfield) [1.25 p.m.]: Sunday 15 May 2011 marked the 2,635th anniversary of the birth of Lord Buddha—known within the Buddhist community as the observance of Vesak Day. This is the most significant day for Buddhists all over the world, commemorating three pivotal events in Buddha's life: his birth, enlightenment and passing. His pure teachings of peace, unity, non-violence, greater wisdom, compassion and liberation are essential ideals of all Buddhists, in the cultivation for enlightenment and the freedom of mind. Buddha was a human being, and stated that all sentient beings may achieve enlightenment through practising compassion, which leads to a consciousness seeking never to cause harm or suffering to any sentient being. He taught tolerance and acceptance amongst people. These are important and beneficial teachings for the wider community to observe.

Vesak Day demonstrates the mutual understanding and harmony between and among Buddhists and non-Buddhists in our community. The day celebrated and honoured the great teacher whose embodiment of ultimate virtue, deep wisdom and boundless compassion were highlighted for all to aspire to. For Buddhists and non-Buddhists these virtues are simple yet sometimes difficult to attain with the pressures of modern society. The celebrations took place at Phước Huệ Buddhist Temple in Wetherill Park. The temple was founded in 1980 by the Most Venerable Thich Phuoc Hue, the first Vietnamese Buddhist monk to settle in Australia. Early worship began at 326 Hamilton Road, Fairfield, in a leased refurbished garage. In 1982 the congregation purchased a house at 31 Landon Street, Fairfield. The temple was officially opened on 27 December 1991.

The day's celebrations commenced with the traditional Sangha procession, led by the Most Venerable Thich Phuoc Hue, OAM. This was followed by the introduction of distinguished guests, the reflection for world harmony and peace, followed by the Vesak address by the Venerable Thich Phouc Dat, chairman of the organising committee. The celebrations featured official speeches from various local and Federal members of Parliament. It was impressive to witness the ceremony and hear the resident monks lead a Vietnamese chant, accompanied by bells and drums as well as the burning of incense. Vesak Day provided an opportunity for Buddhists and non-Buddhists from the Fairfield electorate to gather in friendship and harmony. The celebration at the Phước Huệ Temple promoted the idea of peaceful coexistence of all human beings in the world.

The ordained practices are viewed as gifts that are intended to teach all humanity to work together towards a more liberated society that practises greater wisdom and compassion. Those virtues were demonstrated by resident monks through their congenial address, luncheon and open opportunity to celebrate the day in unity with people from various religious denominations. By following Buddha's teachings, it is believed a person moves through understanding and consciousness, to liberation from attachment, and towards enlightenment. This particular Vesak Day focused on Buddha's enlightenment and its lessons for people. All people are encouraged to strengthen a spirit of understanding, tolerance and unity with the intention of collectively enhancing the world in which we live. These are truly amiable virtues, which, by example, will be handed down to future generations.

TWEED ELECTORATE

Mr GEOFF PROVEST (Tweed) [1.30 p.m.]: I am sure members on both sides of the House would be extremely disappointed if I did not reiterate that I am 100 per cent for the Tweed. The Tweed electorate is in a very special part of New South Wales as it is one of the most northerly electorates. Its northern boundary is the State border between Queensland and New South Wales. Because of the geographical position of the Tweed electorate, a number of cross-border issues have become almost symbolic. The population of the Tweed shire is 80,000 but just across the border is the sixth-largest city in Australia, the Gold Coast, which has a population of 600,000. The famous Gold Coast Airport at Coolangatta, which is the fifth busiest airport in Australia and processes 5.5 million passengers annually, straddles the State border, with the southern end of its runway in New South Wales and the northern end in Queensland. The issues created by the position of the Tweed electorate near the State border make my electorate unique.

Each day 55,000 vehicles are driven across the border, not by holiday-makers, tourists or sightseers along the coast but by commuters. One in three residents of the Tweed is employed in Queensland and approximately 20,000 Queenslanders are employed in the Tweed. Fifteen per cent of children from the Tweed attend Queensland schools. Last year alone, our local hospitals processed 44,000 emergency admissions, of which 43 per cent were Queenslanders. The problem is that there has been no recognition of border issues in the allocation of funding and resources. For the past 16 years the previous Government paid no attention to the
unique cross-border issues that confront the Tweed electorate. That was brought home to me when the previous Minister for Finance, the Hon. Joe Tripodi, said to me, "There has been no progress made." When I asked him why, he said, "Because Queensland Labor hates us and we hate them." The poor people of the Tweed electorate were caught in the middle.

However, the winds of change are blowing in the Tweed. The O'Farrell-Stoner Government has already held discussions about health issues. Over the past couple of weeks I have met with Dr Ian McPhee of the Medical Staff Council of the Tweed hospital, and Dr Abney, who is a leading oncologist on the Far North Coast. The Tweed does not suffer from a shortage of medical specialists. Within driving distance there are a number of private and public hospitals, most of which are in Queensland, but in the past significantly inadequate funding and a lack of cooperation by the North Coast Area Health Service have impeded the provision of health services, much to the detriment of the people of my electorate.

Transport issues in the Tweed electorate are unique. The Queensland Government constructed five kilometres of roadway in New South Wales, to which the previous New South Wales Government contributed not one cent yet it had the hide to send the Queensland Premier, Anna Bligh, a land tax bill for $25,000. That says it all. Electric trains and light rail are being extended to Coolangatta and beyond to New South Wales. Although the previous Labor Government discontinued rail services between Casino and Murwillumbah, we are fortunate that the new Coalition Government has plans to reinstitute that service and connect New South Wales rail services with Queensland rail services. The Gold Coast is the leading contender for the 2018 Commonwealth Games. If the bid is successful, Queensland will pour millions of dollars into infrastructure in the Gold Coast region. New South Wales must be ready to take advantage of that prosperity. I applaud the Minister for Transport's initiative.

For the past 16 years the Tweed electorate has been chronically short of police officers and my requests were met with no cooperation from the previous Government. Fortunately last week the new Minister for Police and Emergency Services foreshadowed the provision of an increased and sustained police strength that will benefit my electorate enormously. My electorate also experiences cross-border environmental issues when chemicals that are illegal in New South Wales are used in Queensland: Because the State border juts northward for a portion of my electorate, the water resources of Surfers Paradise are shared by the Tweed.

Notwithstanding the difficulties, there is a brighter future for my electorate. I work closely with Queensland members of the Liberal and National parties such as Jann Stuckey, who is the member forCurrumbin in the Queensland Parliament, and Campbell Newman—"Can Do" Campbell—who is bringing a new feeling to Queensland politics. Despite all the cross-border issues, we work well together. The huge Gold Coast region is contiguous with my electorate of Tweed. Although I appreciate the support and assistance from the O'Farrell-Stoner Government Ministers, my electorate needs all the assistance it can possibly be given. In conclusion, I mention a certain imminent sporting event, the State of Origin. While I may praise the Queensland Government's many initiatives, one thing will never change—Go the Blues!

INDO-CHINA CHINESE ASSOCIATION THIRTY-FIRST ANNIVERSARY

Mr NICK LALICH (Cabramatta) [1.35 p.m.]: On Saturday 5 February 2011 at the Villa Capri reception lounge I had the pleasure of attending the New South Wales Indo-China Chinese Association's thirty-first anniversary luncheon. I was pleased to join the celebration, which was organised by the Indo-China Chinese Association and welcome the lunar new year as well as the Year of the Rabbit. With the Year of the Rabbit, we mark the beginning of the Chinese zodiac cycle. The rabbit symbolises wisdom, tranquility and serenity. Those who are born in the Year of the Rabbit are said to be calm, sophisticated and noble. Obviously, many members of the House were born in the Year of the Rabbit.

The lunar new year is an opportunity to look ahead to times that we hope will bring us peace, joy and good fortune. The celebration was a chance for our community to unite and share in the spirit of a celebration that is rich in culture and tradition. It was wonderful that this local association, which has been in existence for 31 years, enjoyed tremendous support on that occasion. The Indo-China Chinese Association was established in 1979. Its prime objective is to assist migrants from Indo-China when they reach Sydney. The association finds homes for new residents and assists in social welfare and education. The celebration gave me the opportunity to thank the Indo-China Chinese Association for its continued presence and work in the Cabramatta electorate.

The association's contribution to society in part takes the form of much-needed donations of funds to many local, national and international charities. The luncheon raised $60,000 to assist in rebuilding areas of
Queensland devastated by recent floods. When natural disasters occur, regardless of where they occur throughout the world, the Asian community is one of the first to offer assistance and is extremely generous in donating funds. The Indo-China Chinese Association has been at the forefront when it comes to assisting our community and people who are less fortunate than we are. I thank the association for its ongoing commitment to social welfare and education. Its work is something of which it can be very proud.

Our community is enriched by the leadership of committee members of the association, and I extend my thanks and congratulations to each member. They show by example how multicultural groups in Australia can come together and preserve important traditions and at the same time teach Australians about the wonderful Chinese culture. This hardworking association contributes to the future of our city and our nation. My electorate of Cabramatta has a very close relationship with the Asian community and culture. It was great to see approximately 25,000 people celebrating on the weekend of the lunar new year. I want to thank the other special guests who helped us celebrate the day. I start by thanking the President of the New South Wales Indo-China Chinese Association, Mr To-Ha Hyun, or Mr Chu as we call him, and his management committee members for putting this event together. They do great work not only for their Chinese community but also for the wider community of Fairfield.

His Excellency Mr Hu Shun, Consul General of the People's Republic of China, attended the luncheon, as did the Hon. Jason Clare, Federal member for Blaxland, Mr Chris Hayes, Federal member for Werriwa, Mr Ninos Koshaba, then member for Smithfield, my councillor colleague Dennis Huynh of Fairfield City Council, and Superintendent Ray King, then local area commander. I extend a big thank you to the New South Wales Indo-China Chinese Association for hosting the luncheon and also for its annual hosting of the "Respect the Elderly" luncheon, which is held to show respect towards the elderly and senior members of the association. Sometimes up to 300 elderly people attend these luncheons, so the expense is not inconsiderable. I extend best wishes for the coming year to all members of this House and the people of New South Wales, and I pray that the Year of the Rabbit will bring peace and good fortune to all.

RIVERINA TAFE AWARDS FOR EXCELLENCE

Mr DARYL MAGUIRE (Wagga Wagga) [1.40 p.m.]: On 13 May 2011 I was pleased to attend the nineteenth annual Awards for Excellence of the TAFE New South Wales Riverina Institute in Wagga Wagga. The event was held to acknowledge and celebrate the achievements of 41 very special Riverina Institute graduates who excelled at State, faculty and campus levels. According to the institute's director, Kerry Penton, these graduates were chosen from the more than 36,000 students who studied last year at the Riverina Institute for their outstanding academic achievements, their contribution to their professions and their personal qualities. Many completed their courses with results in the top percentile. They also showed initiative, leadership, resilience, determination and a strong community spirit. All of the institute graduates will go on to shape the future of our region and beyond.

The overall winner was Kai Ward, who graduated with certificate III in Hospitality, Commercial Cookery, at the Albury campus. Kai was awarded the Oliver C. Shaul scholarship, which provides the most meritorious student studying commercial cookery with the opportunity to broaden his or her education and strive for professional excellence. Kai will be granted funding to support further studies in Europe, Asia or North America for at least three months in a restaurant, hotel or training institution of first-class reputation. In addition, Kai won the institute's Outstanding Student Achievement Award. The student selected for this award must demonstrate excellence across a number of fields: academically, performing at the cutting edge of industry standards and showing a commitment to the broader community of students. In short, this student is a most worthy ambassador of the TAFE New South Wales Riverina Institute.

The Riverina Institute is committed to providing the highest vocational educational and training programs throughout the Riverina, across New South Wales and nationally. The institute's objective is to deliver education and training that provides opportunities for greater economic independence for all, particularly those living and working in regional areas. The range of faculties at the Riverina Institute is wide. Awards were given for excellence in horticulture, electrical engineering, beauty therapy, mechanical engineering, information and technology, building and construction, aviation and aerospace, business administration, business management, community services and health, electro-technology, hairdressing, primary industries and natural resources, transport, and many more. I give credit to Wagga Wagga City Council, which awards a scholarship for Excellence in TAFE Studies. This annual scholarship acknowledges outstanding achievement at a State or national level by a TAFE New South Wales Riverina Institute student who has undertaken his or her training in the city of Wagga Wagga.
The scholarship provides $5,000 to fund overseas study by the successful applicant for a period of at least one month to further advance the candidate's knowledge or skills in their chosen field. I commend Wagga Wagga City Council for its generosity in awarding this scholarship, which is now in its eighth year. I also acknowledge Prime Television, which is the major sponsor of the annual awards event. I have personally seen the results achieved by many of the young people who have graduated from the Riverina Institute and I have seen them go on to achieve great things. Some of them choose to stay in the region and others go further afield.

It was heartening to see the wonderful young achievers who received this year's awards and I take this opportunity to recognise their efforts. As the institute's director rightly said, "With their great combination of academic ability, determination and leadership, we are sure these graduates will go on to shape the future of the industries they work in and the communities they live in."

The Riverina Institute Awards for Excellence is one of the highlights of the year in the area. This event recognises the wonderful achievements of the institute's students. The Riverina Institute is an excellent organisation under the leadership of Kerry Penton and supported by wonderful teachers and staff. It makes an enormous footprint in our region. We all benefit from the results of the students of the institute, which is run by a committed team of teachers and staff. As I said, the awards are a highlight on our calendar as an event to attend. The Federal member for Riverina, Michael McCormack, attended the awards, as did many other representatives of our community. I again thank not only Prime but all the sponsors that made this event possible. It is important to recognise them because it would be difficult to hold such an event without them. I also thank everyone else involved in this year's awards, which was a wonderful event.

SOLAR BONUS SCHEME

Mr RICHARD TORBAY (Northern Tablelands) [1.45 p.m.]: On 12 May 2011 this House passed a motion giving an assurance that operators and consumers who had purchased or ordered solar panels on the basis of a successful application for a grid connection price prior to midnight 28 April 2011 could proceed with installation and connection to the electricity grid. I moved that motion and it was passed by this House last sitting Thursday. That afternoon it was announced—I believe publicly announced the next day—that the Solar Bonus Scheme would be axed without notice or consultation and the feed-in tariff cut retrospectively from 60¢ to 40¢. As has been well stated, this arbitrary decision represents a breach of faith with the 120,000 people of New South Wales who signed up to this scheme and made a decision to install solar panels on the basis of what they would receive from a watertight agreement, a contract, with the Government.

Today's announcement by the Premier that hardship provisions will be introduced will do little to allay the concerns of the thousands of consumers who have contacted the offices of members of Parliament, particularly Coalition members who represent regional electorates. I can assure the House that many hundreds of constituents in my electorate and across the State have contacted my office to tell me of the tough financial decisions they made to install solar panels on the basis of good faith in the agreement. Many of them took out loans. In one case, a man borrowed $150,000 based on the financial returns from the 60¢ Solar Bonus Scheme feed-in tariff, or, as he called it, his contract with the Government. These people now will struggle to meet their loan repayments as the Government's proposed tariff cut makes it no longer financially viable. Retrospectivity destroys faith in all government contracts and renders the character of law uncertain, as many prominent lawyers, academics and law societies have pointed out.

This morning I met with representatives from the solar industry. They remain steadfastly opposed to the Government's decision, which represents not only a betrayal of a contractual agreement with the people but also a major setback for the renewable energy sector in this State. At stake is the integrity of Government. In my view, its stance on this issue has been despicable. Parliament has been misled, the people have been misled, consumers and the industry have been shafted and the pre-election pledges given by the Coalition to honour all of the previous Government's commitments have been flouted. Immediately preceding today's sitting of Parliament there was a deliberate attempt to undermine the industry by casting doubt on the solar installation process. This Government is so desperate on this issue it will do anything but the right thing. The figures on which it has based its decision to retrospectively cut the feed-in tariff have been challenged. The solar industry has identified cuts of $455 million without the need for retrospective legislation. During the debate I acknowledged that this Government had inherited a poorly managed system, but the Coalition Government cannot lie to the people of New South Wales and make changes retrospectively after saying in this place that it would not do so.

The Independent Pricing and Regulatory Tribunal has reported that electricity retailers are selling freely obtained solar power at prices up to 40c/kWh because its cost is recovered by the taxpayer. The scheme was set
up to benefit retailers: they earn revenue from customers for gross consumption and pay the Australian Energy Market Operator the net consumption. The Independent Pricing and Regulatory Tribunal has suggested that a way to modify the cost of the Solar Bonus Scheme to government would be to require retailers to transfer some of their financial benefit to distributors. A way forward is available and it is in the public interest. The rapid take-up of the scheme means that solar consumers are generating almost 300 megawatts of electricity to the grid—equal to half a small power station—and should be costed because that also is saving taxpayers. The scheme's benefits are being overlooked in the Government's attempt to backtrack on an agreement that consumers acting in good faith believed was legally binding. A huge number of Coalition members of Parliament have said something similar but, in particular, the Minister for Family and Community Services, Pru Goward, said on 27 October:

[The Opposition] understands that all existing participants must have their existing agreements honoured. This side of politics particularly understands the importance of retrospectivity. I want to be very clear on this point: A future O'Farrell-Stoner Government, a Liberal-Nationals Government, will ... honour those agreements.

[Time expired.]

ST GEORGE AND SUTHERLAND MEDICAL RESEARCH FOUNDATION

Mr MARK COURE (Oatley) [1.50 p.m.]: I want to be one of the first to congratulate you, Mr Acting-Speaker [Mr Lee Evans], on your appointment. I inform the House of the outstanding work done by the St George and Sutherland Medical Research Foundation, which was founded in 1998. It supports the medical research programs at St George and Sutherland hospitals in many key areas, including cancer, stroke prevention and treatment, infection, women's health, blood diseases and intensive care. This research has made a number of breakthroughs since the foundation's inception and plays a vital role in improving not only our medical knowledge but also our ability to improve outcomes and prospects for the health and wellbeing of our community. On Saturday 7 May I had the great fortune of attending the foundation's annual gala dinner. It was great to see this event so well attended by members of the community getting behind an excellent organisation. Together with the member for Miranda, you Mr Acting-Speaker in your role as member for Heathcote, the member for Menai and, of course, the Hon. John Ajaka, MLC, Parliamentary Secretary for Transport and Roads in the other place, I enjoyed a fantastic evening supporting the work of the foundation.

I pay particular thanks to Tynan Motors for converting its showroom to hold the event. I thank also foundation board member Madeline Tynan and all the other board members for their efforts in achieving such a successful evening. Even more heartening was the significant amount of money raised by the Fiftieth Anniversary Appeal of the St. George and Sutherland Shire Leader. As some of my colleagues would be aware, the Leader is the community newspaper for the St George and Sutherland shire and as part of its fiftieth anniversary celebrations it decided to set up an appeal for the St George and Sutherland Medical Research Foundation. I am pleased to inform the House that the appeal was an incredible success, and the funds raised will go a long way to supporting the work of the foundation under its chief executive, David Tipler, and, of course, its chairman, Professor John Edmonds.

I am proud of the commitment that the Coalition took to the March election to give a $20 million boost for medical research and to develop a 10-year health and medical research strategic plan. Additionally we committed to establishing an Office of Medical Research and to provide more funds for the Medical Research Support Program. All of those great initiatives demonstrate our strong commitment to health policy, of which I am very proud. I have been a strong supporter of the foundation for many years and I am excited to work with my friends at the foundation, along with my adjoining members of Parliament—you Mr Acting-Speaker, the member for Menai and the member for Miranda. I encourage all my colleagues to get behind the great work of the St George and Sutherland Medical Research Foundation.

CONTAINER DEPOSIT SCHEME

Ms CLOVER MOORE (Sydney) [1.54 p.m.]: My constituents of the electorate of Sydney as well as the wider New South Wales community are concerned about the failure of former New South Wales governments to introduce a container deposit scheme. The scheme would add a small fee to the cost of beverages for redemption when the containers are returned for recycling. Australia is second to the United States of America in the amount of waste it creates. While we are recycling more, the amount of waste going to landfill is increasing. In fact, the government-commissioned Public Review Landfill Capacity and Demand report predicts that Sydney landfills will be full by 2016.
Plastic, glass and aluminium beverage containers can be recycled easily, yet of the 12 billion containers used in Australia every year around six billion end up either in landfill or as litter. Rates for kerbside recycling are low because containers often are used away from the home and other recycling facilities. The 2010 Keep Australia Beautiful National Litter Index found that 32 per cent of the total volume of litter in parks, rivers and roadsides were beverage containers. Plastic containers in particular are responsible for the deaths of thousands of birds, marine mammals and turtles—whole bottles have been found inside whales. The Sydney Morning Herald reported on 14 May that 95 per cent of shearwaters on Lord Howe Island have plastic pieces in their stomach. The sharp edges of the debris tear internal organs, and toxic substances like mercury that bind to the plastic end up in the internal systems of birds. Discarding so many beverage containers not only is a waste of valuable resources; it also is unnecessary.

