LEGISLATIVE ASSEMBLY

Tuesday 19 October 2010

The Speaker (The Hon. George Richard Torbay) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

ST PATRICK'S CATHOLIC PRIMARY SCHOOL

Ms MARIE ANDREWS (Gosford) [1.07 p.m.]: The fiftieth anniversary of St Patrick's Catholic Primary School, East Gosford was celebrated on Sunday 19 September 2010. Also commemorated on that day was the centenary of education by the Josephite Order and, needless to say, the school community is now celebrating the canonisation of Australia's first saint, Mary MacKillop, in Rome last Sunday, 17 October. Mary MacKillop certainly had an impact on the Central Coast, being a regular visitor to the orphanage at Kincumber, which she established and nurtured. The highlight of the school's fiftieth anniversary celebrations was a special mass held in its new hall. The chief celebrant was Bishop David Walker of the Broken Bay Diocese. The Sisters of St Joseph were represented by Sister Mary Quinlan from the order's mother house in North Sydney.

The school dates back to 1910, when it was known as Our Lady of the Rosary School and located in Mann Street, Gosford. In September 1959 the first Australian-born cardinal, Cardinal Norman Gilroy of the Sydney Diocese, set and blessed the foundation stone of the new school in East Gosford. That ceremony marked the commencement of a major construction project on the Central Coast. It is interesting to note that just before the new school was opened the then parish priest, Father McManus, decided that the new school, like the future church located next to the school, would be named in honour of the patron saint of Ireland, St Patrick. This was against the wishes of the Sisters of St Joseph, who wanted the new school to be named after the patron saint of their order, St Joseph. It follows that for a number of years parishioners usually referred to the school as St Joseph's Convent School.

It was not until 1967 that the confusion over the actual name of the school ceased, with the separation of the new high school, St Joseph's, from the primary school. By 1961 student numbers had risen to 470, with 330 children enrolled in the primary school, St Patrick's, and 140 girls in St Joseph's High School. In 1962 the Catholic Education Office decided that Catholic secondary education should be centralised in regional schools. St Joseph's was then nominated as the regional girls high school for the Central Coast. The high school was to provide secondary education for girls residing between the Hawkesbury River and Morriset and from Mangrove Mountain to The Entrance.

The Catholic Education Office appointed two lay teachers to help the sisters cope with the expected increase in students. The first principal of the Primary School was Sister Joseph, who taught at the school with the help of two other sisters. The other teachers were lay teachers, trained at the Catholic Education College in North Sydney. From 1989 the school was no longer staffed by the Sisters of St Joseph's and lay staff took over. After 1964 government funding allowed the number of lay teachers in the school to be increased as space permitted. When the primary and high schools separated, the extra space in the primary school was used to reduce class sizes.

Currently, the total enrolment at St Patrick's school is 340. The principal is Ms Nicole Cumming, who is doing an excellent job guiding the school through the many challenges facing education in the twenty-first century, especially in the area of technology. The 2010 school captains, Molly Davies, Max Frazer, Jonah

Meggs and Beth Tooby, play an important role in the day-to-day operations of the school, and they are to be congratulated on being such fine ambassadors for St Patrick's. Sports captains for 2010 are Emily Magill, Lucas Hartz, Maddie Godwin, Cruise Walter, Caitlin Joyce, Chris Wyatt, Haley Vane-Tempest and Hancy James. They too are taking their duties seriously and are good sporting role models for the school. On the occasion of the school's fiftieth anniversary I congratulate St Patrick's Catholic Primary School and I wish the school, principal, teachers, staff, students and the entire school community all the very best for a bright future. May St Mary of the Cross bless and protect them.

PORT STEPHENS WATERWAYS

Mr CRAIG BAUMANN (Port Stephens) [1.12 p.m.]: An emerging environmental issue in Port Stephens urgently needs the Government's attention and sensible and logical action. I have spoken countless times about the problems with sand movements on the north shore of Port Stephens and the subsequent problems in the Myall River, but now it is also happening in Shoal Bay on the south side of Port Stephens. Sand migration from east to west has long been a fact of life in Shoal Bay. This movement erodes the eastern beach, undermining vegetation and threatening road reserves. It is usual for Port Stephens Council to literally dig up sand from the western end of the beach, put it in a truck and dump it at the eastern end of the beach. This exercise is carried out about every three years. Jimmy's Beach to the north of Port Stephens has also been eroded, threatening waterfront dwellings at Winda Woppa. Two years ago the Great Lakes Council started a program of pumping sand from Yacaaba in the east to rejuvenate the eroding beach, but it would appear that it takes only one storm to wash the sand further west to the mouth of the eastern channel of the Myall River.

I have spoken at length about the dramatic and devastating impact that this is having on the health of the Myall River. The build-up of sand at the mouth of the river entrance is preventing the river from flushing naturally. That is causing such low salinity levels in the river that oyster farmers have lost their businesses. There are just three left, struggling to survive. Fishermen regularly pull out fish with hideous red spot disease. The water is a murky brown and now predatory animals, such as dingoes, are able to walk across what was the Myall River to the Ramsar-listed Corrie Island, which by the Government's own admission is a habitat for endangered bird species, including little terns. After years of fierce lobbying the Myall River Action Group and I—and indeed the wider Tea Gardens community—are still waiting for action on that issue, with a long-awaited study into the problem hopefully due shortly.

Now we are seeing a similar issue emerge at Shoal Bay to the south. An aerial view of Shoal Bay and the whole of Port Stephens on the website *nearmaps.com*, which was taken in June, clearly shows a much larger than usual build-up of sand at the western end of Shoal Bay with corresponding erosion at the eastern end. For the first time, this build-up of sand seems to have flowed around the point of Halifax Park, covering a well-known and well-loved diving spot. I have scuba dived at Halifax Point reef and completely understand the community's concerns, and particularly those of the diving fraternity, about a magnificent underwater ecosystem being buried under metres of sand.

The sand is also building up on Little Beach boat ramp, which is causing major headaches for boat users as it is one of the most popular ramps on the east coast. With approval from the Government, Port Stephens Council installed concrete barriers to stop the sand building up on the boat ramp, but it has been ordered to remove them because of perceived impacts on the marine park. This build-up of sand on the ramp is another symptom of the unnatural sand migrations on the southern side of the port. Port Stephens Council has applied to shift sand from the western end to the eastern end of Shoal Bay between the boat ramp and the jetty, where erosion is obvious and serious. Hopefully, by intercepting the western-moving sand before it gets to Halifax the point will again be clear of sand, which should also clear the Little Beach boat ramp.

Although the council is ready, willing and able to begin this recovery operation, it is waiting on permission from the Port Stephens-Great Lakes Marine Park Authority—the one body that one would think should be responsible for the wellbeing of our marine environment. But instead of jumping for joy at the council's willingness to protect Port Stephens, the marine park authority is doing what it does so well and is procrastinating. The approach of summer means not only a tripling of our population, as tourists flock to the beautiful beaches of Port Stephens, but higher tides and stronger winds. The relocation of sand must be done as soon as possible.

I ask the Minister for Climate Change and the Environment, first, to give immediate permission for Port Stephens Council to carry out these urgent remedial works; secondly, to consider funding council for what is an expensive and unbudgeted task; and, thirdly, to investigate extending the scope of the Myall study to

determine long-term solutions for understanding, and hopefully controlling, sand migration in Port Stephens. The State Government should join me and do all it can to protect marine life and public infrastructure, as well as the viability of leisure activities at the port, such as diving and boating.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.17 p.m.]: I thank the member for Port Stephens for highlighting some environmental issues in his electorate, especially problems regarding sand movement and the impact that is having on beaches and waterfront properties that are under threat and also on the oyster farming industry. I note that the member outlined how he believes the Minister for Climate Change and the Environment can assist.

Indeed, the member for Port Stephens raised three points on which he would like the Minister to take action. I point out that he has the opportunity this week to meet with the Minister and highlight his concerns. I know that the Minister is always interested in examining environmental impacts on our local communities. I think that would be a good way of starting to progress some of the issues that the member for Port Stephens has brought to the Chamber and of assuring his community that he can work with the Government to highlight and consider possible remedies for the concerns he raised.

LITHGOW RAILWAY TUNNELS

Mr GERARD MARTIN (Bathurst) [1.19 p.m.]: On Sunday 17 October a significant historical event occurred in Lithgow in my electorate to mark the centenary of the opening of the 10 railway tunnels to the east of the city. The 10 tunnels allow trains to come down from the Blue Mountains escarpment to the valley floor to Lithgow and then to the west. The Minister for Transport, John Robertson, officiated at the unveiling of a plaque, together with the Mayor of Lithgow, Councillor Neville Castle. A range of people from the Zig Zag Railway Group and other historical groups from around Lithgow and the region were also in attendance.

During the day the Lachlan Valley Railway brought its steam train to Lithgow and ran a number of services from the upper mountains to Lithgow and out to Wallerawang, Tarana and such. It was indeed a celebration of steam. The 10 tunnels replaced the world-renowned Zig Zag Railway, which still operates to the east of Lithgow as a tourist service. It was constructed in 1869 and was a magnificent piece of engineering for its time. The engines were brought in a zigzag pattern through the viaducts to the valley floor. It was a slow and laborious process but it opened up the inland of New South Wales at the end of the 1860s and allowed produce from the inland, Bathurst and the west to flow through to the Sydney market.

As we know, rail was the catalyst for opening up Australia, and there is no better example than the Zig Zag Railway. As Minister Robertson said, the 10 tunnels are an outstanding achievement in railway construction that shows how the Australian natural environment can be conquered by engineering initiatives. He said that the Ten Tunnels Centenary is a significant historical occasion for the Lithgow Valley and the greater west. The opening of the tunnels 100 years ago meant the closure of the Zig Zag Railway on the Sydney line, which reduced travel time by half an hour and, importantly, doubled the number of trains travelling across the Blue Mountains. Indeed, it is also the centenary of the first return passenger service from Sydney to Bathurst.

The project was part of the duplication of the Penrith to Lithgow line to meet the high demand for rail traffic through the mountains. The Ten Tunnels project still greatly benefits local communities 100 years since its completion. As Minister Robertson said, the tunnels vary in length from a very small 70 metres to 825 metres and still form an important part of today's rail network. I remember a trick that, as children, we liked to play when leaving Lithgow by train. When everything went dark on entering a tunnel, we would sneak down to a spare seat, open a window and stick our heads out. All the smoke and soot from the engine was captured in the tunnel so we emerged looking like Al Jolson! We got a smack from our parents, but it was good fun. I guess over 100 years thousands of kids played the same game—and probably got into strife for doing it. Of course, we never thought it was dangerous to stick our heads out of a train window in the pitch dark.

During the celebrations the Minister unveiled a plaque to commemorate the centenary. It is interesting that in the hubbub of the opening in 1910 they forgot to hold a celebration to mark the event. People were so excited about the project and about being able to access the Sydney seaboard. It meant a lot to Lithgow and to important pioneers such as Sir Thomas Mort, after whom many sites around Sydney Harbour—some of which are close to the electorate of the Parliamentary Secretary, the member for Drummoyne, who is at the table—are named. Sir Thomas was a pioneer of the refrigerated transport of carcases, and the opening of the Zig Zag Railway and then the 10 tunnels allowed him to bring carcases from his abattoir and freezing works at Lithgow

to Sydney to send to Europe. Unfortunately, during one pioneering shipment the boat got into strife halfway, the refrigeration system broke down and the carcases were spoilt. Sir Thomas almost went broke, but he recovered. That is the significance of rail infrastructure—it allowed us to open up the west. It was a wonderful celebration.

FILMING AND PRIVACY

Mr JOHN TURNER (Myall Lakes) [1.23 p.m.]: I speak today on behalf of Mr Greg Smith about an incident that occurred on 9 July involving his brother-in-law Dr Brendon Stewart, who has a PhD; he is not a medical doctor. Mr Smith told me that at about 3.00 p.m. on that day his brother-in-law tripped and split his forehead outside a cafe in Redfern. An ambulance was called. A paramedic arrived on a motorbike and began treating Dr Stewart very competently—there is no question about the treatment that Dr Stewart received from the paramedic. About three minutes later another ambulance officer arrived with a cameraman and a sound man carrying a boom microphone. The camera and sound crew began filming the paramedic treating Dr Stewart. Dr Stewart was in a state of trauma—shaking, his fingers tingling and blood pouring from his forehead. He looked up and said, "No cameras". Mr Smith approached the cameraman and, standing in front of the camera, said, "No cameras". I might add that Mr Smith is a filmmaker himself.

Several people who were part of the lunch crowd, including the wife and sister of a Federal member of Parliament, witnessed this exchange. The ambulance officer directed Mr Smith out of the line of shot and said, "I am an ambulance officer." Mr Smith told the ambulance officer, "No cameras. Stop it." Mr Smith said this twice more to the ambulance officer as the filming continued and told him that, if the camera did not go, he would make a formal complaint. Pointing to Dr Stewart, the ambulance officer—who was later identified as David Morris—said, "Stop thinking about yourself; this is about him." Mr Smith went to the camera crew, who by now had closed in on Dr Stewart as he was being treated, and said, "Do you want me to break your camera?" They kept filming. Mr Smith pushed the camera away and went to attend to Dr Stewart, who was lying on a table, the paramedic having taken him inside the cafe. An ambulance arrived and Dr Stewart was taken away.

The camera crew filmed everything. As it turned out, the crew were from *A Current Affair*. The complaint in this matter is that no consent was given. Mr Smith rang the ambulance service and complained that no consent had been given. He was later contacted by John Wilson, who introduced himself as the media manager for the Ambulance Service of NSW, and said that the film crew were with reporter Ben McCormack from *A Current Affair*. Mr Wilson said that he had spent his whole life in the media and that, if Mr Smith is a filmmaker as claimed, he should know that news crews can shoot whatever footage they like on public streets.

Mr Smith disputed two points. He said that, in relation to consent, a signed model release form should be required from every person who can be identified on film; and, in relation to trauma, the ambulance officers' policy is to prevent stress-causing events from happening to people in their care. Mr Wilson said that consent from the general public is not needed and that, even if it was, an editorial decision could be made after the footage was filed. As Channel 9 had been contacted and the footage edited out, all was okay. In relation to trauma, Mr Wilson said, "Sorry, mate, but that's the way it is with news television. How else do you think they could get all that ghastly footage?" Mr Smith said that he was not satisfied with this and would take the matter to an independent complaints body. He was directed to the Federation of Australian Commercial Television Stations.

Then Mr Wilson, according to Mr Smith, changed his story and said that his information from Mr Morris was that the crew had stopped filming when asked. Mr Smith told Mr Wilson that they did not and impressed upon him that he had requested that the footage be kept to prove that very point. Mr Wilson said that he would make inquiries and phone back, but he has not done so. In an unsigned statement, the person who was injured, Dr Brendon Stewart, said:

> .... shortly after the paramedic arrived a cameraman appeared. I said "No cameras".
>
> My brother-in-law Greg Smith, who called the Ambulance and was taking care of me, left me to the Paramedic when he began treating me.
>
> It is my understanding that Greg followed my request and told the cameraman to stop filming several times.
>
> I was bleeding profusely from the head and in a state of anxiety regarding the severity of my injuries. I was concerned with my own problems at the time and was happy to leave the camera crew problem to Greg ...
>
> I never gave consent to filming of the event. I learned from Greg that the camera crew were from *A Current Affair*. I do not watch *A Current Affair* and would never consent to footage of me appearing on their show.

> Greg tells me that another Ambulance Officer claims to have gained my consent for *A Current Affair* filming while I was being treated by the paramedic. This is not correct. I was seriously injured and at the time only concerned with staying conscious.
>
> Greg tells me that the paramedic claims he had to move me into the cafe because of Greg arguing with the camera crew, and that I apologised to him for Greg's attempts to prevent filming of me. This is not correct.

This is about a gross intrusion by a television organisation on a man who was accidentally injured. If such organisations are going to broadcast these sorts of television shows they should use some compassion in their portrayal of people and events.

PACIFIC ACHIEVEMENT AWARDS

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.28 p.m.]: On Thursday 16 September I attended the South West Sydney Regional Advisory Council—which is part of the NSW Council for Pacific Communities group—2010 Pacific Achievement Awards. The NSW Council for Pacific Communities was established in 2003 by the Premier as part of the Government's response to concerns raised with him by representatives of our Pacific communities. The South West Sydney Regional Advisory Council is responsible for the local government areas of Campbelltown, Liverpool and Fairfield and acts as a powerful advocate for Pacific communities in dealing with issues related to the areas of health, education, youth employment, culture, heritage, and developing strong family ties.

The Pacific Achievement Awards are the pinnacle of the South West Sydney Regional Advisory Council calendar and this is the fourth presentation of awards—the event has grown enormously since its inception in 2007. The purpose of the awards is to unite all Pacific cultures in an event to recognise the achievements and accomplishments of talented individuals and groups within the communities in which we live. The term "Pacific" is an umbrella term acknowledging or referring to people who descend from Pacific heritage. This includes people of Melanesian, Micronesian and Polynesian backgrounds. The aim is to pay tribute to these people for their work and effort, and through organising such an event to develop within the Pacific community a sense of pride and self-awareness of their wonderful achievements in our local area. The awards were in areas such as sport, entertainment, community services and volunteering. There was brilliant entertainment by Angel Tupai and Paulini Tawamacala. Make no mistake: these are two stars in the making.

The overall outstanding achievement award was from *Reach the Musical*, a wonderful musical based on the story of our local islander community. As the award winner said, there was a time when Reach was just a toothbrush; now it is a major musical. Reverend Tali Ofo received the Community and Chairperson's Award for her magnificent work with the islander community as a minister. Pacific Islanders are a caring and connected community with a strong church-going focus. Reverend Ofo does a wonderful job with her local community even though she does not drive a car. Elder Sid Going, the All Black great, said the prayer at the start of the meeting. One of the driving forces for the evening is Molly Thomas, the much-loved Deputy Mayor of Campbelltown. In 2003 Molly was the only person of islander background at the University of Western Sydney doing a Masters degree. Molly's degree was in social policy. I am pleased to report that in 2010 there are now many more.

Echoes of Polynesia danced brilliantly and Brent Kerehona, a primary school teacher from my electorate, was highly commended for one of the awards. Telasia Manu Maleuga from the Casula Cougars won one of the sporting awards. Jonelle Lemusu from Greenway Park Public School is also an excellent athlete and rugby player, who won the club champion award and stand-out player award with the Casula Cougars for 2010. Two days later I visited the Casula Cougars Rugby Club Annual Presentation Awards. Peter Roberts from my electorate is the driving force behind the Casula Cougars Rugby Club. It has 90 players, who are in under 6s, 10s, 13s and 15s. Two teams this year played in the grand final—the under 10s and the under 13s. In the under 13s, James Morkaya, who won the most committed award, and Ryan Masri are two very committed players for this team. Other awards were given to Jessie Alaelua, Sebastian Panama and Nikora Povey. The under 10s won their premiership and awards were won by Chris Patolo, Nelson Kaisa and Doohan Murphy.

This is a Sydney-wide competition and, as the club has only 90 players, this is an extraordinary achievement. Thirty per cent of national rugby league contracts are awarded to players of Pacific Islander descent, so I look forward to the future of these young players with interest. The Cougars have a close relationship with the Liverpool Bulls Senior Rugby Union Team and play at the same oval, Dwyer Oval, their home ground. This relationship will be a great help to both clubs over the next 30 years. My grand-uncle played for Liverpool in the 1900s so it is great to see a future for Liverpool Rugby. Liverpool Rugby was the minor premiers in division six of the New South Wales suburban rugby union, and narrowly lost the grand final. I commend the Casula Cougars Liverpool rugby and Pacifica to the House.

POVERTY

Mr STUART AYRES (Penrith) [1.33 p.m.]: Today I talk about National Anti-Poverty Week. Yesterday I spent some time slicing up potatoes down the road from my office at the Penrith Community Kitchen. The volunteers at the centre serve more than 100 meals a day, and they do it with very little funding. Almost everything they have, the little money they get by on and their volunteers come from the local community—from groups such as the Penrith Valley Fund, Emu Plains Lions, St Nicholas of Myra Church, St Dominic's College and many individuals, who all support the kitchen. It is so good to see, and important to recognise, local people pulling together to help out the least fortunate in their community. This is typical of the strong Penrith and Lower Mountains community, which I represent in this place.

However, we do not see enough of this sort of thing. Sometimes we might not even realise it is happening. However, I am glad that it is, particularly in the electorate of Penrith and the surrounding areas of western Sydney. I am pleased to acknowledge this work during National Anti-Poverty Week, which reminds us to think about other people in our community rather than concentrating on our own day-to-day difficulties. The Australian Council of Social Service estimates that two million Australians are living in poverty. They suffer not only from economic difficulties but also from their flow-on effects such as poor health and reduced life expectancy.

Of even more concern, as the cost of living increases Australians living in poverty face an increased risk of becoming homeless. These homeless do it even tougher than others living below the poverty line. As well as showing even lower life expectancy than other groups in society and reporting escalated levels of mental stress, they often find it harder to get jobs, receive medical treatment and even access government assistance. Although it is difficult to quantify precisely the number of homeless on the streets, the latest census data indicates that every night 1,420 people are homeless in the Nepean region.

National Anti-Poverty Week aims to promote understanding of these problems in Australia and overseas, as well as to encourage research into the causes of poverty and its solutions, not that there will ever be an easy solution to poverty, here or overseas. If there were, there are enough people of good will in this place and in the community that we would have already beaten the problem. However, because the solution is not easy does not mean we should give up. If anything, it probably means we should try a little harder. With this in mind, I thank the organisers of National Anti-Poverty Week. In particular, I thank everyone who supports Penrith Community Kitchen. I urge the people of Penrith and the Lower Mountains this week, and every week, to remember those in our community who are less well off and to perhaps think about volunteering and providing some support. A little effort will go a long way.

BANKSTOWN-LIDCOMBE HOSPITAL

Mr ALAN ASHTON (East Hills) [1.36 p.m.]: Today I talk about some new resources approved for Bankstown-Lidcombe Hospital that I know are appreciated by the member for Bankstown, the Parliamentary Secretary at the table. Patients at Bankstown-Lidcombe Hospital will benefit from more than $1.2 million in funding for new medical equipment following the historic health and hospitals reform agreement between the State and Commonwealth governments. On 7 October 2010 the member for Bankstown, Tony Stewart; Daryl Melham; the Minister for Health, Carmel Tebbutt; and I attended the hospital to meet with nurses, medical practitioners such as Professor Neil Merrett and others to view the new equipment.

As a result of the funding boost the hospital's emergency department will receive more than $350,000 in essential equipment, including heart monitoring equipment, a defibrillator and an ECG machine to record patients' heart activity. The hospital's operating theatres will also benefit from funding of more than $920,000 for internal camera equipment for endoscopy procedures and an extra recovery bed. South-western Sydney is one of the fastest-growing areas in the State and this new equipment will assist the hospital to meet the healthcare needs of the local community. This is a fight that the member for Bankstown and I have taken up in our time in this place.

From July 2009 to June 2010 the hospital's emergency department saw 43,224 patients and 9,467 operations were performed. I specifically mention those figures because it is always easy to grab a cheap headline when something minor goes wrong, although I concede there are sometimes major occurrences, but with 43,000-plus patients going through the emergency department the outcome is almost invariably successful. I know this because two days before our recent visit to the hospital to view the new equipment my wife was bitten by a spider when she was cleaning up public parks as part of her community involvement. We raced off to

the hospital and were given the good news that the spider was not poisonous. We arrived at the emergency department in the middle of the day. My wife was given a tetanus injection and everybody is safe, including the spider.

This funding boost is important because we now have a better agreement than previously. Hansard and members would have heard enough about the cutbacks that occurred in the funding mix of State hospitals under the former Howard Government. In the last year of the Howard Government New South Wales provided 59 per cent of hospital funding and the Howard Government provided only 41 per cent. Yet it was supposed to be a fifty-fifty agreement. This historic health reform will provide $1.2 billion for State health services over the next four years. The new resources will significantly enhance Bankstown hospital's ability to meet increasing demand from a growing ageing local population.

I refer briefly to another visit I made to the hospital a couple of days earlier to meet nurses who are pressing a claim in 2010-11 for improved staffing ratios and a better skill mix for staff-patient care. Nurses have visited me in my electorate office and I know they will be visiting other members as well. I am quite happy to endorse their campaign to mandate nursing numbers. Everyone would concede that a nurse's job is not getting any easier. It is being made more difficult as a result of some people staying longer in hospital. The elderly and sick cannot be released when there are no places in the community for them. Often they stay in hospital longer than they should. The union is trying to get a mandated minimum nurse-patient ratio. This will potentially have a great impact on the State budget but this matter is important because nurses are critical to the health system. We have done as much as we can to keep nurses in the State system but after we train them they often get taken up by the private health system or find other places to work. Only by improving their numbers can we maintain the service provided by the first people patients need to see—nurses.

TACKING POINT LIGHTHOUSE

Mr PETER BESSELING (Port Macquarie) [1.41 p.m.]: One of the best things about representing the people of the Port Macquarie electorate is the manner in which our community gets involved in local issues and drives local outcomes regardless of the bureaucratic obstacles that can be encountered when dealing with different levels of government. I am pleased to report to the House that another fine example of this local endeavour, which will have significant benefits for the preservation of our early settlement history, is taking shape.

Last week I met with Neil Black, Helen Ross, Bob Higham and Mike Vegter from the Rotary Club of Port Macquarie Sunrise to formalise a local effort to see the Tacking Point Lighthouse restored to its former glory and once again become a beacon of pride for our local community. Tacking Point, about five kilometres south of the mouth of the Hastings River at Port Macquarie, was named by Matthew Flinders during the northward leg of his circumnavigation of Australia on the *Investigator*. On 23 July 1802 he wrote:

> To the northward of the Three Brothers there is four leagues of low and mostly sandy shore, and after passing it we came up with a projection whose top is composed of small irregularly shaped hummocks, the northernmost of them being a rocky lump of sugar loaf form; further on, the land falls back into a shallow bight with rocks in it standing above water. When abreast of the projection which was called tacking point, the night was closing in and we stood off shore, intending to make the same port next morning for some of this coast had been passed in the dark by Captain Cook and might therefore contain openings …

Tacking Point Lighthouse was built in 1879 as one of five similar lighthouses, including one further south at Crowdy Head designed by the New South Wales Colonial Architect James Barnet. The construction was undertaken by Sydney firm Shepard and Mortley at a cost of £4,650 and included an original light comprising a two-wick burner under 1,000 candlepower. The light was illuminated by kerosene oil and had a focal plane of 105 feet and visibility of 12 nautical miles. Construction also included an associated keeper's cottage.

A 1913 report, "The Lighting of the East Coast of Australia", proposed installing automated acetylene lights, not only on the grounds of greater visibility but also because "stationing men in lonely localities, with the disadvantages to themselves and their families inseparable from such conditions, is to be avoided". At that time only one keeper was stationed at Tacking Point Lighthouse; however, the last keeper was said to have left by 1919 to coincide with the conversion of the lighthouse to acetylene automatic control.

The lighthouse remains an icon of the Port Macquarie community and has been used in many promotional tourism campaigns targeting our beautiful coastline. It is fair to say that in relation to other similar structures of the same era it has not had the level of attention given to its upkeep and maintenance that befits its value to the people of New South Wales, and improvements to the site to leverage the tourism potential of the

lighthouse and its surrounding landscape have not been realised. This is despite the fact that the area has become a vantage point for people drawn to the annual migration of whales up and down the coast and also forms an integral part of the very popular coastal walk between Port Macquarie's central business district and Lighthouse Beach.

Regular articles and local media reports have highlighted vandalism and neglect at the lighthouse—issues that reflect the lack of attention paid to the facility. In 2008 the Lands Department finalised a 74-page report titled "Tacking Point Lighthouse Site Management Plan", which included key recommendations ranging from nominating the site for listing on the State Heritage Register to preparing an integrated landscape management plan for the site. The report notes that, where appropriate, public use and enjoyment of Crown land is to be encouraged and that it should be used and managed in such a way that both the land and its resources are sustained in perpetuity. It is time to make direct progress in addressing the recommendations of the management plan.

There have been ongoing issues relating to this site, as with many other sites across New South Wales, between the local council as managers and the Land and Property Management Authority, which is ultimately responsible for Crown lands in New South Wales. There has been a reluctance by either public body to drive planning outcomes that require any significant funding and there has been a distinct lack of coordination of the preservation of the site. I fully support the Rotary club's lighthouse subcommittee and residents such as Gerry Walsh and Mitch Mackay who are taking an active interest in the future of both Tacking Point and its historic lighthouse. I strongly urge the Government to do the same.

TRIBUTE TO WESTBY JAMES DAVOREN

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.46 p.m.]: Today I pay tribute to the former member for Lakemba, Mr Wes Davoren, who passed away on 21 September 2010 after a long illness. Westby James Davoren, or Wes as he was known, was 82 years of age and served as the member for Lakemba from 1984 to 1995, when I replaced him after Wes deservedly retired after a long and distinguished public career. Wes Davoren was an extraordinary man who contributed a great deal to the Canterbury-Bankstown community and the wider community over many years. He made this contribution not just while he was an elected member of Parliament but before and after that experience.

Wes did many extraordinary things all of which had one purpose: supporting the needs of people and making a difference for the better in our community. I was privileged and honoured to be mentored by Wes Davoren and to follow in his great footsteps as the member for Lakemba in 1995. Wes called me into his office after an Australian Labor Party branch meeting in 1987 and had a fireside chat with me. It was a cold wintry night and we had a cognac together and he said, "Tony, I would like you to become the next member for Lakemba." I worked diligently towards that end but if it had not been for Wes's mentoring, input and inspiration I would never have had the privilege of being a member of this Parliament.

During Wes's 10-year period as the member for Lakemba he achieved a great deal for our local community, including better roads, improvements to rail infrastructure and, very importantly, helping significantly with the community fight to stop Canterbury Hospital from being closed during 1994-95. In 1994 the then Fahey Government made a decision to close Canterbury Hospital. It would have been a tragedy for my local community and the region because Canterbury Hospital, as we know, is very much needed by the community it serves. The decision had been made but Wes Davoren, with my support and that of others, went to the fore in the community and said, "This is not going to happen." He fought the closure in a constructive way. He raised it in the House and we looked at other options, which resulted in a Supreme Court action at one stage. The end result was that the first decision Bob Carr made when he became Premier of New South Wales in 1995 was not only to retain Canterbury Hospital but to build a $70 million hospital complex on the site that Wes fought so hard to keep.

Prior to entering politics Wes was involved in a number of activities with the Labor Party. He was the President of the Punchbowl Park branch between 1970 and 1984. He served as Secretary of the Lakemba State Electoral Council between 1965 and 1984. Wes was also patron of Canterbury-Bankstown Rugby League Football Club—the Bulldogs—and he was very proud to be associated with the Bulldogs over the years. Peter Moore, the "Bullfrog", loved Wes. Peter introduced Wes to me many years ago at a football function. It was always in Wes's heart to support the Bulldogs.

Wes was also Treasurer of the Canterbury Hospital board from 1980 to 1986. Prior to his political career he worked as a senior production planner with the State Rail Authority. He was also director of a

cooperative building society and credit union. Wes was educated at Sydney Technical High School. He never went on to university, something that Wes deeply regretted. We often talked about it. But I can tell members that this bloke came from the school of hard knocks. He had a tremendous understanding of community, and he had a tremendous intellect. Wes did not need to go university; his university was serving the community with his intellect and focus on things. That was the real university of Wes Davoren.

By any standards Wes Davoren was a great person within our local community and a much-loved family man. On behalf of the people of Bankstown and the wider community that surrounds my electorate I convey my sincere condolences and prayers to Wes's wife, Terri—a great woman and someone who was the wind beneath the wings of Wes Davoren—along with his four daughters, Jennifer, Elaine, Linda and Judith. Wes will be greatly missed by all. His passing is very sad for my community but we will never forget his positive legacy.

MURRAY-DARLING BASIN PLAN

Mr JOHN WILLIAMS (Murray-Darling) [1.51 p.m.]: Last Wednesday I had the opportunity to attend, together with the community of Deniliquin, a meeting held in the southern Riverina regarding the Murray-Darling Basin Plan. At the meeting there was a very clear indication that the Murray-Darling Basin Authority had really underestimated what this proposal meant for the people of Deniliquin and the surrounding irrigation communities. The venue for the meeting was the RSL hall. However, the accommodation was definitely inadequate for the number of people in attendance. There were at least 2,500 people in the hall, and there were an equal number of people, if not more, outside the hall who could not gain entry because of occupational health and safety standards. Regardless of what the green elements in our society today prescribe, the proposals in the Murray-Darling Basin Plan can only cause fracturing and destruction of most of the irrigation communities in my electorate particularly and in the other Murray-Darling Basin electorates.

The plan was probably foreshadowed by the Wentworth Group, which made the decision to pre-empt the contents of the Murray-Darling Basin Plan and go out with a plan of their own. It is interesting that the figures that came out of the Murray-Darling Basin Plan do not fall short of what the Wentworth Group prescribed. The plan is poorly timed for the people of the Murray-Darling Basin. Members would be well aware that three years of drought have precluded implementation of the plan, and the depth of suffering and despair in most of those irrigation communities has been mainly unmeasured, and to a great extent probably never considered by the wider population of New South Wales and Australia. For most people outside the basin the proposal put forward in the Murray-Darling Basin Plan looks pretty good on paper. However, the plan does not take into account the fact that people are affected by it. Somewhere along the line we need to recognise that while the environment does play a part, the key role of the Murray-Darling Basin Authority is not to establish a plan for the environment. The plan should encompass a transitional period that recognises that irrigation communities need to survive. We also need to address environmental issues.

The people in the Murray-Darling Basin have been well versed in reform. Reform has been a fact of life for those people. It started off with the National Water Initiative, which in most cases removed about 40 per cent of their water entitlement. After that change was made there was a drought and there was no average flow in the Murray-Darling Basin. So the benefits of the National Water Initiative have never been demonstrated. We have also had the living Murray, the water for Rivers Project, and State governments buying back water for the environment. However, absolutely no accounting has been done with regard to exactly what is available for the environment. The fact is that we could well meet the environmental needs of the Murray-Darling Basin once we can demonstrate an average flow in this river system. With regard to the benchmarks that are used, even the authority has admitted that those benchmarks are subject to some scrutiny. Ultimately, we are talking about records for the river between 1880 and today. In the early days we did not monitor our rivers as well as we do today; today we account for every drop of water. [*Time expired.*]

WAGGA WAGGA ELECTORATE FLOOD DAMAGE

Mr DARYL MAGUIRE (Wagga Wagga) [1.56 p.m.]: Beginning last Friday evening and continuing throughout the weekend, the Riverina and the South West Slopes suffered a natural disaster caused by heavy storms and the subsequent flow of water. The areas affected immediately were the shires of Tumut, Wagga Wagga, Lockhart and Tumbarumba. Those areas have suffered significant damage. Driving home from Sydney on Friday, I witnessed firsthand Adelong Creek: I have never seen water so angry as it passed underneath the Hume Highway. I went immediately to the emergency broadcast centre and discussed with people there what difficulties we faced. In fact, at that time 300 passengers were stranded with the XPT and I made arrangements, calling on the Government to get those people housed and fed until the crisis was over.

On Saturday morning, following my call for natural disaster assistance, I then visited Uranquinty, where 50 to 60 houses had been inundated by rising water that was not able to escape through the storm system. In fact, I witnessed one house with about 1.4 metres of water through it. There were cars still in their garages, full of water, and older people unable to escape the flood. In some cases the water entered the front of houses and flowed to the back, taking everything with it as it rose.

I went to The Rock, where the Emily Gardens aged care centre was evacuated. Thankfully, all the aged residents were safe and well, but the brand-new building suffered some damage from Burke Creek overflowing. With regard to the rest of the town of The Rock, more than 100 houses have had water come through them. I spoke to one lady, Vi, who has lived in The Rock for 87 years. In all the floods she has witnessed she has never before had water go through her house. The water that went through her house rose to about a metre, and one can imagine the damage that has been caused. Many houses had water rise through the floor, with residents unable to do anything about it. I also visited Adelong and Tarcutta, where I witnessed a scene of devastation. Adelong Creek broke its banks. Bales of hay and logs were rolling with the water, which destroyed everything in its path. It took the bridge with it then flowed out onto the street, causing enormous damage.

People did not have time to react, even to save possessions, because of the strength of the floodwater. It scene reminded me of a European flood now showing on YouTube. We have all witnessed these events on the news, but in this example the floodwaters, trees, logs and debris destroyed everything in their path. In the town of Lockhart about 60 homes were inundated. Those communities are now recovering as the storm waters and floodwaters recede. The city of Wagga Wagga was comparatively less affected by the rising floodwaters because it had time to prepare.

I want to put on record my personal thanks and those of the community to the Emergency Service personnel who dealt with this matter, James McTavish, John Gregory and others, along with all the staff who worked through the night. My thanks to ABC Regional Radio, whose employees staffed the radio station and broadcast information. The community organisations responded to the call. I have asked Rotary, Lions and others to roll up their sleeves to help with the clean-up and to give a hand to those who have been badly affected, particularly the elderly. I have called on the insurance companies to deal quickly and sympathetically with the claims that they will receive.

In the Tumut shire alone, the damage is between $10 million and $25 million. Bridges have been lost in the Tumut and Lockhart shires and in shires in the electorate of Albury, at Culcairn and Tumbarumba. The Manus Dam collapsed, and 80 metres of wall will need to be replaced. An enormous amount of work has to be done. I acknowledge the councils for their leadership in dealing with these matters, and in particular the general managers and mayors who worked with the community, visiting people in the days following the event and putting into place measures that will help them to get back on their feet. The Disaster Recovery Co-ordination Team has much work to do. I want to acknowledge all the organisations and the community who are continuing to help those who have been absolutely devastated by this flood.

TAMWORTH REGION DEVELOPMENT

Mr PETER DRAPER (Tamworth) [2.01 p.m.]: Today I would like to congratulate Councillor Col Murray, who was recently elected as mayor of Tamworth, and also Russell Webb, elected as deputy mayor. I have already had discussions with Mayor Murray about strengthening the relationship between the council and me to further benefit local residents. I also welcome Paul Bennett to his new role as general manager of Tamworth Regional Council. Mr Bennett comes to Tamworth from Dubbo, and has a background in local government dating back to 1987. Mr Bennett has said that his "career objective has always been to make a difference", so I look forward also to working constructively with him and the council to deliver positive local outcomes. At the same time, council has farewelled James Treloar who, apart from a twelve-month period, has been mayor of Tamworth since 1995, and also former general manager, Glenn Inglis, following 38 years in local government. I wish both of them well in their future endeavours.

Tamworth is a dynamic, progressive hub for the New England/North West. It is a proud, hardworking community, which won the State's Tidy Town award in 2009, before being crowned the nation's Tidiest Town. That pride in community also extends to the smaller towns of Manilla, Barraba, Kootingal and Nundle, plus the many villages that are important components of the regional council. Last year Tamworth achieved a growth rate of 1.9 per cent, the second highest in inland New South Wales. This region has the undoubted capacity to be the most desired, productive location in inland New South Wales. For the third year in a row, Tamworth saw over $200 million in building activity, with 1,047 development applications received, excluding subdivisions,

which is up from 915 in the previous year. Residential development has underpinned our construction workforce, supported by big-ticket items such as new shopping centres, the Australian Equine and Livestock Events Centre, a $40 million nursing home, the new $80 million Westdale sewerage and re-use scheme, plus major food processing upgrades and other industry developments. There is no doubt that Tamworth is a strong and safe place for investment.

Why is the Tamworth region such a good place for families and business to relocate? We already have 11,456 GST-registered businesses in the area. Residential and retail land values remain constant, and visitors to town saw overnight stays in commercial accommodation increase by 1.6 per cent, in the face of a nationwide decline. Unemployment remains lower than the regional New South Wales, State or national figures, at 5.6 per cent. In 2009 Tamworth airport reported a 9.2 per cent increase in passenger numbers and the latest figures, to 30 June this year, show that 135,000 people used the airport—up 13.5 per cent. The total vehicle fleet in the Tamworth region increased from 54,329 vehicles in 2008 to 55,804 in 2009, representing an increase of 1,475 vehicles, or 2.7 per cent, compared with a New South Wales wide increase of 2.2 per cent. In seven key indicator areas—population, employment, business activity, construction, vehicle registrations, tourism and property—Tamworth is a winner. The Tamworth Chamber of Commerce chairman, Tim Coates, has been quoted as saying:

> The Global Financial Crisis hit the world but Tamworth seemed to sail straight through it.

