LEGISLATIVE ASSEMBLY

Wednesday 14 March 2012

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The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.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.

[*During the giving of notices of motions.*]

Mr Daryl Maguire: Point of order: Reluctant as I am to take a point of order, I draw attention to the length of the notice of motion of the member for Lakemba. Madam Speaker, you have given instructions that notices of motion should be brief and to the point. I ask you to direct the member to resubmit his notice.

The SPEAKER: Order! I advise members that the motions of which they are giving notice should be concise and to the point. I am sure the member is getting to the end of his motion. On this occasion I will accept the motion of which he is giving notice, but I again remind members to make them concise in the future.

ELECTRICITY GENERATOR ASSETS (AUTHORISED TRANSACTIONS) BILL 2012

Agreement in Principle

Debate resumed from 13 March 2012.

Ms SONIA HORNERY (Wallsend) [10.08 a.m.]: I refer to an article in today's *Newcastle Herald* under the headline "Premier to meet union". It is in response to the debate on the Electricity Generator Assets (Authorised Transactions) Bill 2012 and is about the sale of electricity. I want to speak in this debate because the privatisation and sale of electricity is wrong. The privatisation and sale of any assets—whether they be generators, poles and wires—is wrong. It was wrong when we were in government and I consistently opposed it when we were in government. I told the previous Government that I would cross the floor if it decided to sell electricity—and I would have done that. I put that on the public record. To those members who say I am being a hypocrite, I say I am not. I have always said that the sale of electricity is wrong and I say to the Government today that it is making a mistake in this regard.

The SPEAKER: Order! The member for Drummoyne and the member for Oatley will come to order.

Ms SONIA HORNERY: I do not call out during debate and I would appreciate being shown the same courtesy.

The SPEAKER: Indeed that is true; the member does not interject.

Ms SONIA HORNERY: The sale of electricity is wrong for a number of reasons, and I said this to Premier Iemma when we were in government in 2008 and to the local community and radio stations in the Newcastle and Hunter. The sale of electricity, whether in whole or in part, is wrong because it is bad for consumers. It is bad for consumers because prices will increase as a result of the sale. Evidence has shown in other States in Australia—and it was certainly the Californian experience in the United States of America—that when generators are privatised the cost of electricity increases. I also oppose the sale of electricity because there is less accountability by private generators to consumers and therefore we face more blackouts and less reliability.

At peak periods, when people are very hot or very cold, generators do not work as efficiently as they do during out-of-peak periods. The third reason that I oppose the privatisation of electricity—I always have always

will—is that private electricity sources, whoever they may be, while being less accountable to the community are more accountable to their shareholders. It is more about making sure that shareholders and profit makers are happy, and not about whether Mary Smith, a pensioner who lives at Wallsend, can afford the rising electricity and utility costs. Those demands are faced by everyone in our society, but certainly by pensioners and those on low rates of pay. This morning the *Newcastle Herald* reported:

> Premier Barry O'Farrell has made a hasty offer to meet with Unions NSW about plans to sell the state's electricity generators after its officials complained the government was ignoring 1,500 power station workers' jobs concerns.
>
> Macquarie Generation, Delta and Eraring Energy—

many of which are in my patch; there is a branch of Ausgrid in Wallsend and I know how many power workers' jobs survive in that area—

> representatives said in the NSW Industrial Relations Commission yesterday they wanted to keep their workforces informed about the privatisation process but were in the dark themselves because of a lack of information from the government.

I urge the Government to ensure that it talks to the workers and the unions about this issue. I am well aware of the mistakes that we made in government, and I believe that this is one big mistake that we made in government. I say loud and clear: We should never have privatised anything, particularly electricity generation. It will have a big market effect on the people in the Hunter. People I know who work at Eraring Energy and Ausgrid are very worried about their future prospects. I urge the Government to ensure also that workers are kept in their jobs and that their conditions are maintained. I have heard conflicting stories about whether the sale of the State's electricity generators will ensure that workers' rights will be continued consistently and reassured. I ask the Government to make sure that workers' rights are protected. That is foremost in my mind.