A container deposit scheme would result in at least 80 per cent of containers being recycled, thereby reducing litter and landfill, and preventing pollution and greenhouse gas emissions from the extraction and conversion of virgin resources. Facilities created to take back beverage containers for refund also could become recycling hubs to take back other types of waste, including e-waste and batteries, which currently contaminate kerbside collections as well as water and land when sent to landfill. Local governments strongly support container deposit legislation because it will reduce costs for councils and ratepayers. Councils will be able to redeem the deposit on containers that end up in the kerbside system, and drop-off centres will reduce council expenditure on electronic waste collection days and clearing roadside litter.

Last year an analysis by the BDA Group and Wright Corporate Strategy Pty Ltd on a national container deposit scheme calculated that it could save local government at least $32 million net each year in avoided landfill costs and kerbside recycling. The Boomerang Alliance estimates that the average waste collection cost per home will be around 20 per cent less if a container deposit scheme is introduced. I understand the beverage industry proposes alternatives to a container deposit scheme, including grants through a packaging tax. I agree with the New South Wales Local Government Association that this proposal will impose costs on councils and ratepayers without major improvements in container recycling. Container deposit schemes provide significant benefits to charities and community groups by raising funds through container collection drives. Container deposits are good for the economy as they provide new employment and enterprise opportunities. Jeff Angel, Executive Director of the Total Environment Centre and Convenor of the Boomerang Alliance, reports:

> Recycling produces nine times more jobs per tonne of waste than land filling.

A national poll commissioned last year by Clean Up Australia found that 87 per cent of Australians want a container deposit scheme introduced; only industry is opposed. Delaying a national scheme continues to be the subject of subsequent reviews by the Environment Protection and Heritage Council of all Australian environment ministers. While a national approach is preferable, New South Wales should be a leader. Jeff Angel predicts that a national scheme could take at least four years to implement. South Australia has indeed led the way as it has had a scheme for more than 30 years. The Northern Territory Legislative Assembly supported a container deposit scheme that it expects to introduce later this year. Surely New South Wales could at least do what the Northern Territory has done and introduce its own scheme. Earlier this year in the lead-up to the State election, the then Opposition spokesperson for the environment said that the Coalition would support a State system, and there is strong community support for the Government to do just that. I call on the new Government to establish a container deposit scheme to prevent millions of beverage containers ending up as waste, filling up landfills, littering the public domain and, worst of all, killing animals and birds.

[Acting-Speaker (Mr Lee Evans) left the chair at 1.58 p.m. The House resumed at 2.15 p.m.]

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

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

MARIE BASHIR
Governor
Sydney, 14 May 2011

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the government of the State at 6.00 a.m. on 14 May 2011.

**ASSENT TO BILLS**

Assent to the following bills reported:

Constitution Amendment (Prorogation of Parliament) Bill 2011
Health Services Amendment (Local Health Districts and Boards) Bill 2011
Lobbying of Government Officials Bill 2011
Duties Amendment (Senior's Principal Place of Residence Duty Exemption) Bill 2011
LEGISLATIVE COUNCIL VACANCY

Joint Sitting

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

MARIE BASHIR
Governor

Office of the Governor
Sydney, 23 May 2011

I, Professor MARIE BASHIR, AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seats in the Legislative Council vacated by the Honourable John Hatzistergos and the Honourable Edward Moses Obeid, and I do hereby announce and declare that such Members shall assemble for such purpose on Tuesday the twenty-fourth day of May 2011 at 6.00 p.m. in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

COMMISSION TO ADMINISTER THE PLEDGE OF LOYALTY

The SPEAKER: I report that Her Excellency the Governor has issued the following Commission:

Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.

GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, hereby authorise the Honourable Shelley Elizabeth Hancock, MP, Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-third day of May 2011.

By Her Excellency's Command

BARRY O'FARRELL MARIE BASHIR
Premier Governor

COMMISSION TO ADMINISTER THE PLEDGE OF LOYALTY

The SPEAKER: I report that Her Excellency the Governor has issued the following Commission:

Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.

GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, hereby authorise the Honourable Thomas George, MP, Deputy Speaker of the Legislative Assembly, in the absence of the Honourable the Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-third day of May 2011.

By Her Excellency's Command

BARRY O'FARRELL MARIE BASHIR
Premier Governor

COMMISSION TO ADMINISTER THE PLEDGE OF LOYALTY

The SPEAKER: I report that Her Excellency the Governor has issued the following Commission:

Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.
GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, hereby authorise Mr Andrew Raymond Gordon Fraser, MP, Assistant Speaker of the Legislative Assembly, in the absence of the Honourable the Speaker of the Legislative Assembly and of the Deputy Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-third day of May 2011.

By Her Excellency's command

BARRY O'FARRELL
Premier

MARIE BASHIR
Governor

PHOTOGRAPH OF LEGISLATIVE ASSEMBLY

The SPEAKER: The attention of members is drawn to the photographer in the public gallery. As previously advised, an official photograph of the Fifty-fifth Parliament in session will now be taken.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notice of Motion (Business with Precedence) given.

QUESTION TIME

[Question time commenced at 2.33 p.m.]

SOLAR BONUS SCHEME

Mr JOHN ROBERTSON: My question is directed to the Premier. Given his acknowledgement today that his retrospective changes to the Solar Bonus Scheme will cause hardship, will he guarantee that no family will be worse off?

Mr BARRY O'FARRELL: We know that 3.2 million electricity account holders are suffering the consequences of the Leader of the Opposition's failure to deliver on his promise to implement a Solar Bonus Scheme that would cost only $355 million.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr BARRY O'FARRELL: It is extraordinary that the Leader of the Opposition has raised this issue in this place. What is not extraordinary is that he has not been prepared to be heard on this issue in recent weeks; he has left it to the Opposition spokesperson in the other place to address. Why? It is because of his culpability for the mess that is the Solar Bonus Scheme. The Leader of the Opposition designed a scheme that was—

The SPEAKER: Order! The member for Keira will come to order. The member for Mount Druitt will come to order.

Mr BARRY O'FARRELL: —too generous and too costly and that has been open to abuse. At the time the legislation was debated, the Hon. Catherine Cusack in the other place on behalf of the Coalition foreshadowed that the scheme would be too generous.

The SPEAKER: Order! I call the member for Keira to order. The member for Kogarah will come to order.

Mr BARRY O'FARRELL: —too generous and too costly and that has been open to abuse. At the time the legislation was debated, the Hon. Catherine Cusack in the other place on behalf of the Coalition foreshadowed that the scheme would be too generous.

The SPEAKER: Order! I call the member for Keira to order. The member for Mount Druitt will come to order.

Mr BARRY O'FARRELL: She clearly indicated that, and it is on the record. The scheme has been too costly. It was meant to cost less than $400 million and according to the Opposition's own Duffy-Parry report it has blown out to $1.9 billion.

The SPEAKER: Order! The member for Canterbury will come to order. I call the member for Keira to order for the second time.
Mr BARRY O'FARRELL: That is the sort of incompetence that taxpayers across this country are getting used to under Labor governments. It is the sort of incompetence that saw the Building the Education Revolution schools program deliver too little to school classrooms and too much to administration bonuses.

The SPEAKER: Order! I call the member for Canterbury to order.

Mr BARRY O'FARRELL: As we saw on Sunday, it was also open to abuse. We have been told that equipment is being poorly installed.

Mr Nathan Rees: Like Coffs Harbour.

Mr BARRY O'FARRELL: Was that a laugh from Old 41?

The SPEAKER: Order! The member for Wollongong will come to order.

Mr BARRY O'FARRELL: The only thing that saves Old 41 from this is the fact that at the time it was being said he was not the Premier. Make no mistake: Members opposite knew in October that this scheme was spinning out of control and that safety concerns were being raised. Despite that, they did nothing to protect families from the dangers being raised or to halt the continuing blowout that was occurring, and which we must now address.

The SPEAKER: Order! The member for Wollongong will come to order.

Mr BARRY O'FARRELL: I have here a draft cabinet minute. It states that under the Act the Minister was required to review the program when the scheme capacity reached 50 megawatts in June 2010. It also refers to strong participation rates, which were a significant concern for consumers because the increased tariff payments would be funded by all New South Wales electricity consumers, who were already facing higher electricity prices. However, most importantly, it refers to the pressure being placed on network businesses, installers and specialist electricians in their efforts to meet demand. It goes on to say that that was a significant concern for consumers because the pressure being placed on installers and specialist electricians to achieve tight installation turnaround times might increase safety risks. Indeed, that is what was found in the audit of the program in Port Macquarie. It has been established that 5 per cent of the panels have been installed incorrectly. Even the Leader of the Opposition, a former electrician, knows the dangers presented by incorrectly installed equipment. If we were to extend that 5 per cent across 120,000 households that have accessed this scheme—

The SPEAKER: Order! The member for Maroubra will come to order.

Mr BARRY O'FARRELL: —we would be looking at potentially 6,000 homes being at risk. So we will take no lectures from members opposite. The Treasurer misnamed the Leader of the Opposition as "Captain Solar" because that is an insult to all captains in this country. He would be more appropriately named "Sergeant Sloppy". He was sloppy in the design of the scheme and sloppy in its administration. He is also not prepared to defend it; he seeks to blame another member for the blowout.

SOLAR BONUS SCHEME

Mr JONATHAN O'DEＡ: My question is addressed to the Premier. What action is the Government taking to ensure that changes to the Solar Bonus Scheme will not cause hardship to participants?

Mr BARRY O'FARRELL: I thank the member for Davidson for his question and acknowledge his continued interest in this issue. As I have indicated, when the Leader of the Opposition left the job of Minister for Energy after he and his colleagues, thankfully, lost government on 26 March he left this State with an out-of-control Solar Bonus Scheme. Members opposite left us with a mess that had to be cleaned up if we were to avoid hitting every household in the State with an additional charge of $170, which has been identified from the scheme. As I suggested a moment ago, the Leader of the Opposition is now seeking to wipe his hands of the whole affair. He said at his first press conference on 31 March, "Yes, I did introduce that scheme. Unfortunately, I wasn't there to monitor it and watch where it was going and to deal with it."

This Government will not use the Pontius Pilate defence: We will accept responsibility and deal with the significant cost blowout, and we will do that by implementing a solution that is fair to everyone. Clearly, some people will be adversely affected by changes to the scheme. AGL Energy Limited has estimated that...
although most people who have invested in the scheme will receive returns, some may face financial difficulties as a result of this Government's responsible changes. I am pleased to announce that special provisions will be put in place to protect those suffering genuine hardship. The Minister for Energy will consult with all the relevant groups representing pensioners, welfare recipients, self-funded retirees, farmers and the industry to ensure that we implement an effective hardship mitigation package.

This Government does not think struggling families should pay higher electricity bills while some use the scheme to make windfall profits. However, we also want to ensure that people can recoup the money they spent buying, installing and connecting solar panels. It is still this Government's intention to introduce the amending legislation before the winter recess. Members know that we must take action to rein in the cost of the scheme and to do whatever we can to protect the people of New South Wales from further electricity price increases. The Government has also made a conscious decision to assist the more than 40,000 people who were in danger of missing out on joining the scheme. If it were closed when it reached 300 megawatts as planned, a large number of customers not connected would have missed out even though they had signed contracts. This Government has made the responsible and fair decision—

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr BARRY O'FARRELL: —to allow those customers to access the scheme. That will also benefit the solar industry because if they were prevented from going ahead with their installation the panels they had ordered would be worthless and suppliers would be sent to the wall. Why should customers who went into contracts with the installers miss out simply because the former Government was too lazy or too incompetent to introduce legislation that at least halted new applications to the scheme as the cap was being reached? Again, we are endeavouring to be fair to everyone. We are endeavouring to be fair to those who entered the scheme and invested in the scheme not knowing how poorly designed and crafted it was by those opposite.

The SPEAKER: Order! The member for Canterbury will come to order.

Mr BARRY O'FARRELL: We are trying to be fair to those families across the State who otherwise would have to wear the cost of Labour's incompetence once again. And that is on top of the Climate Change Fund, which is not some mythical fund that has money from some other source, but money that comes from taxpayers and users across the State. Unlike those opposite, we are not prepared to be like Pontius Pilate. We are prepared to deal with the mess that Labour has left us. That is the mandate we have.

The SPEAKER: Order! The member for Marrickville will come to order.

Mr BARRY O'FARRELL: If there were a mistake it was to rely on the figures the former Government put out. The scheme was modified. The other side claimed, its Minister claimed, that it would be funded out of the Climate Change Fund. What did we find in a report—

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.
Mr BARRY O'FARRELL: What did we find in the Lambert report, a report that the Leader of the Opposition has raised in this place on numerous occasions? Mike Lambert found that the scheme had blown out by a further $759 million. All at your feet, mate! There was no commitment from this side of politics to a scheme that had blown out fivefold in costs, a scheme that had blown out by another three-quarters of a billion dollars in costs. It would have been irresponsible to have done so and it was irresponsible of those opposite to keep those costs hidden—

Mr Michael Daley: Point of order: My point of order is relevance. The Premier has been speaking for 1½ minutes and he has made no mention of a website. It was a very specific question—who was instructed to remove that promise from that site.

The SPEAKER: Order! The member for Maroubra will resume his seat. The Premier has answered the question. There is no point of order.

Mr BARRY O'FARRELL: I did address that point, but it is interesting that those opposite have the gall to talk about broken promises. I will not talk about their promises over 16 years to build 11 rail lines, but managed to deliver just one. I will leave that to the Minister for Transport. I will not talk about old No. 41’s promise to build the Rozelle metro, which has left us with a half a billion dollar liability, money that would go a long way to solving the problem of the solar bonus scheme. But I have a letter dated 27 January from the Australian Sikh Association to the member for Heffron seeking support in the form of $175,000 for a new library.

Ms Linda Burney: Point of order: My point of order is relevance again.

The SPEAKER: Order! What is the member's point of order?

Ms Linda Burney: It is all very entertaining, Premier, but who took it off the website?

The SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition will resume her seat. The Premier has answered the question, but obviously the member for Canterbury was not listening.

Mr BARRY O'FARRELL: The question went to broken promises. The Australian Sikh Association wrote a letter seeking $175,000 for a library.

The SPEAKER: Order! The member for Toongabbie will come to order.

Mr BARRY O'FARRELL: The former Labor leader—No. 42 over there—wrote to the Australian Sikh Association on 23 March stating that its request had not been processed quickly enough.

Dr Andrew McDonald: Point of order—

The SPEAKER: Order! If members take spurious points of order I will refuse to acknowledge them. What is the member's point of order?

Dr Andrew McDonald: This is not a spurious point of order. The question was about the Premier or a member of his staff. When the Premier answered he said that he was speaking for himself. He should answer for the rest of the staff.

The SPEAKER: Order! I have already ruled on that point of order. If the member for Macquarie Fields does not resume his seat I will place him on three calls to order.

Mr BARRY O'FARRELL: The former Premier advised the Australian Sikh Association that the request had not been processed quickly enough and she offered sincere apologies—which, I am sure, were heartfelt. No money was given to the project. Despite this, on 27 February, when no funding had been provided, the candidate for Blacktown was quoted in a prominent community newspaper and website as saying, “The Australian Sikh Association will have its library expanded, after the Minister for Transport, John Robertson, announced—

Dr Andrew McDonald: Point of order—
Dr Andrew McDonald: It has nothing to do with—

Mr BARRY O'FARRELL: Mr Robertson went on to say that the funding would enable the Australian Sikh Association to expand its library to a three-storey complex to provide services to its youth and senior citizens. Of course, no such funding was ever provided. The Leader of the Opposition lied to the Sikh community and no doubt convinced some of them into voting for him through this rotten promise. That is the sort of respectability received from those opposite.

SOLAR BONUS SCHEME

Mrs LESLIE WILLIAMS: My question is directed to the Deputy Premier. How has the former Government's Solar Bonus Scheme impacted on businesses and households in regional New South Wales?

Mr ANDREW STONER: There is no doubt that regional families have borne the brunt of 16 years of Labor's incompetence and mismanagement. One only has to look at the power crisis faced by families in regional New South Wales. Over the past two years they have gone from an average of $1,446—

Mr ANDREW STONER: —to $2,063 per annum. Members opposite do not want to hear this because people are very angry about what they have done to their cost of living. This represents an increase of $617 per annum or a whopping 42.5 per cent in just two years. Shame on them! In light of the huge power bills faced by regional families—

Mr ANDREW STONER: —many people in regional New South Wales were attracted to the Solar Bonus Scheme to help defray those costs. Sadly, those people were labouring under a misapprehension: That the scheme was viable and was being competently managed. As we have heard, that was certainly not the case. In the Port Macquarie area alone, as we have seen with other Labor programs like the pink bats and the Building the Education Revolution, it was managed appallingly. In the Port Macquarie area out of the 55 installations checked by Fair Trading, 16 failed to meet the safety requirements associated with such installations. The Minister for Fair Trading tells me that three of those installations had very serious defects indeed—not checked at all by the former sparky, Captain Solar also known as Sergeant Sloppy.

Mr ANDREW STONER: —on top of these safety concerns are the financial impacts to our State and to the families of New South Wales.

Mr ANDREW STONER: We have already heard that the scheme was a financial basket case, blown out from $355 million to $1.9 billion. That unfunded shortfall would mean that families in New South Wales might have to face another $170 slug on top of their annual power bills. That is absolutely unacceptable. We on this side of the House are not prepared to add to the cost-of-living pressures on New South Wales families. We know that the Opposition Leader, also known as Sergeant Sloppy, was preoccupied at the time; he was looking for a seat in the lower House and he took his eye off the ball.
The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr ANDREW STONER: There was actually another person in the Government whose job it was to try to steer it away from potential disasters. The person I refer to was, of course, the chief of staff to old No. 42, Walt Secord. He sat on the Duffy-Parry review into this issue, which reported to the Government last December:

The additional costs of the SBS [solar bonus scheme] and the renewable energy target scheme mean that Country Energy's average regulated retail tariff could increase by 27% from 1-7-11.

One would think this would start alarm bells ringing, but not for old Walt. I think he was preoccupied as well. This is the same man who advised the then Premier to prorogue the Parliament early in order to muzzle the inquiry into that ill-fated, appalling flog-off of our power assets.

The SPEAKER: Order! The member for Mount Druitt to order.

Mr ANDREW STONER: He is a man with a long history of involvement in political disasters involving the Labor Government—I refer to the Cecil Hills High School and the smoking gun, a notorious incident involving Mr Secord. Now what does New South Wales Labor do with such a person? It shoehorns him into the upper House. Even the Labor rank and file protested against this; even Steven Whan’s father was outside Sussex Street protesting about it.

Dr Andrew McDonald: Point of order—

The SPEAKER: Order! The member for Macquarie Fields courageously takes a point of order; I hope it is a serious one. I remind the member for Macquarie Fields that he is on three calls to order. If this is a spurious point of order, he may be removed from the Chamber.

Dr Andrew McDonald: It is not a spurious point of order. Standing Order 73 clearly states that a member cannot make imputations of improper motives or personal reflections on another member unless it is by way of a substantive motion.

The SPEAKER: Order! The member will resume his seat. The Deputy Premier has the call.

Mr ANDREW STONER: He is not a member.

The SPEAKER: The Deputy Premier is correct.

SOLAR BONUS SCHEME

Ms LINDA BURNEY: My question is directed to the Deputy Premier. I refer him to comments made by his office in an email to a constituent on 2 November 2010 in relation to the Solar Bonus Scheme quoting the then shadow Minister for Climate Change, Catherine Cusack:

We will honour all agreements that have been approved at the 60 cent rate ... Any alterations we make will not retrospectively impact on people already in the scheme ... We have always said we will honour the 60 cents —

The SPEAKER: Order! I draw the member's attention to the length of the question.

Ms LINDA BURNEY: —I am quoting. The quote continues:

for the duration of the scheme.

Do you continue to stand by those comments?

Mr Brad Hazzard: Point of order—

The SPEAKER: Order! The member for Canterbury will resume her seat. If the question continues for much longer I will rule it out of order. Is the Minister for Planning and Infrastructure taking a point of order on the length of the question?

Mr Brad Hazzard: I am. I have another point of order, but I will leave it at that for the moment.
The SPEAKER: Order! I am trying to extend some latitude to all members on the length of questions. The standing orders are clear on the framing of questions and their length: they are not to become speeches if they do not include lengthy quotes from various sources; they should seek to gain information from a Minister; and they should be brief. I will allow the question at this stage, but I warn the member to bear in mind that questions should be much briefer than the one she is asking.

Mr ANDREW STONER: Members opposite have a hide to raise a question about the Solar Bonus Scheme when they created a mess that this Government has to clean up. It will do that through real leadership, which is in stark contrast to those opposite. We have to take responsible action to ensure that New South Wales families will not be any worse off as a result of Labor's mismanagement.