Despite these great achievements by the community and bright prospects for the future of the region, there is a dark cloud on the horizon, and that is the obscene price increases in the provision of essential services such as electricity and water. They are having serious negative impacts on pensioners, families, small business, agriculture and particularly the disadvantaged. These price escalations threaten the very fabric of our society, and its potential for future development. The Government must face reality and heed public concern to stop the price increases, and the Opposition also needs to listen to the people and develop policies that can relieve the financial burdens that current and future price increases are causing and will cause across this State.

Outgoing Tamworth council general manager Glenn Inglis has said that the major issues critical to Tamworth retaining its leading role will be waterproofing the city, redeveloping Tamworth Base Hospital, strategic skills development, managing new extractive industries in the resources boom, the greening and branding of Tamworth for marketing purposes, continuing to nurture social capital and community contributions, plus the quality of its leaders. There is bipartisan support in the community to achieve these goals. Good progress has been made, and the community will expect whoever sits on the Treasury bench in New South Wales after next year's poll to continue investing funds to help bring these goals to fruition. Despite The Nationals constantly painting a misleading picture of doom and gloom across the electorate, their candidate for the 2011 election recently told Fiona Wiley on ABC radio:

> I actually live in Tamworth. Our lifestyle is great, less commute times, we have a great health system, and you know, we do get the chance to get a cappuccino within 500 metres of our offices.

For once, this candidate has actually said something sensible! The Tamworth region is a great place to live, and a great place to do business. Provided there is a strong and ongoing commitment from all tiers of government, there are virtually no limitations on its future potential.

[*The Acting-Speaker (Mr David Campbell) left the chair at 2.06 p.m. The House resumed at 2.15 p.m.*]

ASSENT TO BILLS

Assent to the following bills reported:

Electronic Transactions Amendment Bill 2010
Evidence Amendment Bill 2010
Plant Diseases Amendment Bill 2010
Privacy and Government Information Legislation Amendment Bill 2010
Terrorism (Police Powers) Amendment Bill 2010
Law Enforcement and National Security (Assumed Identities) Bill 2010

ST MARY MACKILLOP

Ministerial Statement

Ms KRISTINA KENEALLY (Heffron—Premier, and Minister for Redfern Waterloo) [2.20 p.m.]: I rise to acknowledge the historic occasion of the canonisation of this nation's first saint. It is indeed an honour

to recognise publicly the charity and goodwill that animated the life of Sister Mary MacKillop, now St Mary MacKillop. That Mary MacKillop is our first Australian saint is naturally a cause for rejoicing amongst Australian Catholics, and I am a member of that faith, but that is not why I rise today. That Australia's first saint is a woman is a source of pride to women, but that is not why I rise today. That Australia's first saint is a leader who stood up for what she believed in, even when church authorities at the time stopped her from doing so, is a source of pride to feminists in this State, but that is not why I rise today. I rise to speak today because this recognition is a source of pride for all Australians, as Mary MacKillop's life and example transcended her religion and her gender, and transcended politics.

It is not just for her great faith that we revere Mary MacKillop. It is not just for her sainthood that we will forever remember her name. Mary MacKillop will forever serve as an inspiration to all those who work for the relief of suffering and the betterment of lives in our communities. She will be forever a reminder that our nation is at its greatest when we care for all in our communities, especially the most vulnerable. She will always be known as a great pioneer of egalitarianism, mateship and compassion that we now call a fair go. Her life is inspiring to any Australian.

Born in Melbourne, the eldest of seven children, Mary began working as a governess to help support her family. In 1867, in Adelaide, she became the first leader and mother superior of the newly formed Order of the Sisters of St Joseph of the Sacred Heart—the first religious order established by an Australian. By 1877 the order embraced more than 40 schools in Queensland, South Australia and New South Wales, where Mary's great work was carried on. Indeed, 1877 was a notable year; it was the year that saw the passing of another great Australian woman, humanitarian reformer and philanthropist—Caroline Chisholm. With hindsight, we see that Mary emanated the same spirit of charity as Caroline Chisholm; she truly is Caroline's successor in much of the great work they accomplished.

Today that is the continued and varied work of the Order of the Sisters of St Joseph. It might be a project that helps to get children off the streets, helps refugee families or the needy in the outback, finds emergency accommodation for the homeless or helps others come to terms with loss or bereavement. Mary MacKillop would have embraced all these causes with her whole heart. Mary MacKillop's life serves as a famous reminder that we all are responsible for the communities in which we live, and that our communities are better, safer and fairer through the care we show to others. I am confident that all members will join me in celebrating this great Catholic and great Australian who helped show us the way to a great and compassionate society.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [2.23 p.m.]: Elected members first sat in this Chamber in 1843, six of whom represented the Port Philip district. This was a time eight years before the colony of Victoria was carved out of New South Wales. The year before—the year in which this building was being constructed—Mary MacKillop was born in the Melbourne suburb of Fitzroy. This sounds as though it was the Melbourne we know today, but at that time Melbourne was just eight years old and had 4,000 people, four newspapers and 30 hotels. It was a frontier and colonial town into which Mary Helen MacKillop, the eldest of seven children, was born. Her story is an Australian story. Her parents came to this country seeking the opportunity that so many people since have sought for their families when they came to this country. Her story is the story of this nation: it is a tale from which the community can take heart. We all should be proud of her canonisation.

Mary MacKillop's path through life is a story of triumph over adversity and remoteness, a tale of determination and dedication, and a demonstration of the inspiration and power of education. It is a story that today we can still see in the battles of women for equality and the healthy questioning of authority that makes up the Australian character. It is obviously also a story of faith: the strong belief in God that drove a humble woman from colonial times to stamp her mark on the nation we became and the nation we remain.

Starting at Penola in South Australia, Mary MacKillop founded an order named after her local church and started establishing Catholic schools when State governments, such as this one, were withdrawing funds from religious schools and setting up what would become the public education system we know well today. This order established a network of schools and orphanages, shelters for the homeless, hospices, halfway houses and homes for the aged. This order focused constantly on the needs of the poor, the disadvantaged and this nation's first citizens, our Aboriginal citizens.

When Mary MacKillop died tributes poured in from Catholics and non-Catholics alike. She had been successful over the years in enlisting the support of Protestants and Jews for the great charitable works carried

out by the Order of the Sisters of St Joseph of the Sacred Heart. However, it is important to note today that Mary MacKillop lives on beyond her death in 1909. She lives on not just to those in the order she founded—I pay tribute to Sister Anne Derwin and the other sisters who worked so hard for this canonisation—but in the continuing good works that the Sisters of St Joseph do across this country and around the globe. This woman from Melbourne, who started her order in Penola, has had a worldwide impact. Those who attend the Ben Hur production this weekend at ANZ Stadium at Homebush will learn that the official charity for donation at that event is the Mary MacKillop College for Girls in the southern Sudan. That cause would be true to Mary MacKillop's heart if she were alive today, because it is the sort of cause that drove her throughout her life.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE

Routine of Business

[*During the giving of notices of motions to be accorded priority.*]

The SPEAKER: Order! Members on both sides of the Chamber will come to order. I call the member for Bathurst to order. I call the member for Murrumbidgee to order.

QUESTION TIME

[*Question time commenced at 2.30 p.m.*]

OCCUPATIONAL HEALTH AND SAFETY LAW REFORM

Mr BARRY O'FARRELL: My question is directed to the Premier. Before she puts her own political interests ahead of the interests of New South Wales and dumps the State's agreement to the Council of Australian Governments national occupational health and safety reforms what, if any, official advice did she seek about likely economic, jobs and workplace safety effects?

Ms KRISTINA KENEALLY: I thank the Leader of the Opposition for his question.

Mr John Williams: No, you don't!

Ms KRISTINA KENEALLY: I do thank him for it, in spite of those smart comments opposite.

[*Interruption*]

The SPEAKER: Order! The member for Murray-Darling will not respond to an allegation that his interjection was smart.

Ms KRISTINA KENEALLY: For the sake of the *Hansard* record, that was irony. I do thank the Leader of the Opposition for his question because it gives me an opportunity to talk about workers' safety in New South Wales, to talk about harmonisation, and to talk about why the New South Wales Government has taken the stand it has. If the New South Wales Opposition could stand up and support workplace safety, particularly aspects of our system in New South Wales that have existed under Labor and Liberal governments alike—aspects that have served the workers of the State well—the Government would welcome it.

The SPEAKER: Order! Members will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: In New South Wales, there are two aspects of our occupational health and safety system: the reverse onus of proof and the unions' right to prosecute. They have been part of our system for decades. Currently in New South Wales we are enjoying the lowest rates of workplace injury related to accidents for 20 years. That is because in this State we have an occupational health and safety system that is

acknowledged as one of the strongest in the country. We see harmonisation as important. Harmonisation provides certainty to employees and employers alike. It cuts red tape. Certainly New South Wales supports overwhelmingly the 27 sets of reforms that have been put forward through the Council of Australian Governments process.

Where we differ and where we have argued consistently with this harmonisation process is that harmonisation should be a rising tide that lifts all boats. Harmonisation should not result in this State, and particularly the men and women who work in this State—the workers who every day in New South Wales go to work with an expectation that their workplace is as safe as possible and, if it is not, that they have the opportunity to seek redress—forgoing protection. We want those protections to remain here in New South Wales. What we are asking for is not unusual.

Harmonisation includes exemptions that have been given in other jurisdictions in areas such as vocational education and training. Indeed, the most notable example is national health reform that has proceeded without participation by the Liberal Government in Western Australia. Much has been made about our decision to take this position—a position we have consistently taken as a government. I want to give two human examples.

Mr Barry O'Farrell: Point of order: Mr Speaker, before the Premier gives the human examples, I remind you and her that the question related to what advice about economic, jobs and workplace safety impacts she received, if any, before making the decision to walk away from the national agreement that she signed off on at the last Council of Australian Governments meeting.

Ms KRISTINA KENEALLY: I would like the Opposition to have the opportunity to hear the human arguments for why we insist on safety features of our occupational health and safety system being continued in New South Wales. Baying from members opposite is unsurprising: they are the people who supported WorkChoices. I ask them to listen to these stories, particularly the story of a woman such as Dawn Chamberlain. Dawn worked in the finance sector for 33 years. She survived five armed hold-ups. She was there to help people with their banking. Instead, she had guns pointed in her face. These are Dawn's own words:

> You experience many anxious moments, sleeping patterns are interrupted and your sense of well being and security is shattered.
>
> Many years later these feelings can resurface with a car back firing or similar loud noise, or a simple TV show or news report, you never truly recover.
>
> The union has supported me and I want other workers to continue to have the same rights as I did.
>
> If unions can no longer prosecute employers, financial institutions can choose private overprotection.

They are the words of Dawn Chamberlain. They are words I would like the Opposition to heed. If the New South Wales Opposition is not willing to listen to ordinary workers like Dawn Chamberlain, perhaps it will listen to a former Liberal Leader of the Opposition. I note that former Liberal leader, John Dowd, AM, has offered his strong support for our stance.

Mr Brad Hazzard: Who?

Ms KRISTINA KENEALLY: The member for Wakehurst makes an interesting interjection. He has just dismissed the words of the former Liberal New South Wales Opposition leader, John Dowd, AM—a member of his own side.

The SPEAKER: Order! Members will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: Mr Dowd has been Leader of the Opposition, shadow Attorney General, shadow Leader of the Legislative Assembly, and former Chairman of the Law and Justice Committee. He has also held the positions of a judge of the Supreme Court of New South Wales, the Australian President of the International Commission of Jurists and the President and Chairman of the Executive Committee of the International Commission of Jurists in Geneva, the Australian section. He is not only a Liberal Party leader but also a legal and community leader. What does he have to say about our decision to stand up to protect the right of workers in this State? He went on 702 Radio. Members opposite do not want to hear the words of a New South Wales Liberal Leader of the Opposition.

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129, relevance. The question was about official advice received by the Premier before she made this announcement, not commentary by esteemed former leaders of the Liberal Party, however much I appreciate them. The question related to what official advice she obtained about economic and employment impacts and workplace safety.

The SPEAKER: Order! I will hear further from the Premier.

Ms KRISTINA KENEALLY: This is what Mr Dowd said on 702 Radio on 18 October:

> ... the right of a union to bring proceedings for breach of workplace conditions is something that's been part of our law for a long time.
>
> And frankly, as a judge I saw an awful lot of injuries in the workplace that were just bad management.
>
> So I think on that issue I would side with the Premier in wanting to keep that in.
>
> And I mean for Julia Gillard to say, look this is a big thing for safety, and so on, it's not actually.
>
> The union power to bring proceedings against employers protects the workers, not the employers ...

They are the words spoken by the former New South Wales Liberal Party Leader of the Opposition. Contrast that informed, measured and reasoned approach by Mr Dowd with the say-anything-for-a-sound-bite approach of the current Leader of the Opposition. It just proves that there was a time—a long time ago—when the Liberal Party stood for something, but that day is long gone. This is a decision taken and considered by the New South Wales Cabinet. The New South Wales Government has consistently argued that these safety protections should continue to be part of our system. We will continue to stand up for workers in this State, for the right of the men and women of this State to have a safe workplace when they go to work.

GAMING

Ms TANYA GADIEL: My question is addressed to the Premier. Will the Premier update the House on community concerns about gaming in New South Wales?

Ms KRISTINA KENEALLY: Once again, the Leader of the Opposition has been caught out saying different things to different audiences. On ABC radio he was all about harm minimisation and no increase to gaming, but in the boardroom of ClubsNSW he told a different tale: mini casinos and multi-player terminals everywhere across New South Wales. The Coalition's memorandum of understanding, detailed as it is, reveals in the fine print a proposal to "remove limitations on installing multiplayer machines in clubs".

Mr George Souris: Fine print!

Ms KRISTINA KENEALLY: It has to be fine print: it is only one page! Whichever way one looks at it, the Opposition has cut a secret deal.

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

Ms KRISTINA KENEALLY: The secret deal is for mini casinos. The Leader of the Opposition, who has left the Chamber, has no plans for hospitals, buses, trains, social housing and child protection, but he has a plan for mini casinos across this State. Talk about priorities!

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

Ms KRISTINA KENEALLY: For the record, New South Wales has strong and fixed limits on multi-player gaming in New South Wales. There have been limits on the number of multi-player machines installed in registered clubs since December 2007, following the statutory review of gaming machine laws. These laws, which prohibit more than 15 per cent of registered club gaming machines being multi-player, reflect the Government's policy of not allowing clubs to become mini casinos. We want restrictions on clubs for many reasons, including this one. I want members to hear this insight on maintaining good order in our communities. I quote, "We should never forget that our homes and neighbourhoods are where we live." What wisdom! George Bush probably could not have put it much better, but they are not his words. They are the words of the Leader of the Opposition at the Liberal State Council on 18 September 2010.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: Such words of wisdom from the man who wants to sit on the Treasury bench in this State!

The SPEAKER: Order! Members will cease interjecting. I call the member for Upper Hunter to order.

Ms KRISTINA KENEALLY: Our neighbourhoods are where we live, which is why we do not want mini casinos spread across them. In New South Wales we have a policy; we are a one-casino State. Only one casino is allowed by law. However, the policy and the memorandum of understanding put forward by the Opposition would potentially see the taxpayers of New South Wales pay for compensation claims. Not only would the people of New South Wales get mini casinos across their State; they would pay for the privilege as well. That is truly the best of both worlds. We all know that this is right out of the classic Liberal Party playbook; it was Nick Greiner's motto of the top drawer and the bottom drawer.

The SPEAKER: Order! I call the Leader of The Nationals to order.

Ms KRISTINA KENEALLY: The problem is that things are starting to slip out of the bottom drawer. When something slips out what does the Opposition do? Its first response, when this secret deal came out, was to claim that the Government has a secret deal with Star City Casino and to demand that we come clean about it. We do have a deal with Star City Casino. It has been on the public record since 30 October 2007—I have a copy of the press release in my hand.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: If members opposite were so inclined they could simply Google to find stories in the *Sydney Morning Herald* or the *Australian*, which are not particularly obscure publications. They could even read a lengthy interview on the subject on the ABC *Lateline* website, or they could find this particular endorsement issued on 30 October 2007:

> NSW didn't need a second casino. There are sufficient gaming opportunities across the state.

Who gave that quote to ABC *Lateline*? It was no other than the Leader of the Opposition. It is such a secret deal that he does not know that he endorsed it at the time. When that excuse failed they moved to excuse number two: that this Government was going to expand gaming machines because it was going to expand Trackside. I can confirm that there is no minute currently before Cabinet that asks us to do that. We have always maintained that such an expansion would be considered only in the context of a merger between the Sydney Turf Club and the Australian Jockey Club. But there is one big lobbyist for the expansion of Trackside: the shadow Minister, the member for Upper Hunter. Not only does he support it, but he demanded that we come into Parliament this week and legislate for it. Too bad he did not tell his leader; too bad his leader had to find out from ABC radio.

Mr Andrew Stoner: Who writes this stuff?

Ms KRISTINA KENEALLY: You did! I am about to quote the Leader of the Opposition.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: I quote a transcript from ABC radio on 15 October:

> O'FARRELL: Under the State Labor Party's proposal, going to Cabinet on Monday, there will be increases in the number of gaming outlets because of their trackside arrangements.

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

Ms KRISTINA KENEALLY: I quote:

> TOBIN: You're supporting Trackside as well, so I'm not sure that's a valid argument.
>
> O'FARRELL: Are we?

Yes, he is. Just two days earlier the member for Upper Hunter said:

> The reclassification of Trackside is needed, irrespective of the mergers, and should proceed to the Parliament before it rises. Given that the Parliament only sits for a few more weeks, I urge the Government to introduce legislation to reclassify Trackside without all the conditions regarding mergers, votes of the AJC and STC …

That quote is from *Racing and Sports* of 12 October. Given this confused policy position, it is no wonder the Leader of the Opposition had to seek advice from an unknown—

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

Ms KRISTINA KENEALLY: Clearly the member for Murrumbidgee is suffering from attention deprivation syndrome; I have not paid him enough attention lately. No wonder the Leader of the Opposition had to seek advice from an unknown, unseen, unnamed person during his interview. No wonder he had to ask how to explain his casino-on-every-corner policy. I quote further from the ABC radio transcript:

> O'FARRELL: … if multiplayer terminals are installed they have to be matched by removing the same number of poker machines as players who can …
>
> How do I do this?
>
> Hang on a moment.
>
> How do I say … hang on a moment, Mark …
>
> TOBIN: No worries.
>
> O'FARRELL: (To unidentified person) … how do I say, how do I simply say that the multiplayer machines have to be matched by …

We then have an unidentified person giving some inaudible advice. The transcript continues:

> O'FARRELL: Sorry. I'll try it again.
>
> TOBIN: Ready.
>
> O'FARRELL: Sorry. I'm just trying to get a …

Mr Adrian Piccoli: Point of order: I draw your attention to the length of the Premier's answer. Listening to this rubbish is causing my ears to bleed.

Mr SPEAKER: Order! I cannot do much about the member's ears. However, I draw the Premier's attention to the length of her answer.

Ms KRISTINA KENEALLY: Eventually someone handed the Leader of the Opposition a piece of paper and he was able to read out the grab uninterrupted. However, the transcript does not tell us who was feeding him the lines.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: The Leader of the Opposition made a secret deal but he did not tell the Sunday papers about it when he gave an exclusive interview.

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

Ms KRISTINA KENEALLY: He does not understand Government policy. He does not understand or even know about the Coalition's policy. He puts out 65 pages of platitudes parading as policy. He does not promise one new bus, one new train, one new kilometre of road, one new social housing place, one new respite place or one new piece of supported accommodation. He does not even mention child protection. He wants to be the Premier of this State. Quite frankly, he is pathetic.

MURRAY-DARLING BASIN PLAN

Mr ANDREW STONER: My question is directed to the Premier. Given the Premier's urge to pick a fight with the Prime Minister, why has she not challenged the Prime Minister's proposal for the Murray-Darling Basin, which will cost tens of thousands of jobs, increase the price of food and, according to an independent report, threaten the viability of one city and four towns in regional New South Wales? Instead the Premier has picked a fight on industrial relations simply to shore up her crumbling base.

Ms KRISTINA KENEALLY: Clearly, the Leader of The Nationals did not read Simon Benson's article that states, "New South Wales will not go to water". He should read Simon Benson's article; he might get a little more information. For the benefit of the Leader of The Nationals, the New South Wales Government will assess the content in the independent guide of the Murray-Darling Basin Authority to the basin plan. We will work with stakeholders so that the position we take forward is the one that best reflects the needs of this State.

We will be consulting with regional stakeholders and seeking their feedback. That will inform our submission to the guide of the Murray-Darling Basin Authority to ensure we get the balance right between the socioeconomic impacts and delivering environmental improvements. New South Wales leads the way in the Murray-Darling Basin reform through measures such as having the most open water market, recovering water for the environment through statutory water sharing plans and proactively reducing entitlements in our six major groundwater systems.

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

Ms KRISTINA KENEALLY: We have always said that it is important to balance water recovery with ensuring the sustainable future of the Murray-Darling Basin and the communities it supports. In particular, we support infrastructure projects that allow water to be recovered for the environment and enable farmers to maintain their production with less water.

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

Ms KRISTINA KENEALLY: I would have thought Opposition members would have listened to the answer. Of course, we recognise that the Murray-Darling Basin is Australia's most important agricultural area. It produces more than one-third of Australia's food supply and it is home to two million residents. The gross value of irrigated agriculture alone in the basin is approximately $4.6 billion per year. I note the Commonwealth Government announced that the Federal Parliament will inquire into the guide of the Murray-Darling Basin Authority, and the committee will be chaired by Independent member of Parliament Tony Windsor from New South Wales. In addition, the authority will be conducting socioeconomic studies.

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

Ms KRISTINA KENEALLY: We remain committed to a cooperative approach. I must say I was surprised by the approach of the Opposition to this matter. By completely ruling out the draft guide and by not being part of the discussions it is opting out of debate on this crucial matter.

The SPEAKER: Order! I call the member for Murray-Darling to order.

Ms KRISTINA KENEALLY: The authority has released a draft of the plan and yet The Nationals and the Liberals have decided to walk away from discussions about it. Rather than inform themselves and argue a view, they have walked away from the table—yet again showing their irrelevance to country New South Wales.

CLUBS AND RESPONSIBLE GAMBLING

Mr ALLAN SHEARAN: My question is addressed to the Minister for Gaming and Racing. How is the Government supporting clubs and promoting responsible gambling?

Mr KEVIN GREENE: I thank the member for Londonderry for his timely question as it allows me to make a few points about the policies of those opposite. It is pretty simple. The Coalitions' memorandum of understanding with ClubsNSW reverses a decision that it voted on only a few years ago. Blackjack and roulette-style multi-terminal gaming machines [MTGMs] allow for a $100 maximum bet versus a $10 maximum bet for a traditional poker machine and they have a maximum collect of $500,000 versus $10,000 to $100,000 for traditional poker machines. When I introduced these restrictions limiting MTGMs to 15 per cent of a club's gaming floor I said:

> Given the higher bet limits and prize limits on MTGMs and that they run casino-style games, it is considered appropriate to limit their use to a certain level. It is not appropriate that club venues operate such a significant proportion of MTGMs that their gaming floors resemble mini-casinos.

In short, we understand that gaming revenue is an important part of sustaining a viable club industry. However, we do not believe that clubs should become mini casinos. While most people who gamble do so in a responsible manner and enjoy gambling as entertainment, for some it is a cause of problems for themselves, their families and the community. Of course, the challenge is to find a response that balances the opportunity for people to enjoy a bet if they choose with the need to minimise the harm that can result from problem gambling. This Government has a strong track record in responsible gambling initiatives, demonstrated by the fact that New South Wales has one of the lowest problem gambling rates in Australia.

The most recent New South Wales Population Health Survey found the problem gambling rate in New South Wales is 0.4 per cent of the State's adult population, down from previous survey results of 0.8 per cent. Those findings are very encouraging and are a great endorsement of our high-quality counselling services and strict harm minimisation laws. This Government stands on its record in this area. It has legislation that bans 24-hour gaming in pubs and clubs, advertising of gaming machines and gaming venues offering or supplying free or discounted liquor as an inducement to gamble. People working in gaming machine areas must be trained in the responsible conduct of gambling. All clubs and hotels with gaming machines must have a self-exclusion scheme.

One of the objectives of the New South Wales gaming machine laws is the ongoing reduction in the number of gaming machines in hotels and registered clubs, and we are meeting that objective. Since 2006 almost 3,000 gaming machines have been removed from venues across New South Wales. There are now approximately 4,000 fewer machines in hotels and clubs than required under the statewide cap of 99,000. We are supporting people who have a real problem with gambling. This year almost $11 million has been allocated through the Responsible Gambling Fund to help problem gamblers. This funding supports approximately 150,000 counselling hours, delivered by 49 counselling and support services that operate from more than 200 separate locations throughout the State. It includes the statewide 24-hour Gambling Help. To complement those programs the Government has strategies in place to educate people to identify the early signs of problem gambling and to encourage them to seek help before it becomes a serious problem.

A successful $2.5 million statewide Gambling Hangover public awareness campaign was launched in 2008 to educate young men to identify the early signs of problem gambling and encourage them to seek help. Following the success of that campaign, stage two was launched in August this year and will run until mid October 2010. We have been working with the club industry for a number of years to ensure the sustainability of the industry without increasing its reliance on gaming revenue. Last year we made a number of amendments to the Registered Clubs Act to remove unnecessary regulatory restrictions on clubs and to allow them to diversify income streams away from gaming. A pilot project to facilitate amalgamations as an option for struggling clubs and identify barriers to amalgamation is also being undertaken by ClubsNSW with support from the Government.

In short, the Keneally Government stands by its record of strict harm minimisation policies and support for the club industry to diversify operations away from a distinct reliance on gaming revenue. New South Wales will continue to work with the Commonwealth and State and Territory governments to reduce gambling harm and participate in the new Council of Australian Governments Select Council on Gambling Reform proposed by the Commonwealth. It should be noted that some of the Productivity Commission's recommendations will have significant ramifications for the industry, government and community. While New South Wales will continue to play a leadership role in national discussions, we will not agree to any approach that diminishes the strict responsible gambling initiatives already in place in our State.

CORRUPTION ALLEGATIONS

Mr DONALD PAGE: My question is directed to the Premier. Given the Premier's personal misjudgement of former members Ian Macdonald and Karen Paluzzano, what checks has she made on her star candidate and ex-union chief Andrew Ferguson, or is this another example of her penchant for turning a blind eye to allegations of corruption?

The SPEAKER: Order! The Premier has the call.

Ms KRISTINA KENEALLY: I am not going to comment on matters that are currently before the court.

SOUTHERN NEW SOUTH WALES FLOODING

Ms LYLEA McMAHON: My question is addressed to the Minister for Emergency Services. What is the latest information on flooding in southern New South Wales, and how is the Government supporting farming families?

Mr STEVE WHAN: I thank the member for Shellharbour for her continued interest in the work of our emergency services. South and south-western New South Wales—

[*Interruption*]

I hear the interjections of the member for Murrumbidgee. I thought he would have been one of the people who would have been most interested in hearing this answer, given that his electorate was one of the areas affected. Torrential rain across the Riverina and south-west slopes caused widespread flash flooding over the weekend, displacing more than 500 people who were forced to leave their homes due to rapidly rising floodwaters. Residents were evacuated in towns, including Adelong, Holbrook and Lockhart, with people losing many treasured possessions when their homes flooded above floor level.

The State Emergency Service received 17 rescue calls within an hour when Bourke Creek broke its banks, sending a cascade of water through the village of The Rock. Residents of the village's aged care facility and their carers had to be evacuated. Near Tumbarumba more than 90 properties were served with an evacuation order after a red alert was issued for the Mannus Lake dam. The dam subsequently failed, with damage reported to bridges and roads downstream. While the flash flooding has now largely subsided, flood warnings are current for many rivers, including the Upper Murray, Murrumbidgee, Castlereagh, Gwydir and Barwon, as waters make their way through sodden catchments.

Given the widespread nature of the damage caused by this event, over the weekend the Government declared a natural disaster in 18 local government areas. A final figure on the cost of this damage cannot be determined until the floodwaters recede and reveal their devastating impact, but there is no doubt that it will be in the tens of millions of dollars. The toll already includes damage to roads, bridges, culverts and other valuable infrastructure, along with agricultural losses with reports of more than 1,200 stock lost and damaged fencing, crops and pastures.

The Government stands ready to assist communities impacted by the floods. The weekend's natural disaster declarations trigger a range of assistance for individuals, businesses, primary producers and, importantly, councils that have suffered damage and hardship. We have moved quickly to help these communities on the road to recovery, establishing a regional recovery committee, which met for the first time in Wagga Wagga yesterday. The meeting was attended by about 80 representatives of councils, emergency services and government agencies and departments. Mr Ross O'Shea, regional coordinator in the Department of Premier and Cabinet, has been appointed as the recovery coordinator to help guide the recovery process on the ground.

Community Services and the Red Cross have begun doorknocking residents in affected areas to make them aware of available assistance and identify community needs. Community Services again played a particularly important role in this event. Community Services worked with community partners Red Cross, Adventist Development and Relief Agency, the St Vincent de Paul Society and the Salvation Army to establish an evacuation centre in Wagga Wagga, assisting more than 300 people. This included 96 teachers and students as well as 100 commuters from a CountryLink train and residents from affected communities.

The disaster welfare assistance line is operating with staff ready to provide disaster-affected people with information, advice and support. I am advised that Community Services is expecting many calls over the coming weeks. Community Services and the Australian Red Cross commenced outreach in disaster-affected communities on 18 October. Community Services staff and volunteers from community partner agencies remain ready to assist other residents as the floodwaters move downstream. Community Services can provide disaster relief grants to eligible individuals and families whose homes and essential household items have been destroyed or damaged by the natural disaster. People with limited financial resources and no insurance may be eligible for assistance. The Rural Assistance Authority is ready to help farmers and small businesses with low-interest loans to help them get back on their feet.

As always, I thank the emergency services for their unstinting dedication to serving our community in times of disaster and emergency. I heard earlier the private member's statement of the member for Wagga Wagga and I agree with the sentiments he expressed in the same vein. On Sunday I had the opportunity to speak to the members for Albury and Murray-Darling about what is happening there, and I left a message for the member for Murrumbidgee. I am surprised by some of the interjections from members opposite, given that this is a serious issue for the community.

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

Mr STEVE WHAN: As always, local members play an important role in this area. I was pleased to be able to get an update from some local members on Sunday evening and I thank my colleague the Minister for Water, as acting Minister for Emergency Services, for doing such a good job on Saturday. The State Emergency

Service responded swiftly and professionally to this emergency issuing flood warnings, evacuation orders and safety advice, filling thousands of sandbags and going to the aid of those isolated, trapped or suffering damage from floodwaters. More than 300 State Emergency Service volunteers turned out in the worst of the weather to help those in need together with their colleagues from the NSW Fire Brigades, the New South Wales Rural Fire Service, the New South Wales Volunteer Rescue Association, the Ambulance Service of NSW and local councils. Our thanks and praise go to each and every one of them. Once again, the community is very grateful for their support.

TOXIC WASTE

Mr STUART AYRES: My question is directed to the Premier. Given the Premier claimed on radio yesterday when debating Liberal candidate from Mulgoa, Tanya Davies, that there was no contract to dump toxic waste at Kemps Creek, but this contract shows that there is and that it was signed in June 2010, was the Premier deliberately misleading the people of New South Wales or was she simply ill-informed?

Ms KRISTINA KENEALLY: First, to be clear, on 17 October I instructed the Chief Executive of the Land and Property Management Authority, Warwick Watkins, AM, to examine alternative proposals for the transfer of waste material from Hunters Hill. In the past the member for Lane Cove has called for it to be moved out west, but we will set that aside. I am advised that the material from Nelson Parade is not classified as radioactive waste. Radioactive waste cannot be sent to landfill and must be stored. The material from Nelson Parade, which is less hazardous, is classified as restricted solid waste. However, given the community concern regarding this material, I have instructed Mr Watkins to examine alternative options, including interstate or overseas location, for the transfer of this waste. I can confirm that the first telephone call my office received on Sunday morning was from Councillor Prue Guillaume, a local councillor who was outraged about the proposal. I share her concern.

In regard to the issue raised by the member for Penrith, I advise the House that we have an agreement that SEDA would be available to take the waste. However, there is no contract in place. I am advised that there is no contract that fails if the proposal does not go ahead. I am advised there is simply an agreement that SEDA would be available to take the waste.

Mr Brad Hazzard: You agree there is a contract.

The SPEAKER: Order! Opposition members will listen to the Minister's response in silence.

Ms KRISTINA KENEALLY: No, it is not. I know that in the past the member for Wakehurst has had an inability to understand the difference between a tenant and a landlord. Here he misunderstands the difference between an agreement and a contract. My advice is that we have an agreement from SEDA that it would be able to take the waste if the Government proceeded with that plan, and if planning approval was provided. But as I have just outlined to the House, I have instructed the chief executive of the Land and Property Management Authority to investigate other options interstate or overseas, if the case requires it.

TILLEGRA DAM

Mr MATTHEW MORRIS: My question is addressed to the Premier. What is the latest information on Tillegra Dam?

Ms KRISTINA KENEALLY: I acknowledge the interest of the member for Charlestown in infrastructure and securing the water supply of the Hunter.

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

Ms KRISTINA KENEALLY: It is no wonder that Nick Greiner counselled future leaders about avoiding the pitfalls of detail. It is no wonder the Coalition's Central Coast water policy is only five pages long.

Mr Steve Whan: No worries about detail there.

Ms KRISTINA KENEALLY: No worries about detail here. I keep a copy with me at all times because it is not particularly heavy to carry around. Members opposite clearly are unable to manage the detail. As members heard on 19 May this year, the member for Ku-ring-gai told Newcastle radio:

> Our decision is not to support the construction of the Tillegra Dam and we call on the Keneally Government to scrap it as well.

That was broadcast on radio 2HD on 18 May 2010. The member for Ku-ring-gai made that bold announcement totally unaware that the Opposition's policy, "Drought-proofing the Central Coast", includes the construction of the Tillegra Dam.

The SPEAKER: Order! I call the member for Terrigal to order for the second time.

Ms KRISTINA KENEALLY: The words betray you.

The SPEAKER: Order! I remind the member for Terrigal that he is on two calls to order.

Ms KRISTINA KENEALLY: The document states, "In addition to the Tillegra Dam the New South Wales Liberal-Nationals Coalition will deliver a $132 million Central Coast water plan." It states, "In addition to the Tillegra Dam …" Is this the member's press release or not?

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

Ms KRISTINA KENEALLY: It gives me no pleasure to advise the House that the pitfalls of detail have once again trapped the Leader of the Opposition. Last week he announced that an O'Farrell Government would cancel the Tillegra Dam and divert that money into a local infrastructure fund. How would it work? He could not say. Who would govern it? He was not clear. How did it contradict his policy of centralised infrastructure spending under his proposed "Infrastructure NSW"? He was not particularly clear on that either. He simply said the residents of Newcastle would have to trust him. How can they trust him when he has no water policy?

How can they trust him when he is evidently unaware that the Tillegra Dam is funded by the Hunter Water Corporation and paid for by Hunter Water customers for the provision of Hunter Water infrastructure to secure the supply of water for people in the Hunter? Here we have the member for Ku-ring-gai telling Hunter Water customers that he is going to confiscate that funding, send it to an unnamed location, with undetermined governance, and there is no plan to secure water supply for the Hunter and the Central Coast. After all, what would this be worth? According to what Mr O'Farrell said on radio just today—

[*Interruption*]

The member opposite can try to interrupt me all he wants; I am still going to read Mr O'Farrell's words onto the record. The Leader of the Opposition said on radio today, "We're talking about $8 on average for family bills per year." If we accept that figure of $8 and apply it to the approximately 220,000 Hunter Water customers, basic math, the kind that even the Opposition could do, tells you that the total for the Opposition's infrastructure fund would be $1.76 million. I will repeat that for members opposite: Basic math tells us that at $8 a year on average and with 220,000 customers in a region of about 500,000 people, we end up with an infrastructure fund of $1.76 million. Meanwhile, this Government is spending $1.7 billion on infrastructure in the Hunter. We are not charging water users to do it. Opposition members have to be joking! The House knows that this is a ridiculous policy, probably written in the car as the Leader of the Opposition drove up to the Hunter. On 16 October the Newcastle *Herald* said it best:

> ... retaining the high water bills approved to pay for the cancelled dam and diverting the money to pay for other regional infrastructure is an idea that borders on bizarre.
>
> Opposition Leader Barry O'Farrell has squandered a chance to impress Hunter people, appearing as yet another Sydney-centric politician with no idea about Hunter issues.

We all know that I am a fan of the world game, which we hope is coming to Australia with the 2022 World Cup, but what the Opposition has here is not just a red card, it is an own goal.

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

RELIGIOUS EDUCATION AND SCHOOL ETHICS CLASSES

Mr ADRIAN PICCOLI: My question is directed to the Premier. Given the Minister for Education said it is ridiculous to prejudge the ethics class trial before the independent valuation is complete but confirmed to a meeting of religious leaders last month, before the trial findings have been announced, that "The State Government has no plans to replace scripture classes with secular ethics lessons", is the Minister correct or is this another policy decision that she has made without Cabinet approval?

The SPEAKER: Order! The member for Murrumbidgee will resume his seat.

Ms KRISTINA KENEALLY: Is that the best the member can do? This was a trial of an ethics class. It is being evaluated and we will release the results of the trial when it is concluded. The Minister was speaking about special religious education to religious groups that provide that special religious education. Quite frankly, although the member for Murrumbidgee thinks he has a great contradiction here, he has not.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The House will come to order, including the Minister for Climate Change and the Environment. The member for Wyong has the call.

GRAFFITI

Mr DAVID HARRIS: My question is addressed to the Minister for Police. How is the New South Wales Government driving down graffiti across the State?

Mr MICHAEL DALEY: I thank the member for Wyong for his question. Graffiti is one of those crimes that we speak about from time to time that undermine people's confidence and security in their area and community, particularly old people. I am very disappointed to have discovered that graffiti has even soiled the Parliamentary Library. I was trawling through the archives and came across this august document issued by the New South Wales Liberals and Nationals about a graffiti crackdown, entitled "You spray, You pay". It is a wonderfully titled document. The most amazing thing about this document is that it contains a five-point plan. That is more than the entire number of policies the Opposition has managed to formulate in respect of the Police portfolio in 15 years. Five are embodied in this one document. I was absolutely blown away by the detail, all seven pages of it. It is terrific, so I thought I would have a look.

The first plan is to establish a single statewide hotline for members of the public to report graffiti in their community and get it removed—sensational stuff. The problem is that it is already happening. It is called Crimestoppers, 1800 333 000, and thousands of people already call it each year. Plan number two is to legislate for the courts to impose community service orders on offenders to make recompense and clean up the graffiti.

The SPEAKER: Order! I call the member for Murrumbidgee to order for the second time.

Mr MICHAEL DALEY: That is a top idea, which is why Labor enacted it in 1987. It is having a tremendous effect. Plan number three is to encourage the formation of voluntary graffiti removal squads in local areas, in partnerships with local government and local communities. That is a great idea, and it is already happening. Each year, graffiti hotspot grants of $1 million are made to keep councils funded to do this work. We are acting in partnership with Keep Australia Beautiful, having already removed 4,178 square metres of graffiti since Graffiti Action Day. Plan number four is to require juvenile graffiti vandals to appear before the court for a graffiti offence. This is a new idea—and it is a bad one!

The SPEAKER: Order! Members will cease interjecting.

Mr MICHAEL DALEY: This proposal would require the removal of the discretion of police to deal with offenders as they see fit, and in ways that are already proving effective, such as youth conferencing. It is the only new idea, but it is a bad one. Plan number five is to empower the courts to suspend convicted graffiti vandals' drivers licences or extend the time spent on learners and provisional licenses. This, too, is a novel measure. Howard Brown of the Victims of Crime Assistance League says of it:

> People are joking if they think—

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129. The question was about the Government's plans to deal with graffiti. The Minister has been reading the Opposition's proposals. Though we are flattered by the attention, I would be interested to know whether the Government is doing anything to deal with graffiti.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I will hear further from the Minister.

Mr MICHAEL DALEY: Howard Brown says:

> People are joking if they think graffiti offenders will be deterred by the prospect of losing their licence; if anything, it will encourage them.