I ask the Government also to reconsider its decision. It is all very well to have inquiries such as that conducted by Tamberlin—and there have been a number of inquiries and reviews that the O'Farrell Government has conducted in the Hunter in the last year—but I have found that a number of reviews have loaded questions and self-fulfilling prophecies, such that the result is the outcome wanted by the Government. The previous, Labor Government could be accused of that too when it comes to electricity. In short, I oppose the sale of electricity—I always have and I always will. I do not think the sale of electricity would be in the best interests of taxpayers and workers in the Hunter and throughout New South Wales.

Mr CHRIS PATTERSON (Camden) [10.14 a.m.]: The Electricity Generator Assets (Authorised Transactions) Bill 2012 will enable the sale of the State's electricity generator assets, including the Macquarie Generation, Eraring and Delta West generators. Members on the Opposition side of the House oppose the bill, and their current Leader has said that the New South Wales Government's power sell-off is not in the public interest. It is a crying shame that he has not seen fit to warn the people of New South Wales about the impact that the carbon tax that nobody wants and that his party is imposing on us will have on their budgets. Any increase in household power bills can be attributed to the Labor Party's indifference to the impost that the carbon tax will have on household budgets. The Federal Labor Government's stubborn stance, which is supported by their State Labor colleagues and nobody else in the community, shows how out of touch Labor is when it comes to looking after people's interests.

The sale of these generators will see more competition in energy markets, encourage private sector investment in generators and help put downward pressure on power prices for consumers and businesses. Some members opposite were even prepared to see the back of some of their colleagues in this House over Labor's indecision relating to the electricity industry, and Labor members are still at odds over this matter. The member for Wallsend gave confirmation of this in her contribution when she acknowledged the role that former Labor members played in bringing down Premier Morris Iemma. There is considerable ill-feeling about this matter among members opposite; their disdain for the former Premier on this issue has resurfaced frequently over the past three years.

Back in December 2011 the Leader of the Opposition said, "On this issue, the Federal Government and Barry O'Farrell have got it wrong", when he was responding to comments by the then Federal Labor energy Minister Martin Ferguson, pinpointing State ownership of electricity assets as a trigger for massive hikes in electricity bills and claiming that the continued government ownership of energy businesses was impeding greater competition and efficiency and reducing market confidence by creating uncertainty and risk for private sector investors. The Leader of the Opposition and members opposite clearly have it wrong. How can they be so out of touch with the community and their Federal Labor colleagues on this issue?

No decision on the future of the power industry was made by this Government until the independent Tamberlin inquiry had been completed. The Coalition has a very proud reputation as a very good manager of economies. We will ensure that New South Wales once again becomes number one. The final decision as to transaction structure will be made having regard to market conditions and expert financial advice. I remind those opposite who may not have been listening of just what this bill does not allow. It does not allow for the sale of the State's electricity distribution and transmission assets: the poles and wires. Electricity network assets will remain in public ownership. The final transaction structure will be designed to maximise financial returns to taxpayers.

The bill authorises the transfer of employees of electricity generators to other public sector agencies for the purpose of the sale. Transferred staff will maintain continuity of service and, in addition, their superannuation arrangements and industrial conditions will be preserved. The member for Wallsend called on our Government to ensure that the employees affected by this sale are looked after. We are on to that already. Looking after those employees is a core priority of this Government. The Government will look after not only the employees but also the community. That too is a core priority of member on this side of the House, unlike those opposite, who support the terrible impost on families of a carbon tax.

Brian Tamberlin, QC, said in his report that the inquiry does not consider that any good purpose can be served by the State continuing to own generation assets. The bill shows that the Government is delivering real reform to drive infrastructure regeneration in this State. Its introduction is evidence that the Government is prepared to bite the bullet and get on with freeing up funds to improve infrastructure that was neglected for so many years under the former Government. In my electorate of Camden infrastructure has been neglected for years. Camden is the fastest growing area in New South Wales with a current population of 55,000 that is expected to increase to 250,000-plus over the next two decades.

Mr Anthony Roberts: Camden is a beautiful place.

Mr CHRIS PATTERSON: It is a lovely place. On my way to work in this place this morning I travelled along Narellan Road. Commuters in my area have to negotiate roads such as Camden Valley Way and Narellan Road, which have been sorely neglected for so long. The sale of the electricity generators will provide funds that will enable those roads to be upgraded. The Premier and the Minister for Roads and Ports have given a commitment to fix some of this infrastructure. For 16 years the goat track known as Camden Valley Way has caused so much angst for so many people. Last month the Premier announced a budget time frame of 2016 for the completion of the upgrade of that road. For the first time we have a time frame. The sale of these assets will ensure also the continuation and finalisation of the promised South West Rail Link, which was announced 10 times under those opposite. That rail link also will be completed in 2016. I am proud to say that the Minister for Roads and Ports and the Premier also gave a commitment regarding Narellan Road.