The SPEAKER: Order! The Leader of the Opposition is close to being placed on three calls to order. The Leader of the Opposition and the member for Keira will come to order.

Mr ANDREW STONER: The member attempted quite valiantly to read on to the record an email that had been issued by my office—I think it was last year. My office issued the email in response to an inquiry by a constituent and it quoted the then shadow Minister for the environment. The advice that the then shadow Minister for the environment provided to the constituent, as quoted in the email, was quite correct at the time. In fact, the Hon. Catherine Cusack in the other place has made similar statements in *Hansard* about our intentions. That was done in the context of members opposite telling the public of New South Wales, telling the Parliament and telling the solar industry that the scheme that was completely, 100 per cent funded through the Climate Change Fund. We know that now not to be the case.

The SPEAKER: Order! The member for Maroubra will come to order.

Mr ANDREW STONER: Indeed, the Premier told the House today that the scheme is completely underfunded to the extent of $759 million. I am sure that members opposite would be quite happy to have that huge black hole funded by again putting up electricity prices for the families of New South Wales. However, we are not. People are bleeding; families are struggling with the costs of living. We are not going to put up electricity prices; we are going to take responsible action, but in so doing we also recognise, as the Premier has told the House, that some people may be left facing hardship. That is why we are looking at hardship provisions for those people who may have committed a substantial sum of money based on misinformation and bad advice from the other lot when they were in government.

WESTERN SYDNEY INFRASTRUCTURE

Ms GLADYS BEREJIKLIAN: I thank the member for Baulkham Hills for his question and congratulate him on his resounding victory at the recent election. I fear I will face the same problem I faced last week when I answered a question about Labor neglect, that is, lack of time, because we know that two million people, almost one-tenth of Australia's population, live in western Sydney. We are talking about a region that houses a population larger than that of South Australia, Tasmania, the Australian Capital Territory and the Northern Territory. We know that is a huge population that was forgotten and neglected by the very people who claim to be their advocates and ambassadors, the Labor Party. There is a reason why the people of western Sydney voted for the Liberal Party on 26 March—all these seats in western Sydney were regarded as seats in Labor heartland and all these seats were ignored and neglected by Labor.

It is worth mentioning the members on this side of the House who now represent western Sydney: the member for Baulkham Hills, David Elliott; the member for Blue Mountains, Roza Sage; the member for Camden, Chris Patterson; the member for Campbelltown, Bryan Doyle; the member for East Hills, Glenn Brooks; the member for Granville, Tony Issa; the re-elected member for Hawkesbury, Ray Williams; the member for Londonderry, Bart Basset; the member for Mulgoa, Tanya Davies; the member for Parramatta, Geoff Lee; the re-elected member for Penrith, Stuart Ayres; and the member for Riverstone, Kevin Conolly.

The SPEAKER: Order! Government members will come to order.

Ms Cherie Burton: Point of order: *Rulings from the Chair* states that the purpose of question time is to seek information and press for government action. This is not giving us any information.
The SPEAKER: Order! The question asked for information and members are being given information. There is no point of order.

Ms GLADYS BEREJIKLIAN: The list continues: the member for Smithfield, Andrew Rohan; the member for Strathfield, Charles Casuscelli; and I will throw in John Sidoti from Drummoyne for good measure.

The SPEAKER: Order! Government members will contain their excitement.

Ms GLADYS BEREJIKLIAN: Today I call on Federal Labor, particularly the Prime Minister—

The SPEAKER: Order! The member for Macquarie Fields will come to order.

Ms GLADYS BEREJIKLIAN: Today I call on Federal Labor, particularly the Prime Minister and the Minister for Infrastructure and Transport, to right the wrongs of their State Labor counterparts. It is time for Labor to stop playing politics with the people of New South Wales and to make the hard decisions that are in our State's best interest. Self-interest—not the public interest—has dominated Labor's decision-making for too long. Today I urge Federal Labor to remember the greater good and do the right thing by the people of western Sydney. Today I call on Federal Labor to reverse the habits of a lifetime and put the people first. We want Federal Labor to work with the O'Farrell Government to deliver the North West Rail Link, a project that is vital to the 360,000 people who call that part of western Sydney home.

The SPEAKER: Order! The member for Cabramatta will come to order.

Ms GLADYS BEREJIKLIAN: I am pleased to report that I have met my Federal counterpart several times and he has assured me he wants a productive relationship with the O'Farrell Government. The most productive thing the Federal Government could do would be to help fund the North West Rail Link, and I call on it to do so. Come on, Albo, show us the money.

The SPEAKER: Order! The member for Cabramatta will come to order.

Ms GLADYS BEREJIKLIAN: Let me be clear: The most productive thing the Federal Government could do for the people of western Sydney is to help build the project the people overwhelmingly supported when we went to the polls in March. I do not want to talk about the coverage in the Daily Telegraph, which alludes to a rift—

The SPEAKER: Order! The member for Maroubra will come to order.

Ms GLADYS BEREJIKLIAN: —between the Prime Minister and the Federal Minister for Transport—although, it would make for interesting discussion. What I want to talk about is how much I am looking forward to standing with the Premier, the Prime Minister and the respective Federal Minister to announce Federal funding for the North West Rail Link. Western Sydney deserves this support. Let us remember the sorry state of the history of that project. The project was first promised in 1998. It was then axed by No. 40, then axed by No. 41, and then axed by No. 42. We know that terrible history.

In contrast, the O'Farrell Government is getting on with the job of building the North West Rail Link because we respect the people Labor forgot: the people of western Sydney. We will make the decisions that are in the best interests of the people of New South Wales. I am running out of time, but I cannot complete my answer without mentioning the M4. The missing link of the M4 extension symbolises Labor's propensity to talk, talk, but do nothing. In June 2002—yes, that is nine years ago—the Carr Government announced it was investigating the possibility of extending the M4. What has happened in the past nine years? I have run out of time again. I imagine no extension of time will be granted. [Time expired.]

SOLAR BONUS SCHEME

Ms CARMEL TEBBUTT: My question is directed to the Minister for Energy. I refer to the statement made in this House by the member for Goulburn in relation to the Solar Bonus Scheme in which she said:

This side of politics particularly understands the importance of retrospectivity ... A future O'Farrell-Stoner Government, a Liberal-Nationals Government, will also honour those agreements.

Does the Minister agree with the comments of the member for Goulburn?
Mr CHRIS HARTCHER: How appropriate it is that yesterday the *Daily Telegraph* wrote about the member for Marrickville as half of one of the power couples in New South Wales that has let the people of New South Wales down. How appropriate it is that the question follows the answer of the Minister for Transport in which the Minister suggested that Anthony Albanese is betraying the trust of the people of this State, a trust that the member for Marrickville betrayed when she was Deputy Premier and Minister for Health. How appropriate it is that the member for Marrickville joins that mob opposite in their lies and deceit and their betrayal of the people of New South Wales. And how appropriate it is that she kept silent—

The SPEAKER: Order! The member for Toongabbie will come to order.

Mr CHRIS HARTCHER: How appropriate it is that the member for Marrickville kept silent when Marrickville Council was kicking Israel and the Jewish community—

The SPEAKER: Order! The member for Marrickville will come to order. The member for Keira will come to order. The member for Maroubra will come to order.

Mrs Barbara Perry: Point of order: Madam Speaker, if you honestly believe that that is relevant—

The SPEAKER: Order! What is the member's point of order?

Mrs Barbara Perry: If you honestly believe that that is relevant, you have not acted in your role—

The SPEAKER: Order! The member for Auburn will resume her seat. That is not a point of order.

Mr CHRIS HARTCHER: The member for Auburn—a person who claims to be against discrimination—as the Minister for Local Government said nothing. Both the member for Marrickville and the member for Auburn stand indicted. When the Greens, exemplified by the member for Balmain, were trying to kick Israel and the Israeli community, the member for Marrickville and the member for Auburn, anxious to keep Greens preferences, said nothing and did nothing.

Mr Michael Daley: Point of order: I want to stop the member for Gosford from hyperventilating.

The SPEAKER: Order! That is not a point of order. What is the member's point of order?

Mr Michael Daley: My point of order relates to Standing Order 73, and that is not an unequivocal point of order.

The SPEAKER: Order! I suggest the member for Maroubra read Standing Order 73. If he understood it, he would not quote it at this stage. That is not a point of order. The member for Maroubra will resume his seat.

Mr CHRIS HARTCHER: To answer the question so foolishly posed by the member for Marrickville, it was the member for Blacktown. We normally congratulate members on the size of their margins when they get up to ask questions—

The SPEAKER: Order! The member for Canterbury will come to order.

Mr CHRIS HARTCHER: Well, I congratulate the member for Maroubra on the size of his margin. Was it 1 per cent or 2 per cent? Can he elucidate the House?

Mr Michael Daley: Point of order—

The SPEAKER: Order! The member for Maroubra has already raised a point of order. Is this a different point of order?

Mr Michael Daley: My point of order relates to basic maths.

The SPEAKER: Order! That is not a point of order. The member for Maroubra will resume his seat. If he does not I will refuse to acknowledge him, as is my right.
Mr Michael Daley: I am entitled to raise a point of order—

The SPEAKER: Order! And if the member for Maroubra continues to take spurious points of order I may choose not to acknowledge him.

Mr Michael Daley: Madam Speaker—

The SPEAKER: Order! The Minister will resume his seat. I will allow the member for Maroubra to take another point of order if it is relevant. If the member is raising spurious points of order to eat up the Minister's time, I will not acknowledge him.

Mr Michael Daley: Standing Order 73 is very clear and states that personal reflections on members of either House are disorderly other than by substantive motion. This is not a substantive motion, but the Minister is making personal reflections on members of this House.

The SPEAKER: Order! That is not clear at this stage. The Minister will return to the leave of the question.

Mr CHRIS HARTCHER: We are talking about the Solar Bonus Scheme. Who was the architect of the Solar Bonus Scheme? Who is the man who told us it would cost $355 million? Who is the man who sat on the figures as they started to escalate? Who is the man who left office as the figures were escalating beyond the 50-megawatt cap, and said nothing and did nothing?

The SPEAKER: Order! Government members will come to order.

Mr CHRIS HARTCHER: Who is the man who was a member of the Cabinet that watched the blowout go up and up and up, but did nothing? Who is the man who has left New South Wales with a $1.9 billion blowout? Who is the man who now sits in this House and piously asks questions about his own hospital at Blacktown when he knows that the funding necessary for the hospitals and schools of this State has been taken away because of his incompetence? Who is the man who was the most incompetent Minister—and there was a range of incompetent Ministers—that Government ever had?

MANDATORY SENTENCES FOR MURDER OF POLICE

Mr BRYAN DOYLE: My question is addressed to the Attorney General. What is the Government doing to honour its commitment to jail for life those who murder police officers?

Mr GREG SMITH: I thank the member for Campbelltown for his question. He is a former policeman and has given service with distinction, including as a Chief Inspector at Campbelltown. That was repaid by the people of Campbelltown who elected him with a 25.5 per cent swing, which demolished the seat, claimed to be part of Labor's heartland.

Since 1980, 11 police officers have lost their lives while carrying out their duty to protect the community. They are Sergeant Keith Haydon, shot by an offender; Constable Pashalis Katsivelas, shot by an escaping prisoner; Sergeant Paul Quinn, shot during a pursuit; Constable Brett Sinclair, sustained injuries during an arrest; Constable Allan McQueen, shot whilst effecting the arrest of a fellow attempting to break into a motor vehicle; Senior Constable Peter Addison and Senior Constable Robert Spears, shot while on duty at Crescent Head; Constable David Carty, stabbed outside a hotel in western Sydney; Constable Peter Forsyth, stabbed during an arrest; Senior Constable James Affleck, struck by a motor vehicle as he set up roads spikes to stop a stolen car; and Constable Glenn McEnallay, shot in 2002 at Matraville following a pursuit.

Members might not be aware that I prosecuted two trials in relation to the murder of Constable David Carty; one lasted for three months and the other for four months. I also conducted the committal hearing. I gave my blood, sweat and tears to that case in honour of that policeman. I then appeared in the appeals to the Court of Criminal Appeal and the High Court, both of which were dismissed. David Carty was off duty at the time he was attacked. He was drinking at a pub with a number of other off duty policemen. As he approached his motor vehicle at around 2.15 a.m. he was set upon by a group of young men and one of those young men stabbed him to death. Another man was also stabbed during the melee.

When friends of the attackers came out of the hotel and saw David lying on the ground bleeding to death they virtually hacked him to pieces. They stomped on him, cut off part of his ear and gauged at him. His
death was due to a deep stab wound through the sternum, penetrating both the front and back of the aorta. He suffered multiple slash wounds to the head and back, severing part of his nose and his left ear, as well as multiple abrasions and bruising consistent with him being struck repeatedly by a hard-surfaced object, such as a boot, to his head and arms. When sentencing Gilbert Adam for David Carty's murder, Justice Wood said:

The wounds inflicted were both in their nature and their number brutal and horrendous. They testify to the terrible savagery of the assaults inflicted upon him. Nothing would be achieved by otherwise particularising what is recorded in the post-mortem report and photographs.

David Carty and most of these other men were killed because they were policemen. They were punished because they had been defending our community. I draw the analogy of a soldier in battle having to shoot to kill to save his mate. But David Carty was not armed at the time of his death. He was killed because he was a policeman—he was wearing his uniform with a jumper pulled over the top when he was attacked. Mr Paul Lynch, the member for Liverpool, is reported as having said that the Government's proposed policy to impose life imprisonment for those who deliberately kill police officers is:

... flawed and failed policy ... We think that [it] is likely to lead to fewer convictions. It would also give no incentive to plead guilty and put families of victims through even more heartache.

Did he ask David Carty's father, John, what he thought? Did he ask his mother, Lorraine, what she thought? Does he remember what Labor said in the past? In 1995 Labor policy included mandatory life sentences following conviction for dealing in large, commercial quantities of hard drugs, and for a new offence of horrific crime—multiple murder, contract killing and attempted murder in conjunction with sexual assault. Labor promised mandatory life sentences. But what did it do? It did nothing. It broke that promise. This Government will honour its promise to introduce mandatory sentencing.

WIND FARM APPLICATIONS AND PLANNING REFORM

Ms LINDA BURNEY: I address my question to the Minister for Planning and Infrastructure. I refer to comments made by the Minister on 23 May 2011 on the Alan Jones radio program in response to a question about wind farms. The Minister said:

... if that wind farm has progressed under Labor's Part 3A laws, that brings up the whole issue of retrospectivity and I'm afraid we won't be able to assist.

Will the Minister clarify whether or not he supports retrospective legislation?

Mr BRAD HAZZARD: What a pleasure to get a planning question from Opposition members! I thank the member for Canterbury. I have been waiting for a planning question from Opposition members because I wanted to tell the House exactly what the former Government did to planning over the past 16 years. The former Government—that Labor mob opposite; the people who allegedly were leading the State but who led it up the garden path—does not understand the first thing about morality, principle or transparency—

Ms Linda Burney: So you agree with me?

Mr BRAD HAZZARD: The member for Canterbury asked me a question about part 3A laws. I am glad that she mentioned part 3A.

Ms Linda Burney: Retrospective law.

Mr BRAD HAZZARD: Part 3A was the system Labor used as a backdoor fund-raising method for the Labor Party. There was no sense of propriety or decency and no sense of what should have been done. In 2005, when part 3A was introduced, the former Government appropriately ensured that the guidelines were not issued and that there was a direct call through Sussex Street for anybody who needed a special favour.

Mr Michael Daley: Any judgements from the Independent Commission Against Corruption on that?

The SPEAKER: Order! The member for Maroubra will address his remarks through the Chair.

Mr BRAD HAZZARD: I was asked whether I had anything special for members. I do have something special for them. Would members like me to go through what Labor did? Opposition members should not make excuses because they were not—
The SPEAKER: Order! The member for Maroubra will address his remarks through the Chair. The Minister has the call.

Mr BRAD HAZZARD: Part 3A was a system Labor used in a corrupt process. Do all members remember the table of knowledge at Wollongong? The member for Wollongong, who is in the Chamber, survived but she lost an enormous percentage of the vote. Next time around she will be out the door. The table of knowledge and kebabs were about as good as it got in Wollongong. Three years ago the Coalition identified that part 3A had been corrupted by the Labor Party. At the time we indicated that part 3A would have to go and, as soon as we became the elected Government, we did away with part 3A. The member for Canterbury asked me a question about wind farms and turbines. At the time I indicated—and I again indicate to the House—that there were 530 part 3A applications in the system; Labor was making an art form of churning them through.

Ms Linda Burney: My question is about retrospective law.

The SPEAKER: Order! The Minister is aware of the question the member for Canterbury asked and he is answering it.

Mr BRAD HAZZARD: Seventy of those 530 applications have been sent back to local government and the balance is being dealt with strategically and reasonably. The Government is now ensuring that they are being dealt with at arm's-length. There are no more behind-closed-door deals and there is no more cash culling as occurred under Labor. Those applications will go to the Planning Assessment Commission. I assure the member for Canterbury that any wind turbines that were in that process will be dealt with by the Planning Assessment Commission. Labor established the Planning Assessment Commission. It did not do a good job of establishing the Planning Assessment Commission, but it has done the best job that it can in the circumstances with no resources. It is the intention of this Government to beef up the Planning Assessment Commission. As I have said on many occasions, this Government will ensure transparency and it will give all parties an opportunity to be heard before the Planning Assessment Commission.

I assure members that the Government will deal at arm's length with the remaining 460-odd part 3A applications—the leftovers of Labor's rotten, corrupt system. This Government will ensure that those applications are dealt with transparently and with integrity. All parties know that they will receive a fair deal—whether they are the proponents or those who oppose it. Wind turbines are an issue that require close community scrutiny. Many members in this place want to ensure that wind energy is dealt with appropriately and I, as Minister, want to ensure that wind turbines are dealt with appropriately. I say to the rump sitting opposite that if Premier No. 42 had still been in charge there would not be one modicum of decency. The former Premier thinks that part 3A was her golden pass to making money for Labor. I say to the member for Heffron: That is no longer the case. The Coalition is now in government. Transparency, decency and honesty will now prevail.

MAJOR EVENTS

Mr MATT KEAN: I address my question to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. What is the result of the Government's determination to secure major events for New South Wales?

The SPEAKER: Order! The Leader of the Opposition will come to order. The member for Toongabbie will come to order.

Mr GEORGE SOURIS: I thank the member for Hornsby, Matt Kean, for his question and congratulate him on retaining the seat of Hornsby, which was vacated by our friend Judy Hopwood, having gained a 62.1 per cent two-party preferred vote. He is one of the high quality additions to this Parliament. I wish him well in his parliamentary career. In order to maintain Sydney's position as Australia's truly global city, we must continue to attract world-class entertainment for locals and visitors to fill our hotels and boost our tourism industry. Major musical productions also inject life, money and professional opportunities into the creative industries of the State.

Recognising the importance of staging major musicals in Australia, the Government has stated that pursuing major events forms part of its strategy to rebuild the New South Wales economy, a strategy that includes Sydney attracting the finest in musical theatre. I am very pleased that in the past week the Government
has won and announced two world-class first run musicals in Sydney. Last Thursday I announced that the *Addams Family*, the smash hit Broadway musical, would have its Australian premiere in Sydney in March 2013 at the Capitol Theatre.

**Mr John Robertson:** Which part are you playing?

**The SPEAKER:** Order! I am pleased that members find this amusing. Members of the Opposition will come to order. The member for Fairfield will come to order.

**Mr GEORGE SOURIS:** One wonders what Amanda Fazio's role was in securing the *Addams Family*.

**Mr Nathan Rees:** Gomez?

**Mr GEORGE SOURIS:** Lurch would have been a little better. On Monday the Premier announced that the musical version of the home-grown global movie hit *Strictly Ballroom* would have its first global run in Sydney, beating off stiff competition from New York, London and other world-class theatrical destinations around the world, including Melbourne. *Strictly Ballroom* is expected to make its world debut at the Lyric Theatre from September 2013. We are seeing the start of a dream run of musicals for Sydney and New South Wales. Producers are embracing our city to stage their shows, which once again are becoming an essential part of the Sydney visitor experience. The *Addams Family* and *Strictly Ballroom* follow the recent and highly successful first run of *Doctor Zhivago* and *Legally Blonde*, which will open in Australia in June 2012.

[Interruption]

I acknowledge the interjection of the former Premier.

**Mr Andrew Stoner:** Which one?

**Mr GEORGE SOURIS:** It will become obvious which former Premier I am talking about. I refer to the list of first runs that the former Labor Government lost to Melbourne.