Of the Opposition's five policies, three restate the current law and policy, one undermines police, and one imposes an irrelevant penalty on graffiti vandals. In contrast, in quick summary, this Government has banned possession of spray cans for young people unless they have a legitimate reason; given police powers to issue on-the-spot fines to retailers who fail to properly secure their spray paint; changed State planning polices, so that government agencies must consider designing out graffiti, such as by using coatings and lighting and restricting access when constructing new buildings; established an Anti-Graffiti Action Team, which I have already spoken about; and assisted councils and government utilities to develop graffiti management plans targeting high graffiti environments. In addition to that, the Government has beefed up penalties; created new offences to cover all graffiti implements, not just spray paint; doubled penalties for graffiti vandals to 12 months in prison and six months for possession of a graffiti implement—

Mr Adrian Piccoli: Have any offenders been put in prison?

Mr MICHAEL DALEY: —empowered courts with the option to issue community clean-up orders, which allow graffiti offenders to pay off fines imposed by cleaning up graffiti.

Mr Adrian Piccoli: Have you put any in prison yet?

The SPEAKER: Order!

Mr MICHAEL DALEY: The Government has broadened youth conference outcome plans for juvenile graffiti offenders to provide also for performing graffiti removal work or community service, and the payment of compensation. I am pleased to say that these laws are already being put to good use by New South Wales police. In the six-month period between January and June 2010, the New South Wales Police Force issued 278 court attendance notices. A court attendance notice requires a person to attend court.

Mr Adrian Piccoli: How many went to jail?

Mr MICHAEL DALEY: So, in answer to the member's question, "How many of them went to court?" 278 court attendance notices have been issued. And how many went to jail? There were 144 convictions. I congratulate the New South Wales Police Force for continuing its great work.

Question time concluded at 3.24 p.m.

DEATH OF SISTER ALISON BUSH, AO

Ministerial Statement

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [3.24 p.m.]: Today I pay tribute to Sister Alison Bush, a woman known to many in this House, who sadly died earlier this month. As one of the State's longest serving midwives, Sister Bush dedicated her life to improving the lives of others, particularly Aboriginal mothers and their babies. On Wednesday last week more than 500 mourners attended St Brigid's church in Marrickville to mourn her passing and to celebrate her life and lasting legacy. It is a clear sign of the high esteem with which Sister Bush was held that present at the funeral were the Governor-General, Her Excellency Quentin Bryce, and the New South Wales Governor, Her Excellency Marie Bashir, among many, many others.

Alison Bush was born in the Northern Territory and grew up in Darwin, before moving to Sydney. "Sister Bush", as she affectionately became known, began her nursing career at Marrickville District Hospital in 1960, and became a midwife in 1966 while at Canterbury District Memorial Hospital. Alison joined Royal Prince Alfred Hospital in 1969—the first Aboriginal midwife to be based at a major maternity hospital in New South Wales—and delivered more than 1,000 newborn babies over her four decades as a midwife. Alison Bush was also a passionate educator. She helped to develop the Skills Transfer Program, a national maternity health training program which provides indigenous health workers with skills in antenatal care.

Sister Bush worked hard to make the hospital a welcoming environment for Aboriginal women, who were often a long way from home, and a place that recognised their cultural needs. Her dedication behind the scenes ensured that the health service developed policies geared towards improving the maternal care of Aboriginal women at all points in the system, and she successfully encouraged Aboriginal women to embrace antenatal care.

Alison Bush was recognised for her contribution to her profession and her commitment to improving the health of Aboriginal people. In 1998 she was made an honorary fellow of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. She was the first midwife or nurse to receive this honour. In 1999 Alison became an Officer of the Order of Australia, in recognition of her service to nursing and to the community, and in 2002 she received the Centenary of Federation medal. Earlier this year she was a finalist for New South Wales Woman of the Year. Sister Alison Bush was a leader whose quiet and modest demeanour masked an iron determination to achieve the best outcomes for her patients. While renowned for her calm presence in the maternity ward, Alison Bush had a strong competitive streak on the sports field. She played cricket for the Graduates club and represented New South Wales in the 1962-63 season.

I extend the condolences of the Parliament of New South Wales to Alison Bush's family, friends and colleagues. Alison Bush's life was one of achievement, of commitment and of compassion. It is important that we do all we can to preserve her legacy, and to see it continue. I am pleased to inform the House that the Alison Bush Memorial Fund has been established at Royal Prince Alfred Hospital. This memorial fund will provide for the education of Aboriginal women in nursing, midwifery and medicine. Alison Bush never wavered from her commitment to the pursuit of better healthcare for mothers and babies. Her legacy lives on in the hundreds of babies born into her care—living proof of the important difference that she made. I conclude with the words of Her Excellency the Governor, Marie Bashir, speaking at the funeral service for Alison Bush:

> With a quiet and ever-present dignity, gracious, but also pragmatic and with brilliant wit, Alison was also an impeccable diplomat, a skilled teacher, a powerful advocate for the highest standards.
>
> Her passing has taken a precious friend, a true sister from our daily lives, but her spirit—her influence—will ever continue to inspire us.

I concur with those words.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.28 p.m.]: On behalf of the Coalition, I join with the Minister in recognising the wonderful work of Sister Alison Bush. Sister Bush became a midwife at Canterbury Hospital in 1966 and moved to Royal Prince Alfred Hospital in 1969. Over her 50 years as a nurse, she delivered more than 1,000 babies. She also helped develop the Skills Transfer Program, a national maternity health training program providing indigenous health workers with skills in antenatal care. As the Minister said, Alison Bush became an Officer of the Order of Australia in 1999, and received a Centenary of Federation medal in 2002 in recognition of her dedication and contribution to nursing. Last year she was honoured at the New South Wales Health Aboriginal Health Awards for her work in improving the lives of indigenous Australians.

Like the Minister, I was moved by the words of Governor Marie Bashir, AC, in her eulogy at the funeral on 14 October. Governor Bashir described Sister Bush as a person with an aura of nobility who was a continual source of enlightenment to all around her. Of course, before becoming Governor of this State, Marie Bashir worked as a psychiatrist. She would have known Sister Bush personally and admired her enormously because those characteristics would have appealed to the Governor—particularly because Sister Bush helped so many indigenous mothers and babies.

Sister Bush has set such a wonderful example not just for those of Aboriginal background or those working with Aboriginal mothers and babies and other patients, but for everybody working in the health system, particularly at Royal Prince Alfred, which is one of our major teaching hospitals. Maureen Ryan, head of midwifery at that hospital, said at the funeral that Sister Bush left this world a better place through her work. I join the Minister in encouraging people to assist the Alison Bush Memorial Fund that has been established at Royal Prince Alfred Hospital. Given that the morbidity rate for Aboriginal mothers and babies is three times that of those from a non-Aboriginal background, there is no more important work. I commend and honour the life and work of Sister Alison Bush.

The SPEAKER: On behalf of the House, I join the Deputy Premier, and Minister for Health and the shadow Minister in celebrating the life of a remarkable Australian.

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

VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2010-2011

Mr Michael Daley tabled, pursuant to section 26 of the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriations for 2010-2011 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates—Department of Industry and Investment.

Mr Michael Daley tabled, pursuant to section 26 of the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriations for 2009-10 arising from the provision by the Commonwealth of national partnership payments in excess of the amounts included in the State's receipts and payments estimates—Legal Aid Commission.

UNPROCLAIMED LEGISLATION

The SPEAKER: Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 19 October 2010.

REGISTER OF DISCLOSURES BY MEMBERS

The SPEAKER: Pursuant to clause 21 of the Constitution (Disclosure by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2010.

Ordered to be printed.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The SPEAKER: I announce the receipt, pursuant to section 26 of the Commission for Children and Young People Act 1998, of the report of the New South Wales Child Death Review Team, entitled "A preliminary investigation of neonatal SUDI in NSW 1996-2008: opportunities for prevention", dated 6 October 2010.

Ordered to be printed.

PUBLIC ACCOUNTS COMMITTEE

Government Responses to Reports

The Clerk announced the receipt of the Government's responses to the following reports from the Public Accounts Committee:

(1) "Report on Environmentally Sustainable Procurement"; and

(2) "Report on Quality and Timeliness of Financial Reporting", dated October 2010, together with extracts of minutes, submissions and a transcript of evidence relating to the report.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 2/54 of the Joint Standing Committee on Electoral Matters entitled "Public funding of election campaigns".

OMBUDSMAN

Report

The Clerk announced the receipt, pursuant to section 49 of the Surveillance Devices Act 2007, of the report of the NSW Ombudsman entitled "Report under section 49 (1) of the Surveillance Devices Act 2007 for the six months ending 30 June 2010", dated September 2010.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the Legislation Review Committee report entitled "Legislation Review Digest No. 13 of 2010", dated 18 October 2010.

JOINT SELECT COMMITTEE ON PARLIAMENTARY PROCEDURE

Membership

The Clerk announced the receipt, pursuant to resolution of 22 September 2010, of correspondence nominating the following members of the Legislative Assembly as members of the Joint Select Committee on Parliamentary Procedure:

Government members: Mr Aquilina, Mr Campbell, Ms Gadiel
Opposition members: Mr Maguire, Mr Piccoli
Independent member: Mr Torbay

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

PETITIONS

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

Lymphoedema Treatment Services

Petition requesting additional funding for lymphoedema treatment services and increased ancillary support for lymphoedema management throughout New South Wales, received from **Mr Richard Torbay**.

Identity Concealment Legislation

Petition requesting support for the Summary Offences Amendment (Full-face Covering) Bill 2010, received from **Mr Richard Torbay**.

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

Religious Education and School Ethics Classes

Petition opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Richard Torbay**.

Adoption Laws

Petition opposing any adoption law changes that take away the right of adopted children to be raised by a mother and a father, received from **Mr Richard Torbay**.

South West Rocks Policing

Petition requesting the allocation of more police resources to the South West Rocks region, received from **Mr Andrew Stoner**.

Retail Electricity Pricing

Petition objecting to the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mr Andrew Stoner**.

Pet Shops

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

Centennial Park and Moore Park Trust Land

Petition opposing any transfer of land from Centennial Park and Moore Park Trust to the Sydney Cricket and Sports Ground Trust, and requesting increased funding to the trust and proper public consultation on any future proposals that affect public access to the parklands, received from **Ms Clover Moore**.

Public Housing

Petition requesting that no inner city public housing stock be sold and that funding for public housing maintenance be increased, received from **Ms Clover Moore**.

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

Coogee Bay Hotel Site

Petition opposing any redevelopment of the site bounded by Coogee Bay Road and Arden and Vicar Streets under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Paul Pearce**.

The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:

The Hon. Tony Kelly—Coogee Bay Hotel Site—lodged 31 August 2010 and 1 September 2010 (Mr Paul Pearce)

The Hon. Kevin Greene—Centennial Park and Moore Park Trust Land—lodged 31 August 2010 and 8 September 2010 (Ms Clover Moore)

The Hon. Kristina Keneally—North Ryde Mobile Phone Tower—lodged 1 September 2010 (Mr Victor Dominello)

The Hon. Verity Firth—Sylvania High School—lodged 1 September 2010 (Mr Barry Collier)

The Hon. Frank Terenzini—Public Housing—lodged 1 September 2010 (Ms Clover Moore)

The Hon. David Borger—Fencing of Tongarra Road, Albion Park—lodged 2 September 2010 (Mr Barry O'Farrell)

The Hon. Kevin Greene—Liquor Trading Hours—lodged 7 September 2010 (Mr Mike Baird)

The Hon. Verity Firth—Hurstville Precinct Project—lodged 9 September 2010 (Mr Adrian Piccoli)

The Hon. Frank Sartor—Ku-ring-gai Chase National Park—lodged 9 September 2010 (Mr Jonathan O'Dea)

The Hon. Paul Lynch—Retail Electricity Pricing—lodged 9 September 2010 (Mr John Williams)

The Hon. Barbara Perry—Coffs Harbour City Council—lodged 9 September 2010 (Mr Andrew Fraser)

The Hon. Carmel Tebbutt—Mona Vale Hospital Maternity Unit—lodged 22 and 23 September 2010 (Mr Rob Stokes)

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 1015 to 1028 lapsed pursuant to Standing Order 105 (3).

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.38 p.m.]: I move:

That standing orders be suspended to permit:

1. The introduction, without notice, and passage through all stages at this sitting of the Parliamentary Budget Officer Bill.

2. The following routine of business at this sitting after the conclusion of the motion accorded priority:

   (a) Matter of public importance;

   (b) Government Business;

   (c) The Speaker to leave the Chair at 6.30 p.m.;

   (d) The Speaker to resume the Chair at 7.30 p.m. for the consideration of Government business; and

   (e) The House to adjourn on motion.

3. On Wednesday 20 October 2010:

   (a) Private members' statements be taken from 12.30 p.m.

   (b) The following routine of business after the conclusion of the motion accorded priority:

      (i) Matter of public importance;

      (ii) Government Business;

      (iii) The Speaker to leave the Chair at 6.30 p.m.;

      (iv) The Speaker to resume the Chair at 7.30 p.m. for the consideration of government business; and

      (v) The House to adjourn on motion.

I shall not speak at length to the motion, except to say that, while I have moved for the introduction of the Parliamentary Budget Officer Bill 2010 and its passage through all stages at this sitting, it is intended that the House will debate other legislation following the conclusion of the agreement in principle speech. After that, debate on the Parliamentary Budget Officer Bill 2010 will resume and the legislation will proceed through all stages today.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.39 p.m.]: Last week the member for Maitland let the cat out of the bag when he said that he works in the dark. I appreciate that that is probably the way Labor members and Ministers have worked for many years, but it is an insult to suggest that the rest of us should work in the dark also. The Leader of the House stated that the Government will introduce legislation to set up a new bureaucracy in Parliament—which will take goodness knows how much out of an already-stretched budget—without giving Opposition or crossbench members even an opportunity to examine its provisions. I asked the shadow Treasurer whether he had seen a copy of the Parliamentary Budget Officer Bill 2010 or had been briefed by the Treasurer's office, and his answer was, "No".

The Opposition can understand the cynical political motives underlying the introduction of the bill. The Treasurer briefed the media about the legislation—we read about that on the weekend. He has had plenty of opportunities to brief the media and obviously the legislation is ready to go. While the Treasurer has taken the time to brief the media, he has not taken the time to brief Opposition or crossbench members—and, most importantly, he has not taken the time to brief the public. If the Government is asking the Opposition to support legislation being rushed through Parliament without giving members an opportunity to consult anybody on a measure that will cost a great deal of money, the answer is, no, the Opposition will not support it.

The Government is always on about transparency and openness. I have been party to discussions in relation to changes to the standing orders. The Government suddenly has this new idea about openness, accountability and reform. The Government has been presented with an opportunity to introduce the bill properly, but is not prepared to do so. There is particular urgency about the introduction of the bill. There are five weeks, or 20 sitting days, remaining in this Parliament. We could debate the bill next week.

Mr Andrew Fraser: Or come back next year.

Mr ADRIAN PICCOLI: We could come back before 26 March next year. But there are also plenty of opportunities to debate the bill before the end of this year. The issue at the heart of this move is that the Government is embarrassed and wants to rush the legislation through Parliament as quickly as possible. The Government has conceded that the costing of its election promises by Treasury will be a farce. That was proved at the last State election. What did the Government promise prior to the most recent State election that The Spit Bridge would cost?

Mr Mike Baird: It was $59 million.

Mr ADRIAN PICCOLI: And after the election, what was it estimated to cost?

Mr Mike Baird: Then it was $115 million.

Mr ADRIAN PICCOLI: Finally, the Government said, "Oh, sorry folks, we cannot implement it." I do not think Treasury has a particularly good record in relation to election costings: Treasury made the same costing mistakes in relation to the Iron Cove Bridge at Drummoyne. The other great promise by the Government was 600 new nurses, which Treasury costed at zero. The promise, which was nice and sneaky, was that the 600 new nurses would fill existing vacancies. I am reluctant to pass judgement on members of the Treasury, who will be reinvigorated and re-energised after a change of government, but when Treasury allows itself to be politicised by the Labor Party—as it did prior to the 2007 State election—it is no wonder the New South Wales Coalition will not take its election commitment costings anywhere near Treasury.

The Government has acknowledged that the public does not like the garbage it comes up with in the lead-up to elections, so it is now trying to set up an additional bureaucracy in Parliament—not just for a couple of months prior to the election and a couple of weeks after the election to tidy things up, but a permanent bureaucracy. My understanding—which, of necessity, is based only on what I have read in the papers—is that the Government's legislation will establish an additional permanent bureaucracy. Why does the Government want to set up a new bureaucracy? It is probably for the same reason that it wants time limits to apply to answers and various other reforms as part of its new sense of collegiality.

As the 2011 State election draws closer, it is all beginning to make sense. This move by the Government is an example of cynical politics on the part of the Labor Party. There is no reason to rush this legislation through. The Government should introduce legislation today and allow it to lay on the table for five days, which is the normal practice. The Opposition could then examine the legislation and indicate whether it supports the bill. However, the Opposition will not support the motion to suspend standing orders.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Mr Amery	Mr Furolo	Ms Megarrity
Ms Andrews	Ms Gadiel	Mr Morris
Mr Aquilina	Mr Greene	Mr Pearce
Ms Beamer	Mr Harris	Mrs Perry
Mr Borger	Ms Hay	Mr Rees
Mr Brown	Mr Hickey	Mr Sartor
Ms Burney	Ms Hornery	Mr Shearan
Ms Burton	Ms Judge	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Ms McKay	*Tellers,*
Ms D'Amore	Mr McLeay	Mr Ashton
Ms Firth	Ms McMahon	Mr Martin

Noes, 38

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Ayres	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mr Humphries	Mr Souris
Mr Besseling	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Mr O'Dea	Mr J. H. Turner
Mr Dominello	Mr O'Farrell	Mr J. D. Williams
Mr Draper	Mr Page	Mr R. C. Williams
Mrs Fardell	Mr Piccoli	*Tellers,*
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

Pairs

Mr Gibson	Mrs Hopwood
Mr McBride	Mr R. W. Turner

Question resolved in the affirmative.

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Gaming

Mr MATT BROWN (Kiama) [3.52 p.m.]: My motion should be accorded priority because we are getting close to the State election and we need to know whether the Opposition will reveal its secret plans.

Murray-Darling Basin Plan

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.52 p.m.]: My motion deserves priority because regional communities in the Murray-Darling Basin after facing ruin. After years of unrelenting drought, record locust plagues and financial hardship, they are now facing water cuts of up to 45 per cent under the seriously flawed Murray-Darling Basin Authority draft plan. My motion deserves priority because farmers, irrigators and the business community in regional New South Wales have absolutely no faith in the draft Murray-Darling Basin plan. This has been demonstrated in the many community consultations held so far. For example, we saw people at Deniliquin who could not get into the meeting burning copies of the Murray-Darling Basin Authority guide. At Griffith—the member for Murrumbidgee was there—7,000 people turned up but only 1,500 could get into the meeting.

The National Water Initiative requires that equal consideration be given to economic, social and environmental factors during the allocation of water. However, the Murray-Darling Basin Authority plan considers only environmental factors, which undoubtedly is the direct result of the Labor-Greens alliance at the Federal level. It beggars belief that, despite the magnitude of the reductions to sustainable diversion limits, economic and social factors were not even considered. In New South Wales the proposed average reduction in sustainable diversion limits is between 27 per cent and 37 per cent, and this is after regional communities already have had to cope with substantial cuts under the State water sharing plans. The proposed reductions are enough to completely destroy regional communities and wipe out food production in many parts of the Murray-Darling Basin. This issue needs to be debated today.

What is even more astounding is how badly the impacts of these water cuts have been misjudged by the Federal Gillard Labor Government. The guide to the Murray-Darling Basin plan states that 800 jobs would be lost within the basin and 3,000 lost nationwide, but the accuracy of these figures has been called into question by many experts. Just last Thursday independent banking consultation Adrian Rizza wrote that at least eight regional communities would not survive the proposed cuts to water allocations. Five of those communities are in regional New South Wales and include places such as Griffith, Moree, Coleambally and Leeton. That should be of huge concern to members in this House, whose job it is to stick up for those communities.

Other studies indicate that the proposals will see between 10,000 and 20,000 jobs lost across regional Australia and up to $2 billion in productivity lost every year, with many farms forced to close. While licensed irrigators might receive some form of compensation in terms of a purchase price for their water allocation, what about all those related businesses in regional communities? There are direct agriculture-related businesses, such as contractors, produce stores, rural suppliers and harvesters, but other businesses that also make up regional towns will receive absolutely nothing. The studies point to an increase in the cost of Australian-grown food, and that should be a real concern to people in the cities as well. Where will we get our food—China? Do we want cheap imported foods with questionable food standards brought into this country, and our communities reliant on that food? I do not think so. These are devastating impacts.

My motion deserves priority today because thousands of people have been turning up to community meetings to voice their outrage, yet we have heard next to nothing from the Premier of New South Wales. Her silence is deafening, given her new-found desire to pick a spin focus fight with Julia Gillard on behalf of her trade union masters. What about sticking up for farmers and regional communities? The New South Wales Liberal-Nationals are not afraid to stand up and fight on this issue. Regional New South Wales needs strong representation and a government that will stand up for them and drive a fairer deal with the Commonwealth. Labor will not do it, but the Liberal-Nationals will.

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

The House divided.

Ayes, 46

Mr Amery	Mr Furolo	Mr Morris
Ms Andrews	Ms Gadiel	Mr Pearce
Mr Aquilina	Mr Greene	Mrs Perry
Ms Beamer	Mr Harris	Mr Rees
Mr Borger	Ms Hay	Mr Sartor
Mr Brown	Mr Hickey	Mr Shearan
Ms Burney	Ms Hornery	Mr Stewart
Ms Burton	Ms Judge	Ms Tebbutt
Mr Campbell	Mr Khoshaba	Mr Terenzini
Mr Collier	Mr Koperberg	Mr Tripodi
Mr Coombs	Mr Lynch	Mr West
Mr Corrigan	Dr McDonald	Mr Whan
Mr Costa	Ms McKay	
Mr Daley	Mr McLeay	*Tellers,*
Ms D'Amore	Ms McMahon	Mr Ashton
Ms Firth	Ms Megarrity	Mr Martin

Noes, 38

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Ayres	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mr Humphries	Mr Souris
Mr Besseling	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Mr O'Dea	Mr J. H. Turner
Mr Dominello	Mr O'Farrell	Mr J. D. Williams
Mr Draper	Mr Page	Mr R. C. Williams
Mrs Fardell	Mr Piccoli	*Tellers,*
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

Pairs

Mr Gibson	Mrs Hopwood
Mr McBride	Mr R. W. Turner

Question resolved in the affirmative.

GAMING

Motion Accorded Priority

Mr MATT BROWN (Kiama) [4.06 p.m.]: I move:

That this House:

(1) congratulates the Government on its responsible and even-handed approach to gaming in New South Wales; and

(2) calls on the Opposition to explain its secret plan to create mini casinos across New South Wales.

Clubs are important to the communities that we serve. People know that the clubs are a product of the Australian Labor Party supported by Labor governments for decades. They also know that we entrust our clubs with the responsibility of providing gaming machines to remain viable and to put money back into strengthening the community. It has been a wonderful partnership for many years. That is the essence of clubs in our community. They service their members. The fact that the Leader of the Opposition has finally been exposed has come as a complete shock and alarm to members of my community and to me, and I know it is a frightening thought. The Opposition's secret gambling plan has been exposed and we will see an explosion of electronic roulette and blackjack gaming in the suburbs of New South Wales in mini casinos—something that communities and clubs do not want.

I am shocked that the Leader of the Opposition tried to get away with his very sneaky secret plan by slipping it in under a small bullet point and hoping that no-one would notice. The Leader of the Opposition cannot hide the elephant in the room. It is shocking that the 65-page election policy of the Leader of the Opposition has no plans for more doctors, nurses, carers, police officers or teachers—something that is not lost on those professions. The Leader of the Opposition has a scheme to extend electronic roulette wheels and blackjack tables across the State, yet no plans for doctors, nurses, carers or teachers. He has no policy on social housing. He has no policy for protecting our children at risk. Instead the focus of the Liberals-Nationals is on mini-casinos and multi-player terminals everywhere.

Because members of the Opposition know it is true they are running a million miles away from it. They throw out the policy. It snaps them on their hands and they run away. Whichever way it is looked at the Leader of the Opposition has cut a secret deal and a plan for mini-casinos in our local communities. Once again the Leader of the Opposition has been caught out saying different things to different audiences, something that seems to be his latest trick. On ABC Radio he talked about harm minimisation and no increase in the number of poker machines—all sensible policies I might add, but ones that the Labor Government has already introduced—but in the boardrooms and with some lobbyists he told a completely different tale. The Leader of the Opposition has been caught talking from both sides of his mouth. He has been caught out making policy on the run.

I will put this Government's policy on the record once again. It is important to note that the Government cares about the viability of clubs and about strengthening our communities. This Government wants to make sure that they work in a sensible way going forward. The Government has always said that Star City Casino will be the only casino in this State and that exclusivity has always been on the public record. It has been debated in this House and in the press. We want to protect the livelihood of our local clubs. Frankly, we do not want a casino on every street corner. We make no apologies for that. The State's one casino policy has been public for years. As I mentioned, it can be found in media releases. I refer to one dated 30 October 2007. People can read about it in the *Australian* or the *Sydney Morning Herald*—hardly obscure publications. Most of all, people can find endorsement of the Government's one casino policy on 30 October 2007, where the comment was:

> New South Wales didn't need a second casino. There are sufficient gaming opportunities across the State.

Guess who gave that quote to ABC's *Lateline*? It was Barry O'Farrell, the Leader of the Opposition. And he reckons that it is a secret deal! Come on! It is a deal so secret that he welcomed it three years ago. This is the Coalition running scared and saying whatever at first instance comes to its mind to try to take away from its policy suggestion of mini-casinos right across New South Wales suburbs. Even the Leader of the Opposition is confused. As I said, in New South Wales there is only one casino allowed by law. The policy of the Leader of the Opposition would open the taxpayers of New South Wales to compensation claims, so not only would families of New South Wales get a casino on every street corner, they would probably pay for the privilege too in breaching the one casino policy. As the Premier said, it is truly the worst of both worlds.

In contrast to this sham of a policy from the Opposition, the New South Wales Government has a strong track record in responsible gambling initiatives, and for that it should be congratulated. Recently we have seen survey results showing that the problem gambling rate in New South Wales is 0.4 per cent of the State's adult population, down from the previous survey results of 0.8 per cent. That is very encouraging. We have legislation that bans 24-hour gaming in pubs and clubs, advertising of gaming machines and gaming venues offering or supplying free or discounted liquor as an inducement to gamble. We are serious about tackling some of these serious issues and working with the club industry in doing so. That is what the Government is all about. I commend the motion to the House to congratulate the Government on its initiatives and to call on the Opposition to explain its secret, sneaky plan for mini-casinos across the State.

Mr GEORGE SOURIS (Upper Hunter) [4.13 p.m.]: What a pawn the member for Kiama is.

Mr Gerard Martin: What a prawn you are!

Mr GEORGE SOURIS: You have no idea what you are talking about. You gave up on the club movement a long, long time ago. I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

this House:

(1) acknowledges the Opposition's historic agreement with the club movement to ensure the viability of the club industry and the employment of thousands of Australians;

(2) acknowledges the great service clubs perform in our community in assisting charities, sporting and community groups; and

(3) calls upon the Government to immediately table the contract for renewal of Star City's exclusive casino licence.

The denigration of clubs in New South Wales began under Carr and Egan, and has been perpetuated ever since by every one of the members opposite. They all have blood on their hands. The performance of the member for Kiama was pathetic. He said that he has always loved clubs—he has always voted against them! He has been part of this Labor regime that has denigrated clubs and has tried to tax them into oblivion. The Labor Party ought to be ashamed of itself. It should not have moved a motion of this nature. If this is all the Labor Party has on the memorandum of understanding, if this is its assault, it has really ruled itself out of the history books. It is not part of this debate any more. Not only that, it is completely and utterly incorrect.

I refer to multi-terminal gaming machines and our policy. There would be a substitution of five poker machine entitlements for every one multi-terminal gaming machine—a substitution, not an addition. I refer to the trackside legislation. The Government is proposing to introduce a multi-terminal gaming machine, which is trackside, reclassified to avoid the substitution. Government members are the worst hypocrites I have seen in my entire 23 years in this place!

The Premier said that there is no Cabinet minute and no draft legislation—funny, isn't it? Just moments ago the Minister issued a press release saying that the legislation will go forward. Obviously the Cabinet minute and draft bill existed all along. More lies! The Premier's speech and her attitude, symptomatic of the Government's attitude towards clubs, follow the Carr and Egan budget of 2004. Since that time we have seen 153 clubs closed or amalgamated, 10,000 jobs lost in the movement and $6 million per annum taken away from junior rugby league in this State, for example.

And they keep on going! This motion today is more evidence of the Labor Party throwing rubbish and muck at the club movement. How can it do that? The club movement knows that the Coalition understands the worth of clubs in our community, knows the economic benefit of them, knows that they are part of the entertainment of ordinary people, knows that they are part of the tourist industry of our great State and knows that they are worth supporting. The Labor Party will not stop until clubs are in a place called oblivion. That is its policy and it ought to be ashamed of it.

In relation to the memorandum of understanding signings, I ask members to listen to this: We are going to have a ceremony in 1,500 clubs in New South Wales, a ceremony conducted not only between the club and the New South Wales Coalition but also with a large range and number of community organisations. We have all done a few of them. I did one the other day. I visited the Moorebank Sports Club, where the Hammondville Public School—where my wife taught in her youth—was present. We went to West Illawarra Leagues Club, where the bandaged bear group was—

Mr Gerard Martin: Did you like it there?

Mr GEORGE SOURIS: Yes, indeed. We went to the Nowra Ex-Services Club, where the rugby union club was. We went to the Sharks rugby league club, where there were a number of first-grade NRL players to support the memorandum of understanding. Labor members have lost the club movement—it is gone for them—and they deserve it. They deserve everything they have done to themselves. What is a multi-terminal gaming machine? They have been in clubs since 1996, prior to the casino agreement. It has always been unclear why the Labor Party imposed a 15 per cent conversion cap on clubs since the casino deal.

It is interesting that during the battle that occurred over the memorandum of understanding and other matters on Friday the Premier indicated that the casino contract and agreement was not a secret but was on the Internet. I think some 18 media releases were issued by the Government on that day. Talk about under siege! One of those media releases said, "The Coalition is wrong. Look up the Internet—here's the web address." Well, we did—and what did we find? We saw a couple of media releases. We did not see the agreement. Given that the Labor Party has raised this topic today, be it on it to present us with the agreement, present the public of New South Wales with the agreement, which is secret. We now want to know what else it has committed to. In what other ways has it already been committed to destroy the club movement other than the one exposed today?

Government members have a lot to answer for. Indeed, their lack of understanding and knowledge of clubs means that they do not know that only 2 per cent—not even 15 per cent—of poker machine entitlements has been converted to multi-terminal gaming machines. That is about 400 in the State. How could they possibly imagine that the Coalition would have some concept of establishing mini-casinos? At Bankstown Sports Bowling Club there are 19 gaming machines, two of which are multi-terminal gaming machines. Is this one of the clubs they might be talking about that is going to become a casino, or are they so off the wavelength that they have no idea of what is going on? I invite the member for Kiama and the Premier to visit Bankstown Sports Bowling Club. They might then see exactly what is going on in our club movement. Perhaps they could take a ride in the club's Star Express, which transports people to and from western Sydney.

Mr GERARD MARTIN (Bathurst) [4.19 p.m.]: I support the motion moved by the member for Kiama. I refer to the feigned indignation of the member for Upper Hunter. When I became the member for Bathurst I inherited part of his electorate in a redistribution—the Kandos-Rylstone area. I visited the area and someone said to me, "At least you've actually turned up at our place. It's the first time we've seen a local member." I asked, "Doesn't he come and visit your clubs?" They said, "No, he looks down at clubs; he'd have to mix with the working class." The club movement is a child of the Labor Party in this State.

Mr George Souris: Point of order: I resent the class hatred that the member for Bathurst is hurling at me. How dare he hurl that at me of all people!

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Upper Hunter will resume his seat.

Mr George Souris: I ask the member for Bathurst to withdraw those racist, rude and classist remarks.

Mr GERARD MARTIN: I have made no racist remarks. I am withdrawing nothing.

The DEPUTY-SPEAKER: Order! The member for Upper Hunter has asked the member for Bathurst to withdraw the statement.

Mr GERARD MARTIN: I did not make any racist statement.

The DEPUTY-SPEAKER: Order! The member for Bathurst will continue. He has indicated that he will not withdraw his comments.

Mr GERARD MARTIN: Earlier today the Minister for Gaming and Racing made some very important points about the policies of those opposite. It is pretty simple. The Coalition's memorandum of understanding with Clubs NSW reverses a decision it voted on only a few years ago. Blackjack and roulette-style multi-terminal gaming machines [MGTMs] allow for a $100 maximum bet versus a $10 maximum bet for a traditional poker machine. They have a maximum collect of $500,000 versus $10,000 to

$100,000 for traditional poker machines. That has obviously escaped the attention of the shadow spokesman. The New South Wales Government said in Parliament when introducing these restrictions limiting MTGMs to 15 per cent of a club's gaming floor:

> Given the higher bet limits and prize limits on MTGMs and that they run casino-style games, it is considered appropriate to limit their use to a certain level.
>
> It is not appropriate that club venues operate such a significant proportion of MTGMs that their gaming floors resemble mini-casinos.

In short, we understand that gaming revenue is an important part of sustaining a viable club industry. We formed the club industry in this State. It was our legislation. We introduced poker machines. However, we do not think that clubs should become mini-casinos, and we make no apologies for that. The Opposition, on the other hand, does not even know what it thinks. The Leader of the Opposition, as we heard today, tripped up on radio when he got the stumbles again. He said:

> Under the State Labor Party's proposal, going to Cabinet on Monday—

that is wrong—

> there will be increases in the number of gaming outlets because of their Trackside arrangements.

The interview went on as follows:

> Reporter: You're supporting Trackside as well, so I'm not sure that's a valid argument.
>
> O'Farrell: Are we?

This is the great Barry. He has not got a clue. You have to wonder how reliable is the communication between the shadow spokesman for Racing and Major Events and the Leader of the Opposition. Perhaps there is a schism there. In the last couple of weeks the Leader of The Nationals came to the Bathurst electorate and blatantly told lies. As the headline in the *Western Advocate* said, "Stoner accused of pokey porkies". I have to say it stole that from me, but the subeditor did a good job. The Leader of The Nationals said the Labor Party's taxation on clubs has caused 150 clubs to close down. Wrong, wrong, wrong! Almost invariably all the clubs that have closed have been exempt from poker machine tax. The ones that were not have been subject to incompetent management or there have been other reasons to do with the local economy. It is not related to the poker machine tax. That policy was put in place by this Government to protect small clubs and it has been there for a long time.

In my electorate the bowling clubs at Oberon, Blayney and Rylstone-Kandos do not have the turnover. The Government recognises that, so those clubs do not pay poker machine tax. The big clubs—there are only three in my electorate: the Lithgow Workmen's Club, a wonderful club which I am proud to say is the oldest registered club in Australia and still operates on the same site, the Bathurst Leagues Club and the Bathurst RSL—pay tax and are very profitable clubs. Indeed, the Bathurst RSL has just acquired its premises from the sub-branch for some millions of dollars and is embarking on upgrading and expansion of the club. It is hardly a club that has suffered. This side of the Parliament is the friend of the club movement and no amount of hypocrisy from members opposite, especially the shadow spokesman, will change that.

Mr GEOFF PROVEST (Tweed) [4.24 p.m.]: It is a great pleasure to participate in this debate, but I cannot believe my ears. For 27 years before I became involved in politics I led some of the largest clubs in New South Wales. I can remember that when Michael Egan and Bob Carr introduced these draconian measures we came to Sydney, met with the Treasurer and explained how they would put clubs out of business and there would be job losses. At that time, only the member for Upper Hunter, now the shadow Minister for Racing and Major Events, stood side by side with us. How quickly members opposite forget. The Opposition led a protest on the streets and people marched outside this place. A very good friend from the Revesby Workers Club days was Pat Rogan, the former member for East Hills. I have a deep respect for Pat from the time I worked at the club and when he led the ClubsNSW movement. I can remember him being despondent and so worried that the Labor Party had forgotten clubs. The Labor Party set out an agenda of destroying the clubs, mainly through its lack of knowledge of the way clubs work.

When I was associated with Twin Towns, Seagulls and many other fine clubs time and again we tried to convince Treasury officials and Labor Party members that they were grinding the clubs into the dirt. The scary thing is that the job losses are worse than we predicted all those years ago. Recently the shadow Minister,

the member for Upper Hunter, and the Leader of the Opposition, Barry O'Farrell, were up on the North Coast. We went to Banora sports club. The club recently had to shut down its upper level and 50 people lost their jobs. How will the member for Kiama and the member for Bathurst look those people in the eye and say, "You didn't count. You worked hard all your life, but your club doesn't count."

More than 10,000 people have lost their jobs in this State over the past five years as 153 clubs have closed. I take particular offence at the suggestion of the member for Bathurst that all those club managers were inept and could not run their clubs. Terry Condon, the Chief Executive Officer of the Club Managers Association, is a fine upstanding person and all those club managers, my former colleagues, work damn hard, but every time they turn around they get kicked in the teeth. It is as though the Labor Party is hell-bent on a mission to get rid of the clubs. What can clubs do? As a result of these taxes, more than $6 million has been cut from junior rugby league. Funding of National Rugby League teams by leagues clubs has collectively been reduced by $10 million annually. Club investment in live entertainment, community groups, charities and construction has been significantly reduced as a result of the increased taxes. Clubs have paid an extra $900 million in taxes since the rates were increased in 2004. Leagues clubs alone have accounted for $200 million of this extra tax.

For some time I represented the Tweed Heads Bowls Club and Bowls Australia. Many bowling clubs in this State are suffering. They get no support or help from this State Government. It is as though they do not exist. At the end of the day, these clubs were put together by many workers, whether they are bowling clubs or another type of club. Bowls clubs should be for bowlers and leagues clubs should be for rugby league supporters and to support junior sport. Too often we see antisocial behaviour on our streets, but these fine clubs cannot help to tackle that.

I refer also to workers' clubs. The Revesby Workers Club, a fine club and one I am proud to have been involved with, was established by Labor Party workers in this State to provide a great place for entertainment and social interaction. This Labor Government has cut the legs from underneath those members. It is as though they do not exist. This will come home to haunt the Government. We said 10 years ago that the Labor Government's total ignorance of the club industry would catch up with it one day.

I am proud to support the Coalition's policy on the memorandum of understanding. I was with the shadow Minister at the annual general meeting of ClubsNSW, which was attended by 3,000 delegates. They stood, cheered and said, "Finally, there is some common sense." Guess what? They made a commitment to send the memorandum of understanding out to clubs to inform them. I suspect the Kiama Leagues Club would send those out to members at this time, saying that the Coalition has demonstrated common sense and is standing beside the club movement, as it has always done, but showing that the Labor Party has sold them down the river. Once again, I am 100 per cent for the clubs of New South Wales.

Mr MATT BROWN (Kiama) [4.29 p.m.], in reply: Heavens above! There is a bit of heat in this House and it is all coming from the hot air of the member for Tweed. Unfortunately, there was no logic or sense in what he said. I thank members who contributed to this debate, which the member for Tweed summed up well during his five-minute rant in not once talking about what is in the Coalition's secret plan. He spoke of the good work that the clubs do. That is without doubt. Everyone knows the good work clubs do and their importance to communities. We know that Morris Iemma struck an historic deal with the club movement some four years ago, by ensuring tax rates that enabled clubs to remain viable.

The member for Bathurst made some very important points. Without a Labor government, there would have been no clubs in the first instance. Second, he revealed the Coalition's pokies porkies, and reminded us that many of those small clubs, a number of them of which are in my electorate, have struggled and had to be bailed out by larger clubs in the area. The member for Bathurst made the excellent point that the turnover of many of those smaller clubs is so low that they are tax exempt, but they were still going out of business because of changing demographics and so on in their particular areas. However, the shadow Minister admitted that the Coalition had a secret plan, and it is good that that is now on the record.

Mr George Souris: You are in another Chamber!