The finalised plans for upgrading Narellan Road are with the Roads and Maritime Service. When it is completed the people of my area will be able to travel in comfort along that road. These are just some of the infrastructure improvements that are needed in my area. I should mention also the $139 million investment in Campbelltown Hospital, for which people have been crying out long and loud. The shadow health Minister, who sits opposite, has told me on a number of occasions—I am sure he will say it publicly today—how wonderful it is that the Premier and the Coalition have committed $139 million for Campbelltown Hospital. But enough of how wonderful we have been; I shall now return to the bill. We need to sell these assets. We are doing the right thing. We have taken the hard option and make no apologies for having done so. We will look after all staff involved in this process. This is the way to get New South Wales back on track after being neglected for so long. I commend the bill to the House.

Dr ANDREW McDONALD (Macquarie Fields) [10.24 a.m.]: I am pleased that the member for Camden spoke on the Electricity Generator Assets (Authorised Transactions) Bill 2012. I would recommend that every member of the Liberal Party and The Nationals speak in this debate. If 52 of them can speak on the Library Amendment Bill, they should all seek the call to put their view on this bill on the public record because they know that the majority of the population do not support electricity privatisation. The Government's narrative over the next four years will relate to the sale not only of electricity generators, but also of the poles and wires. Just as the obvious answer by a bank robber to the question asked of him, "Why do you rob banks?" was "Because that's where the money is", the obvious reality for this State is that the money in electricity is in the poles and wires. This bill is the Trojan horse for the sale of the poles and wires.

Every political folly since the Trojan horse has had three common themes. The first in this political folly is whether or not anyone has said not to do it. In relation to the privatisation of electricity assets, the

majority of the population says, "Do not do this." Those opposite know that to be true because they have listened to their electorate. The member for Drummoyne knows this from chatting with his constituents, which I saw him doing in the street only last week. He knows that the response by the overwhelming majority of his constituents to the question whether this is a good idea would be no. The overwhelming majority of the population does not want electricity assets privatised because they know there is a downside to such a decision.

The second theme is whether there is a downside. Control of electricity generation and transmission is vital for governments to function. It is vital to everybody in the State. If we lose control of electricity generation, which is what this bill will allow, we will never regain control over it. The third theme is, because of that downside, there certainly will be an increase in electricity prices. I am pleased that the member for Camden spoke about carbon pricing. Those opposite will continue to throw that red herring when the inevitable happens and electricity prices increase. Never mind the reality that the Federal Government rebate from carbon pricing for anyone earning a moderate income will be greater than any increase in cost caused by carbon pricing. Never mind the truth.

The majority of people will not be worse off under carbon pricing, but that will never be said by those opposite. The Government's whole narrative will be about the sale of the poles and wires. The bill is the start of the sale. The bill is the entrée, and the main course is yet to come. We just do not know when it will be served. The bill is not about generator privatisation. As the Leader of the Opposition said, the bill is about trust, honesty and integrity. Can this Government be trusted not to sell the poles and wires? I want every member opposite to stand up and say, "I oppose the sale of the poles and wires and will not change my mind." If they believe that, they should say it.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Government members will come to order.

Dr ANDREW McDONALD: The O'Farrell Government promised not to privatise the State's electricity assets and to be upfront with the people of New South Wales. I repeat the so-called Lithgow declaration of 2008 by the then Leader of the Opposition, now Premier, Barry O'Farrell:

> We have absolutely no plans to privatise either the generators or the poles and wires.

The first part of that promise has now been broken. The sale of the poles and wires is yet to come. The Premier is breaking also the five conditions of electricity privatisation set out by the Coalition in 2008. The Coalition's first condition of electricity privatisation was that all sale and lease arrangements would be subject to the Auditor-General reporting to Parliament before the sale or lease was finalised. This Government has broken that promise. The second condition was that the completion, release and adoption of a rural communities impact statement would focus on jobs, prices and service levels—another promise that has been broken.