**Mr Nathan Rees:** What about Adelaide?

**The SPEAKER:** Order! The member for Toongabbie will come to order.

**Mr GEORGE SOURIS:** They are: *Mary Poppins*, *Jersey Boys*, *Wicked*, *The Producers*, *We Will Rock You*, *Monty Python's Spamalot*, *Mamma Mia*, *Avenue Q*, *Guys and Dolls*, *Fame*, *Miss Saigon*, *Phantom of the Opera*, *Hairspray*, *Rock of Ages* and one that opens in two days' time in Melbourne, *Love Never Dies*.

**The SPEAKER:** Order! Government members will come to order.

**Mr GEORGE SOURIS:** The former Premier continues to interject. I am drawn to a recent news clip with a nice picture which states, "Kristina Keneally is the Minister for rock." The only rocking news we got was that she lost the two rock musicals: *Rock of Ages* and *We Will Rock You*.

[Interruption]

**The SPEAKER:** Order! I remind the member for Heffron that interjections are disorderly at all times.

**Mr GEORGE SOURIS:** The two rock musicals were both lost under the self-styled Minister for rock. Producers in London and New York have been pursuing the rights for *Strictly Ballroom* for almost 20 years. It is a major theatrical coup that Sydney has secured the premiere ahead of Broadway and the West End. I note the personal involvement of Premier O'Farrell in securing this show. It is a clear vote of confidence by Baz Luhrmann and producers Carmen Pavlovic and Gerry Ryan of Global Creatures. It proves that Sydney is not only Australia's global city, close to major tourism markets across the Asia-Pacific; it is also the home of creative industries in Australia. It also demonstrates New South Wales's re-emergence as number one for first run musicals in Australia. The Government will continue to work with major theatrical producers in Australia and overseas to help to ensure that cultural and economic benefits are delivered to New South Wales through the staging of major theatrical musicals.

**Question time concluded at 3.24 p.m.**
OMBUDSMAN

Report

The Speaker tabled, pursuant to section 169 of the Police Act 1990, the report of the NSW Ombudsman entitled "Audit of NSW Police Force handling of domestic and family violence complaints", dated May 2011.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Performance Audit Report of the Auditor-General entitled "Two Ways Together—NSW Aboriginal Affairs Plan: Aboriginal Affairs NSW, and Department of Premier and Cabinet", dated May 2011.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Oxford Street Traffic Arrangements
Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from Ms Clover Moore.

Pet Shops
Petition opposing the sale of animals in pet shops, received from Ms Clover Moore.

Identity Concealment Legislation
Petition requesting support for the Summary Offences Amendment (Full-face Covering) Bill 2010, received from Mr Daryl Maguire.

Inner City Public Housing
Petition requesting that no inner city public housing stock be sold, received from Ms Clover Moore.

Mental Health Services
Petition requesting increased funding for mental health services, received from Ms Clover Moore.

National Parks Commercial Development
Petition opposing proposals for commercial developments in national parks, received from Ms Clover Moore.

PETITIONS

The Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:

Young Offenders
Petition requesting an investigation into the effectiveness of the justice system on juvenile crime in Coonambe, received from Mr Kevin Humphries.
CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Solar Bonus Scheme

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.27 p.m.]: Today the Leader of the Opposition had an opportunity to apologise in the House to the people of New South Wales for the increasing costs of electricity caused by his flawed decision in relation to the Solar Bonus Scheme. My motion to be accorded priority notes that the member for Blacktown and former Minister for Energy sold us a flawed scheme. We were advised that it would cost the people of New South Wales $355 million. We now know that the scheme will cost the people of this State almost $2 billion. My motion deserves to be accorded priority because it will give the Government an opportunity to set the record straight. There are three aspects to the Solar Bonus Scheme. The first aspect is that the people of this State entered into the Solar Bonus Scheme in good faith through an agreement with the former Government.

[Interuption]

I acknowledge the interjections of Dr Evil, the Blacktown sparky. If the energy crisis in New South Wales had been left to the Leader of the Opposition we would have had Earth Hour 365 days a year. Governments cannot continue to waste money but it is typical of Australian Labor Party governments continually to waste money. We are now faced with a cost blowout of $2 billion. Let us look at some of the waste that occurred under the former Government. We do not have to go back too far as the Leader of the Opposition was the former Minister for Transport. Having held that brief he would be aware how much it has cost New South Wales taxpayers for a north-west rail link that has not yet been implemented. The former Labor Government wasted hundreds of millions of dollars of taxpayers’ money on advertising campaigns, lies and deceit. We were supposed to have a Tcard in 2000 in time for the Olympic Games, which was another $100 million wasted.

Ms Linda Burney: Point of order: This part of the debate relates to why the motion of the member for Hawkesbury is important and why it should be given priority. The member for Hawkesbury, who is not addressing the issue of priority, should be reminded of what this part of the debate is about.

The SPEAKER: Order! The member for Hawkesbury will state why his motion should be accorded priority.

Mr RAY WILLIAMS: My motion deserves priority because the people of New South Wales deserve an apology from the Leader of the Opposition—the former Minister for Energy—for the huge debt he left them. This Government, on behalf of 3.2 million people in New South Wales who are paying exorbitant electricity prices, now has to take responsible steps to deal with this crisis. Through the Climate Change Fund those 3.2 million people in this State funded the Solar Bonus Scheme. Those 3.2 million people, who continue to pay exorbitant electricity prices to fund the tariffs that were put in place by the former Government—those who entered into an agreement in good faith—must be protected in the fairest possible way. This issue should be prioritised and debated today.

I am more than happy to debate this issue and to acknowledge what we were left with. I am more than happy to acknowledge that when the former Government first announced it would stop the scheme and scale it back from 60¢ to 20¢ there was an overwhelming number of applications at an additional cost of some $500 million. I am more than happy to acknowledge all those issues. This matter deserves to be accorded priority so we can advise the good people of New South Wales what a responsible government will do. We are charged with the responsibility of looking after every person in New South Wales after the failed policies and initiatives by Dr Evil, the member for Blacktown—the former Minister for Energy who gave us this disgraceful scheme.

Solar Bonus Scheme

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.32 p.m.]: My motion deserves to be accorded priority for a number of reasons. Yet again we see broken a core promise on which this Government was elected. Opposition members will hold this Government to account for every broken promise.

The SPEAKER: Order! Government members will come to order. The Leader of the Opposition will refrain from inciting Government members.
Mr JOHN ROBERTSON: They are so easily excited when one tells the truth. This promise has been broken on three occasions. In his contract with the people of New South Wales the Premier stated:

The New South Wales Liberal and Nationals policy will ensure that New South Wales leads Australia in establishing—

Mr Chris Hartcher: Point of order: Reluctant as I am to interrupt, the member for Blacktown has an obligation to establish priority for his motion. He is now dealing with the substance of his argument, which he is not allowed to do. He has to show why his motion deserves to be accorded priority over the motion of the member for Hawkesbury.

The SPEAKER: Order! While the member for Blacktown can make passing reference to the substance of his motion, he should use this time to establish why his motion should be accorded priority.

Mr JOHN ROBERTSON: I am establishing that on three occasions the Government's promise was broken and that is why this motion should be accorded priority.

The SPEAKER: Order! Government members will come to order.

Mr JOHN ROBERTSON: That is why I referred to the contract that has now been broken with the people of New South Wales. The Deputy Premier similarly assured people in an email in which he stated:

I state for the record that a future O'Farrell Government will honour all accepted applications as a matter of faith.

That faith has also been broken. Completing the hat-trick, on 27 October 2010 the member for Goulburn—the current Minister for Family and Community Services—stated:

[The Opposition] understand that all existing participants must have their existing contracts honoured. This side of politics particularly understands the importance of retrospectivity.

The SPEAKER: Order! The member for Willoughby will come to order.

Mr JOHN ROBERTSON: The member for Goulburn said:

I want to be very clear on this point: A future O'Farrell-Stoner Government, a Liberal-Nationals Government, will also honour those agreements.

The SPEAKER: Order! Government members will come to order.

Mr JOHN ROBERTSON: That promise was broken on three occasions. My motion deserves priority because of public outrage at this breach of contract—this broken promise. I draw the attention of the House to some of the outrage that is flowing onto the Liberal Party website.

Mr Chris Hartcher: Point of order: Once again the member for Blacktown is debating the substance of his motion; he is not arguing priority. He has a responsibility that he is not dislodging; he is simply reiterating his argument.

The SPEAKER: Order! The Leader of the Opposition will establish why his motion should be accorded priority.

Mr JOHN ROBERTSON: I want to read these emails that are on the Liberal Party website to establish that my motion should be accorded priority because of the outrage expressed by people in the community who know that this Government has broken its promise. People know that the Premier said he would honour those commitments and that the member for Goulburn and the former shadow Minister for the Environment said those commitments would be honoured. But we are now faced with protests such as those confronting the member for Coffs Harbour and the member for Lismore, who has had 200 people outside his office. This motion should be accorded priority because the community is concerned about this matter. Those opposite do not want to debate it; they cannot even count seven years.

The SPEAKER: Order! Members will come to order. The member for Oatley will come to order.
Mr JOHN ROBERTSON: The public are outraged that those opposite said one thing prior to becoming elected and now they are saying something different. People want to know why it is okay to say one thing but to do another. That is why my motion should be accorded priority.

Question—That the motion of the member for Hawkesbury be accorded priority—put.

The House divided.

Ayes, 67

Mr Anderson  Mr Flowers  Mr Provest
Mr Annesley  Mr Fraser  Mr Roberts
Mr Aplin  Mr Gee  Mr Rohan
Mr Ayres  Mr George  Mr Rowell
Mr Baird  Ms Gibbons  Mrs Sage
Mr Barilaro  Ms Goward  Mr Sidoti
Mr Bassett  Mr Grant  Mrs Skinner
Mr Baumann  Mr Hartcher  Mr Smith
Ms Berejiklian  Mr Hazzard  Mr Souris
Mr Bromhead  Ms Hodgkinson  Mr Speakman
Mr Brookes  Mr Holstein  Mr Spence
Mr Cansdell  Mr Humphries  Mr Stokes
Mr Casuscelli  Mr Issa  Mr Stoner
Mr Conolly  Mr Kean  Mr Toole
Mr Constance  Dr Lee  Ms Upton
Mr Cornwell  Mr Notley-Smith  Mr Ward
Mr Coure  Mr O’Dea  Mr Webber
Mrs Davies  Mr Owen  Mr R. C. Williams
Mr Dominello  Mr Page  Mrs Williams
Mr Doyle  Ms Parker  
Mr Edwards  Mr Patterson  Tellers,
Mr Elliott  Mr Perrottet  Mr Maguire
Mr Evans  Mr Piccoli  Mr J. D. Williams

Noes, 24

Mr Barr  Mr Lynch  Ms Tebbutt
Ms Burney  Dr McDonald  Mr Torbay
Ms Burton  Ms Mihailuk  Ms Watson
Mr Daley  Ms Moore  Mr Zangari
Mr Furolo  Mr Parker  
Ms Hay  Mrs Perry  
Ms Hornery  Mr Piper  Tellers,
Ms Keneally  Mr Rees  Mr Amery
Mr Lalich  Mr Robertson  Mr Park

Question resolved in the affirmative.

SOLAR BONUS SCHEME

Motion Accorded Priority

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [3.50 p.m.]: I move:

That this House:

(1) notes the former Minister for Energy and current member for Blacktown promised the people of New South Wales that the cost of the solar scheme would be $350 million; and

(2) condemns the member for Blacktown and Labor for allowing the scheme to go unchecked and blow out to $1.9 billion.

If the Leader of the Opposition will not apologise for the flawed scheme that he introduced when he was Minister for Energy, I am more than happy to apologise to the people of New South Wales on his behalf. I am
more than happy to apologise on his behalf for the scheme that he introduced and said would be sustainable, for a scheme that John Robertson introduced and said would cost the people of New South Wales $355 million, and for a scheme that John Robertson told the people of New South Wales would involve only 33,000 customers, but now involves 160,000 customers. I am more than happy to apologise to the people of New South Wales who entered in good faith into contracts with the former Government for a scheme that was not sustainable, that was not worth $355 million, and that has now blown out to $1.9 billion.

When we came to government only a couple of short months ago we were faced with the burden of a $5.2 billion budget black hole. As a responsible government we need to undertake measures that are fair and responsible. We must acknowledge the failings of the former Government and resurrect the economy of New South Wales. New South Wales was left a basket case by the mismanagement and poor economic decision-making of the former Government. The O'Farrell-Stoner Government was elected to make tough decisions. We were elected to clean up the mess, and there is no greater example of that mess than the Solar Bonus Scheme. Labor left New South Wales with a $5.2 billion budget black hole and we have committed to restoring the economy to get the State's finances back on track. Without a sustainable economy we cannot achieve anything on behalf of New South Wales. The Australian Labor Party believes you can continue to go to the well and that someone else will fill it; it is always left to Liberal-Nationals governments to rectify the problems and the waste. Over the years billions and billions of dollars in waste and shortfalls have been left for Liberal-Nationals governments to address.

The cost of Labor's Solar Bonus Scheme has blown out by more than five times and we cannot allow that to go unchecked. We must undertake initiatives and implement policies that are fair and responsible. Prior to coming to government we were told that the scheme was going to cost $355 million. We were advised that the Solar Bonus Scheme was to be paid for out of the Climate Change Fund. So when we made commitments to stand up for the people who entered the scheme in good faith we did not know the shortfalls we would be presented with in government. When we came to government and before we had seen the books we did not know that the scheme was going to blow out to $750 million. Shame on every Opposition member who has the audacity to condemn us for taking fair and responsible action on behalf of all the people of New South Wales!

The 3.2 million people in New South Wales who pay electricity bills are responsible for the Climate Change Fund. They paid into that fund through electricity and water charges, not knowing that they would be presented with a flawed Solar Bonus Scheme that would blow out and ultimately cost them a huge amount and increase their cost of living through spiralling electricity prices. Labor said from the outset that it intended to adjust the scheme depending on demand. When he brought the bill to Parliament on 24 November 2009, John Robertson said that the then Government would adjust the levers of the scheme to ensure that excessive costs were not imposed on energy consumers. That was the comment of the now Leader of the Opposition, the member for Blacktown, and that is why we have moved this motion today: to advise the people of New South Wales exactly what we have been left with. John Robertson, as Minister for Energy in the former Government, allowed costs to spiral out of control.

Today we learned from a leaked document that Labor was advised that costs were spiralling out of control. What did it do? Nothing! It was advised as far back as June 2010 that the costs were excessive and the scheme could not be sustained. The former Government closed the scheme to further applications to avoid a repeat of the rush that followed its tariff cut from 60¢ to 20¢ in October 2010. However, in the three-week transition period, when Labor announced the change from a 60¢ tariff to a 20¢ tariff, there was a rush of applications up to almost 80 megawatts. This amounted to a $500 million blowout in the cost of the Solar Bonus Scheme in only three weeks—completely and utterly unsustainable. When John Robertson was asked about this he put the blame on the then Minister for Energy, Paul Lynch, who he claimed was responsible for the cost blowout. In his first press conference as Leader of the Opposition on 31 March John Robertson said:

We saw changes in Premiers that led to changes in portfolios.

The Leader of the Opposition led those changes in Premiers. He knifed Morris Iemma on his way in here; that is how he got his seat in Parliament. He continued:

I did introduce the Scheme ... Unfortunately—

And here is the clanger:

I wasn't there to monitor it and watch where it was going and deal with it.

That is the most appalling and abhorrent comment I have ever heard from a former Minister of the previous Government. It indicates exactly how incompetent they were.
Ms CARMEL TEBBUTT (Marrickville) [3.57 p.m.]: The Government can try as hard as it likes to deflect attention from the decisions it has made over the past few weeks with regard to the Solar Bonus Scheme but the reality is that nothing can hide the truth. Nothing can hide the fact that the Coalition is prepared to introduce retrospective legislation that will undermine the contracts that people entered into in good faith. Nothing can change that. The Coalition has simply been dishonest with the people of New South Wales. The Opposition does not support the motion moved by the member for Hawkesbury. Up to 110,000 families may face financial difficulties as a result of the actions of the Coalition, which has flagged introducing retrospective legislation in this House. Listening to the member for Hawkesbury one could be forgiven for thinking the Coalition never supported the Solar Bonus Scheme. In fact, the Coalition not only supported the scheme but said it did not go far enough. Not only has the Coalition conveniently tried to forget its support for the scheme, but it has accepted it as its own policy and sought its expansion at even greater cost. History reveals the position of the Coalition on this issue. On 26 November 2009 the member for Manly said:

I reiterate that I support the measures outlined in the bill but it is a very small start. The Government's legislation does not go far enough. We are delighted that the Government has taken up some good policy but it should acknowledge that it was an idea from the Opposition.

They are the words of the member for Manly, the Treasurer in this Coalition Government. Who can forget not just the words of the Treasurer but the words of the now Deputy Premier, who advocated that the Solar Bonus Scheme be expanded to include numerous other technologies? We do not forget the email submission from the Deputy Premier, Andrew Stoner, to the Solar Bonus Review Team. We all remember that email, in which he said:

Dear Solar Bonus Review Team, with reference to the request for submissions ... I request the following:

1. a continuation of the New South Wales Solar Bonus Scheme to encourage uptake of renewable energy in New South Wales; and

2. an amendment to the scheme so that all renewable energy technologies are included equally in this scheme.

Not only did the Coalition want the scheme to be expanded, but it wanted the scheme to encompass all other technologies as well. It is a bit rich for the member for Hawkesbury now to try to deflect attention from the very real problem today confronting the Coalition Government: its actions are letting down the people of New South Wales. We all know that the scheme was extremely popular and became oversubscribed. That is a matter of public record. However, it should not be lost in this debate that the energy to be generated by the solar panels installed by the people of New South Wales will make a significant contribution to our future energy needs. Some have said that the energy panels that have been installed will generate energy equivalent to that produced by a mid-sized power station. This long-term benefit to the people of New South Wales from the installation of solar panels should not be forgotten in this debate. The reality is that the scheme was extremely popular; it was oversubscribed. When we were in government we took action to address the popularity of the scheme that was sensible, measured and, most importantly, fair.

In October last year, as a result of the review, the then Government introduced changes that included reducing the tariff rate for new participants to 20c. But we understood clearly that it would be unfair to apply a lower tariff rate to existing participants. So we took action to apply the new tariff rate only to new participants. Not only that, we indicated that the overall capacity of the scheme could be limited to 300 megawatts, with a further review to take place in 2012. The member for Hawkesbury seems to have some of the history a little wrong. Our decision to fund some of the extra costs of the scheme from the Climate Change Fund was taken in February. The comments of Coalition members such as the Minister for Family and Community Services and others were made prior to that decision. There was never any suggestion before February this year that the Solar Bonus Scheme was going to be funded from the Climate Change Fund. That is not the way it was to be funded. That decision was made in February this year.

The business of government is difficult. Governments are always being called upon to make tough decisions and to balance competing priorities. That is what happens in government. There are never enough funds to do everything a government would like to do; it has to make difficult decisions. The Coalition is now discovering that. But rather than acting appropriately and responsibly in taking decisions that affect the people of New South Wales, it continues to act like an Opposition in exile and to attack the Labor Party. It is no wonder that senior Coalition statespeople such as Jeff Kennett have condemned the Government's actions and said that retrospective action is totally unacceptable. The Opposition opposes the motion.

Mr ANDREW FRASER (Coffs Harbour—The Assistant Speaker) [4.04 p.m.]: This motion is about the Coogee Bay sandwich that was left for the Government by members opposite when they left us this scheme.
Ms Kristina Keneally: You're picking on the electorate of Coogee.

Mr ANDREW FRASER: I note the interjection of the member for Heffron. Much has been said during debate today and in the media about those who signed up to the scheme last October. Guess who one of them was? It was the member for Heffron! When she was found out, she said, "No, I'm only going to take 20¢." I guarantee that if someone had not pointed out that she had put solar panels on her roof the Keneally household would have slotted into the 60¢ rate. The $1.9 billion blowout in the scheme must be paid for. I have said publicly, and I will say again in this House, that I abhor retrospectivity. But the reality is that members opposite left us with this scheme. I applaud the fact that the Minister has now said he will consider hardship provisions for those people across New South Wales who are facing hardship.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Heffron will have every opportunity to seek the call at the conclusion of the contribution by the member for Coffs Harbour. The member for Coffs Harbour will be heard in silence.

Mr ANDREW FRASER: Members opposite left us this scheme and people are hurting. One installer in the Coffs Harbour electorate employs 37 people. He is worried about what will happen to those jobs if the scheme is not sorted out—and so am I. It is not just the cost to those who may see a reduced return on their investment; it is also the loss of jobs that have grown around the industry as a result of this badly flawed scheme. The Leader of the Opposition said that it is all the Government's fault. I reiterate that I do not like retrospectivity. The Leader of the Opposition stated:

"We saw changes in Premiers that led to changes in portfolios. And yes, I did introduce the Scheme ... Unfortunately I wasn't there to monitor it and watch where it was going and deal with it."