Mr MATT BROWN: I heard the shadow Minister admit that the Opposition has a secret plan. I have talked to more and more people in the community about this plan for mini-casinos all over the place. In stark contrast to the agreement with Star City, and in stark opposition to communities' concerns about gambling problems in our communities in the first place, the Opposition wants to create mini-casinos in every corner of

our suburbs. Earlier, I mentioned the responsible work that the Government has done to manage gambling. People working in gaming machine areas must be trained in the responsible conduct of gambling, and all clubs and hotels with gaming machines must have a self-exclusion scheme.

It is obvious that the secret plans of the Leader of the Opposition are straight out of the Liberal Party's playbook. We heard Nick Greiner gloat that he had a top drawer policy and a bottom drawer policy, and that he would only pull out the top drawer policy on matters that he thought would win votes. But, when he got into office, he pulled out the policies from the bottom drawer. In 1988, when I was just 16 years old and not a member of the Labor Party, I knew which way I was going to vote because I had seen the election campaign. I remember the first 100 days of the Greiner Government, in which he had breached more than 100 promises. They were not on gaming matters alone, but on all sorts of issues, such as cutting the number of teachers in our schools.

The Opposition has its secret plans. It is confused about whether a policy is from the top drawer or the bottom drawer, and is getting caught out time and again. We heard the Coalition spokesman on Roads accidentally reveal a new congestion tax policy, which the Opposition did not want the public to know about. Now we see another plan from the Opposition's bottom drawer—its secret plan to turn clubs into mini-casinos, and of course tax them too. The Coalition's promises do not add up. It sees this proposal as a potential cash cow if it attains government. The Opposition needs to come clean on its policies and announce them openly and transparently, and involve the community. I encourage the House to support my motion, and to reject the amendment.

Question—That the words stand—put.

The House divided.

Ayes, 45

Mr Amery	Ms Gadiel	Mr Pearce
Ms Andrews	Mr Greene	Mrs Perry
Ms Beamer	Mr Harris	Mr Rees
Mr Borger	Ms Hay	Mr Sartor
Mr Brown	Mr Hickey	Mr Shearan
Ms Burney	Ms Hornery	Mr Stewart
Ms Burton	Ms Judge	Ms Tebbutt
Mr Campbell	Mr Khoshaba	Mr Terenzini
Mr Collier	Mr Koperberg	Mr Tripodi
Mr Coombs	Mr Lynch	Mr West
Mr Corrigan	Dr McDonald	Mr Whan
Mr Costa	Ms McKay	
Mr Daley	Mr McLeay	
Ms D'Amore	Ms McMahon	*Tellers,*
Ms Firth	Ms Megarrity	Mr Ashton
Mr Furolo	Mr Morris	Mr Martin

Noes, 37

Mr Aplin	Ms Goward	Mr Richardson
Mr Ayres	Mrs Hancock	Mr Roberts
Mr Baird	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejiklian	Ms Hodgkinson	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr J. D. Williams
Mr Debnam	Mr O'Dea	Mr R. C. Williams
Mr Dominello	Mr Page	
Mr Draper	Mr Piccoli	*Tellers,*
Mrs Fardell	Mr Piper	Mr George
Mr Fraser	Mr Provest	Mr Maguire

Pairs

Mr Gibson	Mrs Hopwood
Mr McBride	Mr R. W. Turner

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

MURRAY-DARLING BASIN PLAN

Matter of Public Importance

Ms KATRINA HODGKINSON (Burrinjuck) [4.42 p.m.]: Today I refer to the recent release of the guide to the draft of the Murray Darling Basin Plan. The Murray-Darling Basin is home to more than two million people; it contains 65 per cent of Australia's irrigated land and 40 per cent of Australia's farms. Agricultural industry within the basin grows $15 billion worth of produce annually, which is 39 per cent of Australia's total agricultural industry. There can be no argument about the economic importance of the Murray-Darling Basin. Just 11 days ago on 8 October the Murray-Darling Basin Authority released its guide to the draft of the Murray-Darling Basin Plan—an extensive document comprising 223 pages. Its contents brought a large number of basin residents to the community consultation sessions held to date—with many more to be held—to clearly express their anger at what they regard as a threat to their livelihoods.

The Murray-Darling Basin Authority has recommended cuts to sustainable diversion limits—or water entitlements—ranging from a minimum of 15 per cent in the Lachlan River Valley to a maximum of 45 per cent in nine river valleys across the basin. The average cut to sustainable diversion limits in New South Wales is 27 per cent to 37 per cent, which we expect to average at about 28 per cent. No-one can claim to be unaware of the massive outpouring of anger and concern expressed by New South Wales residents during the two community consultation meetings held recently in Griffith and Deniliquin, as well as the outpouring at the community consultation meeting held in Victoria. The Murray-Darling Basin Authority has claimed consistently that it is independent of the Gillard Labor Government, but I have grave doubts about that.

Just before the release of the guide I asked the authority for a pre-release briefing because Tony Burke had said on *AM* that he had received such a briefing. I thought that if this were an independent authority, what is good for the goose is good for the gander. Surely, if the Government receives a pre-release briefing, the Opposition is equally entitled to receive one. I put in a request, which was sent to the chairman of the authority, who forwarded it to the office of the Federal Minister for Agriculture, Tony Burke. It is hardly the act of an independent authority to ask the Government who it is allowed to talk to. Subsequently, I attended a lock-up briefing on the date the report was released. We were not allowed out until 4 o'clock—the report was released in the dying hours of the Friday afternoon media cycle. Meanwhile, Federal Ministers had been briefed and New South Wales Government Ministers were briefed two or three days beforehand. The lock-up was attended by Simon Birmingham, the Federal shadow Parliamentary Secretary for the Murray-Darling Basin; me; Barnaby Joyce, the Federal shadow Minister for Water; and Senator Nick Xenophon from South Australia.

I draw to the attention of members that the management of the Murray-Darling Basin Authority was appointed on 14 May last year by the then Federal Minister for Climate Change and Water, Penny Wong. The chairman, Mike Taylor, AO, is a former Commonwealth and Victorian public servant; the chief executive, Rob Freeman, was the chief executive of the South Australian Labor Government's Department of Water, Land and Biodiversity Conservation; and the other four members of the board are Diane Davidson, a member of the South Australian Labor Premier's Climate Change Council; Diana Day, an expert in hydrology, environmental issues, water futures and indigenous education and research; David Green, the water commissioner for the Queensland Labor Government; and Professor Barry Hart of Monash University. The glaring omission in the make-up of the board of the Murray-Darling Basin Authority is that it has no representation of any farming group or agricultural water user. The current board members appear to have an interest or background in non-farming matters.

Having said that, it is important that I address the background to what can only be described as a public relations disaster for the current Federal Gillard Labor Government. In 2004 New South Wales, along with all

the other States, negotiated the national water initiative agreement with the Commonwealth. That agreement committed all of us to a bold strategy to move towards efficient and sustainable use of water resources across Australia. It is important to note that the national water initiative as agreed to by all basin States and Territories—all Labor governments—required a triple bottom line approach to the outcomes to maximise economic, social and environmental outcomes for the Murray-Darling Basin. Following the national water initiative agreement, the Howard Federal Government proceeded to draft the Commonwealth Water Act 2007, but politicking by State Labor governments, primarily Victoria, caused the breakdown of subsequent negotiations, which failed completely when Victoria eventually withdrew. Perhaps members remember those days well.

The early drafts of the Commonwealth Water Act 2007 stated that its objective was the equal consideration of environmental, social and economic outcomes. However, in light of the refusal of the State Labor governments to continue negotiating, the Federal Government was forced to rely on its external affairs power to override the States' authority over water. The only relevant conventions and treaties to which Australia is a signatory are environmental. The Commonwealth Water Act 2007 refers to nine treaties or conventions, of which the Convention on Wetlands of International Importance especially as Waterfowl Habitat, signed at Ramsar, Iran, on 2 February 1971, is perhaps the most relevant.

As a result, while the Commonwealth Water Act 2007, as passed, retained the objective of the triple bottom line, the requirements of the legislation are skewed massively towards addressing environmental problems to the detriment of agricultural, economic and residential water needs. The Commonwealth Water Act 2007 established the Murray-Darling Basin Authority and required it to develop a basin plan, but that legislation imposes significant requirements upon the content of the plan, which has created the problem that we face today. There are specific mentions of the Water Act relating to environmental water requirements set out on page xvii of the guide to the draft plan. I will deal with that during my reply, after hearing other members address this matter of public importance.

Mr DAVID CAMPBELL (Keira) [4.49 p.m.]: Let me be clear: the release of the guide by the independent Murray-Darling Basin Authority is a starting point of a process leading to finalisation of the basin plan that is scheduled to occur by the end of next year, and New South Wales will participate in the process. The basin plan is a Commonwealth process, prepared under a Commonwealth Act by a Commonwealth authority and the final decision will be made by a Commonwealth Minister. From the outset, the New South Wales Government has called for a balanced plan that ensures the ongoing viability of regional communities, which are the lifeblood of the Murray-Darling region.

The release of the Murray-Darling Basin Authority's guide is a starting point in a process that will lead to finalisation of the basin plan by the end of next year. The New South Wales Government will assess the content of the Murray-Darling Basin Authority's guide to find the right balance between unacceptable local socioeconomic impacts and delivering tangible environmental improvements. New South Wales has always supported ensuring the sustainability of the basin and the communities it supports. The New South Wales Government will consult regional stakeholders and seek their feedback to inform the New South Wales Government's submission on the Murray-Darling Basin Authority's guide.

New South Wales leads the way in Murray-Darling Basin reform. Against a backdrop of unprecedented drought, New South Wales led the way in implementing national water reform commitments. In addition to our water sharing plans, which bring down water extractions below that required under the present Murray-Darling Basin cap, New South Wales implemented a wide range of reforms. I will provide some examples. New South Wales has provided greater security for water users, separating water from land rights and making water licences perpetual and a marketable asset. We have created the most robust, yet flexible, water trading market of all the basin States. We have been a major partner in the Living Murray and Snowy initiatives, returning significant volumes of water to those rivers. Following New South Wales successful temporary trade embargo on environmental water purchase, the New South Wales Government secured a memorandum of understanding with the Commonwealth.

There is now a clear plan for environmental water purchases from New South Wales until 2013. Our agreement with the Commonwealth provides a better balance between protecting the productive capacity of rural New South Wales and ensuring the long-term environmental sustainability of the Murray-Darling Basin. We have negotiated in-principle approval for more than $1 billion in Commonwealth funding for water infrastructure projects across New South Wales. There is no doubt these are challenging times, but New South

Wales is better placed to meet these challenges than are most other basin States. In the past six years, the New South Wales Government saved more than 660 billion litres of water in major river systems of the Murray-Darling Basin and substantially reduced entitlements in the major inland groundwater systems.

The investment includes savings of approximately 200 gigalitres from infrastructure and purchases in New South Wales through the Living Murray Initiative, savings of approximately 145 gigalitres through infrastructure and water purchase programs in New South Wales through the Water for Rivers Program and 115 gigalitres of water recovered through the New South Wales Government's RiverBank and New South Wales Wetland Recovery Program. New South Wales water sharing plans provide an additional 200 gigalitres of water, on average, to the environment in the regulated rivers. New South Wales has already undertaken substantial water reform in the basin, saving billions of litres for the environment, and we have made sound water saving proposals for State priority projects in the $708 million Sustaining the Basin Program.

In New South Wales, approximately 478 gigalitres of water have already been recovered for the environment through water efficiency works, water reforms and State and Commonwealth water purchases. Based on the release of the Murray-Darling Basin Authority's guide, that leaves a gap across New South Wales of between 930 and 1,450 gigalitres. This is obviously a sizeable amount, with the potential to deliver significant environmental benefits but also significant impacts on the State's agricultural industry. It is those impacts that will focus the mind of the New South Wales Government as it listens to local communities and prepares its response to the guide that has been published by the Murray-Darling Basin Authority

The Murray-Darling Basin is Australia's most important agricultural region, producing more than one-third of Australia's food supply. It is home to two million residents. The gross value of irrigated agriculture alone in the basin is approximately $4.6 billion per year. It is important that the basin's plan ensures the ongoing viability of regional communities, which are the lifeblood of the region. The New South Wales Government will make sure a number of priorities are included in its submission on the Murray-Darling Basin plan to ensure that regional communities are catered for. We will seek to ensure that the basin plan puts food security firmly on the agenda to ensure that people in the region continue to be fed and employed as they go about producing food to feed those of us in the city.

It is important to remember that the release of the Murray-Darling Basin Authority's guide is a starting point of a process that will lead to finalisation of the basin plan by the end of next year. New South Wales has encouraged the Commonwealth to undertake extensive consultation with all sectors of the community that are likely to be affected by the basin plan. The New South Wales Government certainly will undertake its own process of commuter consultation as it prepares its response. It is not beyond comprehension that every member of this place would support ensuring the sustainability of the Murray-Darling Basin and the economic prosperity of the communities it supports.

Frankly, I am surprised—indeed, I am flabbergasted—that the Leader of the Opposition, Barry O'Farrell, has rejected outright any commitment to work towards a sustainable basin. Again, this shows how unprepared he is to confront significant policy issues that are important to this State and, indeed, the nation. By contrast, the Government will continue to work with all jurisdictions to achieve the right balance, but its work will be based on what the New South Wales Government hears from local communities and what it understands to be the science behind an environmentally and economically strong Murray-Darling Basin. I make it clear that the New South Wales Government understands the importance of regional communities and the economic and social contribution they make, as well as the contribution they make to the sustainability of the entire country. The New South Wales Government will ensure the sustainability of the Murray-Darling Basin and the communities it supports.

Mr JOHN WILLIAMS (Murray-Darling) [4.56 p.m.]: I thank the member for Burrinjuck and the shadow Minister for Natural Resource Management for drawing this matter to the attention of the House. The Chairman of the Murray-Darling Basin Authority, Michael Taylor, at a meeting in Deniliquin expressed surprise about the level of cynicism within irrigating communities. I assure the House that the degree of cynicism that has developed comes from the history of these organisations dictating terms to communities and the distrust that has created. Fresh from the Natural Resources Commission condemning the red gum industry to death in the southern Riverina districts and recognition by communities of the flaws in the commission's planning, the Chairman of the Murray-Darling Basin Authority walked into a community meeting in Deniliquin and announced that 4,000 gigalitres of water would be removed from the Murray-Darling Basin for environmental purposes.

The figure cited by the chairman of the authority was plucked out of the air. It is interesting that the draft plan for the Murray-Darling Basin is subject to peer review. I question the level of peer review. Where were the key stakeholders? As the shadow Minister has stated, representation on the Murray-Darling Basin Authority may be independent from the point of view of Senator Penny Wong, but the fact is that the Murray-Darling Basin Authority has no independence. There is no representation on the authority by key stakeholders and there is no way that anyone will be able to stop the environmental movement. The authority is charging along, regardless of the environmental and social impacts of the plan if it is rolled out.

This is the most divisive legislation that will ever apply in Australia. The farming communities across the basin are absolutely fed up with the reforms that they have been subjected to on a continuing basis—the advent of the National Water Initiative, its consequences and some of the things that have flowed from it, and State government buybacks or whatever. They have seen the lot. The reform has been carried out but the results have never been seen.

We have been in drought for three years. The fact is that there is enough water in the system already without participating in this 4,000 gigalitres idealism that is being rolled out by the independent Murray-Darling Basin Authority. I call on the Government to support all the communities in my electorate. This is the State of New South Wales, and these people are residents of New South Wales. There is enough expertise in the State Department of Water and Energy to know that these cuts are unsustainable, unattainable and unrealistic, and we do not need them. It is up to the Government and the Premier to start representing the citizens of New South Wales who will be affected by this crazy green logic and idealism that is being rolled out in the Murray-Darling Basin plan.

It is time the Government truly represented the residents of this State. It should reflect on the fact that perhaps we have moved too far to the left and that this green ideology will cause a cultural revolution in which this country does not want to engage. Once 4,000 gigalitres have been removed from the irrigators' entitlements in the Murray-Darling Basin it will shut us down. There will be no return. The Government will have shut down this State and the irrigation communities—and for what? The Government does not even know what the consequences will be and whether the plan is excess to requirements.

Ms KATRINA HODGKINSON (Burrinjuck) [5.01 p.m.], in reply: I thank the member for Keira and the member for Murray-Darling for their contributions to this important debate. The comments of the member for Keira were extremely ignorant. His statement is a clear indication that the Keneally Labor Government simply does not care about regional communities or a triple bottom line approach to something as serious as the future distribution of water in this State. The Government does not realise the importance of farming and food production in this State and in this nation, and that is disappointing. I commend the member for Murray-Darling for his passion in relation to this matter. He is particularly affected by this guide to the draft plan. We recognise the importance of being able to maintain a food supply for our great nation. It is extremely important not only for those people living in the basin but also for those in metropolitan areas and the States to which we export food.

The mandatory requirements in the Commonwealth Water Act 2007 relate to the environment. There are no mandatory requirements for social or economic users. This makes the mandatory requirements of the Water Act 2007 the exact opposite of the intention of the National Water Initiative. The New South Wales Liberal-Nationals have taken a principled stand against the draft and the Murray-Darling Basin plan. I have made it clear that we will not support the basin plan in the form in which it was released on 8 October. Before the plan gets our support it must be rewritten to recognise the equal importance of businesses, communities and the environment, in accordance with the 2004 National Water Initiative. That was the original intention of the National Water Initiative, and we continue to support it.

In question time today the Premier's response to a question from the Leader of The Nationals showed clearly that the Government is willing to negotiate away the water rights of farmers and other basin residents. As the member for Murray-Darling said, there are eerie similarities between the basin plan and the Natural Resources Commission's inquiry into red gum logging along the Murray River. The environment Minister travelled around the region promising a fair go and equal consideration of the importance of forestry and the environment. The result was the destruction of the red gum timber industry within six months. The residents of the Murray-Darling Basin are facing massive uncertainty and the potential destruction of key centres in the region; Griffith, Coleambally, Leeton, Deniliquin and Moree have been mentioned.

People living in the districts are confused and, understandably, very angry. The residents of the Murray-Darling Basin need leadership and reassurance that somebody will fight to protect them, their rights,

their livelihood and their future. Today in question time the Premier restated that a Keneally Labor Government will not do this. It will not be there for those communities. However, I reassure those communities that we will stand by them and help them through this. The provisions of the guide have been almost universally condemned by everyone except the Greens. I have scoured the internet news and I have not been able to find one non-environmental group that has come out in support of the draft Murray-Darling Basin plan, which will have a major impact on the basin.

The authority would have us believe that only 800 jobs will be lost within the basin as a result of the plan. It also states that at a national level there will be a long-term decline in gross domestic product of only about $1 billion and a total of 3,000 jobs lost. It states that other studies have indicated a higher reduction in employment, but it dismisses them by stating that they do not take any offsetting benefits into account. The most likely outcome of the implementation of the proposals in this draft plan will be massive unemployment in the basin. Some sources such as the Stubbs report, which is a well-recognised report, indicate that some 16,000 jobs and more than $1.5 billion in productivity will be lost. Whatever the figure is, it will much more than 800.

If this plan is implemented, other outcomes will include a significant reduction in the amount of food produced within the basin. That will force food prices up, affecting every person living in Australia. It will also force a dependence on imported food, which is transported thousands of miles at significant cost to the environment. We have also seen warnings that the banks will have trouble supporting the level of farm debt carried by many basin farmers. That has made a lot of people extremely uneasy. There were many headlines about that in the papers last week. Murray Irrigation has called for a full review of the Commonwealth Water Act 2007, stating that it is necessary despite the announcement of a Federal parliamentary inquiry. There is so much more that needs to be said in relation to this extremely important matter. Basin communities are up in arms. The New South Wales Liberal-Nationals will support communities in the basin. [*Extension of time agreed to.*]

As I said, the reports have been criticised by the New South Wales Irrigators Council, Murrumbidgee Irrigation, High Security Irrigators Murrumbidgee, the New South Wales Farmers Association, the National Irrigators Council, Riverina Citrus and the Ricegrowers Association of Australia. Indeed, Murray Irrigation has called for a full review of the Commonwealth Water Act 2007, stating that it is necessary despite the announcement of the Federal parliamentary inquiry. Murrumbidgee Private Irrigators has said that the plan is nothing more than a recipe for the depopulation of regional Australia. These are just some of the many organisations that have spoken out strongly against the proposals.

I welcomed the announcement last Friday of the Federal parliamentary inquiry that has been forced on the Gillard Labor Government by the strong and determined Opposition, of which the New South Wales Liberal-Nationals are a part. In the same vein, I welcomed the announcement by the basin authority of a detailed study into the social and economic impacts of the proposed basin plan. I point out that that report is due to be released on 15 March 2011—five minutes before the New South Wales State election—thus blowing out the period of the drafting of the basin plan. However, the inquiry should not have been necessary and the detailed study should have already been done.

The Gillard Government should have recognised the level of angst that this draft guide would cause in regional communities throughout New South Wales and Victoria, in particular. Certainly there is also much anger in Queensland and in South Australia. A socioeconomic study should have been done long before the guide was released. The guide, which looks only at the environmental impact of water reductions region by region in the Murray-Darling Basin, should never have been allowed to be released before the socioeconomic impact was considered. It is important to the States because we will be left to eat the sandwich at the end of the day. Whatever the Commonwealth decides to do, it will force its decision upon New South Wales and other States and we will be left to implement water cuts, region by region.

One might think the plan applies only to irrigators and farmers but it applies also to others in the region. It will affect town water supplies, mining and every drop of water that is distributed in each region. There will be potential cutbacks of 45 per cent along entire regions—which is nearly half the water currently being used. For example, Yass has been on level six water restrictions for at least two years in the past decade. Level five water restrictions were not enough so new level six restrictions had to be introduced in Yass. The plan's impact on some towns will be to place them permanently on level three or level four water restrictions. What is happening in Wagga Wagg at the moment? We have just witnessed the most incredible rain event. Adelong was practically washed away when Adelong Creek washed straight down the main street—I have seen photographs, courtesy of the member for Wagga Wagga. In fact, last Thursday I drove through Adelong and

I could not believe just 24 hours later that such an event had taken place. I also drove past Tumblong and Brungle, which were nearly underwater, and just 24 hours later much of the land around these areas must have been well and truly washed away.

Major weather events are occurring. Meanwhile, guides such as the one to the Murray-Darling Basin draft plan have been based on the drought that we have just experienced. Obviously there are stresses within the Murray-Darling Basin. We have just been through a decade of the most horrific drought one could imagine. Now we are finally getting some decent rain and irrigators are able to utilise their allocations. In recent years we have suffered tremendously from the introduction of water sharing plans. Irrigators and farmers have suffered massive cutbacks in their water allocations in order to meet the requirements of the water sharing plans. They have been through hard times. It has been really tough. Irrigators and farmers continued to pay for their licences and then could not access their water entitlements because there was not enough water in the system.

The pain has been very real. The mental health costs to our farmers over the past decade have been extreme. Many of us, including me, have lost family members during the past 10 years of drought. It has been an extremely stressful period. Now the Gillard Labor Government will force on communities within the Murray-Darling Basin such proposals as are included in this guide to the basin plan without thinking of what the cost will be for those communities. It is disgraceful. We saw many people at community meetings burning the guide. This guide should be scrapped; we should start again from scratch. I encourage the Government to stand up for rural communities rather than just dismiss them. Please do not go off with the Greens; do not look to them for preferences. Come and help to stand up for rural communities. Let us stand up for the production of our own food supply. For heaven's sake, help us save our farming communities. They are the backbone of this State.

Discussion concluded.

PARLIAMENTARY BUDGET OFFICER BILL 2010

Bill introduced on motion by Mr Michael Daley.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [5.14 p.m.]: I move:

That this bill be now agreed to in principle.

The object of the Parliamentary Budget Officer Bill 2010 is to establish the independent statutory office of Parliamentary Budget Officer to provide independent costings of election promises and, outside pre-election periods, to provide independent costings of proposed policies of members of Parliament. The officer will also provide independent analysis, advice or briefings of a technical nature on financial, fiscal and economic matters to individual members of Parliament. This is a significant parliamentary reform that breaks new ground in Australia and is in line with the wider democratic reforms that the Premier introduced in this Parliament recently. The Parliamentary Budget Office [PBO] will be a truly independent arm of the Legislature and will serve this Parliament and the people of New South Wales well.

The scope of work of the PBO will not be limited to the costing of commitments or policies made during an election campaign—although this is an important and critical role that it will play—but will extend outside election periods to ensure that it has an ongoing role in providing independent economic and financial analysis and advice to members of Parliament on a range of matters, such as the costing of bills introduced to Parliament and economic briefs on important public policy issues. The Parliamentary Budget Officer will possess security of tenure for an initial period of nine years in order to ensure the true independence of the office. The method of appointing the Parliamentary Budget Officer will be through a committee of senior government officials who will make recommendations to the Presiding Officers of the Parliament, who will in turn make the final appointment for an initial term of nine years.

The panel of senior government officials will consist of the NSW Ombudsman, the chairperson of the Independent Pricing and Regulatory Tribunal, and the New South Wales Information Commissioner. Significantly, the Parliamentary Budget Officer will be accountable to the Parliament, not the Executive, in order to ensure accountability and transparency between the Legislature and the Executive, and generally in

regard to budget information and analysis, including costing of commitments made during election campaigns to achieve a higher level of governance. The New South Wales Parliamentary Budget Office will serve both the majority and the minority and may, by resolution of the Parliament, be asked to report to a nominated parliamentary committee or committees. It is envisaged that the PBO may be asked to appear before one committee of the Legislative Council and one committee of the Legislative Assembly for examination purposes.

The Parliamentary Budget Office will operate under an operational plan submitted to the Presiding Officers of the Parliament and updated on a rolling basis. The operational plan will deal with a range of matters relating to the activities of the PBO, including establishment, staffing, resourcing, frequency of reporting, scope of activities, and related matters. The office will have a small, but highly trained staff, whose calibre will reflect the office's status as an independent body and its important role. It will also have the capacity to engage external service providers. The Parliamentary Budget Officer will also be given significant flexibility to act as he or she sees fit, limited to the office's functions as per the Act and the operational plan.

The PBO may inform himself or herself on any matter and in any way, may consult with anyone he or she thinks fit, may receive written or oral information or submissions, may establish working groups and task forces, and may request information from government departments and agencies. The PBO will be provided with a legislated right to request and access information in relation to the office's functions, with proper limitations and processes in place. In order for the PBO to be established in a timely manner and for the office to carry out its functions it will be very well resourced, with an annual budget secured for the first fixed term of nine years. The office will be led by an experienced and respected public sector officer or private sector executive with relevant qualifications and expertise.

Remuneration of the Parliamentary Budget Officer will be determined under the Statutory and Other Officers Remuneration Act 1975. It is envisaged that the office will require approximately 12 to 16 qualified and experienced economists, accountants and financial analysts covering the key spending areas and requisite support staff. The office will receive up to $4 million—recurrent and capital funding combined—in 2010-11 in order to establish the Parliamentary Budget Office, and up to $3 million recurrent in the years 2011-12 to 2018-19 for the ongoing operational costs of the office. In reference to the PBO's role in the costing of election promises, the bill repeals the Charter of Budget Honesty (Election Promises Costing) Act 2006. But this bill will retain the best elements of the costing process from the former Act. The critical difference is, of course, that the independent PBO will undertake all costings.

The Charter of Budget Honesty (Election Promises Costing) Act 2006 provided a framework for costing election promises in the lead-up to the New South Wales election, but was continually criticised by the Opposition and others due to a perceived, but non-existent, bias by Treasury towards the incumbent government. The bill will ensure that there is a high-quality and independent election costing process in place that is beyond any criticism concerning impartiality or independence. This process will be managed by a truly independent office and staff. The best elements of the former Act in relation to process have been replicated in this bill.

At the time of the final half-yearly budget review prior to an election, the Secretary of the Treasury is required to publicly identify the amount of money available to meet future spending commitments for the current budget year and the forward estimates—in other words, the financial envelope available to the Government to fund its policies. A parliamentary leader, which includes an Independent member of Parliament, may request the Parliamentary Budget Officer to prepare costings of policies that are announced or proposed for implementation after the next State general election. A parliamentary leader may make an election costing request in relation to a policy publicly announced or proposed by that leader or in relation to a policy of another parliamentary leader. Costing requests are to be made during the period from the day on which the last State budget before the election is presented to Parliament until the State general election. For the State general election due to be held on 26 March 2011, costing requests may be made from 25 January 2011. A costing request may be withdrawn at any time before the costing is provided by the Parliamentary Budget Officer.

The bill represents a significant enhancement to an already effective election costing process, with the PBO in control in the best interests of the residents of New South Wales and ensuring that this process is not open to political attack but instead focuses on good public policy outcomes. Let me enlighten the House as to the national debate surrounding this concept. The concept of an independent PBO was raised at the Australia 2020 Summit and was included in its final report in May 2008. The idea is based on models in operation internationally. At a national level, the Federal Coalition's intention to establish an independent Parliamentary Budget Office was originally announced by the former Leader of the Opposition, the Hon. Malcolm Turnbull, in his budget reply of 2009. The initiative was then announced by the Leader of the Opposition, the Hon. Tony Abbott, in Canberra on 22 June 2010.

On 12 August 2010 the Federal Coalition announced that an elected Coalition government would establish a PBO, similar to the United States Congressional Budget Office. Following heated debate about the costing of election promises during the Federal election campaign and the push by Independent members of Parliament and the Greens for parliamentary reform, the Prime Minister of Australia, the Hon. Julia Gillard, as part of her written agreement with the Greens on 1 September 2010 co-signed with Senator Bob Brown, committed to the establishment of a Parliamentary Budget Office. In section 4.3 (a) of the agreement that the Prime Minister signed with Andrew Wilkie, the newly elected Federal member for Denison, she confirmed her commitment to establish a Parliamentary Budget Office within 12 months of the agreement date, being 2 September 2010. On 4 September 2010 the Federal member for Lyne, Rob Oakeshott, announced that the establishment of an independent PBO was one of the improvements agreed as part of a parliamentary reform document being finalised across the Parliament. Thus this concept enjoys widespread support across all parties and in the wider community.

The Keneally Government is proposing the establishment of the first independent Parliamentary Budget Office in the country, taking the lead and delivering on an issue that the community and voters have a great interest in. It is doing so in an extremely bipartisan fashion and has placed politics aside in ensuring that this new body will be able to play a genuinely important and significant role in the best interests of the people of this State. We would all be disappointed—and the community would be disappointed, given my preceding comments—if the Opposition tried to find a way to play politics with such an important issue. I am sure that everyone inside and outside this place would legitimately condemn those opposite for doing so if they were foolish and selfish enough to go down such a path.

In terms of international experience, the Congressional Budget Office established in the United States in 1975, the Office of Budget Responsibility currently being established in the United Kingdom and the Parliamentary Budget Office established in Canada are the notable examples referred to during debate on this issue during the recent Federal election campaign. In a number of countries the capacity of Parliament and its relevant committees to engage with budget implementation and approval has been significantly enhanced by the establishment of non-partisan, independent budget offices that have the technical capacity to analyse the budget and to help Parliament and parliamentarians to understand what can be complex technical documents and propositions.

PBOs are traditionally more common in developed countries, but they are also increasingly common in developing countries. Budget offices come in different sizes in terms of staffing and operating budgets and may be endowed with different degrees of authority. Even when resources are limited, small Parliamentary Budget Offices can be established with just a few members of staff who may initially work primarily with outside think tanks for additional support. In Canada, for example, the mandate of the Parliamentary Budget Officer is to provide independent analysis to Parliament on the state of the nation's finances, the Government's estimates and trends in the Canadian economy and, upon request from a committee or parliamentarian, to estimate the financial cost of any proposal for matters over which Parliament has jurisdiction.

The PBO is provided with a legislative right of access to data necessary for the performance of the PBO research and analysis mandates. Work undertaken includes economic and fiscal analysis; outlook and risk assessments, which rely heavily on the use of econometric and statistical models and include broader research on macroeconomic and fiscal policy; analysis of program costs and estimates; assessment of budgetary systems; and the provision of cost estimates on parliamentary proposals. I am proud to introduce the bill, which will lead to the establishment of a genuinely independent office reporting to the Legislature on important economic and financial matters and further enhance transparency and openness in government. I commend the bill to the House.

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

COASTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2010 (NO. 2)

Agreement in Principle

Debate resumed from 23 September 2010.

Mr CRAIG BAUMANN (Port Stephens) [5.28 p.m.]: The Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2) aims to establish a New South Wales coastal panel to advise the Minister and act

as a consent authority for certain emergency and long-term coastal works, and some long-term mitigation works; permit limited emergency coastal protection works—sandbags or sand; empower councils to order removal of such works; and establish a method of funding coastal works through levies on rateable land.

On the last occasion the bill was to be debated in the House, the New South Wales Liberals and Nationals were calling for the Government to defer it until better consultation had taken place and certain amendments had been made. It is good to see that the Government listened and withdrew the bill, although it is extremely disappointing that this Government continues to fail to learn from its mistakes in rushing through bills without adequate consultation.

As a member who represents a coastal electorate I am aware that this is an extremely complex issue that we must get right. Unfortunately, despite the Government withdrawing the bill, embarking on some consultation and amending it, my colleagues and I believe the Government still has not got it right and that is why we will oppose the bill. Protecting our coastline is extremely important in a great deal of my electorate, but nowhere more so than at Jimmy's Beach at Hawks Nest. Coastal erosion has been an obvious problem along Jimmy's Beach, which is just metres from a number of houses, for well over a decade. The management of this problem is certainly a huge issue for the Great Lakes Council.

According to State Government reports, repeated incidents of foreshore erosion and emergency management works to protect the beachfront roads and the adjacent development led to investigations by the New South Wales Department of Public Works in the 1980s to identify the cause and extent of the problem. These investigations led to the Great Lakes Council adopting a management strategy of recurrent beach nourishment, which aimed to address both the risk of erosion to existing development and the beach amenity. However, according to the Government's own reports, the past decade has made it clear that sand nourishment requirements far exceed the initial volumes predicted by earlier investigations, making the continued management of the beach using this approach prohibitively expensive.

Now a similar problem has emerged across the port at Shoal Bay, where the environment is coming under serious threat from water movements. At present, the issue is more centred under the water, where sand shifting from the eastern end of the beach at Shoal Bay to the western end is smothering delicate reef and marine life and subsequently wreaking havoc on leisure activities such as diving and boating. The longer-term issue is the fact that the beach towards the eastern end is washing away and it is only a matter of metres until the water reaches Shoal Bay Road and development along that road.

There is also concern about coastal erosion around the point at Halifax Park. I know many members in this House have visited Port Stephens and Fingal Beach and, at low tide, walked across Fingal Spit to Point Stephens because waves break over the spit at most other times. Fingal Spit achieved worldwide recognition when it and Lara Bingle were featured in the "Where the bloody hell are you?" advertising campaign. To quote from the book *Port Stephens: The Ultimate Experience* by John Armstrong and Ron Morrison:

> Walter Glover was seven when his parents settled at Fly Point in 1857. He was a fisherman and spent the rest of his life at Port Stephens. He and his mates walked out to Point Stephens to see the lighthouse being built in 1862. Walter died in 1932.
>
> Walter said the spit was high and dry in those days - 200 yards wide and 5 yards higher than the top of the storm high water mark and covered with bush. A telegraph line was built on poles and early light house keepers used a horse and cart to bring supplies across the spit. A gale struck in 1898. At sunset the spit was still high and dry. At sunrise it was open water 600 yards wide and 20 feet deep.

This is probably an extreme example of coastal erosion but it is just as well to realise the devastating effect the forces of nature can inflict. As aforementioned, I note the bill would establish a seven-member New South Wales Coastal Panel, designed to provide expert advice to the Minister and act as a consent authority for some long-term coastal protection works. It is imperative that this panel be made up of experts, not just bureaucrats and not just councillors. With all due respect to the elected representatives of local government in this State, this is an extremely complicated issue which changes from region to region and we need real experts to advise the Minister. What might work in one local government area might not work in another and we cannot adopt a blanket approach. If I have observed anything in my professional life it is the complexity of the stability and movement of sand, water and air, particularly in a coastal environment. Modelling can be extremely difficult and without any real guarantee of a solution.

I note this bill also seeks to abolish common law rights for a landowner to defend property where there is no adverse effect on beaches, beach access or neighbouring properties. It also fetters the power of the Minister

to require councils to protect private property. Landowners may only action emergency sub-plans once. Proposed section 55S prohibits landowners from protecting property against subsequent storms. We believe this approach to be far too bureaucratic and it simply reduces landowners' rights to defend their property. Once again, the Government's love affair with excessive bureaucracy rears its head. In my experience, most private land that is subject to coastal erosion has some form of public land between it and the water. I am not sure that the public owner of that land would welcome even short-term emergency works being carried out on that land, particularly on a house-by-house basis, because the public owner could find itself liable if emergency works on one lot exacerbated the risk to other property in the area.

But what about the environmental implications? How does this law fit in with the Government's stringent marine park laws? Port Stephens Council is currently trying to manage a mounting problem of sand build-up on Little Beach boat ramp, between Shoal Bay and Nelson Bay, one of the adverse impacts of the aforementioned sand shift at Shoal Bay. The build-up of sand was obviously irritating boat owners so last November, with the licence approved by the Port Stephens-Great Lakes Marine Park Authority, Port Stephens Council installed three lengths of jersey curb on the eastern side of the ramp to act as a barrier in an attempt to stem the flow of drifting sand. However, it has now been discovered that while the barrier has reduced the build-up of sand on the ramp, the Marine Park Authority claims, probably with good authority, it is causing damage to the sea grass beds off Little Beach. Thus the authority has quite rightly revoked the licence and removed the barriers so as to allow the natural processes to be reinstated. It seems inevitable a similar problem could arise in the conflict between marine parks and coastal protection laws created by this legislation.

The New South Wales Liberals and Nationals have made no secret of their concern about marine parks. We are in no way against the protection of our marine environments but we are against the State Labor Government imposing restrictions and laws on coastal communities for the sake of political votes and not environmental protection. As we have stated a number of times, the State Government's creation of marine parks is based more on political science than environmental science.

But there are also adverse implications for landowners. The New South Wales Liberals and Nationals are concerned about that aspect. Also, we remain concerned that this bill does not address the issue of the protection of Crown land, it greatly reduces property owners' rights while placing an unreasonable burden on them, and it adversely shifts powers and responsibilities, including reducing a Minister's ability to require councils to carry out protection measures for private property. And we are not alone. I would like to put the words of key stakeholders on the parliamentary record. The Maritime Panel of the Sydney Division of Engineers Australia said on 9 September 2010:

> We appreciate your cooperation in furthering the consultation process but our feeling is that the progress of the legislative amendments should be postponed until such time as the whole package of proposed reforms becomes clearer. The Maritime Panel is not prepared to endorse the package or the progress of the legislative amendments in their current form. This position is based on our previously stated desire for a fair and robust process to be in place for the management of the New South Wales beaches and estuaries, to the benefit of all New South Wales residents.

Dr Howard Brady said by email on 7 September 2010:

> While it is prudent to check what coastal properties could be at risk to the sea, the process of establishing sensible guidelines has been muddied by poor modelling and exaggerated predictions that are poorly based in recent science. Above all it is important to have sound but not wildly exaggerated sea level rise predictions that are based on data from the National Tide Facility.

Robert Hecek, President of the Australian Property Institute (New South Wales), said in a media release on 10 September 2010:

> As the works are only allowed in emergency circumstances, and are temporary in nature, the practicality of the proposed requirements is questionable. The nature of such emergency works is governed only by the elements, making foresight difficult, even if warnings are given. Property owners should be able to undertake protective measures on their land then seek approval after the event.
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> The Institute is concerned that the overall intent of the legislation will be overshadowed by these practical difficulties, whereby properties might be threatened down the track as property owners are simply unable to comply with the new requirements.

Roger Burton of the Shoalhaven Beachfront Residents Group, in a letter dated 3 September 2010, said:

> The bill makes a number of sweeping changes to the way councils and residents respond to short and long-term erosion threats to the NSW coastline. It appears in reality to remove the present right of landowners to protect their property from erosion in emergency.

This proposed legislation is about taking the rights of the landowners away and abrogating any liability that the council or the State Government currently has.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [5.40 p.m.]: I am pleased to speak in support of the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). I pick up on some sentiments expressed by the member for Port Stephens. Coastal erosion is difficult to forecast, given the dynamics of the coastal environment, which I am sure we all enjoy from time to time. We know that there is a natural movement of sand to the north, a fact well established by experts in the field. But we know also that the extent of erosion is highly affected by water currents at the time, certainly wind, as well as general storm activity. Those in the best position to know the likely outcomes of storm events are the local people who have practical, hands-on experience of previous storm events in their areas.