Every Nationals member of Parliament in this place should support this legislation and acknowledge that there is no rural impact statement. The Coalition's third condition of electricity privatisation was the establishment of an independent oversight body comprising the Auditor-General, a community representative and a financial expert to monitor the use of funds from the sale—another promise that has been broken. There is no community representative on Restart NSW and the piggybank into which this money will go will be dispersed at the whim of the bureaucrats and Liberal Party functionaries at Restart NSW.

The Coalition's fourth condition of electricity privatisation was to establish a parliamentary oversight committee to guarantee delivery of improvements in clean and renewable energy investment resulting from the sale—another promise that has been broken. There is no evidence that any committee has been appointed or will ever be appointed. The fifth condition was the retention of the poles and wires business in public ownership and the establishment of appropriate safety nets for those on low incomes. There are no safety nets. As I said earlier, it is only a matter of time before the poles and wires are sold. I look forward to reading the debate on this bill after the poles and wires have been sold. The Premier made no commitment to parliamentary debate because the passage of this legislation is subject to projected outcomes and to the scrutiny of the Auditor-General.

There is no rural communities impact statement, no oversight committee and no safety nets, and all the funds are to be placed in Restart NSW. This legislation, which is all about selling off the silver, is a Trojan horse bill which will commence the sale of this State's electricity assets. It is in this Government's DNA to privatise wherever it can. Those members who publicly oppose electricity privatisation must place on the public record their support for electricity privatisation. Under this Government there will be an asset sales hit squad. This Trojan horse bill should be opposed because it is the start of the sale of assets on which the people of this State depend—assets that will never be retrieved. This bad policy should never have been allowed to see the light of

day. Despite world literature which proves that the opposite is true, Government members seem to have the idea, which I think they got in kindergarten that for some reason private ownership is better than public ownership. The Opposition opposes the bill.

Mr TONY ISSA (Granville) [10.34 a.m.]: I support the Electricity Generator Assets (Authorised Transactions) Bill 2012. However, I had difficulty following the contribution of the member for Macquarie Fields. Was he apologising for the response given by former Premier Iemma in answer to a question asked by Coalition members about the sale of our electricity assets prior to the closure of Parliament for the Christmas break, or was he talking about the $5.4 billion budget black hole that was left to us by the former Labor Government? The member for Macquarie Fields spoke also about this Government's commitment not to sell electricity poles and wires.

Ms Linda Burney: What about the sale of the generators?

Mr TONY ISSA: Members of the former Labor Government, who had an opportunity to prevent this sale, are probably sorry now that they got rid of Morris Iemma.

Ms Noreen Hay: What did you say in opposition?

Mr TONY ISSA: The priority of the Liberal-Nationals Coalition was to serve the people of New South Wales. The former Labor Government did not provide the services that the people of New South Wales deserve.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Opposition members will cease interjecting.

Mr TONY ISSA: Opposition members should be ashamed of themselves. After 16 years in office the former Labor Government did not provide the services that the people of New South Wales deserve. This Liberal-Nationals Government is now doing what the former Labor Government failed to do.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I will call members to order if they continue to interject.

Mr TONY ISSA: It is time for Opposition members to apologise to the people of New South Wales.

Ms Noreen Hay: You apologise for yourself. You are a hypocrite.

Mr TONY ISSA: Opposition members should have the courage to apologise to the people of New South Wales for what they did. For 16 years the former Labor Government ran down this State.

Mr Clayton Barr: Point of order: The member for Granville should be asked to direct his comments through the Chair.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I uphold the point of order. I ask the member for Granville to direct his comments through the Chair. Opposition members will cease interjecting and listen to the debate in silence.

Mr TONY ISSA: I am upset because the people of New South Wales deserve a better deal. Opposition members should have the courage to apologise publicly to the people of New South Wales. This bill was introduced as a result of the inquiry conducted into this State's electricity transactions. The Government consulted with the experts to establish what needed to be done to solve the problems left by the former Government.

Mr Daryl Maguire: Failed Government.

Mr TONY ISSA: Definitely. The O'Farrell Government is being honest with the people of New South Wales. This bill, which is about delivering on the Government's electricity reform commitment, will implement the recommendations set out in the Tamberlin inquiry. The Government wants to assure the people of New South Wales that the electricity poles and wires will remain in public hands; it will not sell them. I do not want to keep referring to the former Iemma Government, but this bill is in the best interests of the people in this State. It will free up funds that will be spent on infrastructure. The Government wants more competition in the energy market which will help to keep down the prices of electricity for consumers.