It was left to the member for Liverpool, Paul Lynch, to monitor the scheme. I have known the member for Liverpool for some time and I can imagine him saying, "Let's leave this mess for the new Government. We're in a hell of a mess; we've seen the polling. Let's leave the mess for the incoming Government." Labor knew that the costs were blowing out; it knew that its cap of $355 million had been breached, and it knew it back in October. At least we are trying to address the problem. As a result of a recent demonstration at my office, I circulated a number of questionnaires. I gleaned from the responses that 19 scheme participants used bank loans, three had green loans, six extended their home loans, 17 withdrew superannuation funds, 18 used their savings, one had a farm management loan, one sold shares and four were unknown. I suggest that all those people are facing some sort of hardship, and I applaud the fact that their concerns will be addressed. They altered their financial arrangements to install technology that they thought was clean and green and would give them a reasonable return—and it probably will.

However, the reality is that 3.2 million electricity consumers in New South Wales who are not in the scheme will now have to pick up the cost. If the Climate Change Fund is used to try to address the blowout then consumers not connected to solar electricity will have to pay. We need to resolve this issue. But we must not forget that the motion seeks to condemn the Leader of the Opposition, who, by his own admission, took his eye off the ball—as did the former Government. In typical Labor management style, the Government wasted billions of dollars—especially during its last term. As a result, this Government has to sort out the mess and the people of New South Wales, whether through increased electricity tariffs or some other method, will have to foot the bill for this failed scheme.

Mr GUY ZANGARI (Fairfield) [4.09 p.m.]: I am happy to speak on the Solar Bonus Scheme because it gives me the opportunity to speak on behalf of 110,000 families whom this Government has failed. This has been the first test of the O'Farrell Government—and what a failure it has been. The latest chapter in the Government's bungle occurred this morning when it announced a plan that fails families. Despite admitting that the Government's decision will leave families in financial hardship, the Premier has refused to back away from retrospective legislation that will leave families who invested in solar energy worse off. I call on the Premier to keep his promise to honour the contracts that mum and dad investors signed with the New South Wales Government. The Premier went to the election telling families he would honour the contracts they signed under the Solar Bonus Scheme.

Today The Premier had a chance to right the wrongs of the last fortnight. Instead, he has betrayed mum and dad investors and will press ahead with legislation that will leave families worse off. Following weeks of outcry from residents, the Premier today announced a so-called "hardship package", but he cannot give a single example of how the package would help households. No details have been provided. How much will this package cost? Will all 110,000 households be compensated? How long will it take for families to be
compensated? Which families will be left out? The truth is that the package the Government announced today is uncosted, unexplained and unbelievable. There is only one way to give families certainty, and that is to drop this plan for retrospective legislation and honour the contracts mums and dads signed in good faith. If the Premier does not want to listen to me, he should listen to members of his own party.

On 27 October last year the then shadow Minister for the Environment, Catherine Cusack, told the upper House, “I state for the record that a future O'Farrell Government will honour all accepted applications as a matter of faith.” If the Premier will not listen to Catherine Cusack, perhaps he should listen to the planning Minister, Brad Hazzard, who said he would not consider retrospective legislation in his own portfolio. The planning Minister is refusing to consider retrospective legislation in his own portfolio because he recognises the damaging precedent it sets. On 23 May, on the Alan Jones Breakfast Show, the planning Minister, Brad Hazzard, said the need for retrospective legislation would prevent him from intervening in planning approvals for wind farms. He said:

If that wind farm has progressed under Labor's part 3A laws, that brings up the whole issue of retrospectivity and I'm afraid we won't be able to probably assist.

Meanwhile, thousands of mum and dad investors will be left out of pocket, thanks to the O'Farrell Government's plans to retrospectively cut by 33 per cent the rate paid to households with solar panels. The Premier is sending a dangerous message that New South Wales Government contracts are not worth the paper they are written on. If Catherine Cusack, Brad Hazzard, Pru Goward, Andrew Fraser and other members of the Coalition recognise the dangerous message retrospective legislation sends, why will the Premier not offer families with solar panels that same security? These are households that did the right thing and installed solar panels on their roofs to help reduce our State's carbon emissions. The Premier has now reneged on that commitment, and will introduce retrospective legislation that will leave thousands of people worse off.

The Government is not only leaving families financially worse off; it is also lying to the public on the Solar Bonus Scheme. Not only did the Government support the Solar Bonus Scheme but it said it did not go far enough. When speaking in support of the Solar Bonus Scheme the then shadow Treasurer said, "There should be an acknowledgment from the Government that it has adopted the Coalition's position." In fact, the former Opposition frontbenchers argued for a vast expansion of the Solar Bonus Scheme. The former shadow Treasurer said, "The Government's legislation does not go far enough." The member for Goulburn said, "The Coalition would prefer the inclusion of larger businesses and systems within the scheme." The Solar Bonus Scheme passed through the New South Wales Parliament with the support of Labor, the Greens and the former Coalition. The former Coalition argued for a vastly more expensive Solar Bonus Scheme.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [4.14 p.m., in reply: As I have already indicated, the Solar Bonus Scheme encapsulates three different aspects: first and foremost, the people who entered into contracts in good faith with the former Government on the understanding that the scheme would cost New South Wales taxpayers only $355 million. Of course, we now know that the scheme has blown out to an unsustainable $1.9 billion. Second, the scheme encapsulates the burden to the 3.2 million users of electricity who must be protected from unsustainable electricity prices that have forced up the cost of living, especially over the past two to three years. Third, the scheme must sustain the people who work within the industry. I acknowledge the people in the solar industry who have ordered, and perhaps provided, many of the solar panels that will still be fitted across the State. We must acknowledge that the scheme will continue so that those businesses are sustained and their employees retained.

What will the Government do? We have already announced that we will reduce the unsustainable 60¢ tariff to a 40¢ tariff. I acknowledge the many people who have contacted me and all Government members, and indeed other members of Parliament, to complain about the Government's action with regard to the Solar Bonus Scheme. But we must protect the 3.2 million people across New South Wales who are paying electricity bills. If their electricity costs are hurting them now, we cannot continue to inflict any further pain on them. I speak especially on behalf of people in country areas and the many people across western Sydney.

I well remember that when we were campaigning during the Penrith by-election there was one issue on people's minds: the price of electricity. Every one of those hardworking people and every one of those elderly pensioners whose door we knocked on complained about the cost of electricity. And what did the former Government do? It undertook to implement an unsustainable Solar Bonus Scheme. At all times we were advised by the current Leader of the Opposition, who was the Minister for Energy at the time, that the scheme would
cost the taxpayers of this State only $355 million. When we came to government we were faced with the Lambert report highlighting that the scheme had blown out by $750 million, or three-quarters of a billion dollars. The cost of the scheme had increased five times.

We were advised by the now Leader of the Opposition when he was Minister for Energy that the scheme would cost only one-fifth of what we are now told it will cost, and we are now faced with the cost of $1.9 billion. We must acknowledge that cost, and we must put in place policies that are both fair and sustainable. As the Premier has announced today, there will also be hardship provisions for people who are suffering due to rising electricity costs. The Premier has acknowledged that there may be many people who have entered into the scheme who may be struggling with their finances, and that the current Minister for Energy, Chris Hartcher, will meet with groups, pensioners, welfare recipients, farmers, self-funded retirees and others that we genuinely believe may be affected by the reduction in the tariff. We will speak with those people and adjust the hardship clause so that they will not be adversely affected.

I raise a couple of issues to further substantiate what the now Leader of the Opposition and former Minister for Energy stated during debate in the other place. In speaking to an amendment to the Solar Bonus Scheme he stated, "An ongoing scheme would create unrealistic expectations for customers of guaranteed premium payments on an ongoing basis, when it is possible that the scheme could well be substantially amended or removed by subsequent parliaments in later years."

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber.

Mr RAY WILLIAMS: I place that on the record because of its importance. The former Minister for Energy flagged that the scheme would be changed if it was not sustainable by subsequent parliaments. I remind the House that at that point in time it was only proposed to provide for 55 megawatts.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 66

Mr Anderson  Mr Fraser  Mr Roberts
Mr Annesley  Mr Gee  Mr Rohan
Mr Aplin  Mr George  Mr Rowell
Mr Ayres  Ms Gibbons  Mrs Sage
Mr Baird  Ms Goward  Mr Sidoti
Mr Barilaro  Mr Grant  Mrs Skinner
Mr Bassett  Mr Hartcher  Mr Smith
Mr Baumann  Mr Hazzard  Mr Souris
Ms Berejiklian  Ms Hodgkinson  Mr Speakman
Mr Bromhead  Mr Holstein  Mr Spence
Mr Brookes  Mr Humphries  Mr Stokes
Mr Cansdell  Mr Issa  Mr Toole
Mr Conolly  Mr Kean  Mr Torbay
Mr Constance  Dr Lee  Ms Upton
Mr Cornwall  Mr Notley-Smith  Mr Ward
Mr Coure  Mr O'Dea  Mr Webber
Mrs Davies  Mr O'Farrell  Mr R. C. Williams
Mr Dominello  Mr Owen  Mrs Williams
Mr Doyle  Mr Page
Mr Edwards  Ms Parker
Mr Elliott  Mr Perrottet
Mr Evans  Mr Piccoli  Mr Maguire
Mr Flowers  Mr Provest  Mr J. D. Williams

Tellers,
Mr Maguire
Question resolved in the affirmative.

Motion agreed to.

The SPEAKER: It being 4.30 p.m. the House will now consider Government Business.

REAL PROPERTY AMENDMENT (TORRENS ASSURANCE LEVY REPEAL) BILL 2011

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 11 May 2011

Page 4, schedule 1 [10] (proposed clause 26 (b)), line 21. Omit "after 1 July 2011". Insert instead "on or after 1 July 2011".

Mr MIKE BAIRD (Manly—Treasurer) [4.31 p.m.] I move:

That this House agree to the Legislative Council amendment.

The Legislative Council amendment is procedural in nature.

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

Motion agreed to.

Legislative Council amendment agreed to.

Message sent to the Legislative Council advising it of the resolution.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.31 p.m.]: I move:

That standing and sessional orders be suspended to permit the introduction and passage through all remaining stages at this or any subsequent sitting of the Courts and Other Legislation Amendment Bill 2011, notice of which was given this day for tomorrow.

This motion relates to the matter I raised in the first two weeks of sittings in relation to the operation of the new Parliament, that is, the availability of legislation to move through all stages. With the necessary requirement of five days' notification, it is necessary for me to move to suspend standing orders. I gave a copy of the relevant bill to the Leader of Opposition business. I apologise that I did so just before moving this motion.

Mr MICHAEL DALEY (Maroubra) [4.32 p.m.]: The Opposition indicated at the outset that we would do our best during the first few weeks of this Parliament to facilitate Government business through the House. We understand that the formation of a new Government and new Parliament brings with it certain exigencies. Any fair-minded observer would consider that we have accommodated the Government, but the Government is fast approaching the situation where it has taken its last drink at the well. However, we will not oppose this motion.

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

Motion agreed to.
Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.34 p.m.]: I move:

That this bill be now agreed to in principle.

The purpose of the Courts and Other Legislation Amendment Bill 2011 is to make miscellaneous amendments to legislation affecting the operation of the courts of New South Wales and other legislation administered by the Attorney General and Minister for Justice. The bill is part of the Government's regular legislative review and monitoring program and will amend a number of Acts to improve the efficiency and operation of our courts, as well as the operation of agencies within the Department of Attorney General and Justice. I will now outline each of the amendments in turn.

In relation to the Crimes (Sentencing Procedure) Act 1999, schedule 1.1 to the bill makes amendments to part 8B of the Crimes (Sentencing Procedure) Act 1999 to require a retired magistrate to be appointed as a member of the NSW Sentencing Council. The Sentencing Council was established in 2002 in the context of the introduction of standard non-parole periods. The council has various functions, one of which is to keep members of the judiciary abreast of the community's views and values so that more appropriate sentences will be issued. It currently has 15 members who are drawn from diverse backgrounds. There are three former judicial officers on the Sentencing Council, but no former judicial officer of the Local Court is represented. As a large majority of criminal cases come before the Local Court, the Sentencing Council would benefit from a permanent Local Court representative. Schedule 1A amends section 10 of the Act, which relates to the quorum for the Sentencing Council to take account of the increased size of the body, so that a quorum will always require a majority of appointed members. When a magistrate is appointed and the council has 16 members, the quorum will become nine people.

In relation to the Director of Public Prosecutions Act 1986, schedule 1.2 to the bill amends the Director of Public Prosecutions Act 1986 to make it clear that if a judge or former judge is appointed as Director of Public Prosecutions [DPP], then his or her prior judicial service counts towards any judicial pension to which the DPP would be entitled under the Act. Under the Director of Public Prosecutions Act, the DPP is entitled to a judicial pension under the Judges' Pensions Act 1953 in the same way as judges. Primarily, this means that the DPP is entitled to a judicial pension after reaching the age of 60 years and after serving as DPP for not less than 10 years. At present, where a DPP is subsequently appointed as a judge, the Director of Public Prosecutions Act specifically provides that service as DPP is to count as service as a judge for determining the judge's eligibility for a judicial pension.

However, the Director of Public Prosecutions Act does not address the reverse situation of a judge who is subsequently appointed as DPP. The amendment makes it certain that prior service as a judge counts toward service as DPP for the purposes of determining eligibility for the DPP's judicial pension. The amendments are based on the existing provisions of section 8 of the Judges' Pensions Act 1953. That Act details how prior judicial service is to be treated when determining judicial pension entitlements. The amendments provide that any prior service, as judge or DPP, counts as service in the office of judge or DPP that is held immediately before retirement, or death before retirement. It should be noted also that a person is entitled only to a single judicial pension, either as a judge or as a DPP.

In relation to the Land and Environment Court Act 1979, schedule 1.4 to the bill makes amendments to the Land and Environment Court Act 1979 for the purposes of clarifying the Land and Environment Court's jurisdiction and to ensure that the court's procedures run efficiently. First, it makes provision for hearings to be conducted on site in relation to disputes between neighbours about high hedges. Such disputes are often best resolved by a commissioner on-site, because the impacts of the hedge can be assessed directly and the matter disposed of quickly.

Secondly, it restores the capacity of the court to conduct on-site hearings of appeals against determinations of applications to modify development consents. These disputes are also liable to be assessed and disposed of most efficiently on-site. Thirdly, the amendments to sections 17 and 20 of the Land and Environment Court Act clarify the court's jurisdiction in regard to the appropriate class of the court's jurisdiction.
to which such matters belong. This will ensure that the appropriate procedures and powers of the court will then apply to the conduct of those proceedings. The bill provides for this to occur in respect of appeals against determinations of applications to modify development consents and in respect of matters transferred from the Supreme Court under the Civil Procedure Act 2005.

Schedule 1.5 amends section 13 (5) of the Law Reform Commission Act 1967 to require that the Attorney General table any report provided to him or her by the commission in each House of Parliament within 14 parliamentary sitting days of its receipt. This amendment is intended to reduce the potential for significant time to pass between a report being presented to the Attorney General and it being tabled. A number of other jurisdictions require reports to be tabled within a similar time frame. Victoria and Queensland require that their Law Reform Commission reports be tabled within 14 sitting days of the Attorney receiving a report. This amendment will increase transparency in government and legal policy decision-making and ensure that the recommendations contained in a report are current and relevant at the time of release. After the report has been tabled the Government will consider the recommendations and table a response.

Schedule 1.6 amends the NSW Trustee and Guardian Act 2009. The amendments to the definition of "reciprocating State" in sections 35 and 81 of the Trustee and Guardian Act confirm that other States and Territories are reciprocating States for the purposes of the making of reciprocal arrangements in relation to an intestacy matter or the management of an estate. This amendment was requested by the NSW Trustee and Guardian to clarify the definition, which will assist in its administration of reciprocal arrangements. Schedule 1.7 amends the Privacy and Personal Information Protection Act 1998 to include the Office of the Sheriff of New South Wales as a law enforcement agency for the purposes of that Act. The Act imposes certain privacy restrictions on public sector agencies but provides exemptions for law enforcement agencies. The Office of the Sheriff carries out certain functions that are of a law enforcement nature, including carrying out evictions, seizing debtors' property and, in their capacity as court security officers, exercising powers of search, seizure and arrest on court premises. By defining the office as a law enforcement agency that law enforcement exemption clearly will apply.

Schedule 1.8 amends the Surrogacy Act 2010 to require that before a parentage order can be granted to transfer parentage from a surrogate mother to the new parents the child's birth must be registered by the Registry of Births, Deaths and Marriages and not simply notified to the registry. This will ensure that there is a record of the child's birth details before a parentage certificate is granted. It is important that this record be created so that the child can access this later on, if he or she wishes. Schedule 1.9 makes amendments to the Trustee Companies Act 1964 that are consequential upon recent amendments made to the Corporations Act 2001 of the Commonwealth. Section 601WBA of the Corporations Act 2001 of the Commonwealth enables the Australian Securities and Investments Commission to make a determination that there is to be a transfer of estate assets and liabilities from a trustee company, known as the transferring company, to another licensed trustee company, known as the receiving company. To make this determination, the Australian Securities and Investments Commission must be satisfied, amongst other things, that legislation to facilitate the transfer that satisfies the requirements of section 601WBC of the Corporations Act 2001 has been enacted in the State or Territory in which the transferring company and receiving company are situated.

Prior to the recent amendments to the Corporations Act 2001, the Australian Securities and Investments Commission could only make a transfer determination if the Australian Securities and Investments Commission had cancelled the transferring company's registration. These kinds of determinations are called compulsory transfer determinations. Following the amendments, the Australian Securities and Investments Commission may also make a transfer determination on the application of the transferring company. These new kinds of determinations are called voluntary transfer determinations. Before the national regulatory framework for trustee companies commenced in May 2010, many corporate groups operating across State borders operated multiple subsidiaries whose purpose was to hold a trustee company authorisation in a particular jurisdiction. Many corporate groups wish to transfer the business of these subsidiaries to one licensed trustee company. Voluntary transfer determinations are an expeditious and cost-effective process for trustee companies to rationalise their operations and reduce compliance costs.

The proposed amendments to section 34A of the Trustee Companies Act ensure that the legislation will now extend to voluntary transfer determinations made by the Australian Securities and Investments Commission as well as to compulsory transfer determinations. They will enable the Australian Securities and Investments Commission to make voluntary transfer determinations in appropriate circumstances. The amendments contained in the bill have been the subject of thorough consultation with key stakeholders, including the Chief Justice of New South Wales, the Chief Judge of the District Court, the Chief Judge of the Land and
Environment Court, the Chief Magistrate, the Law Reform Commission, the Department of Planning, the New South Wales Sheriff, the Acting Director of Public Prosecutions, the Registry of Births, Deaths and Marriages, the NSW Trustee and Guardian, the New South Wales Bar Association and the Law Society of New South Wales. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [4.47 p.m.]: The Courts and Other Legislation Amendment Bill 2011 seeks to make a number of miscellaneous amendments to legislation involving courts and other related legislation within the portfolio of the Attorney General. Some of the legislation that is proposed to be amended includes the Crimes (Sentencing Procedure) Act, the Director of Public Prosecutions Act, the Land and Environment Court Act, the Environmental Planning and Assessment Regulation, the Land and Environment Court Act, the Law Reform Commission Act, the NSW Trustee and Guardian Act, the Privacy and Personal Information Protection Act, the Surrogacy Act, the Trustee Companies Act and the Corporations Act.

As the Opposition received this bill only earlier today it is preposterous and absurd to expect any serious contribution to debate on the bill, given that sort of time frame. In fact, the process that the Government went through in dealing with this bill is an outrage and a disgrace and reveals a complete contempt for this Chamber. It may well be that the bill will have only benign consequences, with nothing of any great controversy. It may even be that the bill was prepared under the previous Government. But Opposition members cannot know that because they have had only a couple of hours to look at it. It is of particularly serious concern that it comes within the jurisdiction of the Attorney General who should have far greater respect for the Parliament. It is certainly true that the Attorney's role in New South Wales is different to the role of the Attorney in the House of Commons, but if the Attorney—

Mr Greg Smith: You did it to us. What about the bikie legislation—urgent legislation—rushed through both Houses in one day with 18 months to bring an application to the Supreme Court?

Mr PAUL LYNCH: The Attorney General demonstrates, through his interjections, his contempt for the standing orders in this place.

Mr Greg Smith: Go back to your maiden speech. We have all read that; we know it off by heart.

Mr PAUL LYNCH: The only conclusion I can draw is that the Attorney General must be upset by articles in the Sydney Morning Herald. This Government has been in opposition for 16 years. One would have to conclude from the past few weeks that it was not doing much during that period. In the past few weeks a series of bills were rushed through the Parliament. We were told that we had to come back early and that we had to sit longer hours, but all we have had is a series of make-work bills.