In my electorate Blacksmiths Beach, Stockton Beach and Redhead Beach have, in my lifetime, experienced considerable erosion due to significant storm events. As far as I am concerned, this is a continuing learning environment, and I do not think the scientists have yet nailed down the reasons. I expect they never will, given the sheer dynamics of our natural environment, events that can happen and circumstances that can arise during storm events. However, it is absolutely appropriate that we take the best advice available today and that we put in place measures and practices to ensure that we minimise the risks of erosion of our coastal environments.

Historical information collected by the Department of Environment, Climate Change and Water shows that around 40 houses have been lost or irreparably damaged due to coastal erosion over the past 100 years. All of those houses were lost from the 1940s onwards. The greatest losses occurred during storms in 1974, in the most severe storms recorded along the New South Wales coastline. We need to prepare today for the erosion caused by future storm events. Our preparations need to consider the very real impacts that foreseeable erosion can have on beachfront buildings such as houses, surf clubs or accommodation, while also recognising the community value of our iconic beaches.

This bill achieves the balance between the interests of landowners threatened by erosion and the millions of locals and tourists that use our beaches each year. Some landowners have claimed that this bill reduces their rights to protect their property from coastal erosion. This is not the case. The bill and the proposed amendments to the infrastructure State environmental planning policy increase the opportunities for landowners to lawfully reduce erosion threats to their properties, in some situations. However, these opportunities come with conditions, to ensure our beaches are not compromised.

One of the important components of this bill will allow a landowner to place emergency coastal protection works on a beach to reduce an imminent threat from coastal erosion to their homes. While development consent will not be required for these works, strict conditions will apply. Only sand or large sandbags can be used for these works, as they can be readily removed if they are causing a problem. Rocks, concrete, construction waste and other debris will not be allowed, as they present a greater public safety risk.

A landowner will normally have one opportunity to place these works for a period of up to 12 months. This will give the landowner time to develop long-term options for managing the risks to their property. In recognition that this provides an opportunity for considering long-term arrangements, this 12-month period can continue if a development application is lodged for longer-term coastal protection works such as a seawall. In these circumstances, the works can remain until the application is determined. If it is refused, they will need to be removed within 21 days.

It is the Government's clear preference that these emergency works be placed on the land owned by the benefiting landowner. However, the Government recognises that this may not always be practical. Provided the landowner has taken all reasonable measures to minimise the use of public land, use of public land will be permissible under strict conditions. The conditions relating to the use of public land include avoiding damage to vegetation and assets, minimising public safety risks, and maintaining reasonable public access. Any damage to public land will need to be repaired. It is important that landowners recognise that this use of public land is a temporary privilege that should not be abused.

These emergency works will be able to remain in place only if they are not causing erosion, presenting a public safety risk or limiting public access to beaches. If these problems arise, authorised officers from councils and the Department of Environment, Climate Change and Water will be able to issue an order requiring the works to be removed. Failure to comply with such an order will be a serious offence—the new maximum fines under this bill are nearly $250,000 for an individual and nearly $500,000 for a company.

Allowing landowners to place sand or large sandbags as emergency coastal protection works is an important component of this bill. The bill ensures also that these emergency works will not have any long-term impacts on our beaches. That is paramount. While the intentions are good, we need to understand the rules and what are considered appropriate measures to protect property from coastal erosion. However, that erosion needs to be remedied without compromising long-term public access to and enjoyment of our wonderful beaches. I commend the bill to the House.

Mrs SHELLEY HANCOCK (South Coast) [5.46 p.m.]: It is with pleasure that I contribute to the debate on the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). The objects of the bill are, first, to establish a New South Wales Coastal Panel to advise the Minister and act as a consent authority for certain emergency and long-term coastal works and for some long-term mitigation works; second, to permit limited emergency coastal protection works, with sandbags or sand, and empowering councils to order removal of such works; and, third, to establish a method of funding coastal works through levies on rateable land.

I now refer to some of the key proposals of the bill. It will apply to works that protect property and beaches. It will empower councils to deem works legal or illegal. Consent may be given only if beach access and ongoing maintenance are addressed. The bill places an open-ended liability on property owners where councils decide to impose a levy to maintain a seawall and fund sand replenishment. The council may decide to fund costs from rates or impose some or all costs on certain properties.

Mr Frank Sartor: It is voluntary. They have to agree.

Mrs SHELLEY HANCOCK: The Minister is trying to do what he did on the Alan Jones program this morning: answer some of the concerns that have been raised. I have to send to the Minister a very strong message: this is a very confusing and distressing issue for many constituents of this State. Residents from Callala Beach in the north, to Vincentia, to Mollymook, to Ulladulla and down to North Durras are genuinely concerned and distressed about this bill. I accept that the Minister is trying to implement some good measures through this bill, and in the past there has been an attempt at bipartisanship on what the Minister is trying to implement. But, somewhere along the line, the message has been lost.

The result is a number of very distressed and frustrated communities writing to the Minister about the bill. They are confused about what local councils are doing. For example, Shoalhaven council, under its development control plan 118, set up its coastal management policies and plans in response to what the Minister requested it to do. That mix of policies and statements have the communities absolutely confused. What did the Minister do in response? He spoke to Alan Jones. Obviously, many people have been ringing and writing to Alan Jones. At the end of the day, the only way the Minister saw fit to address some of those concerns was to speak on 2GB. They do not have access to 2GB, so they did not hear some of those quite reasonable explanations given this morning by the Minister.

Mr Frank Sartor: Thank you very much.

Mrs SHELLEY HANCOCK: But they could not hear you. It is not a laughing matter when you listen to some of the residents and constituents in my area. They believe they will lose all property rights, they will not be able to do anything about their property and their property will be worth nothing.

Mr Frank Sartor: They will be able to do more than they can now.

Mrs SHELLEY HANCOCK: The message needs to be sold more clearly to the coastal communities in this State. That has not been done satisfactorily. My first message to the Minister is that he is not selling the provisions of this bill clearly.

Mr Frank Sartor: That is because the member for Terrigal and the shadow Minister are running around causing trouble. All roads lead back to the member for Terrigal.

Mrs SHELLEY HANCOCK: I am not trying to misinform my community. I am trying to listen closely to the Minister on all occasions because I believe that for most of the time he is relatively logical in what he is trying to do and with the best of intentions. However, he has failed to sell the message about this piece of legislation to residents and to councils. The Minister must accept that Development Control Plan [DCP] 118, or the coastal management plan, for Shoalhaven City Council is related to this piece of legislation. Following the State Government's Draft Sea Level Rise Policy Statement issued in February 2009 the council came up with Development Control Plan 118.

I attended a number of public meetings along the coast where residents expressed concern about the provisions of Development Control Plan 118. A number of precinct lines were drawn that, in effect, restricted any development in precinct 1—until the development control plan was withdrawn momentarily. Under that plan nothing could be done: a shed could not be built out the back of a person's house, or if a house suffered some damage it could not be fixed. All sorts of things emerged in that development control plan resulting from the State Government's instructions to various coastal councils.

Mr Frank Sartor: Probably because you changed it.

Mrs SHELLEY HANCOCK: Look, will you shut up!

Mr Frank Sartor: Your friend is gone.

Mrs SHELLEY HANCOCK: Will you just be quiet.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind the Minister for Climate Change and the Environment that the member for South Coast has the call.

Mrs SHELLEY HANCOCK: He is confusing me. He is very, very naughty. I have said some very praiseworthy things about the Minister, but that is about to cease. Essentially, it comes back to the Minister. He is responsible for a number of frustrated, angry and distressed residents along the coastal areas of New South Wales. He should accept that it is his fault.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for South Coast will address her remarks through the Chair.

Mrs SHELLEY HANCOCK: He needs to accept that it is his fault. Council has withdrawn temporarily Development Control Plan 118, given the concerns of residents. Unless we reach a bipartisan view on this issue, residents will continue to be frustrated and angry.

Mr Frank Sartor: I have tried.

Mrs SHELLEY HANCOCK: The Minister stated that he has tried to be bipartisan; he did, but he has withdrawn that. I shall refer to the comments of the Callala Beach Action Group. In many ways, these comments epitomise the general concerns with this bill. These comments are typical of those I receive from coastal action groups in my area. The Callala Beach Action Group wrote:

> I write on behalf of many local beachfront property owners who are vitally affected by this proposed bill and its contents. I urge you to consider the following points and the effects upon these residents.
>
> (a) The bill offers no protection at all to these beachfront ratepayers.
>
> (b) It appears to be an attempt to move all costs and responsibility in relation to potential sea level rise from State Government to our local community. Local Government will have the power to place the entire costs of protection upon our directly affected residents.
>
> (c) The compilation of this bill is a massive challenge and we doubt that the complete local effect upon us has been understood. It takes away the property owners rights to determine how we live and plan our future.

Mr Frank Sartor: No.

Mrs SHELLEY HANCOCK: The letter continued:

> (d) The bill is based upon climate change/sea level rise predictions up until 2100.

Mr Frank Sartor: No.

Mrs SHELLEY HANCOCK: The letter continued:

> There is therefore a level of uncertainty about these forecasts. The bill must contain some "staging elements" in order to revise the content subject to the actual/possible sea level rise.

This letter goes on and on. The Minister said "No" at the end of every sentence I read. My point, and that of the Minister, is that these residents clearly are confused about the legislation.

Mr Frank Sartor: Catherine Cusack has been running around telling porkies.

Mrs SHELLEY HANCOCK: God you are a juvenile, little twit sometimes.

Mr Frank Sartor: Well, she does that.

Mrs SHELLEY HANCOCK: The Callala Beach Action Group made these comments after reading the bill. It is confused. Maybe it raises some faults and errors but, obviously, this letter indicates that residents are frustrated and concerned about what this bill will do. It is all very well for the Minister to say it will not happen, but these people are not stupid. They do not write three-page letters because they are stupid; they have read the bill. They are not, as the Minister suggests, listening to the alleged pork pies of the shadow Minister. They have conducted their own research. The Minister is being highly disrespectful in making those comments.

Mr Frank Sartor: Well, Shelley, bring them in to see me. I am the Minister.

Mrs SHELLEY HANCOCK: The Minister has suggested that I bring these people in to talk to him. It is a little late for that when the bill is being debated and rushed through this Parliament. Why are we rushing it through?

Mr Frank Sartor: I introduced it in June.

Mrs SHELLEY HANCOCK: I have indicated already that the bill has caused so much confusion.

Mr Frank Sartor: Shelley—

Mrs SHELLEY HANCOCK: What?

Mr Frank Sartor: I introduced it in June.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for South Coast has the call.

Mrs SHELLEY HANCOCK: Thank you, Madam Acting-Speaker. I ask you to ask the Minister to contain himself.

Mr Frank Sartor: I am just trying to guide her. She needs to be guided.

Mrs SHELLEY HANCOCK: I know he is enthusiastic about this.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Minister's intentions are honourable, but the member for South Coast can proceed under her own steam.

Mrs SHELLEY HANCOCK: They usually are, but I am trying to give a clear message and direct the message to him that many people are concerned. I refer again to Development Control Plan 118 and repeat that I am concerned about what Shoalhaven City Council is doing in relation to this bill. This file I have with me is one of approximately seven containing objections that have been forwarded to the Minister and to council about Development Control Plan 118. Those who live in coastal areas are not wealthy and are not silvertails; they have worked hard all their lives to purchase the property in which they reside. This particular resident's comments are typical of those living in coastal areas:

> We purchased the land in 2005 and built a home with great attention to detail. It took time, effort and great expense. If DCP 118 is adopted and our property classified in precinct 1, the property will be effectively worthless. We could never lodge a Development Application with Council as works would not only be refused but could give rise to council being able to order demolition of the existing structure. No-one will ever be able to purchase a property that, in effect, has a possible council demolition order hanging over it.

Again, this letter goes on for pages. I express again my concern on behalf of my constituents at the confusion about the bill. The Minister has allowed the confusion to continue. A number of key stakeholders and scientists dispute some of the studies that formed the basis of the Government's policies, especially its sea level rise policies. Some stakeholders are extremely concerned and ask that this bill be deferred in order to undergo further consultation. Is that too much to ask? Why is the Minister trying to rush this bill through? The Sydney

coastal councils, the Local Government and Shires Associations, and the Nature Conservation Council want the bill delayed because they have not had adequate input. The Maritime Panel of the Sydney Division of Engineers said:

> We appreciate your cooperation in furthering the consultation process but our feeling is that the progress of the legislative amendments should be postponed until such time as the whole package of proposed reforms becomes clearer. The Maritime Panel is not prepared to endorse the package or the progress of the legislative amendments in their current form. This position is based on our previously stated desire for a fair and robust process to be in place for the management of the NSW beaches and estuaries, to the benefit of all NSW residents.

In my electorate, as you would be aware, Madam Acting-Speaker, as I am sure the Minister is also, we have some of the most beautiful and pristine beaches in this State and country. We work hard to protect those areas. We want to see them protected. But we have residents also who worked hard all their lives and built their homes in these areas over a number of years and are confused about what the bill proposes for them. They need explanations from the Minister, more than those he gave on the Alan Jones program on 2GB. They need clear statements by the Minister about his intentions with this piece of legislation. We need to know also what power the Minister will have over local councils in perhaps overturning some of their coastal management plans if he is not satisfied that they have been fair.

Overall, as one of the stakeholders has observed, we need a robust debate on this matter. People are concerned about this legislation. Obviously many members representing coastal electorates are concerned about it and are prepared to talk about it. The Coalition wants to cooperate in passing legislation because we acknowledge the issues associated with a rise in sea level, but we need to be assured that any science upon which policies underlying this legislation is based are accurate. I am not convinced that that is the case.

The member for Port Stephens who preceded me in this debate referred to Dr Howard Brady, who is a constituent of my electorate. Dr Brady wrote a submission in relation to development control plan No. 118. His credentials and qualifications are superior to those of anyone in this House. Dr Brady has blown apart some of the science that underlies development control plan 118 and some of the provisions in the coastal management plan of the Shoalhaven City Council. His submission makes good reading. I am sure the Minister has read it. The Minister has masses of files and I am sure the submission would be among those, but if the Minister has not read it, he should do so. What Dr Howard Brady says about some of the provisions in developmental control plan 118 arising from the State Government's policies is very persuasive.

This whole issue has gone awry. The Minister is the only one who can fix it, but what is he doing? He is giving me a hard time and is constantly interjecting with protestations of, "No, no, no. I'll explain it all." But he is too late. He now has an opportunity to withdraw the bill, begin liaising with coastal communities and start talking to stakeholders and coastal councils. The Minister should talk to residents who are suffering because of him. The Minister is the problem. He must accept that. The Minister is attempting to abrogate his responsibility to coastal panels because he does not want another headache.

After March next year, the Minister will not have any more headaches. Next year he will probably be a backbencher, or perhaps Leader of the Opposition, but he must take the issues I have raised on board and withdraw the legislation. He should be fair to people who are concerned. He should not laugh about the matter, as he is now. Some of the people involved are on the edge.

Mr Frank Sartor: That is really unfair.

Mrs SHELLEY HANCOCK: The Minister was laughing. The people affected by this legislation are on the edge. The Minister needs to understand that. He should withdraw the legislation.

Mr Frank Sartor: I was not laughing about them or that issue.

Mrs SHELLEY HANCOCK: The Minister is a very rude person.

Mr Frank Sartor: I was laughing about your histrionics.

Mrs SHELLEY HANCOCK: Histrionics? The Minister has not seen anything yet.

Mr STEVE CANSDELL (Clarence) [6.00 p.m.]: I oppose the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2).

Mr Frank Sartor: Ding, ding!

Mr STEVE CANSDELL: I suspect the Minister has a speech impediment, but then any Minister who would be game to introduce this bill, which panders to the extreme Left, would have to have some type of impediment. The original draft bill was acceptable and the Coalition was content to adopt a bipartisan approach to passing the legislation. But the Minister consulted with the Greens and extreme environmentalist elements, and has introduced a bill that bears no resemblance to the original draft.

[*Interruption*]

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Clarence has the call.

Mr STEVE CANSDELL: The Minister should heed the advice of the Chair. I do not know whether the fault with this bill can be traced to the Minister's ego, but what is certain is that the bill does not address the issues. The bill has destroyed the rights of people to defend their property.

Mr Frank Sartor: Name one right I have removed.

Mr STEVE CANSDELL: If the Minister wishes to participate in the debate, he will have an opportunity to do so during his reply.

Mr Frank Sartor: And I will.

Mr STEVE CANSDELL: But right now he should sit quietly.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Clarence has the call. If the Minister wishes to take a point of order, he may do so.

Mr STEVE CANSDELL: Recently I visited coastal areas of Wooli and Brooms Head. Approximately 40 houses at Wooli are under threat from coastal inundation and storm damage. Remedial work is required on the beachfront, but residents have been informed that they are not permitted to undertake the work and that the council does not have the funds to do it. If anything, this legislation takes away the rights of property owners. By the Government adopting a planned retreat policy, it is walking away from residents.

Mr Frank Sartor: No.

Mr STEVE CANSDELL: Yes, it is. The Government is walking away from residents who received council developmental approval to construct their homes in that area. The Government has stepped back from its responsibilities and has made it impossible for residents to undertake remedial works on their land. If residents attempt to do so, this legislation would make it almost impossible for them to do anything with their land in the future.

According to forecasts of rises in sea level, the southern areas of Wooli will disappear by 2050. The Government has tied the hands of property owners and made it impossible for them to undertake remedial works to prevent inundation and loss of their property. The Government has put so many legislative obstacles in the path of residential property owners wishing to undertake remedial works that their efforts are bound to fail. The Government should take time to consult more widely, especially with people on the conservative side of politics, instead of consulting only with extreme green elements and conservationists who want to prevent any type of development.

The Government is virtually shifting the cost of coastal works onto owners of private land without taking any responsibility for government lands. By adopting a planned retreat policy, the Government is forsaking government lands and destroying small coastal communities. Some properties at Wooli are valued at more than $1 million but will be totally devalued if this legislation is passed. Any idea of offering replacement properties based on the devalued market worth of those properties of approximately $135,000 is not a land swap.

Mr Thomas George: It is a land grab.

Mr STEVE CANSDELL: That is correct. The bill will destroy the common law right of private owners to defend their properties. The development approval processes associated with remediation are too difficult for people to even contemplate and the process is prohibitively expensive. I reiterate that I oppose the bill and will vote against it. Its measures are overly bureaucratic and impossible to support.

Mr ANDREW CONSTANCE (Bega) [6.06 p.m.]: I thank the member for Coffs Harbour for being such a gentleman and allowing me to precede him in the debate. I oppose the Coastal Protection and Other Legislation Amendment Bill (No. 2). I notice that the member for South Coast has crossed the Chamber to speak to the Minister and tell him how bad the legislation is and that residents of properties along the entire New South Wales coastline will be badly affected by it. I state at the outset that the Liberals and Nationals do not dispute the need to protect our coastline and beaches. We also recognise the importance of maintaining public access to beaches. However, I believe that many residents of coastal properties are not aware of this legislation, principally because of the lack of consultation associated with its preparation.

Mr Andrew Fraser: It is an absolute disgrace.

Mr ANDREW CONSTANCE: It is yet another example of the way in which Minister Frank Sartor manages his affairs and his portfolio responsibilities.

Mr Andrew Fraser: What about the red gum forests?

Mr ANDREW CONSTANCE: The member for Coffs Harbour reminds me of the red gum forests, yet here we go again: Minister Frank Sartor is attempting to impose levies upon ratepayers in an unprincipled manner. He is trying to abrogate his responsibilities to address rises in sea level and coastal erosion. He is attempting to shift responsibility onto coastal residents. Coastal communities are up in arms about the way in which the State Government is treating them.

Mr Frank Sartor: They are up in arms about councils' section 149 planning certificate notices. That has nothing to do with me.

Mr ANDREW CONSTANCE: They are up in arms about that too.

Mr Andrew Fraser: Point of order: The Minister will have an opportunity to reply. During speeches made by the member for South Coast and the member for Bega, the Minister constantly interrupted. I ask you to direct the Minister to await his opportunity to reply in accordance with the standing orders.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I understand the point made by the member for Coffs Harbour. However, during the years I have been a member of this House, Ministers have been free to comment or interject. Whether the member with the call chooses to respond to interjections or ignore them is the member's decision.

Mr ANDREW CONSTANCE: The remarks made by the member for Coffs Harbour were well said, but it is enjoyable listening to the Minister for Climate Change and the Environment bandy words about. The Minister introduced legislation but later withdrew it. Recently he told Alan Jones that he amended the legislation, but that just shows the Minister's intemperate approach. He is attempting to rush legislation through the House without the wider community being aware of its consequences. People from the Central Coast, the North Coast and the South Coast will be directly affected by what the Minister for Climate Change and the Environment is doing. We know the Minister's form only too well because when he was the Minister for Planning he failed to listen to the concerns of communities across the State.

The Minister said that communities are up in arms about local government. In terms of this bill, I do not believe that residents throughout the State are fully aware of the consequences of what is being decided in this House. For that reason in particular, the member for South Coast, other Coalition members and I are calling on the Minister to withdraw the legislation and to consult more widely. Some people in the community do not understand the consequences of this legislation. We are seeing many changes to planning requirements at both the State and local government levels without people being fully abreast of what is happening. I have seen it in my local area with the council's interim sea level policy. Residents who have expressed concern about that interim policy will also express concern about this bill. I am concerned that the stripping away of property rights as a result of this bill may have financial consequences for local residents. The bill will change the way councils and residents respond to short-term and long-term erosion threats on the far South Coast.

Mr Frank Sartor: It's about time.

Mr ANDREW CONSTANCE: True, but by the same token the Minister is walking away from his responsibilities as the Minister for Climate Change and the Environment, and the Government is walking away from its responsibility to protect the environment and at the same time balance that with protecting people's property.

Mr Frank Sartor: We are strengthening it.

Mr ANDREW CONSTANCE: The Minister is not strengthening it at all.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind members that they cannot converse across the Chamber. Members will direct their comments through the Chair.

Mr Frank Sartor: He's a young man who needs a bit of tuition and I'm giving it to him.

Mr ANDREW CONSTANCE: I would rather be a young man than a washed up old hack like the Minister, who is about to feel a door whacked on his backside as he is rushed out of this place.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Members will remain silent. The member for Bega will direct his comments to the leave of the bill.

Mr ANDREW CONSTANCE: The fact that the Minister is being ageist indicates that he is on the cusp of retirement: we will see a resignation at some point between now and Christmas. The Minister claimed that the bill will permit emergency works, which will enable property owners to defend properties in advance of severe weather events. That is what the Minister has been saying publicly; he said it on the Alan Jones program and in this place. However, I believe the procedures to be followed will render the whole process impractical. For example, property owners cannot act until a storm has gouged sand dunes to within 10 metres of their building. At that point a registered survey will be required; the survey will measure the distance between the erosion and the building and then a certificate will be issued. Is it true that an authorised council officer must then be available and willing to view the survey certificate—

Mr Frank Sartor: No.

Mr ANDREW CONSTANCE: —and confirm that other paperwork requirements have been met?

Mr Frank Sartor: No.

Mr ANDREW CONSTANCE: The council officer can then authorise the emergency works, which must comply with an exhaustive schedule of complex ministerial requirements. The reality is that this system is designed to fail. The bill repeals the existing common law right of owners to defend their properties, leaving people much worse off than they are now. The Minister might want to be up-front and honest about the fact that councils will have new powers to levy for works—that is, a new tax—but only for new works. Residents living next door to each other, one with existing protection and the other without any protection, will be treated differently.

As we all know, given the nature of the storm events to which we are referring, myriad properties in areas where storm surges and tidal surges take place will be affected. This bill is a piecemeal approach that is utterly impractical. Instead of showing leadership, the Minister is shoving all responsibility onto local ratepayers. In some ways, this bill is a cowardly and irresponsible abandonment of all care and duty to property owners. I ask the Minister this: will councils be able to levy for new works? There will be discrepancies between ratepayers as a result—

Mr Frank Sartor: Only by agreement.

Mr ANDREW CONSTANCE: How much trouble will that cause? Therein lies more disputation and trouble. That is what could occur as a result.

Mr Frank Sartor: What's the alternative?

Mr ANDREW CONSTANCE: The Minister should consult properly, because he might learn some things. He might realise that there are other potential avenues available to the Government to resolve some of these issues.

Mr Frank Sartor: I've been consulting since March.

Mr ANDREW CONSTANCE: My point is that the Minister has not consulted widely enough. I understand that we are talking about some 200 houses in 15 erosion hot spot areas around the State, but that

number is expected to rise. The bill requires council coastal zone management plans to include coastal hazards and the effects of climate change. Many of the disputes in terms of local government policies rest on the assertions relating to sea level rise and the allowance that is required in terms of the expected 1.1 metre sea level rise. That brings me to my next point: the Government's policy statement is based on succession modelling and precautionary assumptions that are being disputed by scientists. Should those assumptions be wrong, thousands of private property owners have been unfairly blighted and their property devalued by the policy.

Mr Frank Sartor: This bill doesn't turn on sea level rise.

Mr ANDREW CONSTANCE: More scientific evidence about sea level rise is required.

Mr Frank Sartor: It's not necessarily about sea level rise at all.

Mr ANDREW CONSTANCE: The Minister is now saying that this has nothing to do with sea level rise.

Mr Frank Sartor: No, but this bill is necessary even if there is zero sea level rise. It's about coastal erosion.

Mr ANDREW CONSTANCE: The point is that sea level rise has an impact in relation to this policy.

Mr Frank Sartor: Even if there is zero sea level rise, you still need to address these issues.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind members that they cannot have a conversation across the Chamber. Members will direct their comments through the Chair. The Minister will have an opportunity to reply to the debate.

Mr ANDREW CONSTANCE: The bill requires council coastal zone management plans to include coastal hazards and the effects of climate change, including sea level rise. Yet the Minister is saying that this is not contingent upon sea level rise. He is confused. If he is confused, how does he expect communities throughout the State to be across this issue and be able to put their concerns to the Government? He should consult more widely—he might be surprised. He should read some council policy documents, be they development control plans or, in the case of one shire in the electorate I represent, an interim sea level rise policy.

Mr Frank Sartor: I have.

Mr ANDREW CONSTANCE: The Minister should see what could happen to those who have invested retirement savings in their retirement homes. He does not understand the anger currently in the community and the potential for more anger as a result of what he has put before the House. People are unaware. The Minister has not been on the south or far south coast to hear what local residents are saying. The Minister has not explained to the residents his intention or vision, or how he plans to resolve some of these challenges. Therein lies the point, the legislation imposes massive penalties that some people will have no idea about. The Minister's handling of the legislation has been all over the shop, which is an understatement.

The reality is that the Opposition will stick up for the people of coastal areas in this State. The Opposition holds a strong view that this legislation should be opposed. The Minister must consult more widely and look more closely at the provisions of the legislation. If he does that he will realise that it is necessary to make more changes to the legislation. As I said at the outset, no-one disputes the need to protect our beaches from erosion, but the Government should not impinge on private property rights—over the years it has shown utter contempt for the property rights of people around this State. It all started with the Native Vegetation Act and now it will finish with this bill. If this bill is passed it will be the Minister's legacy. It is rotten to the core and the Coalition will continue to speak against it. The Minister should consult more widely.

Mr Frank Sartor: That is really over the top. You are really talking with total ignorance. You clearly have not read the bill.

Mr ANDREW CONSTANCE: The bottom line is that the Minister is stuffing up and the Opposition is trying to save him by suggesting that he should consult. If the Minister wants to pass the bill this evening in this way, the Opposition is happy to have the debate in the community about it. The bill is a poor reflection upon him.

Mr ANDREW FRASER (Coffs Harbour) [6.21 p.m.]: I support my colleagues the member for South Coast and the member for Bega, especially their remarks about lack of consultation on the legislation. We have already seen one bill introduced into this House then withdrawn. Consultation on this bill, which was introduced in its place, has been all but zero. I have been in this House long enough to remember the septic tank legislation, and the dogs and cats legislation, which put the onus on council at great cost. The onus to police and enforce the provisions of this bill—management and control of coastal tidal zones—also falls on local government.

Only last week I held a public meeting at Park Beach, Coffs Harbour, on law and order. The whole of the coastal area at Park Beach used to be under council control. However, it never had the money or the impetus to clean up the woody weeds and clean out the rubbish so it is now a haven for criminals and vandals to hide in. Council handed the responsibility for the State park over to the State, but then council took back the responsibility for the State park. The Minister should be aware that council bags him because it is not allowed to maintain that area. This legislation will hand back to council management and control of coastal and dune areas, but because council has never been able to maintain those areas either because of a lack of will or funds, I guarantee that once again nothing will be done.

The real crux of the legislation is the protection of private property. The Minister might not admit it, but over the years under either State Government or local government planning controls, people have bought land to build on in their retirement, or built their homes or investment units, as the member for Bega said, in zones that are to some extent being eroded. We must accept that in some cases the management of those lands probably has contributed to that erosion. We must look at how we manage those areas. They will not be managed under this legislation. It is predicted that this year will be one of the biggest cyclone seasons the east coast has experienced.

When I was a young man growing up in Newcastle South Newcastle beach was washed away regularly and then the sand would build up again in a couple of years. One day you could play touch footie on the beach and the next day it would be a rock shelf. Why did the storms not take away the foreshore and the then Newcastle Hospital with it? Because a brick wall was installed to stop the erosion that would take away very valuable public infrastructure, including the bus depot—the whole box and dice. The whole coast is like that. We have to accept that over the years we have been able to manage such problems by installing permanent structures or alternatively rock groins to stop further erosion. Basically the legislation allows a property owner to install a row of sandbags up to 1.5 metres high.

Mr Frank Sartor: In an emergency.

Mr ANDREW FRASER: In an emergency, as the Minister said. In an emergency one can stack up sandbags 1.5 metres high. The North Coast has experienced cyclonic seas, and I know what will happen to the sandbags. As quickly as they are put down they will disappear. A 1.5 metre high wall of sandbags built without some sort of ballast underneath it or some sort of rock groin for security will never be successful; the wall will not hold and all the properties will be lost. The Minister does not want to accept any responsibility; he wants to hand over management to local government. The Minister will duck his responsibilities, as former Minister for Local Government Ernie Page did with his dog and cat registration legislation, and his septic tank legislation and hand back responsibility to local government. Former Minister Ernie Page did not have his legislation assented to until after the 1999 election because he knew that it would be problematic.

Even though he has denied it or his memory is lacking, in the red gum decision the Minister told people he would give them a lesson in politics and that Greens preferences were needed in Sydney. The Greens wanted a red gum national park so therefore the forests that had been selected to be logged for 150 odd years had to close. This legislation is exactly the same. My suspicious mind tells me that the Government has done a deal with the Greens before the election. It has said it will address coastal erosion, even though this legislation does not address it. There is no magic bullet or magic wand to fix it. This legislation places an impost on landowners and councils that will devalue properties not only now but also into the future.

I am the first to admit that with the benefit of hindsight and foresight—we would all be millionaires and we would still be broke—some of the developments on the foreshores never should have been allowed. But now that development has been allowed, it should be managed properly. Let us not hand back its management to councils that, for whatever reason, will not allow people to properly protect their properties over this period of time. Minister, do not give them a set of restrictions or constrictions as proposed in this legislation so that people who have heavily invested either in land or property will lose their asset. I am sure the Minister would not like to see his superannuation eroded as property under this legislation will erode. It is poor legislation and the Minister should withdraw it. Minister, withdraw it and go back to talk to people who live in the coastal zones.

This legislation will affect properties that go right up into coastal creeks. In the past 12 months five floods have washed away river banks that will be affected by King tides if the cyclone season is as it is predicted to be this year. This Minister will find that once again people will only be allowed to put up 1.5 metres of unsecured sandbags to try to protect their property. It will affect not only the front dune properties but also properties right up the tidal zones into estuaries on the North Coast. My understanding is that we are adjourning for dinner at 6.30 p.m. I suggest that the Government not rush this legislation through the House: withdraw it, have another look at it, and bring it back in a month. Have a short consultation, because the fact of the matter is that the Minister—

Mr Frank Sartor: I invited the Opposition to travel with me up and down the coast and they declined to come—except for the member for Ballina. He was the only bloke decent enough to come.

Mr ANDREW FRASER: The Minister is welcome in my electorate any time, but he is not game to come. He knows what they will do to him. The Minister would not go down to red gum country, that is for sure. At the end of the day, the bill should be withdrawn. I know how the member for Ballina plans to vote on the bill. I do not know whether he has spoken today, but I know his concerns about the legislation. All members on the North Coast have concerns with the legislation, as do members on the South Coast and, I suggest, members in the Sydney metropolitan area. I urge the Minister to re-consult, or to consult properly. Go back and listen to what the people want. Talk to the councils and see whether they are willing to pick up the cudgels in this debate. I think the Minister is selling them the dump, so to speak. I believe the Minister needs to withdraw the bill and start again.

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

[*The Assistant-Speaker (Ms Alison Megarrity) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.*]

PARLIAMENTARY BUDGET OFFICER BILL 2010

Agreement in Principle

Debate resumed from an earlier hour.

Mr MIKE BAIRD (Manly) [7.30 p.m.]: It is almost like an episode of *Fawlty Towers* to have to debate the Parliamentary Budget Officer Bill 2010 tonight. The legislation is a matter of significant public interest to the broader community of New South Wales and to the Parliament, but yet again State Labor has decided to put on its political armour, forget due process and give absolutely no time for consideration of such an important matter. At the outset, I indicate that we are open to the principle outlined in the Parliamentary Budget Officer Bill 2010. I will talk about that shortly.

We have been arguing for the requirement to have independent election costings for some considerable time in this House. However, we will oppose the bill in this place primarily because we have not had time to consider it formally. Standing orders provide for a five-day period to consider a bill before it is brought on for debate and normally all members of Parliament, including every member in the party room and the shadow Cabinet, have the opportunity to consider legislation in its entirety. But we have not been able to do that in this case. We have some concerns about the legislation, as one would expect when it is introduced hastily, and we reserve the right to state our final position on the bill in the other place.

When the bill gets to the upper House we will have had more time to go over every aspect of it with a fine tooth comb, even though it is not a large bill. There are significant implications and models to consider and we will do that over the next couple of days. However, it is incredibly disappointing that a matter of such significance becomes just another piece of legislation to be dealt with in the daily life and political operations of this State Labor Government. The bill deserves much better. Throughout this process I have been open and prepared to engage with the Government. I have attended meetings with the Department of Premier and Cabinet and the Auditor-General and I can say honestly that at all times I have tried to achieve an outcome that is in the best interests of the people of New South Wales. That means having an independent election costing process that avoids the usual nonsense that goes on, mainly from governments that try to use election costings as part of their political armoury during an election campaign. Frankly, the community has moved on from that.

An independent election costing process is something we have fought for and strongly support. Does the bill address that outcome? We will consider the legislation in detail in the next couple of days but at this

stage, without having had due process, we certainly cannot support it. The fact that the bill has come before the House today is an admission that all the bluff and bluster we have heard from both the Treasurer and the Premier on this issue over the past few months was nothing more than words and hollow promises. The truth is that if you want independent costings you must have an independent process. The Government tried to argue that it had provided one but tonight we see the bill is an admission of guilt. The costing process the Government proposed and all the games of ducks and drakes it played can be seen for what they are. Tonight the Government has admitted taking the people of New South Wales for a ride. The Government had every intention of using the costing process as part of its political games, to the detriment of the community.

That is my main point. The Government was happy to release policies that were either not costed or under-costed while inflating the costings of the Opposition's policies. That game has to end, which is why we are happy to consider seriously the proposition that has been put forward in the bill. The Government has been completely disingenuous. For me to get a call from the Treasurer's office asking whether I want a briefing less than an hour before the bill is due to be debated shows an incredible lack of respect for due process and for members on this side of the House. I was extremely disappointed in that approach. However, it is just a continuation of the State Labor Government's scorched earth policy.

The Government is very happy to damage the economy and the workings of government. It does not care what happens in the upcoming election because there is a strong sense of uncertainty about whether Labor will win. We on this side are in the same position; we are not sure who is going to win but we strongly believe we will present a credible alternative come election day. The State Labor Government is saying, "We don't care because there is a chance we could lose. Let us tick off everyone we need to." The occupational health and safety reforms are a good example. We heard today from the Premier that no modelling whatsoever has been done in relation to the impact on investment, the economy, business and jobs. A line of people is forming who are suggesting that if those proposed reforms are not changed they will move out of this State, so there is a significant risk to the economy.

At the same time, the sale of the electricity industry marches on. What an unbelievable mess that is. On every point, and at every turn—whether it be increasing the inefficiency of the market, disdain regarding time and haste, or the coal price or structure—that sale is damaging to the State going forward. The Treasurer and the Premier know that, but they do not care. No-one in this Parliament believes the Treasurer has had a road to Damascus experience. No-one believes for a moment that all of a sudden he has become Eric the good Samaritan. He has not looked to the side of the road and said, "I see the Opposition and crossbenchers, and I can understand that, for the good of the State, they need access to independent costings and access to economic research." This measure put up by the Treasurer and the Premier is nothing more than an insurance policy. Should they lose the election, they would be very happy to have this Parliamentary Budget Office in place—a body that has not existed during the term of this Government or any government before it.

Mr Brad Hazzard: Not for the past 16 years has it existed.

Mr MIKE BAIRD: We need to remind ourselves what is behind the bill. The Opposition was proud, on 26 November 2009, to introduce a private member's bill to provide for independent costing of election promises. Our argument then was that there were no independent costings, and the charter of budget honesty needed amendment. We put forward a bill to do that and argued the case to the community. In March 2010 the Premier made a commitment. Members will recall the Premier standing in this place during that debate and telling the Leader of the Opposition that she would be "delighted" to have election promises costs independently assessed, adding that the Auditor-General was in agreement with her on that point.

I liaised with the Premier's department and the Auditor-General in good faith; I thought we were moving towards an agreement. But then the Government introduced a bill, and it was defeated. The Coalition amended it to reflect its bill. It is important to recall what we were arguing. We were arguing that the Auditor-General be able to appoint an independent financial consultant to cost all the policies of both the Opposition and the Government—not that Treasury do the costing because, we argued, Treasury is an arm of government. We argued that, from the June budget onwards, all new announcements made by both the Government and the Opposition be costed, not just announcements made 60 days before an election. That argument remains one of our big concerns with this bill, and I will talk to those shortly. At that time, we spoke about giving the Opposition confidential access to Treasury officials as required to discuss costing of policy initiatives. That model was agreed to by the upper House. We were adamant that this measure needed to be in place, for the benefit of oppositions and governments of future generations.

That proposal sat there, waiting for the Government to respond. Today it responds. As I have articulated and argued, the Government's proposal for this Parliamentary Budget Office makes it clear that the Government was playing politics. The bill talks about the Parliamentary Budget Office preparing costings of election promises, preparing costings of proposed policies for members of Parliament, and providing ongoing economic analysis, advice and briefing to members of Parliament. It is, broadly, based on the national offices. In his press release the Treasurer talks about independent costing of election promises. All the way through is a detailed proposal on independent election costings, and that is how he sold his proposal. But the bill is much more than that, and that is one of the main concerns that the Coalition has with it.

We are not given any understanding of the charter of this proposal. I will talk about the charters of the United States and the Canadian systems shortly. Although the overall cost of the proposal is quite significant, the cost is not referred to in the legislation. Nor is the number of staff and employees, et cetera. The press release articulates that. The proposal, if the Treasurer had used the figures provided, costs per capita about five times that of Canada. Compared with the United States Congressional Budget Office, it is about three times the cost on a per capita basis. I argue the importance of weighing up the cost of setting up a Parliamentary Budget Office with the huge requirement for frontline services. There are huge frontline service requirements across government. On Friday, I had lunch with the Treasurer at the Illawarra Business Chamber.

Mr Brad Hazzard: As one does.

Mr MIKE BAIRD: With 300 others, not just Eric and I. A question was asked by the Illawarra Neighbourhood Centre. I met with centre representatives afterward. They heard that all of a sudden the Treasurer had found about $16 million from recurrent expenditure to set up the Parliamentary Budget Office. However, he was unable to provide any comfort, thoughts or insights on concerns they raised about salary levels for the neighbourhood centres in the Illawarra. That indicates a Treasurer who is very happy to put forward proposals that he believes are in his and State Labor's interests, but who cannot offer anything on proposals put forward to assist people who work day in and day out in our community. The funding of the Parliamentary Budget Office deserves close scrutiny. We cannot be happy with approving the spending of these funds when we do not know the level of funding, and how that sits on a global basis, because we do have global benchmarks. The functions to be undertaken by the Parliamentary Budget Officer also are not clear, and I will come to that shortly.