The people in my electorate are suffering and this Government wants to take the pressure off them. This bill will result in more funding for crucial infrastructure projects such as roads, transport and hospitals—infrastructure that the former Labor Government failed to provide. This Government is getting on with the job of making New South Wales number one again. It is listening to the community and it is doing the best it can to provide the services that the people of New South Wales deserve.

Ms Linda Burney: Point of order: My point of order relates to relevance under Standing Order 129. The member for Granville should be talking about the electricity sale.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I uphold the point of order. The member for Granville will speak to the leave of the bill.

Mr TONY ISSA: Madam Acting-Speaker, with respect, I was saying that the outcome of this electricity sale would benefit the people of New South Wales. If Opposition members had listened they would understand that the people of New South Wales would benefit from such a sale. People in this State would have a better quality of life as a result of the sale of these assets.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Granville will confine his comments to the leave of the bill.

Mr TONY ISSA: I assure you Madam Acting-Speaker that my comments relate to the bill. I assure the community that the Government will not sell electricity poles and wires. For the benefit of Opposition members I repeat that they will not be sold. This Government's sales strategy is designed to achieve the best possible financial return to the State. That is what the Government is trying to do. This Government wants to foster a competitive electricity market to address deep community concern about the cost of electricity. It is important for this Government to get on with the business of governing this State, which is what this Government is doing.

For the past 12 months I have walked around my electorate with my head held high. People say to me, "Thank you for your achievements, for being honest with us and for the services that you deliver. At least we are able to have contact with our member." When Ministers visit my area they are accepted by the community because of the performance of this Government. I was elected as the member for Granville because my community knows that this Government will provide services. I have directed my comments through the Chair and I have ignored the rubbish that is being spoken by Opposition members. I commend the bill to the House. This Government is delivering on its promises.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The behaviour of members in the last 10 minutes has been unacceptable. The next member who interjects will be named. Members will remain calm. I ask the Minister to be thoughtful in his comments.

Ms NOREEN HAY (Wollongong) [10.44 a.m.]: People become emotional when they are dealing with emotive issues, and rightly so. Healthy debate is a good thing. I will deal with the diatribe to which we have just been subjected by the member for Granville. It is a joke and laughable for the member for Granville to suggest that this Government respects the electors of New South Wales. The member for Granville claimed that this Government is honouring the commitments it made prior to the election. Along with the comments made earlier I remind Government members that under their watch the cost of electricity to consumers has risen by 18 per cent. I do not know how Government members can pat themselves on the back. I suggest to the member for Drummoyne that he should not always look for people to blame; on occasions he should take responsibility for the actions of this Government. My constituents constantly approach me and say, "Noreen, do not let this Government sell off electricity." They are always saying what a great parliamentary representative I am so I thought I would take a leaf out of the Government's book and give myself a pat on the back.

What members of the Liberal-Nationals Coalition said in opposition and what they do in government bears no comparison whatsoever. Premier Barry O'Farrell is offering to meet with unions now after an event that will affect 1,500 workers. Government members should come clean on their intentions. I return to the comments of the member for Granville who subjected us to an onslaught about the Government keeping its commitments. I refer to the comments of the Leader of the Opposition in this House when he reminded us that Premier Barry O'Farrell came to the last election promising to be whiter than white. The Premier promised to raise the bar of ministerial standards and accountability, which is a joke. He promised also that the Government would be upfront in relation to its plans for electricity in this State. The Premier said that the Government had no plans to privatise this State's electricity generators.

How can the member for Granville say that the Government is honouring the commitments that it made before it was elected to office? Ample records show that the Premier, in his role as Leader of the Opposition, said that he would not attempt to privatise the State's electricity generators. In 2008 Barry O'Farrell opposed the long-term leasing of electricity generation assets, and weeks before the election he made a solemn promise not to privatise electricity in what will go down in history as the Lithgow declaration. The member for Ku-ring-gai said, "We have absolutely no plans to privatise the generators or the poles and wires." Nothing that the Government says or does now will absolve it from the statements it made prior to the last election. This is yet another example of members of the Liberal-Nationals Coalition saying anything to get into government and, like their promise to provide easy access lifts in Unanderra, reneging once they are in government.