Mr JONATHAN O’DEA (Davidson) [4.50 p.m.]: I am delighted to speak on the Courts and Other Legislation Amendment Bill 2011. I reiterate the comment made by the Attorney General that when in opposition members of the Coalition were regularly subjected to legislation being rushed through this place at the last minute, despite the fact that the Labor Party had been in government for some years and that it had had ample non-sitting weeks in which to provide notice of it. We are just beginning the third sitting week of this Government's term in office, so it is acceptable business and excusable that legislation is being introduced on short notice. Given that the Leader of the Opposition consented to the introduction of this legislation at this time it is also inappropriate for the shadow Attorney General to cry over what he sees as spilt milk. He should speak with his colleague, who consented to the short notice.

The purpose of this bill is to make miscellaneous amendments to courts-related legislation and other legislation administered by the Attorney General and Minister for Justice. I make the observation as a former and, dare I say, reformed lawyer who practised for only five years before going into business that the Attorney General is off to a flying start. There is good evidence that he will be reformist and progressive and that he will also protect the fine traditions of New South Wales in his role as Attorney General. The extent and range of the amendments proposed in this bill reflect his interest and depth of knowledge in this area.

I will outline the various bills proposed to be amended, but I will focus on the Land and Environment Court Act 1979 and the Crimes (Sentencing Procedure) Act 1999. I note that the proposed amendments to the Land and Environment Court Act 1979 are designed to improve case management and efficiency of decision-making by providing for the allocation of particular classes to certain matters within the court's jurisdiction and allowing on-site hearings for hedge disputes and appeals against modification of a development consent. I have spoken on hedge disputes previously in this place, so I will not reiterate my comments.
Mr Richard Amery: You are hedging your bets.

Mr JONATHAN O’DEA: We are not hedging any bets; we are providing certainty. It is good to see a more innovative and sensible approach being taken to hedge disputes. Schedule 1.4 amends the Land and Environment Court Act 1979. Item [1] provides for the allocation of jurisdiction of the Land and Environment Court to a particular class. Section 17 of the Act sets out the court's class 1 jurisdiction, which primarily consists of merits review and development appeal matters. This includes the court's jurisdiction under section 97AA of the Environmental Planning and Assessment Act 1979 to hear appeals against councils' determinations of applications to modify development approvals. Section 97AA was enacted in 2010, but because of an oversight it was not listed in the description of the court's class 1 jurisdiction. There were many oversights under the previous Government, but this one can be rectified. A savings provision in the Environmental Planning and Assessment Act currently operates to correct the oversight, but this legislation will correct it in the Act itself.

The significance of listing a matter as a class 1 matter as proposed in section 17 is that it will, first, trigger the operation of provisions of the Land and Environment Court Act that provide for conciliation conferences, site inspections, the power of the court on appeal, appeals from commissioners' decisions to Land and Environment Court judges and appeals from Land and Environment Court judges to the Supreme Court, among other things; and, secondly, render the matter subject to the practice direction governing class 1 matters, which is important for the efficiency of the court's operations. This proposed amendment will help to ensure that matters before the Land and Environment Court are resolved at the earliest appropriate opportunity and that the court is apprised of all the relevant facts in managing the case. I turn now to the Crimes (Sentencing Procedure) Act 1999. Schedule 1.1 provides for the appointment of a retired magistrate to the Sentencing Council. Such an appointment will add to the expertise and the wisdom of this body.

Mr Troy Grant: That is what the people of Davidson would want.

Mr JONATHAN O’DEA: Indeed, they would, as would many other people around the State. The New South Wales Sentencing Council advises and consults with the Attorney General on a range of sentencing matters, including standard non-parole periods, guideline judgements and sentencing trends and practices. The council also prepares research papers at the request of the Attorney General and educates the public about sentencing matters. That is an important and valuable role because there should be no shortage of education in our community and often sentencing matters and the law are misunderstood by the general public. The council also maintains a close working relationship with the New South Wales Bureau of Crime Statistics and Research, the Judicial Commission of New South Wales, the New South Wales Law Reform Commission and the Department of Attorney General and Justice. That includes cooperation on specific projects and discussion of the Government's response to various important issues as well as the implementation of Sentencing Council recommendations.

We heard from the Attorney General that the council has 15 members, including the Senior Public Defender, retired judges, public interest organisation directors, representatives of the New South Wales Police Force and the Department of Attorney General and Justice as well as persons with expertise in juvenile justice. I look forward to noting the Attorney General's positive impact on the juvenile justice sector, which the former Government sadly neglected. That is reflected no more tellingly than by the resignation from this place of Minister Graham West because of his disillusionment and disenchantment with his Government's lack of achievement in that area. I am pleased that he is now performing a very valuable and important community role with the St Vincent de Paul Society. The Sentencing Council is reviewing the use of non-conviction orders and good behaviour bonds with particular reference to their use across local courts and different offence categories and the reasons behind sentencing decisions to use non-conviction orders. The council is due to report later this year on other reviews relevant to the Local Court, including the jurisdictional limit of the court, the application of standard non-parole periods to driving offences, the use of suspended sentencing options and the sentencing of serious violent offenders.

As indicated previously, a number of other areas are covered by this legislation. Before concluding I will run through those briefly. Amendments to the Director of Public Prosecutions Act 1986 clarify that if a judge or a former judge was appointed to the Office of the Director of Public Prosecutions, prior judicial service would count towards any judicial pension to which the Director of Public Prosecutions would be entitled. This obviously allows judges to become the Director of Public Prosecutions without their retirement benefits being disadvantaged—an eminently sensible amendment that promotes public service and the reasonable continuity of public service. The Law Reform Commission Act 1967 is amended to require Law Reform Commission reports
to be tabled within 14 parliamentary sitting days of the Attorney General receiving the report. A number of other jurisdictions already require reports to be tabled within that time frame and this approach should be welcomed as promoting accountability, transparency and consistency across jurisdictions.

The Privacy and Personal Information Protection Act 1998 is amended to include the Office of the New South Wales Sheriff as a law enforcement agency. As an aside I note that I served as the delegate of the current Premier—the former Leader of the Opposition—on the New South Wales Privacy Commission Advisory Committee under the old regime of privacy before the introduction of the Government Information (Public Access) Act 2009. I note that the committee will now report to a parliamentary committee rather than having parliamentary representatives on the committee. However, that gave me an insight into privacy issues, as they relate to matters before this place, and to the inner relationship between the Privacy Commissioner and Parliament. I agree that the proposed amendments to that Act will help to protect the safety of sheriffs and judges by ensuring that law enforcement actions are not compromised through the withholding of information by other government agencies from sheriffs who are seeking to perform their duties.

The Surrogacy Act 2010 is another piece of legislation that will be amended by the Courts and Other Legislation Amendment Bill 2011 to provide that births must be registered by the Registry of Births, Deaths and Marriages and not just notified to the registry before a parentage order can be granted. I understand that the registry has recommended this change to ensure there is a record of a child's original parentage. One of my colleagues also pointed out that it may have an indirect benefit in New South Wales receiving some extra GST revenue for having more people registered within the State. That is a nice additional, but not totally intended, consequence in the sense that it was not the primary driver for the amendment. Nonetheless, I am sure it is one that will be welcomed by the people of New South Wales. [Extension of time agreed to.]

I will not comment further in relation to the Surrogacy Act 2010 other than to say that in the course of the last Parliament there was considerable discussion about that Act. I welcome the Attorney General revisiting some of the matters—not necessarily the core issues discussed on the last occasion but some ancillary matters that came up at the time—that deserve appropriate consideration. In the future we might well debate some amendments to that Act. In the four years I have been a member of Parliament I have been encouraged by the level of debate and the intelligence that everyone brings to debates of that nature. I welcome that sort of debate in the future. The Trustee Companies Act 1964 facilitates the transfer of estate assets and liabilities from one trustee company to another where the Australian Securities and Investments Commission has made a voluntary transfer determination under the Corporations Act 2001. This would allow corporate groups with multiple subsidiaries operating across State borders to transfer the trustee company business of these subsidiaries to one licensed trustee company. This sensible, reasonable business-focused amendment, which would be hard to argue against on any reasonable or logical basis, should also be welcomed.

Finally, I refer to the New South Wales Trustee and Guardian Act 2009. The amendments that the Courts and Other Legislation Amendment Bill 2011 seeks to make to that Act will clarify that all Australian States and Territories will automatically fall within the definition of a reciprocating State. The New South Wales Trustee and Guardian requested this amendment to clarify the definition of a reciprocating State concerned in reciprocal arrangements in relation to intestacy or the management of an estate. This Government is listening, sensibly, to government authorities and institutions that are experts in these areas and, as such, it has responded to that request. I have spoken in detail in debate on this wide-ranging bill to two Acts: the Crimes Sentencing Procedure Act 1999 and the Land and Environment Court Act 1979.

Mr Troy Grant: It is a win for Davidson.

Mr JONATHAN O’DEA: It is a win for Davidson but it is also a win for New South Wales, which is most important. We need more wins in New South Wales. In my four years as a member of the Opposition we tried to achieve some wins in this Chamber for New South Wales. It is great that we are winning not only for New South Wales; we are also achieving some wins three-quarters of the way around the Chamber. I support the legislation.

Mr BRYAN DOYLE (Campbelltown) [5.07 p.m.]: I support the Courts and Other Legislation Amendment Bill 2011, the purpose of which is to make amendments to various Acts, and focus my contribution on the Law Reform Commission Act 1967 and the Crimes (Sentencing Procedure) Act 1999. The Government is committed to the promotion and discussion of important legal issues. It values community input in relation to community law reform. From a Campbelltown perspective, this Government's commitment to community consultation is beyond par. Members would be aware that recently the first community Cabinet was held at
Campbelltown. People from Campbelltown could rub shoulders with members of Cabinet without having to pay large amounts of money for expensive soirées or dinners and meet with their elected representatives. The people of Campbelltown deeply appreciated that.

Mr Greg Smith: It obviously boosted the Wests Tigers prospects in the game they play too.

Mr Bryan Doyle: That is true. This Government listens to and consults with the people. The Government is committed to independent examination and comment on some of the big legal policy issues affecting society today. One of the things people get tired and jaded about is when things are buried and never see the light of day, which is why this bill is important. It introduces an amendment that will require Law Reform Commission reports to be tabled within 14 parliamentary sitting days of the Attorney General receiving them. This approach will ensure accountability and transparency and it will ensure also that people read the reports while they are still in living memory. It ensures that when the Government asks the Law Reform Commission to complete an independent report the people of New South Wales can get that report in a timely fashion.

The Law Reform Commission is an independent body that was established in 1967 and is currently chaired by the Hon. James Wood, AO, QC. It should be noted that the Law Reform Commission is presently consulting on reform in relation to a number of issues, including cheating at gambling, compensation to relatives and security for costs. Cheating at gambling is a huge issue for the integrity of that industry, which brings a lot of money into New South Wales. There are many issues involving exotic forms of gambling—for example, betting on whether a cricketer will bowl a no ball during the second over on the third day of a test match, betting on whether a footballer will take a bellyflop in front of the posts or kick the ball backwards, poker machine gambling, or betting on horseracing, which is a large industry in Campbelltown. Menangle Trots is regarded as the premier harness racing meeting in the country. I was there the other week when an Australasian record was broken during the running of the Miracle Mile, which highlights the importance of the industry to the people of New South Wales.

These are important issues for law reform in New South Wales, and I encourage members of the community with interests in these areas to get involved in the process by making submissions to the Law Reform Commission. This is an opportunity to hear the community's voice and views on law reform. It should be noted that the Law Reform Commission is also conducting intensive consultations on the integral issue of mental health reform in New South Wales. This is a matter close to my heart and very important to the people of Campbelltown. In my previous employment as a chief inspector of police I was the mental health liaison officer for Campbelltown police. My duties involved taking the mental health intervention team training course, which is a four-day intensive course for New South Wales police. This was part of a policy thrust to decriminalise mental health and achieve better outcomes for people suffering a mental illness. Mental health is a major problem that affects the community in a range of ways. For example, it can lead to homelessness, which is a big problem—mental illness is often why people are homeless. A range of government agencies are involved in mental health issues and as liaison officer I met with local health, ambulance and police officers to ensure that processes were in place to address the needs of the mentally ill. Measures were often put in place to benefit not only the patient but also the broader community.

I know of one patient who had a peculiar habit of calling emergency services when she wanted to be transported to hospital. The problem was she did not like police so when they turned up she became abusive. We discussed the problem and came up with the innovative solution of moving her closer to the hospital so that instead of calling the police, she could walk and present herself to hospital. Traditionally, patients were transported to hospital in police cars. However, it is widely acknowledged that that is not the most appropriate method so now every effort is made to transport patients via ambulance. I remember one occasion when a fellow was suffering a violent delusional episode. He refused to come with me and it appeared that I may have had to use some force and make him comply. I said to him, "I recall you mentioned that you know meditation." He said, "That's exactly right." I said, "Can you show me?" He said, "Would you like to see?" He sat down in the lotus position, with his thumbs facing up, and his eyes shut. All of a sudden he opened his eyes and asked, "Are you looking?" I said, "Yes, I am." The next thing I knew he had calmed down. He opened his eyes again and said, "You have tricked me into being calm, Mr Doyle." He then got up, hopped into the ambulance and made his way to hospital.

That is an example of how we can achieve different outcomes. Campbelltown also has a very good family support group—mental illness not only affects patients but also affects families. I have spoken to patients' parents and family members, helping them to understand some of the processes involved. One of the
greatest mental health initiatives in Campbelltown is Harmony House, which assists people with schizophrenia. It provides a safe environment where people suffering from mental illness can gather in a supportive group. One of the biggest evils associated with mental illness is loneliness. Because of their illness, people with mental illness often push away those they most need around them, leading to homelessness. Harmony House provides a caring and supportive environment in a residential area. Residents and rotary and other service clubs have helped to upgrade the premises.

It has been my honour to speak with the residents of Harmony House as their policeman friend. I attended wearing shorts and a T-shirt because many do not like to be confronted with a police officer. It was a very good outcome. I enjoy a close relationship with Harmony House, which I look forward to continuing. The medical health professionals at Brown Street and the emergency triage at Campbelltown Hospital do a marvellous job looking after patients and liaising with officers when a police escort is needed to assist during crisis situations. Mental health has a huge impact across a range of reform areas, and that is one reason the bill is so important.

The Law Reform Commission is also looking at producing a report on penalty notices. Very few members would not have received a traffic infringement notice or a parking infringement notice at some stage—or know of someone who has—and thus be familiar with the enforcement process to be followed. Issues have been raised with respect to statutory declarations and people nominating other drivers. I am sure that those matters will be covered in the report. The bill will ensure that reports produced by the Law Reform Commission, and the community views represented in them, become public knowledge in a timely manner to ensure that proper debate can occur. The legislation also refers to the New South Wales Sentencing Council. The council monitors and reports to the Attorney General, who is at the table, on sentencing trends and practices. This is very important. My father was a magistrate in the courts of petty sessions, as they were known, and then the Local Court. It is not widely known that the Local Court processes up to 95 per cent of all legal cases in New South Wales. Is that correct, Mr Attorney?

Mr Greg Smith: Yes.

Mr BRYAN DOYLE: As the Attorney General says, the Local Court processes up to 95 per cent of cases. [Extension of time agreed to.]

The local courts probably have the greatest impact on the New South Wales legal system. If a person has to go to court there is a good chance the case will be before his or her Local Court. The local courts deal with an array of offences, ranging from minor street offences to very serious offences, which in previous days used to be dealt with by trial. Invariably, local justice is dispensed through the local courts. During question time today I asked a question about sentencing in relation to those who murder police officers. In his response the Attorney General referred to some of the police officers who have been murdered while on duty. They include Paul Katsivelas, who was a workmate of mine at Newtown. Paul was murdered on 4 April 1984, which was the first year of my policing career. Brett Sinclair, another mate of mine, was murdered while trying to arrest a truck driver. The truck driver drove him into a telegraph pole.

Senior Constable Jim Affleck, VA—which stands for Valour Award—was a highway patrol officer at Campbelltown. We commemorate his death each year on 14 January with a special ceremony at the front of Campbelltown police station. Jim Affleck was a very special officer: he was very committed to road safety. In his case, violent robbery offenders were proceeding at high speed along the Hume Highway, evading police efforts to arrest them. Jim Affleck was the officer who got out in front and laid road spikes to apprehend the offenders. However, the offenders, in attempting to avoid the road spikes, deliberately ran down Senior Constable Affleck. His death is still felt within the broader Campbelltown community. In fact, at one of our recent memorial services a fellow from Airds donated to the police station a fully upscale model of Jim's car, complete with its markings. The model is now proudly on display in Campbelltown police station.

The people of Campbelltown know that this officer gave his life when laying down those road spikes in order to defend his community. The people of Campbelltown have not forgotten that, and this Government certainly has not forgotten the dedication of New South Wales police officers. We will ensure that it is reflected in sentencing. The sentencing trends and practices provided by the Attorney General also give guidance to judicial officers on how best to weight their sentences to ensure that justice is done, and done across the board. The NSW Sentencing Council prepares research papers or reports on particular sentencing matters at the request of the Attorney General. I am sure that from time to time the Attorney General will refer matters to the Sentencing Council. The council also educates and promotes public awareness in relation to sentencing issues.
In many cases judicial officers consider a whole range of matters in sentencing. When a decision is reported in the media people often simply see the end result and do not understand how the judicial officer arrived at that decision. The Sentencing Council also advises and consults with the Attorney General on a standard non-parole period and guideline judgements.

Importantly, the bill will require the appointment of a retired magistrate to the Sentencing Council. I believe this is an important aspect of the bill. As I referred to earlier, the vast majority of criminal cases are dealt with by the Local Court. When I was a police prosecutor, on list days we would have to carry a large bundle of files to the court. I would carry my bundle of files and my trainee police prosecutor would carry his bundle of files. These days, however, Campbelltown Local Court processes so many cases in a day that cases with wheels are used to transport the files to the courthouse. Magistrates have a huge impact on law and order issues and what goes on in a community. They are the judicial officers who are at the coalface, in the street and in the local area. So the expertise of a retired magistrate and their real-life, practical experiences will certainly benefit the Sentencing Council. Retired magistrates know what it is like on the ground in the Local Court, and I am sure that they will be able to provide advice to the Sentencing Council, which will take this important perspective into account.

The Sentencing Council currently has four active references. First, there is currently an examination of the use of non-conviction orders and good behaviour bonds under the Crimes (Sentencing Procedure) Act 1999. Many members will recall non-conviction orders under the old section 556A. Non-conviction orders are a mechanism whereby a magistrate or judicial officer can find an offence proven against a person but not proceed to a conviction. Sometimes this has big implications regarding employment and other issues. The second active reference of the Sentencing Council is a review of standard non-parole period offences for sexual offences. The third is an examination of sentencing options for serious violent offences, which marries in with the second. The fourth active reference of the Sentencing Council is an examination of the use of suspended sentences under section 12 of the Crimes (Sentencing Procedure) Act 1999. A suspended sentence is a mechanism whereby a person is sentenced to a jail term but it is suspended upon the person entering into a bond. It is important that the Sentencing Council explores that issue and ascertains whether the mechanism has been utilised properly. I am sure that a retired magistrate’s view will help to inform the work of the Sentencing Council. I commend the Courts and Other Legislation Amendment Bill 2011 to the House.

Mr MARK SPEAKMAN (Cronulla) [5.27 p.m.]: It is my pleasure to speak in support of the Courts and Other Legislation Amendment Bill 2011, which makes miscellaneous amendments to courts-related legislation and other legislation administered by the Attorney General, and Minister for Justice. Schedule 1 to the bill lists the amendments that are proposed to various pieces of courts-related legislation and other legislation. Schedule 1 is subdivided into schedules 1.1 through to 1.9. Schedule 1.1 will amend the Crimes (Sentencing Procedure) Act 1999 to require the appointment of a retired magistrate to the NSW Sentencing Council. Schedule 1.2 will amend the Director of Public Prosecutions Act 1986 to clarify that if a judge, or ex-judge, is appointed as the Director of Public Prosecutions prior judicial service counts towards any judicial pension to which the Director of Public Prosecutions would be entitled.

Schedule 1.3 makes an amendment to the environmental planning and assessment regulations consequential upon one of the amendments in schedule 1.4. Schedule 1.4 amends the Land and Environment Court Act 1979 to improve case management and efficiency of decision-making by, first, providing for the allocation of particular classes to certain matters within the Land and Environment Court's jurisdiction; and, secondly, allowing on-site hearings for hedge disputes and appeals against modification of the development consent. Schedule 1.5 amends the Law Reform Commission Act 1967. The amendments will require the reports of the Law Reform Commission to be tabled within 14 parliamentary sitting days of the Attorney General receiving the reports. Schedule 1.6 amends the New South Wales Trustee and Guardian Act 2009 to clarify that all Australian States and Territories automatically fall within the definition of a "reciprocating State". This amendment was requested by the NSW Trustee and Guardian in order to clarify the definition of a reciprocating State with regard to reciprocal arrangements concerning intestacy or the management of an estate.