Interestingly, in September the Canadian Parliamentary Budget Officer spoke about the need for more independence, and argued that the officer should be removed from Parliament. It is concerning that at the same time as the Government is talking about establishing this independent Parliamentary Budget Office, the Parliamentary Budget Officer in Canada is saying that he does not want to be entangled in a parliamentary budget. We need to focus on—and the Coalition will be focusing on it over the next 48 hours—the charter of this body, what is the best structure, what is the best process, and why the Government is in such a rush to establish this body. We can only ask the Treasurer to explain why there is such a rush to establish the Parliamentary Budget Office. I fear that we will proceed in haste, not in the best interests of this Parliament and the people of New South Wales. That one example alone suggests to me that other matters need to be considered. I have looked at the mandate of the United States Congressional Budget Office, whose role is quite significant. It states:

> The Congressional Budget Office assists the House and Senate Budget Committees, and the Congress more generally, by preparing reports and analyses, in accordance with the CBO's mandate to provide objective and impartial analysis. CBO's reports contain no policy recommendations.

That is relatively consistent with one of the baselines. It goes on to say:

> In late January of each year, CBO reports on the economic and budget outlook, including estimates of spending and revenue levels for the next 10 years under current law. This so-called budget baseline serves as a neutral benchmark against which Members of Congress can measure the budgetary effect of proposed legislation. The baseline is constructed according to rules set forth in law, which generally instruct CBO to assume that current spending and revenue laws continue without change. Thus, the baseline is not a prediction of future budget outcomes. Rather, it reflects CBO's best judgment about how the economy and other factors will affect federal revenues and spending under existing laws. Each summer, CBO updates its baseline projections, incorporating a new economic forecast and the effects of laws that have been enacted to date in that session of Congress.

It goes on to deal with costs estimates, budget options, long-term budget outlook, unauthorised appropriations and expiring authorisations, and so on. The question that arises from that is: What is the mandate that the Parliamentary Budget Office, set up by the bill, should be pursuing? The Treasurer has stated his claim. He has attributed 98 per cent of it to election promises costings. It would seem to me that the proposal of the bill could be broader. The bill proposes that the Parliamentary Budget Officer will be articulating what the mandate should

be. Before we set up this office, I would have thought due process would require consideration of its mandate, by reference to the Canadian and the United States models in particular. What is it that we will ask the office to do? Then we can start the process of employing the people needed to run it, and reach agreement. I would argue that the whole of Parliament should be engaged in this proposal. It should not be rushed through on the basis of an election costing out for our Treasurer.

The Canadian system, to which I referred earlier about its officer expressing concern at being enmeshed in the parliamentary budget, also looked at an amending system and used private sector forecasts to make assessments and analyses for incorporation into the Canadian Parliament. Should you have a Parliamentary Budget Officer who incorporates and examines long-term economic forecasts using private forecasts or should he or she look solely at the budget? Should the Parliamentary Budget Officer focus solely on infrastructure? Many questions must be answered in a debate and not under cover of setting up an election campaign to determine exactly what this Parliamentary Budget Officer will be asked to do.

For a long time we have argued for an independent process regarding election costings—whether it was about the CBD metro, the Epping to Chatswood Rail Link or the Spit Bridge. That is why we support such a process. Questions to Treasury about its role with respect to election costings should be directed also to the Opposition. During the recent budget estimates hearings the manipulation of these costings was clear. Parliament would be and is concerned that a Premier and Treasurer can say they have a fully funded transport plan, yet when the Prime Minister calls Treasury about two days beforehand saying, "By the way, we need to find $520 million in your fully funded transport plan" and the Government says, "No problem. We can look at contingencies", that is a clear admission that that $520 million does not exist. It is part of the never-never.

I cannot remember the words Treasury was forced to use by the Treasurer, but they were along the lines, "Given that that $520 million contribution was equivalent to 1 per cent of the total spend over that 10-year period and because there are contingencies brought into that funding envelope as there are yet unidentified projects, funding for business is as usual and we thought it appropriate that it be funded within the funding envelope. That was our advice to Government and Government decided to take that advice." That is why we need an independent process. We are happy to support the principle of an independent process, but over the next 48 hours, after weighing up the costs, the process and the mandate we think should be sought, we will determine whether this process is in the best interests of the people of New South Wales.

We got on with the job. We were delighted to announce on the weekend that we are undertaking a costing process and have done for the past 18 months. We have run individual costing processes that culminated in the appointment of Bob Sendt, who truly gives the people of New South Wales an independent voice. He was the Auditor-General from 1999 to 2006 and had a 30-year career with New South Wales Treasury, during which time he managed the election-costings process. One could not get anyone more qualified than Bob Sendt to oversee election costings. The Opposition has appointed him to oversee all of its costings for the upcoming election. Ask anyone across New South Wales or in this Parliament whether they respect Bob Sendt. The answer is yes. Is he independent? The answer is yes. Does he have the expertise? The answer is yes. Has he the relevant Treasury experience? The answer is yes. Bob Sendt is the perfect person to oversee the costing of an Opposition and we are delighted with that.

The detail of this Parliamentary Budget Officer Bill addresses the heart of concern regarding costings. It is important to note that clause 19 allows costing requests to be made during the period from the day on which the last State budget before the election is presented to Parliament until the State general election. Interestingly, we argued in our bill for access to independent costings from the day the final budget is brought down from the State Government until the election. That is the clear process we seek and the good news is that it is included in this bill. We are happy to support that clause, but there is a caveat, which states:

> For the State election due to be held on 26 March 2011 costing requests may be made from 25 January 2011.

That means that for every future Opposition and Government there will be a full and proper costing process, full disclosure and full engagement, but that access is not available for this current Opposition and Government as this bill is pushed through five minutes after midnight. Why is there no access to do our costings now? Because there is no-one in the office.

Mr Barry Collier: You've got Bob Sendt. What's the problem?

Mr MIKE BAIRD: He is doing it, but we have no people in the Parliamentary Budget Office. That is why we got on with our costing process and appointed Bob Sendt. I thank the member for Miranda for the

endorsement. Obviously, this costing process will apply for years to come, but at the moment there is no Parliamentary Budget Office. How can we engage with an office that is not there? Clearly, we have to get on with our own process. Clause 14 also states that the Parliamentary Budget Officer is to prepare an operational plan that includes—

Mr Barry Collier: Can we use Bob Sendt too?

Mr MIKE BAIRD: I am happy. You can ask Bob Sendt. In fact, he would do much better than what you would be doing. The Parliamentary Budget Officer is to prepare an operational plan that includes the objectives of the officer in exercising his or her functions, a broad outline of the strategies of the officer to achieve those objectives, and a schedule of the activities that the officer proposes to undertake. That demonstrates that the plan, the mandate and the charter of this Parliamentary Budget Office is yet to be determined. That would need to be in place before progressing to this form of legislation. There needs to be detailed consideration of what it should be. In principle, we support the concept of an independent costing. We certainly think that a Parliamentary Budget Officer is likely to play a role in future governments. However, during the next 48 hours we will review the intimate detail of this particular proposal to determine whether we support it.

On the basis of lack of consultation and a complete disregard for the standing orders to push a bill through without any rhyme or reason provided in defence of such haste, we will not support it as it stands. We believe the cost, function, resourcing and term of appointments, the whole of parliamentary engagement in this process, deserves serious consideration because, as we have said, in principle the concept of a Parliamentary Budget Officer and his or her role in relation to ongoing parliaments and for future members of this place deserves serious consideration and certainly is worthy of merit.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [7.57 p.m.]: I am pleased to speak to the Parliamentary Officer Budget Bill 2010. The object of the bill states:

> ... to establish the Parliamentary Budget Officer as an independent officer of Parliament with the following functions:
>
> (a) preparing costings of election policies for parliamentary leaders and Independent members (including a budget impact statement for all their policies) in the period prior to a State general election,
>
> (b) preparing costings of proposed policies of members of Parliament at the request of the member at any time during the year,
>
> (c) providing to members of Parliament analysis, advice and briefings of a technical nature on financial, fiscal and economic matters (including in relation to the costing of proposals included in the State budget).
>
> The Parliamentary Budget Officer will be appointed jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly (the ***Presiding Officers***). Parliamentary staff employed by the Presiding Officers to assist the Parliamentary Budget Officer to exercise his or her functions will comprise the Parliamentary Budget Office.

On 10 May the member for Manly—who, of course, aspires to be the Treasurer and perhaps one day the Premier—said in relation to election costings that leadership must be shown, that the politics of old should be put aside and that at election time the interests of the community once and for all should be put above individual political pursuits. He referred to the soap opera that is the elections-costing process, and said that the community wants to know that the costing process involves rigour and independence. He wants to know that policies are costed properly and with due process, having regard to expert advice. So far all we have heard from the member for Manly and shadow Treasurer is that a former Auditor-General, Mr Bob Sendt, will oversight the Opposition's costing, but he has said little more than that.

The member for Manly mentioned independence, so I will deal with that issue. The Parliamentary Budget Officer will possess security of tenure for an initial period of nine years to ensure true independence of the office. The method of appointing the Parliamentary Budget Officer will be through a committee of senior government officials that will make recommendations to the Presiding Officers of Parliament who in turn will make a final appointment for an initial term of nine years, which is more than two terms of parliamentary service.

The panel of senior government officials will consist of the New South Wales Ombudsman, the Chairperson of the Independent Pricing and Regulatory Tribunal and the New South Wales Information Commissioner. The member for Manly raised the issue of independence. I cannot contemplate any process for appointment that could be more independent than the one I have outlined. The bill establishes a truly

independent body as an arm of the Legislature. The position will report to both Presiding Officers of Parliament. It will be responsible for the costing of election promises made during election campaigns, and the Parliamentary Budget Office will carry out a whole lot of valuable work for members of Parliament between elections.

The concept of the Parliamentary Budget Office is above politics. The Parliamentary Budget Officer will be appointed through a rigorous and independent process. The officer will be provided with resources and finances that are required to carry out the duties in a very timely and professional manner, with security of tenure to ensure that the officer is above political influence by any political party. This is transformational legislation. New South Wales will be the first jurisdiction in this great land of ours to set up such an office, and that is to the credit of this State. The bill covers all the concerns expressed earlier this year by the Opposition in relation to election-costing issues and more. The Opposition should take the lead of its Federal counterpart and wholeheartedly support this excellent proposal.

The member for Manly would have us believe that this legislation has come out of the blue and that members really have not had time to consider a proposal that has come out of left field. The concept of an independent Parliamentary Budget Office was raised at the Australia 2020 Summit and was included in the final report of the summit in May 2008. The idea is based on models that are in operation internationally. The Federal Coalition announced its intention to establish an independent Parliamentary Budget Office. The announcement was originally made by the former Federal Leader of the Opposition, the Hon. Malcolm Turnbull, MP, during his reply to the budget in 2009. The initiative was reannounced by the current Federal Leader of the Opposition, the Hon. Tony Abbott, MP, in Canberra on 22 June this year.

Following that, the Coalition introduced a bill to the Senate. On 12 August this year the Federal Coalition announced that an elected Coalition government would establish a Parliamentary Budget Office that is similar to the United States Congressional Budget Office. After some debate the current Prime Minister, the Hon. Julia Gillard, MP, expressed her commitment, in an agreement with the Hon. Bob Brown, MP, to establish a Parliamentary Budget Office within 12 months of the date of the agreement, 2 September 2010. Even more recently, the Federal member for Lyne, Rob Oakeshott, MP, who is a former member of this House, announced that establishment of an independent Parliamentary Budget Office was one of the improvements agreed to as part of a Federal parliamentary reform document that was being finalised.

It is really rather rich for the member for Manly to say that the Opposition knew nothing about the legislation and that it has come out of the blue. He said that the Opposition had not thought about it and had not had an opportunity to consider it, but that the Opposition agrees with the bill in principle. He said the Opposition will examine its provisions and will announce its decision whether to support the bill within a few days. The member for Manly queried the functions of the Parliamentary Budget Office. They are set out clearly in part 3 of the bill. Clause 12 confers on the Parliamentary Budget Officer functions relating to the preparation of election policy costings under part 4. Clause 13 authorises the Parliamentary Budget Officer, at the request of any member of Parliament, to prepare a costing of a proposed policy of the member, and provide any analysis, advice or briefings of a technical nature on financial, fiscal and economic matters. I draw to the attention of the member for Manly the fact that the functions of the Parliamentary Budget Officer are outlined clearly in the bill.

The member for Manly referred to the legislation being an insurance policy. In one respect, it is—but it is an insurance policy for the people of New South Wales, not for political parties. The bill addresses all the concerns raised by the Opposition earlier this year when the elections-costing issue emerged. The Opposition really has no excuse for failing to fully support the Government in relation to this initiative. The bill accords with the call made by the member for Manly for a costings process that is independent, reflects due process, and enables the community to know with confidence that when a policy has been put forward, it has been properly costed and planned and that appropriate experts have reviewed it. The bill delivers on the Premier's commitment to have election costings judged independently. The Parliamentary Budget Office no doubt will grow in stature and respect in coming years. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst) [8.05 p.m.]: For a man learned in the law, the member for Miranda has managed to be as obfuscatory as possible in his attempt to justify legislation that is unjustifiable. Let me begin where debate on this legislation should start—the standing orders of the Legislative Assembly of New South Wales. For good reason, members of both sides of this House agreed to standing orders that were approved by the Governor on 21 February 2007 and to amendments that were approved on 30 July 2009. A copy of the standing orders is available from the table each and every day. The standing orders set out the rules with which members must comply. Standing Order 188 (10) in regard to bills states:

> The mover shall ask the Speaker to fix the resumption of the debate as an Order of the Day for a future day which shall be at least five clear days ahead.

I emphasise that the period between introduction of the bill and debate on its provisions is stipulated as "at least five clear days". The standing order reflects a broad understanding among members of this House that the only valid way legislation should pass through this Chamber is when the community, the Opposition and for that matter even members of the Government have been given the right to examine provisions of a bill that may become law. The purpose of allowing five days for consideration of a bill is to provide each and every member with an opportunity to examine its provisions closely and to satisfy themselves that the law will be workable in the best interests of the people of New South Wales. It is as simple as that. However, in contrast to that, tonight we are debating a bill that was introduced literally only a few hours ago by the member for Riverstone.

Mr John Aquilina: No it wasn't.

Mr BRAD HAZZARD: I apologise. It was introduced by the Minister for Police, and Minister for Finance, but the member for Riverstone moved for the suspension of standing orders to allow the bill to be rammed through this Chamber in complete defiance of Standing Order 188 (10). As the member for Manly has indicated, for that reason alone the Opposition would not ever consider supporting a bill that has been introduced in such circumstances. The bill before the House has major costing implications that are of interest to the people of New South Wales, and it deserves close scrutiny. On top of costing aspects, members should consider whether the bill achieves the aim of accomplishing truly independent costing of campaign commitments given by each side of politics. I think that is highly questionable.

I do not propose to examine the bill in detail but, in the short time that has been available for me to consider the provisions of the bill, it seems there are issues requiring close scrutiny. If the bill is agreed to, apparently it will establish the position of Parliamentary Budget Officer and staff, as well as the capacity for the Parliamentary Budget Office to seek advice from external consultants. At the very least, one imagines that a reasonable sized staff to do this job will probably cost taxpayers $2 million, $3 million or $4 million a year. That is possibly $16 million over the term of each election cycle, from here to eternity. Will taxpayers get reasonable value from that, and will it achieve the outcomes that this bill purports it will? That is highly questionable, and it deserves close scrutiny.

Under this bill, the Parliamentary Budget Officer will be accountable to the Presiding Officers. The bill contains a rather convoluted and difficult formula that tries to have a balance of political parties when it comes to the Presiding Officer of this place. In reality there could well be Presiding Officers who, for various reasons, are incapable of properly managing and supervising the objectivity and independence of the Parliamentary Budget Officer. The Government has attempted to give the Parliamentary Budget Office a gloss and some semblance of independence, but at the end of the day this office and officer will be within the overall structure of the Parliament. I have been here a while and on many occasions I have seen—

Mr Barry Collier: One might say too long.

Mr BRAD HAZZARD: The member for Miranda is clearing off a lot quicker than me because obviously he has failed at his job. I am still here because I am doing my job. The reality is that these officers are exposed to the possibility of influence within this Parliament. We have had recent examples. While I do not cast aspersions on the majority of parliamentary staff, on occasion political partiality and influence can operate in this place. In fact, I have seen it operate on a number of occasions to defend and protect members of the current Labor Government, in particular.

Mr Barry Collier: Point of order: The member for Wakehurst is making serious allegations. I ask you to bring him back to the leave of the bill, which is a different thing altogether.

Mr BRAD HAZZARD: To the point of order: The whole issue is about whether this bill is establishing an impartial review process, and it is proper that I raise this issue. I am not referring to specific issues, although, if the member for Miranda would like me to, I would be delighted to do so. But I am not doing that; I am simply observing the possible influence that can be exercised in this place. In fact, it has happened under this Government.

ASSISTANT-SPEAKER (Mr David Campbell): Order! I ask the member for Wakehurst to resume his seat while I rule on the point of order. I understand why the member for Miranda was seeking to protect the integrity of the officers of the Parliament. However, in the fact that the bill seeks to establish a Parliamentary Budget Office wherein, as I understand it, the bill would provide that the incumbent of that office is responsible to the Parliament, then I think some comments around the administration of the Parliament are appropriate. The member for Wakehurst has the call.

Mr BRAD HAZZARD: I am concerned that a truly objective, impartial process is being established and, in effect, whether it is unable to be tainted. It is critical that it be unable to be tainted. I am not convinced that having a Parliamentary Budget Officer operating within the structure that the bill purports to establish will give that guarantee. There are other issues. The member for Miranda seemed to be somewhat excited about the fact that the first officer will be appointed for nine years. I wonder why.

Mr Barry Collier: Longer than two terms—I told you why.

Mr BRAD HAZZARD: I heard what the member said, but what he said was viscerally empty of any substance.

ASSISTANT-SPEAKER (Mr David Campbell): Order! Members will direct their comments through the Chair.

Mr Barry Collier: Stick to the bill! I listened to you in silence.

Mr BRAD HAZZARD: I did not interrupt one word that the member for Miranda said, and now he has interrupted me on a number of occasions. He should calm down and relax. He is almost out of the place. Relax! Have a good time!

ASSISTANT-SPEAKER (Mr David Campbell): Order! The member for Wakehurst will confine his remarks to the leave of the bill. He will address his remarks through the Chair.

Mr BRAD HAZZARD: The member for Miranda is going because he knows he would have been beaten at the next election.

Mr Barry Collier: You're a typical arrogant Liberal.

ASSISTANT-SPEAKER (Mr David Campbell): Order! The member for Wakehurst has the call. He will resist responding to interjections. The member for Miranda will desist from making interjections. I encourage the member for Wakehurst to confine his remarks to the leave of the bill.

Mr BRAD HAZZARD: This bill seems to have a number of aspects in it that are not a guarantee of independence. Other than the superficial response from the member for Miranda, I see no reason why the first officer should be appointed for nine years. If there is a reason to appoint them for nine years, why does the bill provide an absolute right for the Presiding Officers to terminate the appointment without any apparent reason for that termination? In terms of the upcoming election, the bill provides for the Parliamentary Budget Officer to commence on a particular day in January 2011 and the election period commences on a particular day in January 2011 and continues for a period preceding the election. If the Parliamentary Budget Officer is costing election promises, why must the taxpayers of New South Wales pick up the bill for an office that will have little, if nothing, to do basically for three and a half years of every four-year term? What is the point?

These are issues that Opposition members should rightly be asking and expecting answers to on behalf of the public of New South Wales. I understand that the member for Miranda has a written speech and his function is to argue the Government's case. However, the reality is that if he were in a more independent position he would be asking these questions as well. On behalf of the public of New South Wales, I make it clear that the Opposition cannot possibly support this bill. The Opposition, other members of Parliament and the public need time to properly examine the bill to determine whether it will achieve the outcome or whether it will cost the taxpayers of New South Wales potentially $16 million every four years, from here to eternity, for very little outcome.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [8.17 p.m.]: I am pleased that the Premier has decided to establish a truly independent body tasked with not only costing commitments by the parties during election periods but also with providing members of the Parliament with access to the economic and financial analysis and advice required to do our jobs more efficiently between election periods in the best interests of our constituents. Between elections this organisation will be helping members to better understand costing and analysis for different projects within their electorates and how policies will affect them. For the information of the member for Wakehurst, that is what this organisation will be doing between elections.

The Parliamentary Budget Office will be an arm of the Legislature, reporting to the Presiding Officers of the Parliament. The appointment of the Parliamentary Budget Officer will go through a process involving

three of the most independent public officials in the State. The office will support all parties and members in carrying out their work, not just the major parties, and will lead to more open, transparent and accountable government. This is a truly excellent initiative. Members opposite are embarrassed that they did not put forward this idea, although their Federal counterparts strongly support the establishment of such an office for the Commonwealth Parliament. If it is such a bad idea, why are their Federal colleagues supporting this idea, saying that it is a good idea and the Gillard Government should put it in place? But here in New South Wales it is a bad idea and we should not go anywhere near it. There is a stark contrast.

It takes leadership to get these things done, and our Premier is delivering. I will explore a few integral elements of the bill. The object of this bill is to establish the Parliamentary Budget Officer as an independent officer of Parliament with the following functions:

(a) preparing costings of election policies for parliamentary leaders and Independent members (including a budget impact statement for all their policies) in the period prior to a State general election,

(b) preparing costings of proposed policies of members of Parliament at the request of the **m**ember at any time during the year,

(c) providing to members of Parliament analysis, advice and briefings of a technical nature on financial, fiscal and economic matters (including in relation to the costing of proposals included in the State budget).

Clearly it is not a half-a-year job but a full-time job from election to election supporting members to do their jobs in this place. Instructively, the Parliamentary Budget Officer will be appointed jointly by the President of the Legislative Council and the Speaker of the Legislative Assembly, and provisions in the legislation ensure that the two Presiding Officers making this important decision will never be from the same political party, through delegation. The establishment of the Parliamentary Budget Officer will commence upon assent, but the provisions relating to election and other costings do not commence until 25 January 2011, in order to ensure the office is truly up and running, and to allow for a 60-day period for full and proper election costings before election day.

Apart from election costings, the bill authorises the Parliamentary Budget Officer to also, at the request of any member of Parliament, prepare a costing of a proposed policy of the member, and provide any analysis, advice or briefing of a technical nature on financial, fiscal and economic matters, including in relation to the costing of proposals included in the State budgets between each election. The functions of the Parliamentary Budget Officer do not, however, extend to providing any analysis, advice or briefings to committees of Parliament or developing policy proposals on behalf of members of Parliament. Those processes will ensure openness and transparency and proper governance. The Parliamentary Budget Officer is obliged to prepare an operational plan that includes the objectives of the officer in exercising his or her functions, a broad outline of the strategies of the officer to achieve those objectives and a schedule of the activities that the officer proposes to undertake. A draft operational plan must be provided to the Presiding Officers, who are to approve the draft plan or request changes to the draft plan.

The Parliamentary Budget Officer will have the right to request information from the head of any government agency to assist the officer in the preparation of a costing of an election or other policy under the proposed Act. This power will ensure the Parliamentary Budget Officer and staff are able to prepare accurate costings and briefings. The head of the government agency must respond to such a request within 10 business days, or such other period as is agreed by the head of the agency and the Parliamentary Budget Officer. This bill introduces a significant reform to this area of public interest and importance, a truly independent process of great benefit to members of Parliament, their constituents, and the wider community. The Government has taken the best elements of international models and listened carefully to the recent debate in the context of the Federal election in order to devise a model that will prove to be the best of its kind, leading the way in terms of this parliamentary reform.

The Opposition should take a hard look at itself. On the one hand it talks about openness and transparency, but on the one hand it opposes any initiative, for example, on election funding or costing simply because it does not want to be tested in the public arena. The Opposition does not want its policies to be properly tested. We know that in the lead-up to the last election the Opposition could not produce its transport policy because the photocopier would not work; it did not have proper costings. The recent Federal election showed that the costings of the Liberal-Nationals Coalition had a big black hole, which is why it opposed an open and accountable process that enables the public to really know the cost of its election promises. The real reason the Opposition opposes the bill is that it is worried. The Opposition can no longer attack this Government because it supports an open and independent process, so the spotlight is back on the Opposition. It is now up to

the Leader of the Opposition to show his true bona fides. Does the Opposition really support transparency? Does it want to tell the public what its promises will cost or is it all smoke and mirrors? I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [8.25 p.m.]: The principal of high-quality and independent costings, including election costings, is a good one that deserves to be fully considered, vigorously debated and developed in a way that properly addresses any concerns. I am absolutely appalled that this legislation is being rushed through in an amateur and unprofessional way. In a jurisdiction like New South Wales where the Legislature is independent from the Executive, a solid case can be made for establishing an independent Parliamentary Budget Office to assist the Legislature to scrutinise election policies, and also to look at draft annual budgets proposed by the Executive and provide analytical support to the Legislature for alternative budget proposals and other inquiries. However, this is not being handled the right way.

No doubt there are some good arguments that individual parliamentarians advocating for particular initiatives should provide a clearer picture of their impact on the New South Wales budget and on the economy in general, which hopefully would give more credibility to their proposal. It is also the case that irrespective of the reasons, persistent budget variations under this Labor Government have undermined the credibility of government forecasts as well as previous election commitments such as the Spit Bridge, which the member for Manly has pointed out. There is a problem. We need to address high-quality and independent costings, but this is not the way to go about it. The Government is going about it in a rushed, unprofessional and clearly inappropriate way.

I have a number of specific questions to put on the record and I ask that they be addressed. I received the bill less than one hour ago. In a co-operative way the member for Miranda—the Parliamentary Secretary—and his assistants were trying to find relevant provisions that none of us could find until a moment or two ago, which is indicative of the way in which the bill has been introduced. I appreciate that the Parliamentary Secretary was trying to do the right thing, so I will not quote him. I need to put a number of concerns on the record. Why are we rushing this legislation in, in an unduly hasty way? I would have thought that this Government would have learnt through previous experience that it is not good to rush important initiatives. Dare I say that the CBD metro was one example? Subsequently the Government agreed that the project had been undertaken in a hasty and unsatisfactory way.

This important initiative should not be rushed. It is ironic that the Government, in endeavouring to address proper process in budget matters, is resorting to abuse of process through not following proper parliamentary procedure and not undertaking proper consideration. The principle of transparency in the conduct and release of analysis should be enshrined in the legislation, but it should also be followed in the way that the legislation is introduced and debated.

The second question I ask is this: Why is there an appointment for initially nine years and, subsequently, up to nine years? The only notification that I think was being offered was for political reasons, to take it more than two elections away, which of itself is a cynical reason and one that does not invite bipartisanship. I will compare the terms proposed under this legislation with the terms in those three jurisdictions, which have been mentioned by the Government. I have done some very quick research. In the United States, under the Congressional Budget Office established in 1975, the first and all subsequent terms have been for a maximum of four years. The term in Canada, under the Parliamentary Budget Office established in 2008, is not more than five years. In the United Kingdom, the appointment made permanently only in October 2010 to the Office for Budget Responsibility was for five years. Even our Independent Commission Against Corruption commissioner is only appointed for five years. It is not justifiable, nor appropriate, to make an appointment for nine years and there should be very good reasons, which should be stated on the record, beyond political cynical reasons, to make an appointment of nine years.

Thirdly, I ask this question: Given the admitted costs of some $4 million in the first year and at least $3 million recurring for this initiative, what savings have been identified in Treasury to offset these extra costs? Functions are currently undertaken by Treasury or elsewhere in Government. Where are those savings being realised, and could details please be given, otherwise it is just another cost to the taxpayer of New South Wales? The fourth question relates to the request for costings and other advice, and the time frames in which they would be provided. The member for Wakehurst correctly asked why this initiative under section 19 is to commence from 25 January in terms of the request for policy costings and, if it is 25 January, why are we rushing this legislation through now? In other periods, the relevant period would start earlier as at the previous budget, which would include the time from today onwards as a minimum. The time frames are confusing under section 19 and likewise I am interested in the time frame for responses from the proposed office.

Fifthly, there are real questions about the scope of advice and the scope of functions that the office would perform. While the member for Wyong spoke in some greater detail on the functions of the office outside election periods, it is still very unclear as to the extent and the nature of that advice. I note there is some mention in section 13, but I believe it is inadequate and the general overview of the bill is potentially dangerous in scope in the absence of further clarification. One must ask whether, if we are going to have 12 to 16 staff, they would be fully occupied outside that pre-election period and, if so, on what sorts of inquiries. That whole area needs to be expanded and clarified.

My sixth question relates to not just costings but also the question of revenue projections and the impact of new taxes. We all know that the current Government has introduced new taxes in the last year—awful new taxes. We are seeing them all the time from the New South Wales Labor Government, which is desperately short of revenue and short of ideas. What would be the independent view of the impact of those taxes and would the Government's revenue projections, which have been proven time and time again to be way off mark, be questioned as well under this proposal? Certainly, in some of the overseas jurisdictions, the scope of responsibility of the Parliamentary Budget Office or officer extends to include such matters, but it is not clear under this legislation whether that would be the case. For those reasons, and for all the other reasons that have already been well articulated by previous speakers, and most importantly because the public and the media have not had a chance to scrutinise this proposal—

Mr Barry Collier: The media?

Mr JONATHAN O'DEA: The media with the public should play an important role in leading some debate, and this Opposition values the role of the media—unlike the Government obviously. The bill must be opposed and should be opposed, and this Government's rush to be seen to be the first at doing something is hasty, unwise and inappropriate. The Government has admitted that it is not its idea. It has been implemented overseas, and proposed and implemented in other jurisdictions—proposed by our own Federal party. But the Government is in a mad rush prior to an election to try to demonstrate that it is doing something. And it is a mad rush. We have a Premier who appears to be searching for a legacy of some sort, whether it be Barangaroo or this bill. We are seeing initiatives being rushed through in an unwise, inappropriate and unprofessional way.

Finally, I suggest that the Government consider a different approach if it insists on going ahead with the Office for Budget Responsibility. Perhaps a better idea would be to withdraw this bill, consider the matters fully and properly with proper consultation and, if necessary, establish some terms of reference that an interim budget office might operate under, which is indeed what the United Kingdom has done. The United Kingdom has, just this year, appointed a Chair of the Office for Budget Responsibility. Terms of reference provided much more detail than this flimsy bill and, under those terms of reference, they will apply until the legislation, which will receive proper notice, comes into force. The guidelines and the legislation will be available to the public and published on Treasury and the Office for Budget Responsibility websites. While we do not discount totally the principles behind this bill, it is absolutely inappropriate in the way it has been introduced, and it is absolutely substandard, as indeed the New South Wales Labor Party and the New South Wales Labor Government is, has proven to be and will continue to be until 25 March 2011.

Mr DAVID CAMPBELL (Keira) [8.37 p.m.]: I support the Parliamentary Budget Officer Bill 2010. Indeed I think that it is something that we, as members of this place, should embrace. For me it provides greater independence and greater opportunity for members to exercise more overview of the executive government, to look at these issues and inside the executive arm of government. Often these things come along in their time.

The DEPUTY-SPEAKER: Order! Members of the Opposition will come to order.

Mr DAVID CAMPBELL: The debate tonight shows how absolutely unprepared the New South Wales Opposition is as it wanders around arrogantly telling people that it has already won the next election. The Opposition contribution to debate tonight shows that it cannot respond to information. What has been introduced into the House within the forms of the House is a bill to set up effectively a new department of the Parliament to look at these issues at some arm's length from the executive.

What we saw from the Opposition members was an inability to grasp the information. They came in here to debate the bill and said, "It is all too hard for us", just as it was too hard almost four years ago for the then shadow Treasurer to crank up the photocopier. The then shadow Treasurer and now Leader of the Opposition could not work out how to push the print button on the photocopier. When he fronted up to a media conference in the lead-up to the last State election to talk about the Opposition's costings that was his excuse for not having fully costed policies. In this instance the Government has come to the House and put forward a bill

that would enable the establishment of an office to provide that information so that the public can indeed scrutinise it and the media can look at it. The media might even write a story that Opposition members might then use to frame a question to ask in question time, as they are prone to do. This is an opportunity for us to embrace change, embrace an idea whose time has come and move forward. However, the Opposition does not have the ability to do that.

In question time today the Premier pointed out to the House how words tumble out of Opposition members' mouths. They were going to set up an infrastructure fund in the Hunter and charge Hunter Water customers for the privilege of setting it up. They changed their minds on that matter about four times in a couple of media interviews in the Hunter. With this bill the Government is providing the opportunity for a Parliamentary Budget Office to look at costings before the words tumble out of Opposition members' mouths, and help them to get it right. I would have thought the Opposition would embrace this bill from that perspective. The bill delivers something new and I welcome it because, as I have said a couple of times, I believe it provides greater capacity for members of Parliament to be independent of the executive government.

The disingenuous argument from Opposition members that it is all too hard for them, they cannot read the bill, they do not understand it and they have not had time, is clearly their attempt to make sure they cannot find the print button on the photocopier in the run-up to the next election. That is what it is about; it is about trying to block the legislation and find a way to avoid scrutiny. I am pleased to say that a Labor Government, led by Kristina Keneally, is prepared to put in place a policy and a procedure whose time has come to ensure that the Government's plans for the next election and beyond are costed under this new mechanism. It shows how underprepared Opposition members are when, despite all the debate around this concept, the best they can come up with tonight is that it is too hard and they have not had enough time.

The people of New South Wales deserve better from the New South Wales Opposition. I am confident that the concepts in this bill will provide independence and an opportunity for individual members of this place to get a better understanding of how the budgetary process works. It will provide the community, whether through debate in this Chamber or discussion in the media, with a better opportunity to understand the costing of both Government and Opposition policies in the future. I commend the bill to the House.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [8.43 p.m.]: In speaking to the Parliamentary Budget Officer Bill 2010 I point out that the New South Wales Liberals and Nationals have been campaigning for some time for the independent costing of election promises. There was an agreement by way of a handshake between the Leader of the Opposition and the Premier on having election promises costed, so the Coalition is totally committed to having its promises in the lead-up to the election costed independently. We hoped the Government would be committed in exactly the same way.

However, there is no reason for the process to cost $3 million a year over the four-year budget cycle. Why are we going to let this process cost $12 million over four years? There is absolutely no reason for that and no reason why the process should go on for longer than six months. The cost is one of the reasons we are going to oppose the bill in the Legislative Assembly. When every member of Parliament has community groups and other organisations, hospitals and schools looking for $5,000 here and $10,000 or $50,000 there, and it is not available from the Government, the Government is looking to spend $12 million on what Kim Beazley called a boondoggle—an organisation that needs only limited time to carry out its purpose. I am not quite sure what the Parliamentary Budget Office is meant to do for three and a half years after the election in March.

Cost is one of the reasons we are not supporting the bill. We are totally committed to having election commitments independently costed and we wanted the Government to do the same. We do not have confidence in Treasury and there is no reason for this cumbersome process. We question the cynical approach taken by the Government. The former Minister for Transport says he is committed to transparency and reform but where was he four years ago in the lead-up to the last election? This issue was not put on the agenda just a week ago; this has been on the agenda for almost a year since Kristina Keneally became Premier. If the Government was genuinely committed to it we might have seen this legislation come forward in March, in which case the Parliament, the media and the public would be more accepting of what the Government is proposing.

This is a cynical measure by a cynical Treasurer. He was the general secretary of the Labor Party for goodness knows how many years. He is a political player of the most sinister kind. They slotted him into the upper House. Nobody has ever voted for that bloke in his life. He has an eye on the election in March and the bill is part of that strategy. It is a cynical political ploy that will cost taxpayers $12 million when there is no need for us to spend more than a fraction of that to have Government and Opposition promises independently costed. That is why we oppose the bill.

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [8.46 p.m.], in reply: My comments will be brief and the brevity will be commensurate with the lack of detail provided by Opposition members in response to the bill. They came in here tonight and cobbled together the flimsiest response to the proposition. If members needed any indication of how flimsy their response was, the member for Murrumbidgee's summary is quite apt. He said this issue had been on the agenda for a year but every other Opposition speaker tonight said there had not been enough time.

There are two main limbs to their opposition to the bill. The first is, to use the words of the member for Murrumbidgee, that they do not trust Treasury and therefore there is a need for independence. We have put forward a proposition, a scheme, under which a panel of senior government officials consisting of three independent officers—the New South Wales Ombudsman, the Chair of the Independent Pricing and Regulatory Tribunal, and the New South Wales Information Commissioner—get to pick the Parliamentary Budget Officer.

The DEPUTY-SPEAKER: Order! Opposition members will come to order.

Mr MICHAEL DALEY: The fact is that this officer will report to Parliament independently of Government. Nine years security of tenure goes to the question of independence. The method of appointment of the Parliamentary Budget Officer through a committee of senior government officials goes to the question of independence. The fact that the Parliamentary Budget Officer is accountable to the Parliament and not to the executive goes to the question of independence. The Opposition may not trust Treasury but the fact is for 15 years the Opposition has been crowing about independent costing of election promises and they are doing tonight exactly what they did in the electricity debate.

The Leader of the Opposition and his troops said, "If this hurdle is met we will support the privatisation of electricity." They said, "If there are guarantees for the workers, we will support the proposal. If there are discounts and protections for pensioners, we will support it. If you negotiate hurdle after hurdle we will support it." The Government overcame every single hurdle put before it by the Opposition. But, at the end, the Opposition did what it is doing tonight, that is, blink. Opposition members do not really want independent costing of their promises. They propose appointing a person and paying that person to undertake their costings. Having someone on a body's payroll is not as independent a mechanism as that which we put forward tonight.

Mr Thomas George: Aren't you going to pay them?

The DEPUTY-SPEAKER: Order! The member for Lismore knows better than to behave like that.

Mr MICHAEL DALEY: The Parliament will pay them. The fact is that the Opposition wants to avoid public scrutiny. Since the Federal election there have been great moves to reform the processes of Parliament. I regard this measure as being in the same vein. The people of New South Wales want this measure. They want transparency of costing, to know that there is no politics in the costings. That is the mechanism that the Government has provided, and I ask the Opposition to reconsider its position and support the bill.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 44

Mr Amery	Ms Gadiel	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Ms Hay	Mr Rees
Mr Borger	Mr Hickey	Mr Sartor
Mr Brown	Ms Hornery	Mr Shearan
Ms Burney	Ms Judge	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Coombs	Dr McDonald	Mr West
Mr Corrigan	Ms McKay	Mr Whan
Mr Costa	Mr McLeay	*Tellers,*
Mr Daley	Ms McMahon	Mr Ashton
Ms Firth	Ms Megarrity	Mr Martin

Noes, 37

Mr Aplin	Mr Hartcher	Mrs Skinner
Mr Ayres	Mr Hazzard	Mr Smith
Mr Baird	Ms Hodgkinson	Mr Souris
Mr Baumann	Mr Kerr	Mr Stokes
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Besseling	Mr O'Dea	Mr J. H. Turner
Mr Cansdell	Mr O'Farrell	Mr R. W. Turner
Mr Constance	Mr Page	Mr J. D. Williams
Mr Dominello	Mr Piccoli	Mr R. C. Williams
Mr Draper	Mr Piper	
Mrs Fardell	Mr Provest	*Tellers,*
Mr Fraser	Mr Richardson	Mr George
Mrs Hancock	Mr Roberts	Mr Maguire

Pairs

Mr Gibson	Ms Goward
Mr McBride	Mrs Hopwood

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL 2010

NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2010

Message received from the Legislative Council returning the bills without amendment.

COASTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2010 (NO. 2)

Agreement in Principle

Debate resumed from an earlier hour.

Mr ROB STOKES (Pittwater) [8.59 p.m.]: I shall make a brief contribution to the debate on the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). I acknowledge the huge effort that preceded the introduction of this bill. The Minister and shadow Minister visited all the identified coastal erosion hot spots along the New South Wales coast. From my misspent youth, I have a pretty good knowledge of them all as well—although at the time I was more interested in the surf than the foredune. I have also had the opportunity to consult widely with my local community.