According to the Leader of the Opposition, the Premier's statements were recorded in the *Lithgow Mercury* on 28 January 2011. The Government and the Premier have reneged on their promise. The Premier turned his back on the Lithgow declaration and his Government is selling the publicly owned generators. We know from experience that members of this Government could not lie straight in bed. This Government has no intention of keeping its commitments. This Government reneged on the Unanderra easy access lift project and it has reneged on just about every promise it has made. It removed the $30 vouchers that were issued to assist those who were doing it tough. Add that to the list and tell the people who are experiencing difficulties in Drummoyne how it is good to have an 18 per cent rise in prices and their $30 assistance vouchers are removed.

Tell them that when they are trying to pay their bills. No rural community impact statement has been released for debate on how the privatisation of electricity generators will affect prices and service levels in rural and regional New South Wales. Coming from the Illawarra region I am concerned on behalf of my community about where all this is heading. The press release issued on 3 November 2011 by the member for Orange and the member for Bathurst supports what I have just said. In that press release the member for Bathurst said, "I would be very concerned about selling a natural monopoly, that is currently a nice little earner for New South Wales, to a private company whether that company was Australian or foreign."

The member for Orange, Mr Andrew Gee, said:

> It is hard to see how transferring ownership of a gold plated monopoly to a private operator will increase competition and bring down electricity prices.

I do not disagree with anything that the member for Orange or the member for Bathurst said but I will be keen to hear the contributions of Nationals members to debate on this bill. In 2008, when similar legislation was debated in this House, I recall what Opposition members said which is directly opposite to what they are saying now in government. Government members should come clean and stop lying to the people of New South Wales.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Government members will come to order. I warn Government members that if they do not come to order I will name them.

Ms NOREEN HAY: This Government gives itself a pat on the back and it takes credit for initiatives of the former Labor Government in the area of hospitals, railways and the like. In the term of this Government low-income families have been impacted the most. Over the past 12 months this Government has attacked the poor and assisted its mates by providing them with highly paid jobs. About 15,000 people are employed in the electricity industry. Regardless of what the member for Granville said earlier, I do not believe for one minute or one nanosecond that this Government will not sell electricity poles and wires.

ACTING-SPEAKER (Ms Sonia Hornery): The member for Wollongong does not need any assistance from Opposition members. The member will be heard in silence.

Ms NOREEN HAY: Since coming to office this Government has been relentless in its attacks on workers and public servants in the Illawarra region and throughout this State. It has not created any jobs in the Illawarra region. The comments of the member for Drummoyne, who is attempting to interject, are even funnier than the comments that were made earlier by the member for Granville. This bill will confer unfettered power on the Treasurer to do everything that is necessary or convenient for the purposes of an authorised transaction. I am concerned that the Treasurer—whether it is the Treasurer in this House or the Minister for Finance and Services, and Minister for the Illawarra in the other House who has major responsibility for this portfolio—will play these kinds of tricks.

This Government has no commitment to ensure that all those employed by electricity generators will be guaranteed further work with other public sector agencies. Unlike the provisions in the gentrader legislation,

which was introduced in 2008 by the Iemma Government, this bill will not protect the entitlements or conditions of workers who transfer to private entities. In spite of what has been said today in this Chamber, this Government will not guarantee workers' entitlements or protect and look after them.

Mr JOHN SIDOTI (Drummoyne) [10.54 a.m.]: I congratulate the member for Wollongong on her award winning performance. Maybe she should take up storytelling.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Drummoyne will direct his comments through the Chair.

Mr JOHN SIDOTI: I support the Electricity Generator Assets (Authorised Transactions) Bill 2012 which will give the Government power to sell the State's electricity generator assets to the private sector. Last November the Tamberlin inquiry into the sale of electricity assets recommended that the Government either sell or lease the State's power assets. The sale will involve Eraring, Delta West Coastal and Macquarie Generation generators and will include the coal-powered Liddell, Bayswater, Munmorah, Eraring and Vales Point power stations and gas-fired Colongra. Under the bill the Government also will be able to sell electricity development sites and sell or lease the Cobbora coalmine.

I support this bill because it will free up funds to support much-needed infrastructure, with 30 per cent of the estimated $5 billion to go to regional New South Wales. When we ask Opposition members whether they want infrastructure for their electorates they all put up their hands, but when they were in government they left this State with a budget black hole. Members opposite are hypocritical. I take this opportunity to go back to the desperate bid by the former Government to sell the entire power network. Former Premier Iemma sought to rush legislation through this Parliament to raise $15 billion to get the Labor Government out of its budget black hole.