Schedule 1.7 amends the Privacy and Personal Information Protection Act 1998. This amendment will include the Office of the Sheriff of New South Wales as a law enforcement agency. It will help to protect the safety of sheriffs and judges by ensuring that law enforcement actions are not compromised by other government agencies withholding information from sheriffs seeking to perform their duties. Schedule 1.8 amends the Surrogacy Act 2010. This amendment provides that births must be registered by the Registry of Births, Deaths and Marriages before a parentage order can be granted, and not just notified to the registry. The Registry of Births, Deaths and Marriages has recommended this change to ensure that there is a record of a
child's original parentage. Finally, schedule 1.9 amends the Trustee Companies Act 1964. The amendment will facilitate the transfer of estate assets and liabilities from one trustee company to another when the Australian Securities and Investments Commission has made a voluntary transfer determination under the Corporations Act 2001. This will allow corporate groups operating across State borders with multiple subsidiaries to transfer the trustee company business of these subsidiaries to one licensed trustee company.

Previous speakers have dealt with various schedules to the bill in some detail. I will now address some of those schedules in further detail. The member for Campbelltown, who has extensive policing experience, spoke eruditely about the proposed amendments to the Crimes (Sentencing Procedure) Act 1999 that require the appointment of a retired magistrate to the Sentencing Council. The role of a Sentencing Council is to advise the Attorney General on sentencing matters. The council's current membership is quite broad: those experienced in the superior courts of New South Wales, victims of crime, police, those on both the prosecutorial side and the defence side of the criminal justice system, academics with expertise in criminology, and those involved with corrective services. But it is lacking a representative of that class of courts that deals with the significant majority of criminal cases in New South Wales.

The Attorney General needs to be equipped with the best possible resources to formulate policies on sentencing and the public must have confidence in the sentencing process. If one listens to Sydney talkback radio on any morning of the week one will hear callers complaining about what they perceive as inadequacies or deficiencies in the sentencing process. Public confidence in the sentencing process is very important. For example, how do we explain to a victim of crime whose loved one has been murdered or to someone who has been severely injured as a result of a criminal offence why the accused appears to have received a relatively light sentence when convicted. To ensure public confidence, the entire spectrum of the criminal justice system should be represented on the Sentencing Council, which is doing the research, making reports and giving recommendations to the Attorney General.

As noted by the member for Campbelltown, the Sentencing Council is presently examining the use of non-conviction orders and good behaviour bonds, standard non-parole periods and suspended sentences. The reports of the Sentencing Council should reflect the opinions of not only those in the upper echelons of the judiciary but also those at the coalface of the criminal justice process—those who hear hundreds or thousands of cases each year in the Burwood Magistrates Court or the Campbelltown Magistrates Court. That vital cog should be represented on the body advising the Attorney General on sentencing matters. The Attorney General needs that breadth and depth of information. Most criminal matters in this State are dealt with in the Local Court—one finds breadth and depth of information there. I heartily endorse the remarks of the Attorney General and the member for Campbelltown as to the composition of the Sentencing Council.

I turn now to the amendments in schedule 1.4 to the Land and Environment Court Act 1979. As I have said, the purpose of these amendments is to improve case management and efficiency of decision-making by, first, providing for the allocation of particular classes to certain matters within the court's jurisdiction; and, secondly, allowing on-site hearings for hedge disputes and appeals against a modification of a development consent. Section 16 of the Land and Environment Court Act sets out that court's eight classes of jurisdiction, with one of those classes being in section 20—class 4. Section 149 of the Civil Procedure Act 2005 allows the Supreme Court on its own motion or on the application of a party to transfer matters to the Land and Environment Court when that court is the most appropriate forum. But a lacuna exists in the legislation because those matters transferred from the Supreme Court are not listed anywhere in the jurisdiction of the Land and Environment Court. The bill will address that lacuna and plug the hole. It will put that class of case into class 4 because it involves the general jurisdiction of the Land and Environment Court to enforce environmental and planning laws.

Why is class 4 the appropriate class? It is because the disputes transferred by the Supreme Court to the Land and Environment Court have so far arisen in the areas of nuisance and equity, which are most compatible with class 4 matters, while other classes relate to specific statutory jurisdictions conferred on the Land and Environment Court. What is the significance of listing a matter transferred from the Supreme Court as a class 4 matter? First, the relevant practice note that the Land and Environment Court promulgates for class 4 will apply. Members on this side of the House—and I trust those on the other side—believe in justice that is fair, quick and cheap. People need to be confident that the right decision has been made. Justice delayed is justice denied—we need quick justice. Justice that people cannot afford is no justice at all. Justice should be fair, quick and cheap. That is why the Government wants this class of matter to fall within class 4 of the Land and Environment Court practice note, to be governed by that court's procedures and to aim for the efficient, fair, quick and cheap disposal of matters by that court. It will mean that transferred matters may be expedited where appropriate, the
greater likelihood in disputes using a single expert in an effort to minimise delay and expense, and the
encouragement of mediation, neutral evaluation and reference to experts if appropriate. [Extension of time
agreed to.]

The bill will provide a capacity to appeal a determination of the Land and Environment Court to the
Supreme Court, which otherwise would not be available. The first amendment in relation to the Land and
Environment Court increases flexibility and efficiency in the operation of the court and builds on the procedures
of the Civil Procedure Act 2005 allowing transfer of proceedings between that court and the Supreme Court.
The second amendment in relation to the Land and Environment Court provides for on-site hearings of hedge
disputes and appeals against modifications of development consent. The Trees (Disputes Between Neighbours)
Act 2006 provides for the Land and Environment Court to resolve disputes between neighbours about trees that
have caused, are causing or are likely in the near future to cause damage to property or are likely to cause injury
to any person.

In August last year the Trees (Disputes between Neighbours) Act 2006 was amended to give the Land
and Environment Court additional jurisdiction to deal with disputes involving high hedges that severely obstruct
sunlight to a window of a dwelling or a view from a dwelling. For example, one neighbour makes a
development application for a second or third storey or perhaps a walk-up block of flats. The second neighbour
objects and development consent is refused. The first neighbour plants a high hedge along the border so that the
second neighbour who lodged an objection, complaining about obstruction to sunlight or views, is penalised.
That means the second neighbour won the development dispute but is penalised because the first neighbour
maliciously decides to plant a high hedge. On the market there is a pine tree called "goodbye neighbours",
which can grow two metres per annum. A plant called "Leighton green" can grow as high as 15 to 30 metres.
We are not talking about box hedges in a front garden or at the start of the driveway. We are talking about
malicious neighbours planting high hedges to obstruct the views or sunlight of their neighbours.

Mr Bryan Doyle: They may be misled.

Mr MARK SPEAKMAN: They may be misguided, as the member for Campbelltown says. They may
not be malicious but they may be so obsessed with privacy that rather than installing blinds or shutters or
planting a tree that grows to a couple of metres they plant a high hedge that grows 15 to 30 metres. The Trees
(Disputes Between Neighbours) Act was amended last year to give the Land and Environment Court additional
jurisdiction to deal with such disputes. However, there is a gap in the process. Section 34A of the Land and
Environment Court Act allows a commissioner of the court to deal with certain matters, such as disputes
involving trees that are likely to cause injury to property or person, but it does not allow a commissioner to deal
with high hedge disputes. The amendment in the bill is a simple one. It allows the Land and Environment Court
to hold an on-site hearing of hedge disputes. This type of dispute is best dealt with on site. If it were dealt with
in a courtroom there may be photographic evidence of the height of the hedge, but only by an on-site assessment
can a commissioner properly gauge the size of an obstruction.

Schedule 1.4 to the bill will amend the Land and Environment Court Act to enable appeals under
section 97AA of the Environmental Planning and Assessment Act 1979 to be dealt with in the same way, that is,
by means of an on-site hearing. This probably corrects a legislative oversight. A right of appeal was formerly in
sections 96 and 96AA of the Environmental Planning and Assessment Act. On 28 February 2011 that right of
appeal was moved into section 97AA, but no consequential amendment providing for on-site hearings of section
97AA appeals was made to the Land and Environment Court Act. This amendment restores the position that
existed before 28 February 2011, when section 97AA commenced. It reinstates the ability of the Land and
Environment Court to hold on-site hearings of appeals of decisions by consent authorities on applications to
modify development consents.

The Government is committed to the just, quick and cheap disposal of proceedings. The amendments
I have referred to are part of a package of legislation that will be presented to the Parliament by the Government
to modify or fill in gaps where prior procedures have added to the expense and delay of litigation or detracted
from the fairness of litigation. When the Government presents a law reform proposal in the civil area we are
motivated by making sure that the citizens of New South Wales have confidence in the judicial system. We want
to ensure that they have confidence that litigation is being dealt with fairly and quickly and that it is not costly.
At the outset I referred to schedules 1.5 to 1.9 to the bill. They are important amendments in both the court and
non-court spheres in relation to achieving our objectives.

Mr MARK COURE (Oatley) [5.47 p.m.]: I thank the Attorney General for introducing the Courts and
other Legislation Amendment Bill 2011 and note the contributions of members on both sides, particularly the
member for Davidson, the member for Campbelltown and the member for Cronulla. The purpose of the bill is to make miscellaneous amendments to court-related legislation and other legislation administered by the Attorney General and Minister for Justice. The bill contains commonsense amendments to tidy up eight Acts of Parliament. I will talk briefly about some of the changes introduced in the bill. The bill amends the Crimes (Sentencing Procedure) Act 1999 by requiring the appointment of a retired magistrate to the Sentencing Council, as a large majority of criminal cases come before the Local Court. The Sentencing Council will benefit from the experience of a Local Court representative, as the member for Campbelltown mentioned earlier. The bill also amends the Director of Public Prosecutions Act 1986 to clarify that if a judge or ex-judge is appointed as a Director of Public Prosecutions then prior judicial service counts toward any judicial pension to which the Director of Public Prosecutions would be entitled. This will allow judges to become the Director of Public Prosecutions without disadvantage their retirement benefits.

As the member for Cronulla pointed out, the bill will amend the Law Reform Commission Act 1967 to require Law Reform Commission reports to be tabled within 14 parliamentary sitting days of the Attorney General receiving the report. A number of other jurisdictions require reports to be tabled within that time frame, and this approach will promote accountability and transparency. The bill will amend the Land and Environment Court Act 1979. I believe that there is general agreement that the Land and Environment Court needs to improve case management and the efficiency of decision-making, and that is what this amendment seeks to do. The amendment will provide the allocation of particular classes to certain matters within the court's jurisdiction and it will provide for on-site hearings for hedge disputes and appeals against the modification of development consents. I acknowledge that the member for Rockdale—a councillor on Rockdale City Council—is in the Chamber. I note that a number of members on both sides of the House are also councillors on local councils. Having been a councillor on Kogarah City Council for seven years, I stress how important this amendment is. All members who are on local councils would agree.

The bill will amend the Privacy and Personal Information Protection Act 1998 to include the Office of the Sheriff of New South Wales as a law enforcement agency. The proposed amendment will help to protect the safety of sheriffs and judges by ensuring that law enforcement actions are not compromised through the withholding of information by other government agencies from sheriffs seeking to perform their duties. The bill amends the Trustee Companies Act 1964 to facilitate the transfer of estate assets and liabilities from one trustee company to another where the Australian Securities and Investment Commission has made a voluntary transfer determination under the Corporations Act 2001. This would allow corporate groups operating across State borders with multiple subsidiaries to transfer the trustee company business of the subsidiaries to one licensed trustee company. The Courts and Other Legislation Amendment Bill 2011 is part of the Government's regular legislative review and monitoring program, and will amend a number of Acts to improve the efficiency and operation of our courts, as well as the operation of agencies within the Department of Attorney General and Justice.

I take this opportunity to speak on amendments to two Acts contained in this bill: the Surrogacy Act 2010 and the NSW Trustee and Guardian Act 2009. First, the purpose of making an amendment to the Surrogacy Act 2010 is to make the registration, as opposed to simply the notification, of the birth of a child a precondition for the making of a parentage order under the Act. Schedule1.8 to the bill amends the Surrogacy Act 2010 to require that before a parentage order can be granted to transfer parentage from a surrogate mother to the new parents, the child's birth must be registered by the Registry of Births, Deaths and Marriages and not simply notified to the registry until the parentage order has been given. The amendment seeks to ensure that there is a record of the child's birth details before a parentage certificate is granted. Registration provides a necessary method of recording such important details as well as the necessary control for such information to be kept and maintained on a register so that it may be accessed by those who are permitted and choose to do so.

As birth certificates are required as valid forms of identification in the majority of jurisdictions inside and outside of New South Wales, including both in Australia and abroad, it is a practice to keep all such information in a complete register. At this stage only having a notification provided to the registry for surrogate children creates uncertainty and lacks uniformity in the approach the State takes towards newborn children. It is only right that surrogate children are afforded the same legal recognition and rights as other newborn children. There should be no reason not to have their birth recorded as it is recorded for other births. To this end, the amendment seeks to standardise these important administrative arrangements for all children. That is, at birth the child is registered with the Registry of Births, Deaths and Marriages, irrespective of who the parents may be or what legal entitlement the child's parents have to that child. Ultimately, it is important that this record be created for the child so that later on the child may access this information if he or she wishes.
Schedule 1.6 to the bill amends the NSW Trustee and Guardian Act 2009. The purpose of making this amendment to the Act is to confirm the meaning of certain definitions. The amendments to the definition of "reciprocating State" in sections 35 and 81 of the NSW Trustee and Guardian Act confirm that other States and Territories are reciprocating States for the purposes of the making of reciprocal arrangements in relation to an intestacy matter or the management of an estate. This amendment was requested by the NSW Trustee and Guardian to clarify the definition, which will assist in its administration of reciprocal arrangements.

As I mentioned earlier, this bill seeks to amend many Acts. The amendment to the Land and Environment Court Act 1979 expressly provides for appeals against modifications of development consents made under section 97AA of the Environmental Planning and Assessment Act 1979 to be dealt with as part of the court's class 1 jurisdiction. This will ensure that the appropriate procedures and powers will apply to the conduct of these proceedings. It recognises what is already the position by virtue of the updating of references effected by clause 23 of schedule 7 to the Environmental Planning and Assessment Regulation 2000, which will be repealed by schedule 1.3. It will also make these matters subject to the practice and direction governing class 1 matters, which is important for the efficiency of the court operations.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Order of Business

Motion by Ms Gladys Bereijklian agreed to:

That business before the House be interrupted immediately following the conclusion of the joint sitting with the Legislative Council to permit the presentation of an inaugural speech by the member for Balmain.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

At 6.00 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect persons to fill the seats in the Legislative Council vacated by the Honourable Edward Moses Obeid and the Honourable John Hatzistergos.

At 6.13 p.m. the House reassembled.

The SPEAKER: I table the Minutes of the Proceedings of the Joint Sitting of the Houses of Parliament of the State of New South Wales held on Tuesday 24 May 2011 to choose persons to fill the vacancies in the Legislative Council caused by the resignations of the Honourable Edward Moses Obeid and the Honourable John Hatzistergos.

Ordered to be printed.

Pursuant to resolution business interrupted for the presentation of an inaugural speech.

INAUGURAL SPEECHES

Mr JAMIE PARKER (Balmain) [6.14 p.m.] (Inaugural Speech): I acknowledge the Gadigal people of the Eora nation, the traditional owners of the land on which this Parliament sits, and I pay my respects to the elders, past, present and future. I acknowledge also the history of dispossession of this country's Indigenous people. I express my sorrow for that history and I resolve to do all that I can to overcome the ongoing consequences of that dispossession.

I am immensely proud and honoured to have been granted the great privilege of representing the people of Balmain. I stand here today as the first Greens member of this House. I join five upper House Greens members of Parliament as the largest representation that our party has had in the history of this Parliament. The 2011 State election was our most successful election ever, with a record number of Greens votes not only in the
seat of Balmain but also in both Houses of Parliament. I acknowledge and celebrate the work of the members who came before me as well as the activists, supporters and representatives who worked to realise The Greens agenda both in Australia and around the world.

The New South Wales Legislative Assembly first met in this place more than 150 years ago and I acknowledge all those successful candidates who join me here today. I respect the tradition of this institution and the democratic principle that it represents. However, I recognise also its limitations. Rarely in its history has Parliament led progressive social change—most often the Parliament has followed, often reluctantly, the will of the people. While Parliament has great powers, I recognise that it is our local communities where genuine political leadership occurs. Local leadership has protected people from many poor decisions made by parliaments. The history of property development in this State is just one example of an area in which poor decisions have been resisted by strong and determined community leadership. It is from that history that The Greens and I arrive in this place.

The Greens are not only about challenging, we are also about creating. The Greens offer an alternative vision for how our society can progress based on our four key principles of environmental sustainability, peace and non-violence, grassroots democracy and economic and social justice. It is these four principles that guide The Greens’ action, from how we vote in Parliament to how we campaign in our own communities. They acknowledge that we live in an interconnected world in which social inequality, denial of human rights and environmental degradation are not separate problems but the same problem manifested in different ways. These principles also acknowledge that we rely on each other, that diversity and respect strengthen and protect us all and that we share a planet upon which we all rely and which nurtures and provides for us and which we in return must protect. These four principles have guided me throughout my political life and it is against them that I will test legislation in this House. They set out our values but also our vision—the vision that I see for my community and the State of New South Wales. As a member of Parliament, I now have the opportunity to apply these principles to work with the Government to meet the challenges facing our State.

I would not be here without the support of many people. I thank my family—my greatest supporters—for their love and their faith in me. I thank my mother, Pamela, my father, Richard, my sisters Rebecca and Jacqueline and my brother, Jonathon. I am delighted that they are in the gallery tonight. It was in another part of the world that my parents’ migrant journey began. It was in Australia that my parents sought a better future, free from the economic difficulties and class prejudice of England in the 1960s. They followed others in my family who searched for a better life, including my great-grandfather, who escaped anti-Semitism in Germany and my aunty and uncle, who now live and work in the United States.

My family was a regular, suburban family and it was not overtly political. However, I can see now that politics was all around me. My father was a tradesman—a fitter who worked in the confined space of a ship’s engine room when he sailed into Sydney Harbour as a merchant seaman. My mother was the daughter of a proud dock worker in Liverpool, England. After being bombed three times during the Second World War, her family sought the relative security and opportunity of this great nation. Australia was a refuge from the class-ridden mother country but it had its hardships. I remember vividly the stress experienced by my family when my father was on strike as each day rolled by with the uncertainty of no income but the determination to achieve a fair go for himself, his family and his workmates.

From those times I gained a real insight into power and the sacrifices that people made to achieve what we see today as fair and decent outcomes. The development of these values also helped to make clear to me the urgent need to address environmental exploitation because powerful interests were not taking account of environmental impacts or the needs of future generations. These ideas, which formed naturally in my life when I was growing, were confirmed and reinforced intellectually during my undergraduate and postgraduate studies, which—not coincidentally—were in the field of economics. It was these ideas, gained from my family, my studies and The Greens, that led me to stand as a Greens candidate for election to Leichhardt Municipal Council.

I was first elected as a Leichhardt councillor in 1999 and I am proud to have served the community as mayor for almost three years. I am proud that a Greens-led council has been able to deliver record investment in long-neglected basic infrastructure. We have new and expanded childcare facilities, an expanded library and more youth and senior services. We have continued the great tradition at Leichhardt Municipal Council of open council activities, we have abolished fees for freedom of information applications, we have introduced new ways to engage residents and we have tackled our carbon and environmental footprint. We have given unprecedented support to our chambers of commerce and local precinct committees, and we have always stood up against poor government decisions to make our community an even better place in which to work and to live.
At the same time we have promoted initiatives for and provided support to the socially and economically disadvantaged, the disabled, the mentally ill and refugees. We have also been able to do our bit to promote, through non-violent means, the defence of human rights in Australia and abroad.

The seat of Balmain has beautiful bays, riverside parks and heritage buildings. It is a diverse and vibrant inner-city community with a rich and deep heritage. It has extensive evidence of long-term occupation by the Gadigal and Wangal people and their ancestors, as well as some of the earliest buildings of European settlement. The area has an Aboriginal history, a migrant history, a working-class history and a history of activism and political engagement. It has changed markedly in recent years, particularly in recent decades, and that change continues, but it holds on to its social and community values. There are now areas of significant wealth in the electorate of Balmain but there are still areas of significant disadvantage. The community that I represent expects good government and the delivery of quality services and infrastructure. It expects also socially and environmentally responsible activities, fair treatment for all citizens and a decent society that looks after those in need.