I express my gratitude to Angus Gordon; Brendan Donohoe; Dr Tom Kirsop; Paul Maddock; Gordon Lang and Steve McInnes from Surf Life Saving Sydney Northern Beaches; Councillor David James from Pittwater Council, who is also the convenor of the New South Wales Chapter of the Australian Coastal Society; Paul Hardie and Chris Hunt from Pittwater Council; Professor Bruce Thorn, who has given me the benefit of much of his wisdom; and Gary Jackson, chief executive officer of the Coastal Environment Centre at Narrabeen, which is a wonderful coastal resource established by the Liberal Government in 1991.

I acknowledge the efforts of the Minister to be consultative and the involvement of members of Parliament who represent coastal electorates. I also thank the Minister's hardworking staff, particularly Paul

O'Grady, for explaining some of the intricacies of the legislation. However, the Opposition has reached the consensus that this legislation requires more work before it will be suitable to support. The reasons for this precaution are based on the history of the development of this bill, and the legislation and guidelines are affected by it.

Coastal protection legislation in New South Wales had its genesis in the 1970s: first, proactively with the establishment of the Coastal Lands Protection Scheme by the Askin Liberal Government in 1973 to purchase some of the most valuable areas of the New South Wales coast; and then reactively when massive sustained low pressure systems off the New South Wales coast caused huge damage in coastal communities, particularly in 1974. Pittwater lost a number of homes at Bilgola, with Newport Surf Club damaged and unit blocks at Narrabeen undermined. On the far North Coast, the hamlet of Sheltering Palms was abandoned following catastrophic damage.

The Coastal Protection Bill was introduced at the same time as the Environmental Planning and Assessment Act and was designed to be an umbrella Act, providing direction and leadership but leaving the local planning for coastal management to the relevant local councils. The next big reforms were introduced by the Greiner Government in the late 1980s, with the release of the New South Wales Coastline Hazard Policy in 1988, the commissioning of the New South Wales Coastal Manual in 1990 and, as a central reform, the introduction of the first New South Wales coastal policy, also in 1990. A review of the coastal policy was prepared in 1994, but the change of government meant that it was 1997 before the new coastal policy was introduced.

The introduction of State environmental planning policy [SEPP] 71 in 2002 imposed significant controls on inappropriate development on our coast, and sought to impose a clear development assessment framework for the coastal zone. The Crown Lands Act and relevant regulations were then altered in about 2001-02 to prevent private owners from grabbing public beaches on the basis of the doctrine of accretion unless they could demonstrate that the accretion was permanent. Yet, from around 2004 onwards the balance shifted quite dramatically. First, the independent Coastal Committee appointed by the Greiner Government in 1989 was abolished, depriving the coast of an independent advocate in government. Next, the introduction of part 3A and its interaction with State Environmental Planning Policy Major Projects 2005—which specifically applied to certain coastal areas and categories of coastal development—meant that the coast in relation to any significant subdivision was removed from the protection of State environmental planning policy 71.

By 2007 the exemptions from State environmental planning policy 71 meant that Sandon Point, about 53 hectares north of Wollongong, was the subject of a part 3A application for an extensive residential subdivision on low-lying flood-prone coastal land. This was the subject of litigation in *Walker v Minister for Planning*. His Honour Judge Biscoe found that in circumstances where neither the director general's report nor any other document before the Minister appeared to have considered whether climate change flood risk was relevant to this flood-constrained coastal plain project, the Minister was obliged to consider coastal erosion risks. The judge determined that the Minister did not discharge that function. The Government disagreed, and the then Minister lodged an appeal on the basis that he was under no duty to consider ecologically sustainable development or the issue of climate change flood risk.

The appeal was successful, although the Court of Appeal noted that ecologically sustainable development was likely to become a mandatory consideration over time, a view subsequently endorsed in *Aldous v Greater Taree*. I agree, and believe that a government committed to ecologically sustainable development would seek to make decisions in accordance with this principle rather than argue that it should not be so bound.

Coastal developers increasingly sought to use part 3A as a means to avoid local government and environmental standards. I am aware of several concept plans that appear specifically designed to fit within the Minister's discretion under State environmental planning policy major projects so as to avoid the restrictions on development imposed under State environmental planning policy 71 and local planning controls—the original ridiculous proposal for Currawong in Pittwater is a notable example.

In 2008 the then Minister for the Environment, John Robertson, citing longstanding issues at Belongil Spit near Byron Bay, announced plans to give private property owners in areas prone to coastal erosion the ability to temporarily protect their properties in emergency situations while development applications for permanent protective works were under consideration. At around the same time, the Government belatedly changed its attitude about climate change flood risks and released a draft policy statement on planning in coastal

areas in the face of rising sea levels. Now, after another year or so, there have been two changes in Premier, and in Minister for the Environment and Minister for Planning. The whole issue has been rather suddenly and unceremoniously dumped in the lap of the current incumbent in the Environment portfolio, who, to his credit, has sought to make the best fist of it and present something workable to Parliament. But this whole sad history of delay, inconsistency and hypocrisy means that there is a lot of hard work to do in order to get back to basics on this issue and sort it out properly.

The present system is simply too complex. Proponents and councils have an extraordinary array of legislation and guidelines to consider, and it is worth outlining just a few of them. There are many and perhaps this is not an exhaustive list, but they include the Coastal Protection Act 1979, Ministerial Requirements under the Coastal Protection Act 1979, a Guide to the Statutory Requirements for Emergency Coastal Protection Works, a Guide for Authorised Officers under the Coastal Protection Act, the Environmental Planning and Assessment Act 1979 and regulations under that Act, Coastal Design Guidelines for New South Wales, State Environmental Planning Policy No. 14 Coastal Wetlands, State Environmental Planning Policy No. 26 Littoral Rainforests, State Environmental Planning Policy No. 50 Canal Estate Development, State environmental planning policy No. 71, State Environmental Planning Policy (Infrastructure) 2007, guidelines for assessing and managing the impacts of seawalls, relevant regional strategies, relevant local planning controls in local environmental plans and development control plans, the Local Government Act 1993, Coastal Protection Service Charge Guidelines, New South Wales Coastal Policy 1997, New South Wales Coastline Hazard Policy 1988, Sea Level Rise Policy Statement, New South Wales Coastal Manual 1990, and guidelines for preparing coastal zone management plans.

It is no wonder renowned planning law expert Les Stein has declared the New South Wales environmental planning system to be by far the most complex in Australia. Good planning for coastal areas is simple, integrated and readily understandable by the community. This bill is neither simple, integrated nor readily understandable. The guidelines for assessing and managing the impacts of seawalls seem to be incomplete, hastily written, unworkable and unable to deliver on the substance of the bill. Fundamentally, for all the guidelines and regulations, notes and legal opinions, I cannot see that this bill gives the Minister any powers that he does not already have. It seems to provide more seawalls for the Government to hide behind when the storms come, and when waterfront property is once again under direct threat.

Complexity and confusion brings with them increased risks of litigation. This bill reads like lawyer's pornography—lawyers will be salivating over the opportunities that this bill presents for legal challenges. For instance, there is the definition of reasonable access to beaches where emergency works have taken place on public land. Various sections of the bill refer to activity that "unreasonably limits or is likely to unreasonably limit public access to a beach or a headland". What on earth does this mean? For me, public access to our beaches is sacred. No expropriation of any part of a public beach without compensation would seem reasonable to me at all. What about the scope for jurisdictional fact arguments, or for arguments about immunity of councils and public authorities? How, for instance, can a council claim an immunity based on good faith if its authorised officer does not have specialist training in the assessment of emergency works on beaches? And what exactly is the threshold of training that might suggest an appropriate level of competence? After all, every beach is different and every structure is different. A person competent to assess works on one beach may not be competent to assess works on another.

What about the immunity of works by State authorities? The Civil Liability Act provides a limited general immunity, but there is no provision analogous to section 733 of the Local Government Act applying to works approved by State authorities, crucially for the Minister, under part 3A of the planning Act. One of the biggest gaps in our coastal defences from a litigation perspective must surely be the fact that it appears the Minister and the State Government are wide open to claims in negligence for decisions made in relation to coastal development under Part 3A. In the Sandon Point case, for example, the State accepted that the Minister and the department had failed to properly consider climate change flood risk in reaching a determination. There is no immunity for actions in negligence there. On the basis of the evidence in that case, damage from reasonably foreseeable climate change flood risk may well fall to be payable by the taxpayers of New South Wales.

And then there is the issue of leadership. The New South Wales Government should assume the lead in planning for coastal recession and the reality of rising sea levels. That means more than policy statements and press releases: it means, in the first place, taking responsibility for integrated coastal management along the New South Wales coast. New South Wales has a growing population and, despite the best efforts of the Labor

Government, a growing economy. However, physically, New South Wales is shrinking. We have an eroding shoreline. Our most valuable land assets are those that are most endangered. This is a reality that requires strong leadership to counter.

The most recent coastal management tools with legislative force provided by the State Government date from 1990. It is a bit rich for the Government to criticise local councils for failing to develop coastal zone management plans when Labor has not provided any leadership. Premier Carr promised a new coastal manual in 2001, but so far, despite the publication of scores of new research papers on the impact of climate change on our coasts, no comprehensive coastal management plan has been adopted. I asked about the status of the State coastal manual in 2007 and received the following answer:

> ... a review of the Manual to incorporate the underlying principles for coastal zone management and ecological sustainable development detailed in the New South Wales Coastal Policy has been undertaken.
>
> The Department of Environment and Climate Change has prepared a new Coastal Zone Management Manual to provide generic guidelines for councils to follow during the preparation of coastal zone management plans and will be released for public exhibition in the future.

Three years have passed, and no coastal zone management manual has been released. How can the Labor Government expect local government to engage in coastal management when it fails to lead? Speaking of leadership, it is interesting to look at the language in amendments to sections 55G and 55H. The bill subtly changes the Minister's role from "approving" the plan, which provides a clear ministerial endorsement and acceptance of its contents, to merely certifying that the plan has been prepared in accordance with the formal requirements of the Act. It is a subtle change of language, which suggests that the Government's intention is all care but no responsibility. But surely the most telling element of the bill in relation to the Labor Government's abdication of leadership in coastal management is evidenced by the fact that the provisions of the bill do not apply to State Government entities or to subdivisions, or to other developments under part 3A of the Environmental Planning and Assessment Act.

How can government expect others to follow the rules it sets when it fails to apply the same rules to itself? The exemptions mean that the provisions and ostensible coastal protections in the bill and its guidelines do not apply to powerful development interests with access to part 3A, or to powerful government departments. Even coastal management plans prepared by councils and signed off by the Minister for Climate Change and the Environment will not be enforceable against government bodies that breach or ignore them. It is ironic that one of the fundamental causes of the erosion problems at Belongil Spit, which lies at the heart of this legislation, is the car park developed on the beach by the Department of Public Works and Services. Under this bill, exactly the same issues could arise in future. As Friedrich Hegel notably observed, "The only thing we learn from history is that we learn nothing from history."

My former mentor in a law firm at Mona Vale had a mantra that he would repeat incessantly as an answer to just about all my questions—"The long way is always the short way." That axiom applies to this issue. Our coast is precious; it is fragile and it is changing. We need to act now, yes; but with undue haste, no. Our approach should have three elements. First, we need to prevent the mistakes of the past. Residential subdivision, intensive redevelopment, and building permanent structures on impermanent littoral lands, like Currawong, need to be stopped. It is appalling that the Government has failed this test. In 1991, a Federal parliamentary committee made the explicit, condemning comment that existing "ad hoc, hodge-podge pattern of development slowly nibbles away at a precious and beautiful resource, the natural coastline". Yet right along the coast, the pattern of unsustainable, uncoordinated ribbon development has only picked up pace.

Secondly, we need a clear structure Act and policy based on contemporary evidence and a comprehensive and continuing coastal vulnerability assessment to provide leadership to councils and owners. We also need to reinstate a truly independent coastal council to provide advice to councils, State governments and owners. The third and final element of a proper, evidence-based approach is to ensure that coastal zone management planning, properly prepared in genuine consultation with affected communities, forms part of clear and simple land use plans. Coastal zone management should not be separate from land use planning under the planning Act. It should not be a separate system, but rather should all be in the one place and under the one system.

Choices for managing coastal erosion, which are being amplified by rising sea levels, are stark. In *The Coast of Australia*, 2009, a seminal publication by Andy Short and Colin Woodruff, three options are summarised: to protect, to accommodate, or to retreat. At this point, it is important to say something about

planned retreat. It is a policy that is popular in some parts of the southern parts of the United States where completely ridiculous development that is right on the beach is backed by large expanses of State-owned land. These are not the conditions that predominate on the New South Wales coast. In most cases in New South Wales, there can be nothing planned about planned retreat because there is nowhere to retreat to. There is nothing planned about retreat that expropriates people's homes without recourse or assistance. Planned retreat without anywhere to go is surrender by another name. [*Extension of time agreed to.*]

As noted coastal engineer Angus Gordon stated in a recent article entitled "Canute's Dilemma—Adapting to the Forces of Nature":

> Beaches and dunes, as naturally flexible systems, will adjust according to the climatic change impacts they are exposed to. When beaches are backed by assets or infrastructure, there are three choices to deal with increased shoreline recession and/or inundation: withdraw, defend with hard structures, or nourish.

Equally, private property rights are not fixed: they never have been. The intangible bundle or rights that comprise private property have developed and changed over time, from case to case, decision to decision and statute by statute as social attitudes and economic circumstances have changed. Property rights are ambulatory, just like coastlines. Property rights change and develop imperceptibly over time and involve a balance of competing interests. Any conversation about property rights on the shoreline must be mindful that the beach is property too. It is public property that belongs to everyone, and it is precious. I, as a representative of the people on the coast at Pittwater, will fight for it just as hard as a private owner will—and should—fight for their own interests.

This issue is too important to enshrine in an ad hoc system with a hands-off approach by the State Government. An integrated approach is required, with strong State Government direction that allows for local variation by local communities based on local conditions. The issue of coastal erosion is a big problem that will require, in places, big solutions. The energetic beaches on the wave-dominated coasts of the southern portion of Australia are subject to substantial erosion when a large storm occurs or during sustained low pressure systems. In the future it will not be a subtle and gradual upward creep of sea level that causes the greatest concern, but the impact of an extreme event such as a major storm whose accompanying high waves and storm surges, accentuated by sea-level rise, will cause immense damage. Fortunately, much of the New South Wales coast is remote and undeveloped. It will not need, and would not justify, protection. But other parts of the New South Wales coast are highly developed and retreat is simply not a practical option.

At a recent Australian Coasts and Ports conference, Angus Gordon explained how there is potential for offshore sand sources to offset climate change impacts on Sydney's beaches. He posits that the creation of a separate authority to manage such a large-scale sand nourishment scheme may be preferable to the approach adopted by the bill of allowing individual owners to use their best efforts to engineer a solution on their property boundary. If properly organised, such an integrated approach need not cost any more than a laissez faire approach. Our challenge is how to achieve sustainable coastal planning while an increasing number of Australians want to live on the coast and an increasing number of tourists want to play at the coast.

Coastal managers will require detailed environmental information to be able to assess the vulnerability of the coastal zone and its ecosystems to both human pressure and natural hazards. This information should feed into coastal policies that are effectively managed and enforced, ensuring that the coast and its habitats are protected and that development is excluded from coastal hazard zones as well as sensitive valuable coastal environments and ecosystems. Most importantly, as Short and Woodruff conclude, coastal development should be contained and constrained. We should focus new development in existing coastal settlements to avoid ribbon development.

The central truth of this bill occurred to me while I was building sandcastles with my kids on Sunday afternoon. We in Australia attach permanence to the occupation of our property that is ultimately ephemeral. Our attachment is not real. We are not here forever; nor is the land that we live on. We need to manage, love and protect our land and our homes, but also to recognise that the ocean will always do what it has always done—no matter how many laws, guidelines, litigation, and how much money we throw at the problem. As Canute the Viking English King said to his courtiers after he demonstrated to them his impotence over natural processes when he ordered the tide to stop:

> Let all men know how empty and worthless is the power of kings. For there is none worthy of the name but God, whom heaven, earth and sea obey.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.19 p.m.]: I am pleased to support the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). The object of this bill is to make amendments to the Coastal Protection Act 1979 and other legislation to deal with coastal erosion and projected sea level rise, including amendments relating to, first, improving the operation and enforcement of the principal Act; secondly, enabling landowners to place certain emergency coastal protection works, such as sandbags, on beaches and sand dunes to mitigate erosion in specific circumstances without obtaining development consent or other specified permissions; and, thirdly, enabling local councils to make and levy an annual charge for the provision of coastal protection services, such as services to maintain coastal protection works or to manage the impacts of such works, on rateable land that benefits from such services.

As the learned member for Pittwater said, the sea will do what it has always done. This bill takes into account, first and foremost, the concept of coastal erosion and the idea of sea level change as a result of climate change. As the member for Pittwater alluded to, coastal erosion is a naturally occurring phenomenon. One only has to look at the rocky headlands that surround the beaches up and down our coast to see the continual pounding of the waves that reduces what was once a headland to a platform. One can also see the collapse of rocks onto those platforms being undermined by the waves, particularly in the Hawkesbury sandstone around the Sydney foreshore, occasionally resulting in death and serious injury to human beings.

There are important observations to make about the sea doing what it always does, and what it always does is this. In the summer on our coast we have constructive waves that build the berm at the front of the beach and contribute to the development of sand dunes. In winter we have the destructive waves steepening the beach, wearing away the berm at the front of the beach and imposing greater erosion. On top of that, we have long shore drift, which sees the sand drift from the south to the north along our beaches, both in near shore and offshore zones. That is nowhere more evident than perhaps at the mouth of the Tweed, where the sand banks up. Even the member for Pittwater would well know the Barrenjoey Tombolo.

Mr Rob Stokes: Yes.

Mr BARRY COLLIER: That was produced by the long shore drift of sand along our beaches.

Mr Rob Stokes: It was a very good place to camp once upon a time.

Mr BARRY COLLIER: When I was a kid I camped there and surfed off the beach. I would also go up the sand hills and fish on the other side in Pittwater, but that is beside the point.

Mr Malcolm Kerr: It's outside the leave of the bill.

Mr BARRY COLLIER: Having a coastal electorate, the member for Cronulla will be interested in this.

The DEPUTY-SPEAKER: Order! The member for Miranda will not be distracted by interjections.

Mr BARRY COLLIER: On top of that we have tides, storms, cyclones, anti-cyclones, king tides and sea level change. The convergence of wet weather patterns on top of what the ocean does, and is meant to do year in and year out, means destruction and erosion. I think back to the 1960s when I surfed at Wanda Beach and north Cronulla. Between north Cronulla and Wanda Beach was an old wall with a set of old stairs that were washed away. In the 1970s the wall was washed away completely and the council rebuilt it. Not long ago the wall had to be rebuilt again, with the State Government providing $2 million of the $4 million required to do so. But erosion is something that happens year in and year out and over time. Erosion occurs year in and year out, with catastrophic consequences from time to time. We expect that. That is why this bill is important.

I turn now to what the amendments will do. First, they will improve the Act's coastal management planning requirements so that more councils get long-term coastal erosion and emergency response plans in place more quickly, including allowing the Minister to direct a council to prepare a plan. That is sections 55B, 55C and 55G of the Coastal Protection Act. The amendments establish an expert New South Wales coastal panel, with local government and public authority appointees, to act as a consent authority for development application works where council does not have a coastal plan in place, and to provide advice to the Minister and local councils. They better protect councils from liabilities so that they can carry out essential coastal actions effectively. They empower councils to protect our beaches. The amendments empower specialist authorised

officers of councils or State agencies to order the removal of temporary work if it is causing erosion or safety risks, or interfering with continued public access to beaches. They improve the powers of authorised officers of councils and public authorities to investigate breaches of the Act.

But what the bill does not do is just as important. The amendments do not stop access to beaches. Any emergency works that obstruct beach access can be ordered to be removed, and any long-term works such as seawalls will only be approved if they do not unreasonably impede access to the beach. The amendments do not reduce private property rights. Indeed, landowners will have the additional right to carry out emergency works, provided it is certified by an authorised officer, as well as make a development application for permanent works, as is the case now. Landowners will be able to apply for works to protect their property. The amendments will not allow unreasonable use of public land to protect private property. The works can only be placed on public land if it is not practical to use private land. Finally, the amendments will not force landowners to spend money to protect their property from erosion. Indeed, the emergency long-term property protection arrangements are voluntary. Having said all that, I commend the bill to the House.

Mr CHRIS HARTCHER (Terrigal) [9.26 p.m.]: Last Saturday, 16 October, 250 people attended a public rally at Ettalong to condemn the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2) and the Minister who sponsors it, the Minister for Climate Change and the Environment. The people of Ettalong produced and have distributed on the Central Coast a leaflet, which states:

> Huge New Fine$
>
> Huge New TAXE$
>
> YOU MUST ACT NOW TO PROTECT YOUR PROPERTY
>
> Demand the NSW Government withdraw The Coastal Protection & Other Legislation Amendment Bill 2010 (NO 2)
>
> The NSW Labor Government's proposed changes to the Coastal Protection Act are a disaster to the environment and an attack on the rights of tens of thousands of landowners to protect their homes and property from storm erosion. The changes also impose large fines up to $250,000 and levies on property owners.
>
> If the NSW Government succeeds with this draconian legislation a large number of homes and private property along the coast, harbours, estuaries and rivers will be at risk.
>
> The Bill sets a very dangerous precedent. If homes along Brisbane Waters and Gosford Beaches & Tidal Creeks are to be put at risk what is to stop similar style legislation for homes in bushfire or flood zones or at risk from natural disasters anywhere.

It points out three fundamental flaws in the bill:

- You'll only be able to use emergency coastal protection ONCE—then emergency protection isn't allowed ever again …
- There will be no emergency protection for vacant land under any circumstances
- Local Councils can decide to BAN all emergency protection if they wish

On Monday 18 October, 80 people demonstrated outside the office of the member for Gosford. The Minister was on the Alan Jones radio program on 2GB this morning. His evasiveness and sidestepping of the fundamental issues put to him by Alan Jones go to the heart of this draconian legislation. The Minister blamed bureaucrats and councils, and accepted no responsibility for what this legislation does, which is to deprive property owners of the right to protect their own property. The Minister, in seeking to blame councils for putting notification on their section 149 certificates, walked away from the fact that it is his Government that is forcing councils to insert those clauses in section 149 certificates under threat that they will be legally liable if they do not do so.

Councils on the Central Coast reject the Minister's stance, and the people of the Central Coast are awake to this Minister and the Government that stands behind him. The extraordinary contribution by the member for Wyong, which was highlighted on the Alan Jones program on Monday, needs to be noted. The member for Wyong supports the legislation. When Alan Jones spoke to Pat Aiken on his program he said:

> **Alan Jones**: So this is going to apply to Sydney Harbour, Middle Harbour, Parramatta River, Hawkesbury River, Gosford, Terrigal, Forresters Beach, Ettalong Beach, Killcare Beach, Avoca, Pretty Beach, Norah Head, Tuggerah Lakes, Swansea. All up and down the NSW coastline.
>
> **Pat Aiken:** That's exactly right!

> **Alan Jones**: Well, why are Labor trying to push this through in the last 6 weeks of the Parliament, why?
>
> **Pat Aiken**: They are trying to get it through because there is a big fat tax with it that council can take from these people …
>
> **Alan Jones**: What are the Labor MPs from the Central Coast, this bloke in Wyong—Harris, or Andrews in Gosford or McBride at The Entrance, what are they doing?
>
> **Pat Aiken**: David Harris said, we have got to draw a line in the sand—I want to know what side of the line in the sand we're on.
>
> **Alan Jones**: Do these people understand the damages bill it could cause?
>
> **Pat Aiken**: They have got no idea of the damage it's already caused to property owners now. I mean insurance has gone up.

The member for Wyong said we have to draw a line in the sand. He supported this legislation. In standing up for property owners, the people of the Central Coast, the member for Wyong said the New South Wales Opposition was seeking to score "cheap political points". In his electorate, home after home at Norah Head is endangered, all the more so by this legislation introduced by the Minister for Climate Change and the Environment. In Wamberal in my electorate home after home is now in danger. In the electorate of Gosford along Brisbane Water, at Pearl Beach and Ocean Beach homes are now in danger. The Central Coast, more than any other area in New South Wales, is in danger from this Minister and his legislation.

The member for Wyong, the second speaker for the Government straight after the Minister, deliberately and conscientiously supported this bill and also said that a line had to be drawn in the sand when the legislation destroys the property rights of the very homes that are now affected, which speaks volumes about the commitment of the member for Wyong to those who are in danger in his electorate. The member for Gosford has not even bothered to participate in this debate, so much for her concern for the residents endangered in her electorate. That is why 80 people protested against this legislation outside her office yesterday. The Central Coast *Express Advocate* has made clear the sentiments of the people of the Central Coast. In its editorial of 21 October 2010 it stated:

> The State Government's sudden and unexpected announcement of new laws on beach erosion seems to have caught everyone unawares. Neither Gosford nor Wyong councils really know what the changes are all about. They simply haven't been told. Meanwhile people at The Entrance North and Wamberal may not be surprised they have been on the list of endangered areas because they do face erosion problems, as do those at McMaster's Beach and Pearl Beach must be scratching their heads.

More than anything, homes of the people of Norah Head are precipitously exposed to the dangers posed by coastal erosion and by this legislation. They are denied the right to protect their own property and the support of the member of Parliament, who has pledged and promised to support and represent his constituents. A further editorial in the *Express Advocate* stated:

> LOCATION, location, location. That's the mantra of the real estate industry and in the past that has meant that if you had a seaside or waterfront property you had picked wisely.
>
> But with complicated and overlapping rules and regulations now being implemented or considered by all levels of Australian government it's becoming a nightmare. The State Government's latest proposals apparently could see homeowners fined just for trying to save their properties from storm damage. That's a bizarre situation. It also places our councils between a rock and a hard place. They are already introducing unpopular measures to counter predicted sea level rises. But the new state government Bill, instead of helping, has hindered them.

Every commentator upon this legislation draws one conclusion: that it is a dog's breakfast, it does not assist people to protect their property and it simply seeks to pass the buck. This morning on radio the Minister blamed the councils. He said not a single council has prepared a plan and then he said one plan had been filed by Byron Bay, and that was all he was prepared to concede. Yet, the thrust of everything the Minister told Alan Jones and said this morning was to blame councils. Who has introduced this legislation? Minister Sartor, and he is being backed up by the member for Wyong. The silence of the member for Gosford is deafening. I excuse the member for The Entrance, who is sick—I make no comment about him, though I would be sorely tempted to if he were here. I do not make any reflection upon him. Why were the members representing the Central Coast not at Ettalong? Why did the member for Wyong and the member for Gosford not have the courage to attend the Ettalong meeting?

Mr David Harris: It is funny when the Liberal Party sets up meetings. When the Liberal Party sets up meetings it does not invite us. That is the funny thing.

Mr CHRIS HARTCHER: There was a roll call of members of Parliament and the names of the member for Wyong and the member for Gosford were not there. The member for Wyong says it is all a Liberal Party stack—260 people coming out to protect their properties becomes a Liberal Party stack. It is information

that this Minister, the member for Wyong and the member for Gosford seek to conceal and allow to be perpetrated in the community when people are going to be denied the right to protect their own homes and face severe fines if they do so. When caught out on the Alan Jones program all this Minister did was to try to deflect the blame to the coastal councils of New South Wales. This is the image of New South Wales in 2010 and one that the people of New South Wales will have before them when they vote in 2011. Mr Pat Aiken points out that he has already collected more than 2,000 signatures on a petition protesting the council's decision to insert the section 149 notification which is forced upon councils by this particular Minister. The petition states:

> **Re: Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2)**
>
> Brings to the attention of the House [the Legislative Assembly of New South Wales] that the NSW ALP Government wishes to legislate to:
>
> * strip coastal home and property owners of long established common law rights to undertake emergency works to protect their land, homes and businesses from coastline hazards of beach erosion, shoreline recession, coastal lake or water course entrance instability, coastal inundation, coastal cliff or slope instability, tidal inundation and erosion caused by tidal waters, including the interaction of those waters with catchment floodwaters.
>
> * replaces those rights with an unworkable bureaucratic scheme that can only be used once, does not permit any emergency protection of vacant land and doesn't take into account the full range of coastline hazards;
>
> * will create a motley assortment of inconsistent outcomes up and down the NSW coast that will result in property loss and environmental degradation to sand dunes, wetlands and estuaries; and
>
> * will allow local Councils to prevent temporary or emergency protection works and to levy private property owners to pay for public beach protection.
>
> The undersigned petitioners therefore ask the Legislative Assembly to oppose the Coastal Protection and Other Legislation Amendment Bill (No. 2) and to urge legislators to instead await the outcome of the Productivity Commission National review into planning laws so that a nationally consistent approach for coastal protection can be developed.

That is what 2,000 people ask the Minister to do. Why in the dying days of this Parliament, with only few weeks to go, does the Minister seek to rush through this legislation? What is his underlying purpose or motivation? Is it simply so that the Minister can go out in a blaze of glory—as Cranky Frankie, always ready to take on any comers? Is that the legacy the Minister wishes to leave to this Parliament?

As he steps down as Minister for Climate Change and the Environment, as he most certainly will on 27 March 2011—and I will be there to collect his resignation letter—he will look back on a record where all he achieved was to strip people of their property rights. He will have achieved nothing in relation to coastal erosion. He will not have assisted councils in preparing coastal erosion plans. He will not have implemented a statewide or nationally consistent approach. He only will have told each council to prepare its own plans. Then if he is interviewed by Alan Jones he will seek to deflect the issue back to bureaucrats. A beautiful moment occurred on the Alan Jones program this morning when he put various points to the Minister. There was silence and one could picture the Minister thinking, "How do I get out of this?" He suddenly said, "Alan, I didn't do that. A bureaucrat did that."

Mr Frank Sartor: Yes, he is sitting over there in the advisers' area. It was his opinion. He has done a great job, actually.

Mr CHRIS HARTCHER: The Minister should not try to deflect it onto others. The Minister presents the bill to the Parliament and he has the responsibility. The member for Wyong, the representative of the people of Wyong, has done nothing for the people of Wyong. He has walked away from his responsibilities. The member for Gosford has walked away from her responsibilities. The people of the Central Coast will pass judgement. That judgement will not come this week, but it will come very soon.

Mr JONATHAN O'DEA (Davidson) [9.40 pm.]: I wish to make a short contribution to the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). Issues relating to water flows and impacts on and from the environment in my electorate of Davidson generally relate to creeks. The only coastal part of my electorate is on Middle Harbour at Roseville Chase, which includes the Roseville Bridge marina and Echo Point areas. However, I know that Warringah Council, which covers other parts of my electorate, has a keen interest in this matter, as do other councils in the Shore Regional Organisation of Councils [SHOROC]. If the predicted sea rises occur we will lose Echo Beach, the only beach in my electorate. What is the Government going to do to protect it? I also ask the Minister for Climate Change and the Environment: Is there any long-term plan to protect beaches in national parks? Ironically, if the predicted sea rises occur, my electorate could be an overall

beneficiary in that water views might improve for more properties than the number of properties negatively affected. Nevertheless, I support appropriate action and welcome that this bill at least aims to promote such action.

Many complex issues surround coastal erosion and how to properly address it. However, I have concerns about the apparent inconsistent treatment of certain entities and types of works and about uncertain aspects that require further clarification or attention. These have already been capably outlined by the member for Ballina and subsequent speakers in this debate and the shadow Minister for the Environment will similarly speak of many concerns in the other place. Property owners up and down the coastline are protesting, as are some of my constituents who own property on the coast. Understandably, they fear that their right to defend their properties will be reduced through this legislation. In addition, the bill has been publicly criticised by the Tourism Task Force, the New South Wales Property Council and the Institute of Valuers. Further, the Sydney Coastal Councils Group, the Local Government and Shires Associations and the Nature Conservation Council all want the bill delayed for further consultation and consideration.

While I recognise the efforts, albeit inadequate, of the Minister for Climate Change and the Environment to address certain matters, I have read legal and other professional advice that raises real concerns that warrant further consideration. These concerns include matters relating to the implementation of the proposed reform and the management of development and hazards in the coastal zone. If the bill is not deferred, it must be opposed. The Coalition will oppose it not because the relevant issues do not need to be addressed, but because we must ensure that they are addressed properly.

Mr PETER BESSELING (Port Macquarie) [9.44 p.m.]: I speak on the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). It is important when considering this legislation that we take into account two main factors: first, that the State Government takes an active role in planning for and implementing measures that deal with the impacts of coastal erosion in consultation with local communities, local councils and those who have demonstrated experience in coastal processes; and, second, that people whose homes are affected by coastal erosion and imminent threat of storm damage have the opportunity and ability to put in place measures that will protect their property, so long as those protections do not have a negative impact upon neighbouring properties or public access to our coastline.

It is very important that the Government, together with councils, delivers coastal zone management plans to provide confidence in the process. I understand that in a recent interview the Minister for Climate Change and the Environment said that since legislation was introduced in 1990 not one single approved coastal management plan has been delivered. Port Macquarie-Hastings Council, one of two councils in my electorate, has done some work in that regard. But the State has had 20 years without a coastal management plan approved by the Minister. Many communities in our State are under constant threat of coastal erosion, which has been identified by these hot spots.

People's homes are affected by notations on 149 certificates, which affect their house prices. This, in turn, affects the equity in their homes and their mortgages. Retirement plans are affected because of the reduced value of houses. When people sell their homes, they have to sell at a reduced rate because of these notations. There is no confidence in the process because management plans have not been put in place. Existing retirees are also concerned. People and properties are in limbo. We cannot continue to put this off. We must deal with coastal erosion now. It has a significant impact upon many communities, mine included. Local government alone cannot deal with this issue. I would welcome the Federal Government's involvement in these processes, but I am glad that the State Government has finally taken the step to get involved. This issue will not go away.

On 9 September 2009 I asked a question of the then environment Minister, Ms Carmel Tebbutt, about the measures taken by the State Government to support local councils trying to deal with the effects of coastal erosion. It is, therefore, pleasing—although it has taken some time—that 13 months later we now are being asked to consider an historic piece of legislation that formally identifies the State Government as a stakeholder in the major environmental, economic and social challenge facing coastal communities. I welcome the establishment of a New South Wales Coastal Panel, which requires experience in the field. Panel members must have qualifications and experience relevant to coastal planning, coastal engineering, coastal geomorphology, coastal environmental management or estuary management. I particularly note estuary management. The only hot spot that has been identified in my electorate is at Lake Cathie. The estuary is right next to that coastal erosion hot spot. We cannot pick and choose locations where coastal management plans are put in place. These plans must also take into account those estuaries that have an impact upon our coastline.

People must be provided with the ability to protect their homes. The emergency measures within this bill, which are designed to protect properties, allow those who wish to protect their properties to apply for a certificate, so long as they are included in the emergency action sub-plan. We do not want people who have the ability to protect their homes through emergency measures not being able to get through the bureaucratic red tape that we so often hear members banging on about in this place. By its very nature it is an emergency, so people need to be able to apply for the certificates quickly. It is good to see that that has been provided for in the bill.

People also need the ability to apply longer-term measures to protect their home, subject to developmental approval. We do not want to have people building massive retaining walls without having to go through the same processes as you and I and everyone else in the State have to go through when dealing with such issues. We also need flexibility to come up with local solutions that will work for local residents or property owners and councils, if they are in agreement—I am not saying that that is always going to be the case. It is good to see that it has been noted here. It remains to be seen how that will play out in a practical sense, but we need to provide flexibility in all legislation. It is good to see that it has been provided for in this legislation.

What we do not want to see is the blocking of public access and dangerous or temporary measures, such as non-engineered retaining walls and non-appropriate fill material. In the past we have seen people putting all sorts of things onto the beach to try to protect their property. I understand even old used cars have been dumped there to try to protect property. That is not what the community wants or deserves and we need to make sure that there is no effect on neighbouring properties or other properties or beaches further along the coast. I note that the Local Government Association of New South Wales and the Shires Association of New South Wales have put out a few dot points, including the following:

> The bill has been significantly amended from the Consultation Draft that was released early in 2010. The early draft gave landowners an unfettered right to repeatedly protect their own properties (with no consideration of longer term impacts or impacts on their neighbours) ...
>
> While consultation did occur leading up to the tabling of a revised Bill in June, there were still lingering concerns about the workability of some provisions of the Bill, particularly those relating to emergency works.
>
> The Associations called for a deferral of consideration of the Bill, so that these concerns, held by many member councils, could be further discussed and addressed.

The associations also noted:

> This deferral provided the associations with an eight-week window to further consult with member councils, and in July, workshops were conducted at 7 locations along the coast (Ballina, Coffs Harbour, Port Macquarie, Newcastle, Sydney, Shellharbour and Moruya). DECCW [Department of Climate Change and Water] participated in this consultation. It was important that they (DECCW) be able to hear the concerns of member councils "first hand".

There are a number of dot points, including:

> LGSA believes that the current emergency works provisions are reactive, in that they require landowners to wait until erosion is imminent (or likely to be imminent). Given that there are only 200 properties involved in the short to medium term, LGSA believes that it would be better to work proactively with those landowners to develop longer term strategies to address the impact of wave erosion. This might include protective works or planned retreat.

There are issues that require further work and need to be addressed. The Port Macquarie-Hastings Council advises that the idea of a coastal panel comprised of individuals with relevant qualifications and experience to advise on and deal with coastal issues is supported; however, the delegations for the panel to deal with development consents should not be used by the Government as a method of removing the decision-making responsibilities of local councils. In addition, the Minister can seek the advice of the panel on a coastal management plan prepared by a council and then, on the advice of the panel, direct the council to make changes to the plan. This essentially gives the Minister a right to ride roughshod over the local decision-making process. Perhaps the Minister can address that in his speech in reply. It is important to note that in my electorate the major issue for the people of Lake Cathie is not direct and imminent danger to homes but direct and imminent danger to Crown land and to roads, specifically Illaroo Road. I have a letter from Carolyn Lucas which sums up exactly what most people are concerned about. It reads:

> Dear Mr Besseling,
>
> My name is Carolyn Lucas and I am the owner of [a property in Chepana Street].

> Firstly let me congratulate you on raising the issue of Coastal Erosion in Parliament with Carmel Tebbutt. We need a voice in this matter.
>
> I would be grateful if you would raise the issue with Tony Kelly—Minister for Lands. In particular I would like you to ask him what are his Government's plans to protect their own land. As you are no doubt aware the area in imminent danger is Illaroo Road. However, little attention has been drawn to the fact that between the ocean and houses on the seaward side of Chepana Street there is a stretch of "littoral rainforest" which is Crown Land owned by the State Government. I and others are of the understanding that this stretch of land is now "rare and precious" and needs protecting (hence the funding for weeding and plant re-generation from Government) which has been given and the work undertaken. If the Government consider it appropriate and a wise investment to spend tax payers money on weeding and replanting to regenerate this "littoral rainforest" surely it stands to reason that it would also be appropriate and a wise investment to PROTECT it from coastal erosion. If not the money has been unwisely invested in a vain endeavour—with the "littoral rainforest" subsequently being allowed to fall into the ocean!
>
> So I request you to ask the Minister this question "IS THE STATE GOVERNMENT PREPARED TO PROVIDE FUNDING IN THE NEAR FUTURE TO PROTECT THE CROWN LAND THEY OWN AND HOLD IN TRUST ON BEHALF OF THE PEOPLE"?

In the bill, there is no compulsion upon public authorities to protect public lands and assets. This needs to be addressed by the Minister, particularly in relation to section 6 of the Roads Act 1993, which states:

> (1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.
>
> (2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

This needs to be addressed by the Government. How is it going to protect public lands particularly when there is a road between the coastal erosion hotspot and private properties? Within the development of coastal zone management plans the future action of State and local governments relative to public assets needs to be addressed. The impact of coastal erosion on New South Wales communities is directly upon us and the time to act is now. Given that I have approached the Government on many occasions to involve itself in coastal erosion issues, it would be hypocritical of me to reject this attempt and to reject the bill. Therefore, I commend the bill to the House.

Mr MALCOLM KERR (Cronulla) [9.58 p.m.]: It seems that there is a lot of agreement in relation to the dangers posed by the sea, but I think the public would be ill-advised to invest too much confidence that the Minister in the chair would be able to be a King Canute and seek to stop the tide coming in. The speech by the member for Pittwater outlined the Coalition's record in relation to coastal erosion, which is in fact a good record and pioneered many of the measures adopted here.

The criticisms that are made of this bill are, first, that it is done in haste. It was put out for consultation but, as member after member has said, there are significant flaws in this bill, in particular that the councils are given the power to provide plans of management. As the Minister said, no councils have put in a plan of management at this stage. Also, councils will vary in the approaches they take to this problem: some may well take extreme measures. In my own area residents of Sylvania Waters, in particular, are very concerned about the plan of management in relation to flooding that Sutherland council has put out, the levies that will rise as a result and the effect on property values. The member for Pittwater outlined a fairly comprehensive approach to this problem, with which I think everybody in this House would be in agreement.

Mr David Harris: His views are in conflict with what many people over that side have said.

Mr MALCOLM KERR: That is not true at all.

Mr David Harris: It is true.

Mr MALCOLM KERR: It is not true. He set out a very comprehensive approach to the problem and the Government would be well advised to read that speech carefully because it provides a wealth of information and a wealth of authorities on this particular problem. The member for Miranda mentioned the sea wall. That sea wall had to be rebuilt a couple of times to protect homes on Prince Street in Cronulla. The real problem with this bill is in relation to fines, as the member for Terrigal mentioned today, and how punitive it is. There should

be cooperation by all parties. Nobody wants to see the erosion of our coastline, so a punitive approach is completely out of the question. Property owners are entitled to protect their property and to take measures that ensure that protection is provided. This bill would be in a far more acceptable form if the Government were to take into account the criticisms that have been levelled by the Opposition.

ACTING-SPEAKER (Mr Wayne Merton): I call the member for Castle Hill.

Mr Frank Sartor: Will this be one of your more concise contributions?

Mr MICHAEL RICHARDSON (Castle Hill) [10.02 p.m.]: Yes.

Mr Frank Sartor: Can you keep it to the Gettysburg address?

Mr MICHAEL RICHARDSON: Two minutes and 36 seconds, I seem to remember. The Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2) has three main purposes: First, to establish a New South Wales coastal panel to advise the Minister for Environment, Climate Change and Water and to act as a consent authority for works to mitigate coastal erosion; second, to permit emergency coastal protection work; and third, to fund coastal works through levies on rateable land. Providing for emergency works certainly makes sense in theory. If a major cyclonic storm is threatening you do not have time to put in a development application to sandbag your property. But why did the Government not think of this problem when it amended the Coastal Protection Act in 2002?

Mr Frank Sartor: I wasn't here then.

Mr MICHAEL RICHARDSON: You will be interested to hear what the then Minister for Land and Water Conservation, the member for Riverstone, said. He said:

> The review (i.e the Thom Coastal Council review) identified a sequential pattern of events where a threat, or a perceived threat, to property due to storm erosion was addressed by either the owner or the local authority through the dumping of a range of materials, many of which were ill-suited to the task. After the storm emergency no attempt was made to clean up these ad hoc works. The result was that the long-term amenity of the beach was irretrievably lost, not from storm damage but from the emergency response. These problems were highlighted during apparent emergencies in 1998 and 1999 at Collaroy-Narrabeen and Byron Bay which led to the placement of ad hoc protective works with no consideration for the long-term impact on the beaches.

The fact is that you often do not have time to consider the consequences of your actions. When erosion threatens, when a storm is looming on the horizon and there are whole blocks of flats threatening to topple into the sea, most people would feel that it is time to get the bulldozers in. That has certainly happened at Collaroy-Narrabeen many times over the years. I think we have all seen those pictures of it. Indeed, I have seen in reality flats being undermined by the sea. They have not toppled in yet—

Mr Frank Sartor: Nine houses were lost in Collaroy.

Mr MICHAEL RICHARDSON: Not the flats though. One would think that was more a matter of luck than good management. It almost happened at North Entrance, and I pay tribute to the North Entrance environment group Dunecare for its work in rehabilitating the dunes there and preventing the sea from breaking in and destroying hundreds of houses behind them. The group has replaced noxious bitou bush with native species but has received no funding from this Government to help. If the sea did break through the dunes hundreds of homes would be inundated, as alluded to by the member for Ballina in his contribution when he expressed concern that the bill does not seem to recognise that beachfront protection provided by a few people may protect a whole town or part of a town. The member for Ballina cited the case of Belongil at Byron Bay, where beachfront protection at Manfred Street stops the sea from breaking through the Belongil Spit and flooding the central business district of Byron Bay. But what the member for Ballina said could equally apply to North Entrance and other towns along the coast.

The battles at Byron Bay over coastal erosion have become legendary, and I suspect have been a major reason for this piece of legislation coming before the Parliament. The council has in place a policy of planned retreat, which gives property owners no right to protect their property and requires them to demolish their homes if the sea gets too close. This has led to a number of court cases. As the Parliamentary Secretary said in her agreement in principle speech on the original bill, which has been replaced by this bill:

> A particular challenge for erosion protection works on the coast is that if they are not properly implemented they can merely transfer erosion to other locations or reduce areas of beach. On the other hand, prohibiting any action will certainly lead to losses of homes and infrastructure.
>
> There must be a balance struck between certain loss of property and potential loss of property in the future.

Most members would agree that a certain loss of property is something that most homeowners would want to avoid. The bill will hopefully mean fewer court cases will occur between waterfront property owners and councils, although section 55Y of the bill suggests otherwise. Under that subsection any landowner who has sandbagged his property to protect it from an approaching storm and fails to remove those sandbags after 12 months—the time under the original bill introduced by the Government was only six months—can be fined $240,000. That did not impress the *Daily Telegraph*, which on 24 September editorialised:

> Of all the ridiculous nanny-state examples of over-government in NSW, the proposal to fine coastal dwellers forced into protecting their properties may be the most stupid yet.
>
> The suggested fines could reach beyond $240,000, just for illegal deployment of – wait for it – sandbags.
>
> It seems the State Labor Government would rather those who live on the coast meekly submit to nature and have their homes flooded and damaged rather than take measures to protect them.
>
> If this is the direction they're going, we await with interest the Government's new policy for house fires. Going on form, Kristina Keneally's team might try to outlaw extinguishers.

The member for Wyong is nodding his head in agreement at that analysis of the Government's legislation. As well, councils may end up suing property owners to recover the costs of remedial works after emergency sandbagging has taken place. Before placing these emergency works landowners will need to obtain a certificate from an authorised officer of the council or the Department of Environment, Climate Change and Water. But will there be time to do this? Would you want to be an affected property owner somewhere on the coast at one of the erosion hot spots at eight o'clock on a Saturday night with a cyclone looming, trying to find an authorised officer of the local council or of the Department of Environment, Climate Change and Water? I reckon you would probably carry out the work and let council do its worst and vent its spleen on you after the event. I cannot think of any circumstances where that would not occur.

Moreover, under the bill, landowners would only be able to sandbag their homes once. The bill would compel them to put in a development application for permanent works or face the next onslaught of the sea with no protection for their homes. Who knows whether that development application will be accepted or whether homeowners will be able to protect their homes at all in the future? Any permanent works that were installed would presumably have to comply with the local council's coastal zone management plan. The Minister expects councils in coastal erosion hot spots—and there is a lot of debate over exactly where those hot spots are—to prepare coastal erosion emergency action sub-plans by the middle of next year and their coastal zone management plans by the end of 2011. Yet, in the eight years since the Coastal Protection Amendment Act 2002 was passed, just two of these plans have been completed—for estuaries only—despite alleged Government support. Two estuary plans in eight years for a coastline 2,100 kilometres long is not a lot of activity, but it looks as if it is going to be pretty frenzied over the next 14 or 15 months in order to meet the deadline.

The bill also makes some consequential but important amendments to the Local Government Act. Schedule 2 (6) amends section 733 (3) of the Local Government Act 1993 to clarify councils' exemption from liability for flood-prone land and land in the coastal zone. In future a council will not incur any liability for anything it does or does not do about beach erosion or shoreline recession on public land; for failing to upgrade flood mitigation works or coastal management works in response to projected or actual impacts of climate change; for failing to force the removal of unauthorised structures that result in erosion of a beach; or the provision of information relating to climate change or sea level rise. As I understand it, councils are supposed to be providing information regarding sea level rise. I do not know where a homeowner would expect to go to get that information other than to the local council. However, the modelling carried out to date is so variable that no council could be expected to make its own assessment.

Moreover, the Minister for Planning recently confirmed that councils could be sued for approving developments on land within the State's draft sea level rise predictions of 40cm by 2050 and 90cm by 2100, which makes it inevitable these figures will be used for coastal plans. The 90cm figure is 31cm more than the Intergovernmental Panel on Climate Change predicts, but 20cm less than the rise used by the Commonwealth Department of Climate Change to model flooding of residential properties. So who is right? Is it the Intergovernmental Panel on Climate Change, the New South Wales Government, which I have to say is unlikely given the uncertainty surrounding its estimates, or the Commonwealth Government?

To arrive at that 90cm figure the Department of Environment, Climate Change and Water relied partially on reports from the Intergovernmental Panel on Climate Change and the CSIRO. However, the computer models the Intergovernmental Panel on Climate Change used, such as one called MAGICC, were

inaccurate and the measures the Government has taken of sea level rise in this State show an error of up to 60 per cent. Sea level rise in this State is measured at four stations—Fort Denison in Sydney Harbour, Newcastle, and two spots in Port Kembla. Last December, Port Kembla had registered a rise of 3.1mm a year over the past 18 years, but in answer to a question on notice the Minister told me earlier this year that the station had been moved and the real result was just 1.9mm a year—that is, 60 per cent less than the figure the department was relying on to give a 90cm rise by 2100.

Fort Denison recorded a rise of just 0.8mm a year over 82 years and Newcastle less than 1.2mm a year over 31 years. To reach the levels predicted by the Government, sea levels would have to rise by an average of 6.6mm a year until 2050, and 10mm a year after that. Yet according to Stewart Smith's excellent briefing note on this legislation, which I am sure the Minister has read, sea levels around the world rose by more per year in the first half of last century than they did in the second half, and the rate slowed further in the five years from 2003 to 2008. I mention this not because I am sceptical of climate change but to demonstrate how flawed any policy based on this Government's extreme projections of sea level rises is.

Inevitably, councils will rely on advice provided by the new coastal panel set up under the bill. Three of the seven members of the panel will be nominated by the Local Government and Shires Associations and three by State Government agencies, while the chairman will be appointed by the Minister with the concurrence of the Local Government and Shires Associations. So councils will effectively have a majority on the panel and they will almost certainly tend towards the most cautious approach possible. In the past, coastal councils have used consultants to identify coastal hazard areas, and these councils have used a combination of Intergovernmental Panel on Climate Change mid-range sea level rise projections—that is 59cm—plus what is known as the Bruun rule to calculate shoreline recession. The Bruun rule—I am sure members have heard of this—is the ratio between a rise in sea level and the extent of recession of a sandy coast with no cliff or rock platform. Roughly stated, it holds that a one metre rise in sea level will result in the sea coming 100 metres further inland.

However, according to Stewart Smith, the Bruun rule is such a simplification of coastal processes that its projections are generally invalid. It ignores sources and sinks of sentiment and sand supply, the way the sea transports sand, and the shore face supply of sediments. So there is a combination of an inaccurate projected sea level rise and an inaccurate impact of that sea level rise on the coastline. Inevitably, to cover themselves, the coastal panel and councils will opt for the worst-case scenario, and that worst-case scenario will then be recorded on the landowner's section 149 certificate, as is happening right now on the Central Coast, along with the expected council response to the erosion. The Minister should have listened to Alan Jones this morning. A landowner on the Central Coast rang in about that very issue this morning.

Mr Frank Sartor: Not caused by this bill.

Mr MICHAEL RICHARDSON: Have a listen to it, Minister. This is going to have a major impact on landowners' property values based on flawed data, as well as restricting development along the coastal strip. For all the above reasons I cannot support the bill. It is flawed in the way in which it enables landowners to respond to emergencies. It effectively denies landowners their common law rights for protecting their property. It hands over most of the control of coastal policy to local councils. It will result in the unnecessary quarantining of thousands of hectares of valuable coastal land, costing landowners millions, if not billions, of dollars, and it cements in place an exaggerated scenario for future sea level rises.

Mr THOMAS GEORGE (Lismore) [10.17 p.m.]: I will make a few comments in relation to the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). The object of the bill is to make amendments to the Coastal Protection Act 1979, which is the principal Act, and other legislation to deal with coastal erosion and projected sea level rise, including amendments relating to the improvement of the operation and enforcement of the principal Act; to enable landowners to place certain emergency coastal protection works, such as sandbags, on beaches and sand dunes to mitigate erosion in specified circumstances without obtaining development consent or other specified permissions; and to enable local councils to make and levy an annual charge for the provision of coastal protection services such as services to maintain coastal protection works or diminish the impacts of such works on rateable land that benefits from such services.

Whilst I do not have any coastal areas in my electorate I have quite a number of constituents who have properties on the coast. I compliment the member for Ballina and members on this side who have put the case so eloquently in relation to the concerns of constituents that are affected by this legislation. The bill is an attack on their rights and will damage their properties.

Mr Frank Sartor: What rubbish.

Mr THOMAS GEORGE: Regardless of what the Minister might say, this legislation, which proposes changes to the Coastal Protection Act, will be a disaster for the environment and an attack on the rights of tens of thousands of landowners to protect their homes and properties from storm erosion. Many of these people are being penalised now by the exorbitant land tax and rates they are paying on their properties, and the Minister plans to penalise them further. It is amazing how many of these people are retired or semi-retired professionals—company managers, public servants, lawyers and journalists—who have moved to the coast to retire or as part of their retirement planning. I also know of a lot of younger families caught up in the mess created by this Government.

If the Keneally Labor Government succeeds in passing this draconian legislation a large number of homes and private properties along the coast in harbours, estuaries and rivers will be at risk. The changes proposed in the legislation will prevent residents from being able to adequately protect their homes from storm erosion and threaten huge fines for breaches of the Act. The Minister must appreciate that we are dealing with people's homes. They have saved up to be able to purchase these properties. Many families have inherited these properties and, as I said earlier, many of them are paying exorbitant rates at the moment. I spoke to one person this afternoon who is paying $32,000 in land tax and rates for a very humble cottage on a small waterfront block. People need to be able to protect their properties without the threat of this legislation hanging over their heads. The Minister needs to realise what is happening on the coast. I am sure the member for Ballina would love to take the Minister up to Belongil and show him what has happened there.

Mr Frank Sartor: I went there with the member for Ballina.

Mr THOMAS GEORGE: I was not aware of that.

Mr Frank Sartor: I went to Lennox Head with the member for Ballina.

Mr THOMAS GEORGE: I have a little cottage there too.

Mr Frank Sartor: I came to your electorate and you were asleep.

Mr THOMAS GEORGE: Was I? I extend an invitation to the Minister next time he comes to use his mobile phone and notify me that he is coming. I have never seen it done before, but the Minister sat down and wrote all of us a letter explaining the legislation.

Mr Frank Sartor: It is all part of the service.

Mr THOMAS GEORGE: It was a big surprise. I am also aware of the letters that the Property Council of Australia has written to the Premier outlining its concerns about this legislation. I hope that the Minister has taken note of those concerns. Christopher Brown from the Tourism and Transport Forum also wrote to the Minister about this issue. It is affecting people across the State. The Minister should understand the impact this legislation will have on communities and individuals, and the costs they will incur in trying to save their properties. These people have spent a lifetime working to acquire their property and in some cases they have inherited it. No-one should remove their right to protect their property.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [10.21 p.m.], in reply: I will systematically deal with the issues that members have raised. However, before I do I will make some observations about the tenor of this debate. I thank the member for Wyong for his valuable contribution. He was there in the rain with me and Wyong council officers a couple of months ago as we inspected Norah Head and a couple of other sites in his electorate. I also thank the member for Miranda for his contribution. I thank the member for Port Macquarie for articulating his comprehensive grasp of the intent of this legislation—he put many Opposition speakers to shame on this issue. In fact, the Opposition should feel ashamed of its approach to this bill.

I start by acknowledging the good faith and constructive contribution of the member for Pittwater. He said that the legislation is too complex, but then went on to say that I should have done more to specify the qualifications of authorised officers, to define unreasonable access and so on. I suspect the lawyer in him would make the bill much more complex. However, he was genuine in what he said. He must have agonised about the fact that he was saying things with which most of his colleagues disagree. He clearly believes that climate

change is happening and that sea levels are rising, but some of his Jurassic Park colleagues clearly do not agree. I also acknowledge the contribution of the member for Cronulla, who in a more guarded way supported the member for Pittwater, as did the member for Shellharbour in her own cheeky way.

I am extremely disappointed with the disingenuous contributions made by some members opposite. Some local councils in low-lying areas of the State are genuinely grappling with the difficult issue of rising flood water and sea levels. A classic example of the difficulty is the situation that Gosford City Council confronted when it issued notices to various households in the Brisbane Waters area. However, that has nothing to do with the provisions of this bill. From what the member for Shellharbour said, that is also happening on the South Coast. Councils have issued notices under section 149 about potential long-term risks. If they do not do that, people accuse councils of being irresponsible, but if they do, people are concerned because it might affect their property values. Rising sea levels are not at the heart of this bill. The bill is about coastal erosion and it addresses the impact of wave activity on beaches, and especially on homes near beaches.

At the top of the dishonesty tree—the worst perpetrator of confected rage, exaggerated polemics and completely irresponsible public policy—is the member for Terrigal. His contribution was appalling. His attempt to engender fear and concern in the community by trying to link a council section 149 notice about risks to this legislation is shameful. The Opposition is all over the place on this issue. I released an exposure bill in March this year and I have had at least four meetings about it with Opposition members—and probably many more. They have changed their position several times. In June or late May, before I introduced that bill, I met with the shadow Minister for Climate Change and Environmental Sustainability—the Hon. Catherine Cusack—the shadow Minister for Planning, the member for Pittwater and the member for Ballina in my office. We went through the bill clause by clause and at the end of that meeting there was agreement on almost everything.

Mr Thomas George: No.

Mr FRANK SARTOR: There absolutely was. That was the message I was getting from the Opposition throughout that process. Of course, the shadow Minister is easily confused and every time I speak to her she takes a different position. I have met with her, briefed her and taken her through the legislation quite a few times, but she still does not seem to have a good grasp of it. In more recent times, clearly because of the consternation caused by notices issued by a couple of councils, the Opposition has opportunistically thwarted a genuine attempt to implement good policy by exploiting people's fears and exaggerating them.

The brochure the member for Terrigal was waving around was probably written by him. It typified the kind of mendacious approach that I have come to expect from him. The member for Bega declared that this was the most appalling legislation he had ever seen. He would not know good legislation from bad legislation; he has no idea. He would not know what direction he was pointing in. The member for Clarence mumbled something because he felt he should get involved and the member for Coffs Harbour threw in his two bob's worth. The member for Castle Hill got caught up in the Bruun rule, which is obviously "fundamental" to this issue. He then referred to sea level rise estimates and claimed that they were wrong. I was in China three months ago. The Chinese economy is the strongest economy in the world and the Chinese authorities are taking this issue very seriously. They are predicting a one-metre sea level rise this century and it is anticipated that that will affect 40 million people. The Chinese authorities are hardly a bunch of flimflam greenies. Whether or not members agree with its political system, the Chinese Government is taking this issue very seriously.

I will rebut some of the extremely disappointing and outrageously incorrect and deliberately dishonest comments made about this bill. This is a framework bill that improves how coastal erosion risks are managed in New South Wales and provides additional options for landowners to protect their property. It strengthens strategic management of erosion risks through coastal zone management plans and improves the statutory exemption from liability for councils that act in good faith, because we want to encourage them to prepare plans and to do work. This bill and the proposed amendments to the infrastructure State environmental planning policy are an integrated package that helps to address this very challenging issue. Not one member—not even one of the dishonest members—has denied that that challenge must be addressed.

I have heard claims that the Government has not consulted on this legislation. There has been extensive consultation. A draft exposure bill was released for comment in March 2010 and I issued a media release on 26 March 2010. A copy of the draft bill was placed on the Department of Planning website and comments were invited. The department held 10 workshops from Ballina to Moruya and it received only 19 submissions—these other issues had not been activated at that time. A version of the bill was introduced in this House in June and I believed at the time that members of the Liberal Party supported it. After concerns were expressed by local

government authorities, I agreed to defer the bill in good faith until this session. The department then supported the Local Government and Shires Associations by providing a number of additional workshops. The member for Port Macquarie said that seven additional workshops were held.

During the winter recess I travelled to a number of at-risk beaches on the Central Coast and the North Coast where I met with local councils and affected property owners. On two occasions I invited the shadow Minister to accompany me but she declined—she was too busy to participate in those discussions in the spirit of bipartisanship that I sought to engender. I also met with the shadow Minister and crossbenchers a number of times. As a result of that consultation, we decided to further refine the bill. The proposed amendments are not substantive; they are refinements based on comments that people made—including, of course, local government representatives. For the sake of procedural convenience, I withdrew the original bill and replaced it with a bill containing the refinements and amendments. It was substantially the same bill, but it was easier to do it that way rather than to keep members sitting in this place late at night going through minor amendments.

Let me address some of the more recently raised issues, which have to be addressed because they have been dishonesty raised. The first question relates to fines. People have expressed concern about the proposed penalties for illegal works on public beaches. Public beaches belong to everyone. The reason we have penalties in environmental and planning legislation is to encourage people to follow the right process—not the wrong process, not to dump illegally—and for the safety of all.

The dumping of rubbish, such as rusted car bodies or old tyres, on public beaches rightly attracts penalties under existing waste dumping laws. The member for South Coast should listen to this. If we were applying the Protection of the Environment Operations Act, the maximum fine would be $500,000 for individuals, or $2 million for corporations, for negligent waste dumping that harms the environment. If we were applying the Environmental Planning and Assessment Act, for unauthorised development, such as illegal sea walls, without the provisions of this bill, the penalties under the existing laws are a maximum fine of $1.1 million for development without consent.

Under this Coastal Protection Bill, illegal coastal protection works may attract maximum penalties of $247,000 for individuals, or $495,000 for corporations, or roughly half the amount of penalties under the Protection of the Environment Operations Act, and a lot less than under the planning Act. Let me stress that these fines are maximum and are applied by a court, commensurate with the nature of the offence. Why should people who dump illegal rubbish in a reserve at the back of Blacktown face a fine of $500,000 when people who are ruining our public beaches do not face a commensurate fine? The issue is encouragement of good behaviour. Why? Because we want to give people a choice in how to deal with emergency situations.

At the moment, under current law, people are not entitled to put protection material in front of their houses. They do that because they are desperate. Now, we are giving them a legal way of doing that, so that they no longer have to act illegally. It is appropriate to subject those who would choose to continue to act illegally to penalties that will deter them. It has been asserted that there will be new council levies on benefitting landowners—a great big new tax. Some of the commentators in this Chamber are so dumb that they have to try to copy that well used line—

Mrs Shelley Hancock: Oh, really!

Mr FRANK SARTOR: Careful! I did not include you among them yet. They have had to copy Tony Abbott and say this is some sort of big new tax. The bill does not provide any additional levy powers for councils. If you want me to get my team of lawyers—

Mrs Shelley Hancock: Don't you point at me!

Mr FRANK SARTOR: I am emphasising a point.

Mrs Shelley Hancock: Don't point at me.

Mr FRANK SARTOR: Because you were watching intently, I wanted to make sure that—

Mrs Shelley Hancock: It is intimidating.

Mr FRANK SARTOR: I could never intimidate you.

Mrs Shelley Hancock: You are.

Mr FRANK SARTOR: I would not wish to, and I cannot imagine how on earth I ever could.

Mrs Shelley Hancock: You are.

Mr FRANK SARTOR: Then it is news to me.

Mrs Shelley Hancock: Point at him, not me.

Mr FRANK SARTOR: Oh, point at him! Whatever you want! The simple fact is that the bill does not give councils new powers to levy, on a matter that is strictly the prerogative of the council. So the claim that the bill introduces a new tax is completely untrue and utterly dishonest. Currently, councils can levy for any works by way of a special rate levy, but they need the approval of the Minister for Local Government. This does not change.

Mr Thomas George: Everyone is paying exorbitant rates because of valuations on their land.

Mr FRANK SARTOR: Councils can levy now, and I do not know of any examples in New South Wales where councils have levied for coastal works. That situation under the law will not change. The bill will allow owners, on a strictly voluntary basis, where they carry out works or have works done on their behalf, and agree to fund those works, to be levied a coastal protection charge for their maintenance. But that is if the owners choose to do the works. My advice to many people has been, where possible, if we can expedite the coastal management plans, we want the councils to take responsibility and do the works, and where necessary the State will assist. We want the councils to do the works, but owners will have the choice of lodging an application and essentially doing the works themselves. If they do that, they might be required to maintain the works. In other words, it is a voluntary provision. The bill also allows cost sharing between owners and their council for agreed works, on a strictly voluntary basis.

Also, I have heard it said that this bill is an outrageous attack on property rights. Again, this is completely untrue, and I think in many cases, deliberately, it is dishonest. The rights of private property owners are not reduced by this bill; they are actually increased. In fact, the bill gives owners a new right to place emergency works to protect their properties without having to go through a full development application, by allowing them to get a certificate from an authorised officer of the Department of Environment, Climate Change and Water, or from their local council.

Also, for the first time, owners can place emergency works on public land, such as a beach, without the consent of the public authority that owns that land. This is because we do not want owners to have to wait for the development process while their house is falling into the sea. We want to give them an option, with a stay of execution for a year in which they can do emergency works, including on public land, provided someone qualified authorises those works and says they are reasonable. This can be done at very short notice. That is a new right for land owners, so that they no longer will have to act illegally and dump rocks or whatever in front of their properties to try to protect their homes. It is important to give them that choice. We do not want rubbish on beaches, and the member for member for Lismore should not bring rubbish in here.

I have been asked why owners can protect their land with the emergency works provisions only once. Let me make it absolutely clear that the bill provides that emergency works, works which by their nature are temporary to protect property, can only be used once. The reason is simple. The right to emergency works does not exist now—it is a new right. Provisions for emergency works suspend the normal approval process so that owners can protect their homes expeditiously and buy time to get proper approval for permanent works by the normal process. We want people to follow the normal process. But if they are concerned about further erosion occurring before they get approval, then they can exercise that power to do emergency works.

We do not want people doing emergency works and then, after 11½ months, doing a few more emergency works, so that they will never have to get approval for permanent works. We want people to go through proper process, like every other citizen in this State. We want them to lodge an application, have it dealt with, appeal if they do not like the decision, and go through the normal process like every other citizen does. If

they get approval, works they have done are covered and are permanent. The works could be different from the temporary works, or could be the same. So the purpose of being able to use the emergency works provisions only once is to encourage proper procedure.

If owners have done emergency works, and have lodged an application but that has not been dealt with in a 12-month period, the emergency works can stay until that process runs its course. So where an owner lodges an application at 11 months, and that is not dealt with for 18 months, the emergency works can stay. If the works are refused, and the owner appeals to the court, the emergency works will stay until the appeal rights of the owner are exhausted. Then they might be required to remove the emergency works. In the original draft, the period allowed was 6 months, but I felt it should be 12 months, to give people a bit more time to make sure they can get things done. So we have given this bill a lot of thought, to protect people in the short term and avoid illegal dumping.

There have been some very vocal concerns about coastal planning and the risks associated with coastal erosion and sea level rise. Let me clarify that, even if the Coastal Protection Bill did not exist, those concerns would remain. The problem at Brisbane Waters, which I have heard a lot about recently, is about a notice on a section 149 certificate issued by Gosford Council about potential sea level rise. It is a separate issue. To my knowledge, coastal erosion is not an issue with these properties. The properties at Brisbane Water are not being affected by wave action. It is a broader issue. The member for Lismore may or may not agree with sea level rise, but if people believe that is a real risk, it is an issue that has to be addressed. It is a difficult issue, and councils are trying to address it. But that is not what this bill is about. If the sea level continues to rise, that will aggravate coastal erosion, but it is not the fundamental issue of the bill.

I have already addressed the question raised by the member for Castle Hill, who said he did not agree with sea level rise and the Bruun methodology, and reminded people that China is expecting a one-metre sea level rise on its east coast. I have been asked why the bill only allows works when the sea is within 10 metres of properties. This proposal is not in the bill but is in draft ministerial requirements that are out for public comment. I agree that that is too limiting, and that particular provision is being reviewed. It is not in this bill. It is the sort of thing that can be discussed and resolved, and the proposal will be changed.

People have asked why the ministerial requirements only allow walls of sandbags limited to 1.5 metre height. There is very good reason. We are talking about emergency works that are done expeditiously, at short notice. The experts tell us, and I think it is pretty obvious, that if you build walls or barriers higher than 1.5 metres, they need to be properly engineered so that they are safe. The danger with short-term works that are not properly engineered because they are done quickly, is that if you build the walls too high, you could end up causing public injury or public harm, and that is something we certainly want to avoid. When a proper application is lodged, it may well be that the walls can be a lot higher than that, but then they will be properly designed and properly engineered. That is the simple reason.

The coastal erosion issues we face in New South Wales are challenging and there are no simple solutions. Houses have been lost due to erosion and many more are currently threatened. In the past, inappropriate actions have been taken to protect certain properties, causing risk to public safety and the loss of beaches, which of course are highly valued by our community. The Government believes that the law should draw the line very clearly between what is reasonable to do to protect homes and assets from coastal erosion and what is unreasonable because it damages beaches or causes erosion elsewhere.

The bill and the proposed amendments to the infrastructure State environment planning policy provide practical and reasonable options for landowners through both emergency works and long-term works. These options have been carefully developed to ensure that property protection does not come at the cost of our beaches or unreasonably impede public access to these beaches. I note that the member for Pittwater defined the word "unreasonably". The fact that the bill provides for that will allow it to be interpreted over time, but I think we all want our beaches to remain open and accessible. Landowners will be allowed to place sand or sandbags on beaches as emergency works. This avoids the problems that have arisen in the past whereby landowners have unlawfully placed rocks or construction debris on beaches as a temporary measure to protect their houses. Thirty years later these temporary measures are still on some of our beaches. These are not only unsightly, they are also potentially dangerous and can themselves be a cause of further beach erosion.

I wish to reinforce a key point I made about this bill in my agreement in principle speech. The bill provides additional options and tools for landowners, councils and government. It supports and extends the current statutory arrangements for coastal management. The existing arrangements for funding coastal

protection works will continue to apply. I note in this regard that we have given a lot of grants to local councils in relation to this matter. In fact, only recently I signed off quite a few grants to assist councils, and I believe that we have also provided funds to Wyong council. Depending on the circumstances, these works may be funded by an appropriate combination of councils, landowners and government.

I will now address some of the issues raised by the member for Ballina, who led for the Opposition. One of his concerns relates to giving up control of our coastline to local government. The Opposition has made quite a number of statements about the State Government's alleged removal of decision-making power from local councils on planning matters and has suggested that it would give powers back to the local government. Yet in this regard it claims we are transferring too much power to local government. It claims we are not bringing powers into the State. I think the Opposition is very confused when it comes to policy. Either that or its members are being cynical political opportunists who really do not believe what they say on this issue.

The bill retains the appropriate balance of roles for State and local governments. The Government is demonstrating, and will continue to demonstrate, leadership in the management of the New South Wales coastline. The Government's Coastal Policy, SEPP 71—Coastal Protection, and the coastal zone management planning process under the Coastal Protection Act clearly demonstrate the Government's commitment to effective and strategic coastal management. The bill enables the Minister to make or vary a coastal management plan if a council cannot or does not produce a satisfactory plan of its own.

At the moment the Act provides that we can make a coastal management plan if the council does not make one after being directed to do so. We are also clearly saying that we can request a council to revise a plan and if the council does not, the State can revise it—an additional power to the Minister. While the Government has established statewide directions for coastal management, we recognise that local erosion problems need locally developed solutions due to the variability in coastal processes along our coastline. The Government's approach is to set an appropriate framework for local solutions to be developed for local problems with local communities. This strategic approach for addressing local problems is achieved through the coastal zone management planning process.

The member for Ballina raised concerns about the bill changing the role of the Minister to certifying, rather than approving council coastal zone management plans. The member for Ballina is concerned that this gives up significant State Government powers to control actions along our coastline. This is not correct for three reasons. Firstly, the Minister is adopting guidelines on how councils are to prepare coastal zone management Plans. I intend that these guidelines will be finalised as the relevant amendments commence. Secondly, the Minister is adopting ministerial guidelines that will set out the types of emergency protection works that can be used and the conditions under which emergency protection works can be placed. Thirdly, the bill establishes an expert coastal panel to provide advice to the Minister and local councils and, in some cases, be the consent authority for coastal protection works. Where, of course, a council has not adopted a coastal protection plan, the coastal expert panel will be the consent authority. So much for not bringing some powers more to the centre to make sure we get the common approach. This is hardly abdicating responsibility to local government.

Another issue raised relates to authorised officers. The member for Ballina is concerned that some councils may choose not to authorise officers under the Coastal Protection Act. I think this is unlikely to occur in practice. Appointing authorised officers gives councils the ability to regulate illegal dumping on their beaches, which all coastal communities would expect from their councils. However, it has always been clear that I will also arrange for appropriate officers from the Department of Environment, Climate Change and Water to be authorised. The department's coastal management staff are located in offices from Alstonville in the north, near Ballina, to Wollongong in the south. They will be able to provide coverage for the entire New South Wales coastline.

The member for Ballina is concerned that the bill allows councils and public authorities to opt out of a coastal plan. This is not correct. Proposed section 55C merely requires a council that is preparing a plan to seek the agreement of a public authority to any actions in its plan that affect land or assets owned by the public authority or are to be implemented by the authority. This commonsense approach avoids councils impacting on State assets or expenditure without prior agreement. This proposed section does not allow a public authority to opt out of a completed plan.

Another concern raised is that councils should have the ability to issue an order under the Coastal Protection Act to a State Government agency. It is not normal practice in natural resource management or environmental legislation for councils to be able to issue an order to the State Government. For example, this is

not allowed under the Protection of the Environment Operations Act. A further issue raised relates to damage to emergency coastal protection works. The bill will allow a landowner one opportunity to place these emergency works for a period of up to 12 month or longer if a development application is lodged and is still being considered. These works may be damaged by a storm during this period. The bill allows the landowner to repair the works to the same standard as when the works were first placed.

The member for Ballina has raised a number of concerns with the draft Minister's requirements for emergency coastal protection works. I advise the House that these requirements are not part of the bill. The requirements support the bill and are to be gazetted by the Minister once consultation and any necessary refinements are completed. The Minister's requirements aim to ensure that public safety is protected and that the potential for erosion of neighbouring land is minimised. The requirements allow landowners to place relatively small scale works without the need for a detailed engineering design. The safety requirements have been developed to minimise risks to people using the beach, or to those placing the works.

It is important that the Government takes a responsible approach to these emergency works, which need to present a low risk to our beaches and to the public. As I mentioned in my agreement in principle speech, landowners are welcome to lodge a development application for alternative works, supported by appropriate engineering advice. One part of the draft Minister's requirements that has received the most comment is the requirement for the erosion escarpment to be within 10 metres of a building before the emergency works can be placed, which I mentioned earlier. In some locations this will not be practical and hence this distance will be increased.

The member for Ballina claims that the bill abolishes the common law right to defend property where there is no adverse effect on beaches, beach access or neighbouring properties. This is not correct. If any common law rights do exist, they are already constrained by the Environmental Planning and Assessment Act. Landowner property protections normally require consent under this Act. The bill actually increases the options available for landowners to lawfully protect their property from erosion through the coastal emergency works provisions. In addition, further options will be available through the proposed amendments to the Infrastructure SEPP for permanent works.

The member for Ballina has raised concerns also about the composition of the coastal panel, believing that it will be dominated by local government. All the members of the panel will be appointed by the Minister, even the local government nominees. All State and local government nominated panel members need to have relevant technical expertise. In addition, the chair of the panel will be appointed by the Minister, with the concurrence of the Local Government and Shires Associations. While this is intentionally a joint State and local government panel, the appointment process is clearly in the hands of the Minister. I note again the need for technical expertise for the membership of this panel.

Most of the comments of the member for Ballina related to protecting private property from erosion regardless of any impacts on our beaches. While erosion impact on beachfront land is clearly a concern of this Government, we believe that property protection should not be at the expense of our beaches. The bill and the proposed Infrastructure SEPP amendments are focused on achieving an appropriate balance between these interests.

Another concern that has been raised in the past by the Opposition is that the reason councils have been slow in preparing coastal zone management plans is the lack of Government guidelines. For the record, the New South Wales Coastline Management Manual, which helps councils prepare their coastal plans, was released in 1990. To address any outstanding concerns about the lack of guidance on coastal management hindering these reforms I will not recommend commencement of the coastal planning sections of the bill, if passed, until all relevant guidelines are complete. New coastal planning guidelines and the Minister's requirements will be gazetted on the same day as the relevant amendments commence.

For the benefit of members, I advise that the following consultation draft documents are available on the Department of Environment, Climate Change and Water's website: Draft Minister's requirements under the Coastal Protection Act 1979; draft guide to the statutory requirements for emergency coastal protection works; draft guide for authorised officers under the Coastal Protection Act; draft guidelines for preparing coastal zone management plans—these guidelines will replace and update the 1990 Coastline Management Manual, which councils have been using to prepare their coastal plans; and draft Coastal Protection Service Charge guidelines.

A final guideline on assessing and managing the impacts of seawalls will be available on the department's website shortly. This is being developed with the assistance of the Water Research Laboratory of

the University of New South Wales. These reforms provide sensible options for landowners to protect their property in a limited and controlled way. This is balanced by stronger powers for stopping and removing illegal works and significantly increased penalties. The message to landowners is clear: the Government is providing new legal options for emergency and longer-term protection, but landowners must act responsibly. The bill is a significant step in strengthening our management of coastal erosion in this State. It achieves a reasonable balance between the concerns of beachfront landowners threatened by coastal erosion and the community's continuing use and enjoyment of beaches. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 45

Mr Amery	Ms Gadiel	Mr Pearce
Ms Andrews	Mr Greene	Mrs Perry
Mr Aquilina	Mr Harris	Mr Piper
Ms Beamer	Ms Hay	Mr Rees
Mr Besseling	Mr Hickey	Mr Sartor
Mr Borger	Ms Hornery	Mr Shearan
Ms Burney	Ms Judge	Mr Stewart
Ms Burton	Mr Khoshaba	Mr Terenzini
Mr Campbell	Mr Koperberg	Mr Tripodi
Mr Collier	Mr Lynch	Mr West
Mr Coombs	Dr McDonald	Mr Whan
Mr Corrigan	Ms McKay	
Mr Costa	Mr McLeay	
Mr Daley	Ms McMahon	*Tellers,*
Ms Firth	Ms Megarrity	Mr Ashton
Mr Furolo	Mr Morris	Mr Martin

Noes, 35

Mr Aplin	Mrs Hancock	Mrs Skinner
Mr Ayres	Mr Hartcher	Mr Smith
Mr Baird	Mr Hazzard	Mr Souris
Mr Baumann	Ms Hodgkinson	Mr Stokes
Ms Berejiklian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr Merton	Mr J. H. Turner
Mr Constance	Mr O'Dea	Mr R. W. Turner
Mr Dominello	Mr Page	Mr J. D. Williams
Mr Draper	Mr Piccoli	Mr R. C. Williams
Mrs Fardell	Mr Provest	*Tellers,*
Mr Fraser	Mr Richardson	Mr George
Ms Goward	Mr Roberts	Mr Maguire

Pairs

Mr Gibson	Mrs Hopwood
Mr McBride	Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL 2010

Message received from the Legislative Council returning the bill without amendment.

PRIVILEGES COMMITTEE

Report

The SPEAKER: I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That this House notes the report of the Privileges Committee entitled "A memorandum of understanding with the NSW Police Force relating to the execution of search warrants on members' premises", tabled on 23 September 2010, and in particular recommendation 1 of the committee:

   "That the House resolve that the President enter into the 'Memorandum of understanding on the execution of search warrants in the premises of Members of the New South Wales Parliament between the Commissioner of Police, the President of the Legislative Council and the Speaker of the Legislative Assembly' set out in Appendix 9 of this report."

2. That this House authorises the President to enter into a memorandum of understanding with the Commissioner of Police concerning the execution of search warrants on members' offices in the terms set out in Appendix 9 to the report.

3. That a copy of the memorandum of understanding set out in Appendix 9 of the report be transmitted to the Legislative Assembly for its consideration and the Legislative Assembly be invited to pass a similar resolution.

Legislative Council
19 October 2010

AMANDA FAZIO
President

Consideration of message set down as an order of the day for a future day.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned, pursuant to resolution, at 11.00 p.m. until Wednesday 20 October 2010 at 10.00 a.m.