I am inspired, for example, that my community, led by the Friends of Callan Park, has fought so hard and for so long to protect Callan Park not just as a beautiful part of Sydney's natural and urban heritage but as a home for mental health services for those who are most vulnerable in our community. During the last 20 years of my political activism a great deal has been achieved but the challenges of sustainability and inequality loom ever larger and are becoming increasingly urgent. Inequality in this country has increased dramatically; our natural resources are being consumed at an unsustainable rate; and our country is involved in futile conflicts abroad. The wealth gap in Australia is growing. The wealthiest 20 per cent of Australians own 60 per cent of our collective wealth, while the poorest 20 per cent of our nation own just 1 per cent. At the coalface of social justice work, charities and non-government organisations have documented that the most vulnerable people have been hit hardest by rising costs in key areas of education, health and dental services.

The influence of the economic rationalism agenda is now embedded in Liberal, Labor and even The Nationals policy, yet this idea that the market is superior to regulation and that private is always presumed to be better than public is undermining services and driving the growing wealth gap. This view has informed the privatisation and user-pays agenda of both Labor and the Coalition parties, allowing private profit making to dominate a range of services that once were considered basic responsibilities of government to its citizens. Privatisation has been a particularly pressing issue of concern for the people of New South Wales. Most often privatisation has delivered rising costs, diminishing services and reduced access for the disadvantaged. For The Greens inequality matters not only for the people on lowest incomes but, because of the effects of inequality, on the environment, social cohesion, health, social mobility and the future of a fair go in Australia. In short, we believe that a more equal society benefits everyone. The truth is that economic rationalism is a race to the bottom. A more democratic economy would be a win for the vast majority of Australians. To confront the challenges of inequality that face us we must find the tools for change. [Extension of time agreed to.]

I am not convinced by the arguments that the dislocation caused by economic rationalist policies will only be short term and that eventually there will be a longer-term gain. In fact, it is clear that inequality driven by this agenda has a corrosive effect on a collaborative society, encouraging excessive consumption, degrading trust and cooperation, exacerbating physical and mental ill-health, as well as fuelling a range of social problems. Addressing inequality requires more than changing the revenue allocations of a government, as important as that process may be. There has been a lot of discussion in this House about the Federal budget but it has not been pointed out that this country still spends more on the military and defence than on education, and many times more subsidising the fossil fuel industry than it does investing in renewable energy.

Inequality is not just about the divide between those who work and those who do not work but also how it affects people who work hard but are denied economic security. Casualisation in TAFE is a case in point. Casuals have become the norm rather than the exception in this critical area of training for the next generation. Investment in public transport, health and education are critical in addressing inequality but so are efforts to promote employment, innovation, small business, cooperatives and community-based solutions—solutions that come from the grassroots of each of our communities. No government in this country, State or Federal, has presented a solution to wasteful production and excessive consumption, which lie at the heart of our environmental challenge.

In New South Wales we even struggle to implement container deposit legislation, when such schemes have been enforced in Europe for more than 20 years. And instead of investing in mass clean energy generation we often hear only of the need for individuals to reduce their footprint while governments agree to new
coal-fired power stations and slap 110,000 households in the face, breaking its contract with the people who invested in solar. Australia is uniquely placed in confronting the great environmental issues of our time. Per head of population we use more fossil fuels, emit more greenhouse gases, have cleared more forests and have seen the extinction of more species than almost any other nation on the planet.

Despite this our country remains a place of great beauty and incredible potential, from its ancient hostile interior to its coastal rainforests and wilderness, marked still by a truly unique array of plants and animals. Our continent is home to enormous reserves of fossil fuels which we avidly overexploit, but we also have the natural assets that can deliver enormous amounts of clean, renewable energy that do not require us to destroy our farmlands and wilderness areas, pollute our atmosphere or destroy the habitat of our unique flora and fauna. I have no doubt that in this decade we must and we will confront the environmental issues that are threatening our planet. I hope that this Parliament will play its role in leading the country towards a more sustainable future.

In our search for this more equitable, just and environmentally sustainable future it is not just parliamentarians that will lead us—it is the grassroots work of thoughtful and passionate people in our community that will lead the way. I conclude by acknowledging some of these people and thanking the many people in my life who have supported and encouraged me over the years. It is impossible to name everyone who has played an important role in me being here tonight or to go into detail about the support they have given me, but I will note a few special people. To Emily Christian, who joins us in the gallery tonight—thank you for believing in me and for your unrelenting support during the campaign. Your empathy and understanding means so much to me.

I say thank you to Hall Greenland for his solidarity during my first term on council; my close friends Ko Maung Maung Than, a Burmese refugee now living in Australia, and Ko Than Doke, who lives on the Thai-Burma border—both of whom are an inspiration in their struggle for freedom and democracy for the people of Burma; my fellow Greens councillors on Leichhardt Municipal Council since 2004—Michele McKenzie, Rochelle Porteous, Kate Hamilton, Alan Cinis, Cassie Plate and Daniel Kogoy; Emma Nicholson for her fine intellect, constant encouragement and positivity; Saskia Brown for her constant help over many campaigns; the tenacious Chris and Kathy Harris, and all the members of The Greens campaign team for Balmain, many of whom I am proud to say have taken the time to be here this evening; The Greens State campaign team and its media office; my fellow Greens members of Parliament; the current and former convenors of the Port Jackson Greens, Chris Holley and Craig Channells; and, importantly, all the members of my local Greens group.

In particular, to all the volunteers who worked so hard in the seat of Balmain I say thank you. It is because of you that I am here this evening and I commit myself to deliver the representation that you have worked so hard for and that all of you deserve. Finally, to the voters of Balmain I express my heartfelt gratitude for this honour. I can assure you that I will never take your trust and support for granted, that I will always try my best to represent your values and priorities and that I will work to ensure that, regardless of your political allegiances, you will be proud of the efforts I make for a more just, prosperous and sustainable society for the people of New South Wales.

The DEPUTY-SPEAKER (Mr Thomas George): Order! It being before 7.00 p.m. the House will now proceed with the matter of public importance.

WHOOPING COUGH

Matter of Public Importance

Mr MARK SPEAKMAN (Cronulla) [6.34 p.m.]: I raise as a matter of public importance notifications of whooping cough in New South Wales and strategies to reduce disease transmission. Notifications of whooping cough continue at very high levels in New South Wales, and NSW Health is implementing a range of strategies to reduce disease transmission and to protect infants. Whooping cough is a serious respiratory infection that causes a long coughing illness. It is highly contagious. It is spread by the transmission of bacteria in coughing and sneezing, and it can be life-threatening for babies.

Babies are often infected by their parents, grandparents or older siblings, who can bring whooping cough home from their workplaces, schools or childcare. Worldwide whooping cough kills a quarter of a million children every year. Between 1 January and 30 April this year about 4,400 notifications have been reported in
New South Wales. That figure of 4,400 compares with 1,674 for the same period in 2010. Of those approximate 4,400 notifications, 987 were reported in children under four years of age and of those 987, 190 were in children under 12 months old.

Why has the number of notifications increased? It is partly due to more sensitive methods of testing, partly due to better community awareness of the disease and also due to waning vaccine immunity in older children and adults. This latest epidemic has occurred in all States and Territories, tragically with two deaths from whooping cough having been reported in New South Wales in recent years in infants too young to be fully vaccinated. Immunisation offers the best protection against whooping cough and it is recommended for infants. The best protection for infants is to be immunised at two, four and six months, with booster shots at four years of age and again in high school. It is also recommended for adults, parents, grandparents and carers in close contact with young infants.

New South Wales records high whooping cough coverage, with 95 per cent of all two-year-old children vaccinated against the disease. NSW Health has been implementing a range of strategies to raise community awareness, to promote timely vaccination and to protect infants who are too young to be fully vaccinated in what is known as a cocooning strategy. The strategies include providing earlier protection to infants by bringing forward the first recommended vaccination from two months to six weeks of age, the four years of age vaccination that I spoke about to 3½ years and the adolescent vaccination from 15 years of age to 12 years.

Targeted whooping cough campaigns were conducted in 2010 and 2011 for new parents, for people caring for infants and healthcare workers to promote three simple steps to help fight whooping cough: first, identify whooping cough by recognising the symptoms early; second, protect babies by timely vaccination and booster vaccination for adults and, third, prevent further spread by seeking medical care. The strategies have included writing directly to new parents of babies registered with Medicare Australia to inform them of the importance of vaccinating their baby on time, preferably at six weeks of age, and advising new parents to be vaccinated, and ensuring that other household members are up to date with their whooping cough vaccinations.

Funding in the sum of $16.8 million has been allocated since March 2009 for the provision of free whooping cough vaccine for the cocooning strategy, to protect children who are too young to be fully vaccinated. NSW Health will develop a comprehensive immunisation awareness campaign in late 2011 to educate and inform the community and immunisation providers about the importance of ensuring that all children are fully immunised on time. NSW Health will allocate $960,000 annually for a three-year pilot program to employ Aboriginal health workers to work collaboratively with existing services to promote timely vaccination of Aboriginal children through targeted interventions.

The Government is pleased to announce additional funding of $2.5 million for the cocooning strategy to continue this essential public health initiative until at least December 2011. This means that the provision of free whooping cough vaccine, aiming to protect newborns from the potentially life-threatening condition, will be extended. The vaccine has been free since early 2009 and will remain available and free for new parents, grandparents and carers of children less than 12 months of age during this period. The free vaccine has the aim of saving lives through increased vaccination rates in the community, and is part of a wider community education campaign aimed at raising awareness about the dangers of whooping cough. It is also extremely important that infants and older children are vaccinated on time.

Infants can receive their first vaccination as early as six weeks of age, to provide some protection as early as possible. Infants may not develop sufficient protection from whooping cough until the three-days course of whooping cough vaccine is completed after six months of age. These are important initiatives to help protect our most vulnerable babies from this serious infection. An important point to make is that whooping cough is preventable. In a first world country such as Australia, with higher standards of health and medical care, we should have no deaths from whooping cough. We should have no babies who suffer brain damage from whooping cough. It is an entirely preventable disease, and one that the New South Wales Government, by the initiatives I have outlined this evening, continuing through 2011, is determined to eradicate to the extent possible.

Dr ANDREW McDONALD (Macquarie Fields) [6.41 p.m.]: I thank the Government for bringing to the attention of the House this vital problem, and I am pleased it has chosen to address it as a matter of public importance. Pertussis, or whooping cough, is an acute, infectious disease of the respiratory tract caused by the bacterium Bordetella pertussis. Bordetella pertussis was first isolated in 1906 by Jules Bordet and Octave Gengou. This matter of public importance is absolutely vital, because tonight we are in the middle of a
whooping cough epidemic. The wards of many of the hospitals in Sydney are full of children with whooping cough. As recently as last weekend I was present at Campbelltown Hospital when a young baby was transferred from that hospital to an intensive care unit.

I still teach medical students about whooping cough, and it is my aim that every student who graduates from the University of Western Sydney will see a photo of Dana McCaffery, who died of whooping cough some years ago. I got the permission of Dana’s parents to show my students her photo. The tragedy is that deaths still occur from whooping cough, and that has been the case for the last 30 years. Whooping cough is very difficult to diagnose early. The index of suspicion for whooping cough must be high in order to make a prompt diagnosis. Early treatment with antibiotics lessens the severity of the illness and prevents infections in contacts and in the community.

However, recognition of whooping cough in adolescents and adults can be extremely difficult, since symptoms are frequently atypical, especially in those who have been previously vaccinated. Yesterday I met a businessman who works as a tiler who missed three months of work with whooping cough and it took two months for him to be diagnosed. His story is far too common. The youngest baby with whooping cough I have ever seen was 11 days old. The infant was premature, born at 34 weeks gestation, and developed whooping cough in a newborn nursery four weeks before the baby would have been full term. We never found the cause of the whooping cough, whether it was a visitor or one of the staff. Fortunately, the baby did well.

The illness characteristically starts as an upper respiratory tract infection, in the so-called catarrhal phase. The bacteria secrete a toxin, which then damages the lungs and causes the so-called 100-day cough, in the so-called paroxysmal phase. The disease is remarkably contagious, and secondary attack rates of 50 to 100 per cent have been reported in susceptible household contacts, depending upon the nature of the exposure. In most countries, including Australia, epidemics of whooping cough still occur every two to five years, and vaccination has not altered this pattern. Currently we have a large whooping cough epidemic. That is unusual, because it is almost in winter; most whooping cough epidemics over the last 20 years have occurred in summer. The occurrence of epidemics is attributed to the accumulation of susceptible people in a population. Vaccination controls the disease but the bacterium Bordetella pertussis is still widely ubiquitous in the community. For that reason, unless we have very high vaccination rates, further epidemics of whooping cough are inevitable.

The vaccination we currently use is what is called an acellular vaccine, whereby the outer lining cells of the whooping cough are used to vaccinate people. The older vaccines involved the whole cells being used. These whole-cell vaccines had some side-effects and were the cause of the bad reputation of whooping cough vaccine—a reputation that was unfortunate and usually completely inaccurate. For that reason there is still a belief among some people that whooping cough vaccine is damaging, even though we have not had the whole-cell vaccine for many years. The vaccine is vital for the prevention of whooping cough in children younger than seven years of age. However, the vaccine only provides about 95 per cent protection against severe disease. That is why universal immunisation of children younger than seven years of age is vital to the control of whooping cough.

At the end of June 2010, according to the Australian Childhood immunisation register, 91.3 per cent of children aged 12 to 15 months in New South Wales were fully immunised. The figure is about the same as the figure for Australia generally. This 91.3 per cent probably underestimates the rate by about 3 per cent, so we are probably heading towards 95 per cent. There are a number of reasons for the lack of whooping cough vaccination. Some people are ideologically opposed to whooping cough vaccination. My experience is that far too commonly the failure to vaccinate is due to either poverty by exclusion or sometimes spurious contraindications such as a running nose. A child with a running nose can be vaccinated, as long as they are not acutely unwell.

As referred to by the member for Cronulla, NSW Health provides recurrent funding to implement the New South Wales Immunisation Strategy 2008-11 and works closely with general practice in this area. Indeed, most whooping cough vaccine is administered by general practitioners. By far the biggest problem we face with whooping cough is adult reservoirs. Many people in this Chamber are susceptible to whooping cough because they have vaccine-induced immunity from the older vaccines and did not receive adequate vaccination in childhood. That is why the adult vaccination referred to by the member for Cronulla for adults aged 19 to 64 years as a single booster dose of Boostrix is highly recommended. At the moment all adolescents and health workers are vaccinated, but there is a move towards widening the net for whooping cough vaccination. That is why I applaud any efforts to widen the net to those who care for children younger than 12 months of age.
Immunisation is an emotive issue, and there are a small number of people who oppose immunisation. With any new idea the three stages of truth are: at first, ridicule, then opposition and, finally, acceptance by the community that this is self-evident. Even though we have had vaccinations for more than 300 years, this opposition to immunisation on the part of some people still applies. The efforts by the previous Government and the present Government against the anti-vaccination network are to be applauded. This is a group that, under the guise of providing information about vaccination, is quite anti-immunisation and responsible for the reduction of vaccination rates in some areas.

Specifically, the North Coast of New South Wales and some areas of Sydney have quite low rates of vaccination and mini-epidemics of whooping cough, as do other areas in most of the first world. For example, the Amish community in the United States of America has had a significant outbreak of pertussis. No child should die of whooping cough. Unfortunately, however, of the children who contract whooping cough today there is a mortality of about one in 500. This is despite modern intensive care, and it is a tragedy that can be prevented by more widespread use of vaccination.

Mr KEVIN ANDERSON (Tamworth) [6.48 p.m.]: I speak in support of the matter of public importance. I note that the member for Macquarie Fields referred to Dana McCaffery, who died of whooping cough. I note also the presence in the Chamber of the member for Lismore, who ensured the circulation of brochures in an endeavour to inform community members about the prevention of whooping cough and to explain vaccination options. This disease is preventable. Whooping cough is a serious respiratory infection that causes a long coughing illness and can be life threatening for babies. Whooping cough in babies can lead to apnoea—a pause in normal breathing—pneumonia, feeding problems and weight loss, seizures, brain damage and, in some cases, death. Older children and adults can also contract whooping cough and pass it on to babies. I am a father of three young children and when I see my children struggling for breath when coughing normally it is immensely frightening. When we know that it can lead to other problems, we should act seriously to protect our children.

Whooping cough starts like a cold, with the person suffering a blocked or runny nose, sneezing, a mild fever and an occasional cough. The cough usually gets worse and severe bouts of uncontrollable coughing develop. This can be followed by vomiting, choking or taking big, gasping breaths, which causes the whooping sound. The cough can last for many weeks and can often be worse at night. Some older children and adults just get a cough that does not go away and they may not get any of the other symptoms. Since 2008 New South Wales and other jurisdictions have experienced an epidemic of whooping cough. After a slight decline in 2009, notifications of whooping cough are now at very high levels in New South Wales: 9,244 notifications in 2010, compared with 12,407 notifications in 2009. The number of notifications is highest in children aged five to nine years, 2,719 notifications, and 10 to 14 years, 1,606 notifications. Between 1 January 2011 and 30 April 2011, 4,384 notifications were reported in New South Wales compared with 1,674 notifications for the same period in 2010. The increase in notifications is considered partly due to more sensitive methods for testing, better community awareness of the disease and waning vaccine immunity in older children and adults. The best protection against whooping cough is immunisation; however, the vaccine is only 85 per cent effective.

New South Wales records high whooping cough vaccination coverage rates for all children, with coverage at two years of age at a high 95 per cent. In addition, there has been a significant increase in coverage at five years of age, with 90 per cent of children recorded on the Australian Childhood Immunisation Register as having received whooping cough vaccination. These figures compare favourably with the national average. In addition, 70 per cent of children in the first year of high school received a booster dose of whooping cough vaccine in 2010. New South Wales implemented an occupational health and safety policy in 2001 to ensure that all category A staff working directly with patients in high-risk clinical settings such as neonatal nurseries are vaccinated against whooping cough. We heard earlier this evening just how communicable this disease can be. In response to the epidemic in whooping cough notifications, NSW Health has been implementing a range of strategies to raise community awareness to promote timely vaccination and to protect infants who are too young to be fully vaccinated. We need to take care of our children and look after their health. As the member for Cronulla said, this public health initiative should be commended. The New South Wales Government is looking after our communities and I commend this matter of public importance to the House.

Mr MARK SPEAKMAN (Cronulla) [6.53 p.m.], in reply: One of the key messages from this debate is the importance of vaccination and the critical role played by immunisation in eliminating or reducing the incidence of whooping cough in New South Wales and in Australia. From time to time with any preventative health measure people from cyberspace will offer opinions about possible risks and dangers associated with public health initiatives. The community must understand that the risks associated with non-vaccination are
much greater than the risks associated with vaccination—notwithstanding the occasional dissident from cyberspace. Crackpots with a particular view of the world can always be found on any scientific issue. Public health initiatives in New South Wales are based on the best available science, which shows that immunisation is the way forward.

The risks from immunisation are extraordinarily low but the consequences for an infant contracting this disease can be very serious. Around a quarter of a million children die from this disease annually. About 60 per cent of the infants who contract this disease are hospitalised; about 2 per cent of those children will have a seizure and about 1 per cent will suffer a brain infection. Statistics demonstrate that the risks associated with non-immunisation are far higher than the remote chance of complications arising from immunisation. Generally speaking, the risks associated with immunisation are very minor, as are the side effects. Nothing can be absolutely safe, but the overwhelming odds of reducing or eliminating this disease by immunisation have to be at the forefront of every informed discussion.

NSW Health is proceeding with this program of identifying, protecting and preventing whooping cough. Online advertisements have been rolled out. A comprehensive immunisation awareness program has been developed so that our children and the carers of our children, parents and grandparents have the lowest risk possible of contracting this disease. I thank the member for Macquarie Fields and the member for Tamworth for their erudite contributions this evening and for their endorsement of the strategies being undertaken by NSW Health. I particularly thank the member for Macquarie Fields, who is a medical practitioner. I endorse the initiatives being undertaken by NSW Health in this vital area of public health and preventative medicine in New South Wales. I also thank the House for listening to this discussion on the matter of public importance.

Discussion concluded.

BOYCOTT, DIVESTMENT AND SANCTIONS CAMPAIGN

Personal Explanation

Ms CARMEL TEBBUTT, by leave: I wish to make a personal explanation. Earlier today the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast, and member for Terrigal made comments asserting that I did not speak out against The Greens proposed Boycott, Divestment and Sanctions campaign. I reject this categorically. This was a significant issue during the recent election campaign for the electorate of Marrickville. I made clear my opposition to the Boycott, Divestment and Sanctions campaign in both media interviews and at public meetings during that campaign. I met also with the local Jewish community about the issue and I have been acknowledged by the Jewish community for my opposition to the campaign. My opposition to the Boycott, Divestment and Sanctions campaign is based on my strong view that a resolution to the Palestinian-Israeli dispute can only occur through dialogue, understanding and negotiation in order to achieve a sustainable two-State solution.

The House adjourned, pursuant to standing and sessional orders, at 7.00 p.m. until Wednesday 25 May 2011 at 10.00 a.m.