ACTING-SPEAKER (Ms Sonia Hornery): Opposition members will come to order.

Mr JOHN SIDOTI: Premier Iemma attempted to do that although he had assured the people of New South Wales that there would be no sale of electricity generation, transmission or distribution. Against a backdrop of union retaliation, party conference opposition and threats by his own members to cross the floor, he reluctantly withdrew the plan and it cost him his job. Unlike that clumsy effort, this plan has been well thought out and is the direct result of an independent inquiry headed by Justice Brian Tamberlin, QC. Importantly, it adheres to an election commitment that the sale would not include electricity distribution and transmission assets—the poles and wires. This is important because it means it will not be possible to transfer distribution businesses to the private sector without introducing legislation in this place.

The Government's strategy on the sale of electricity generators will be to achieve the best possible financial return for New South Wales, which is a top priority. Unlike those opposite who, if given a chance, would sell a park bench if it was not bolted down, this Government will take advice from experts and assess the sale with regard to market conditions. Whichever power company purchases the assets, the money raised for the Government will enable spending on long overdue infrastructure projects. It also will mean that the cost of generating electricity will not be borne by the taxpayers of this State. Under the previous Labor Government, infrastructure spending in New South Wales reached record lows. The O'Farrell Government has committed to spending $7 billion more in its first term in office than Labor spent in its last four years, which is shameful.

This Government has committed to spending $7 billion more, which is a big spend. The backlog in projects left by those opposite has made it a fundamental priority of this Government to take urgent action to get this State back on track. This bill will release additional funds to be paid directly into Restart NSW—a dedicated fund established by this Government in the early weeks of its administration. To demonstrate its commitment, the O'Farrell Government enshrined its detail in legislation and introduced it into the Parliament in June last year. Under this legislation Restart NSW will fund a range of infrastructure projects such as public transport, road improvements, water, freight and hospital upgrades—all the things that those opposite want. A key component of the legislation that is being debated today is that 30 per cent of the funds will be used for projects in rural and regional New South Wales, which I fully endorse.

Every member in this Chamber would remember the flagrant misuse of public funds by the former Labor Government, funnelling as much as possible into the coffers of its dodgy mates. Under this Government that type of behaviour will not be tolerated. Under the Restart NSW Fund Act 2011 the spending of public funds

must go before Infrastructure NSW—an independent body with no obligation for paybacks. Money placed into the Restart NSW Fund cannot be diverted for other purposes without authorisation under an Act of Parliament and all the money raised from this sale will go into that fund.

I return to the bill on the sale of electricity assets. Now we have established that the funds redeemed from the sale of the generators will be spent within the framework of law, there is a safety net in place to prevent wild and irresponsible spending. Since 2007, the people of New South Wales have been subjected to sharp and regular rises in the price of electricity. This has impacted families, small businesses and retirees. This bill will help to apply downward pressure on power prices. Sharp rises in prices have been particularly evident in rural and regional New South Wales, with some customers of Essential Energy experiencing increases of 85 per cent between 2004-05 and 2010-11. This sale will reverse that trend. In his findings, Justice Tamberlin said:

> Given the manifest disadvantages of the gentrader model, the Inquiry's view is that the State ought not to persevere with the gentrader option.
>
> The Inquiry does not consider there to be any good purpose to be served by the State continuing to own generation assets in New South Wales.
>
> The Inquiry does not consider that the objectives of a competitive electricity market or reliability of supply are advanced by maintaining the status quo.

Since the industry was privatised in Victoria, consumers have enjoyed reliable and competitively priced power and, in the case of the energy retail sector, Victoria's consumers have the opportunity to choose from more than 10 retailers who offer a wide variety of products. There will be plenty to gain for electricity consumers in New South Wales with the passage of this bill. It is particularly relevant at this time with the uncertainty about increased charges being exacerbated by the onset of the Federal Government's carbon tax on 1 July. The O'Farrell Government is committed to protecting the people of New South Wales in every possible way from further increases in power prices. The result of encouraging new investment in electricity generation will be cheaper prices for consumers. Failure to secure investment would have the reverse effect.

The bill also means that instead of committing funds to maintaining power generation, the Government can prioritise expenditure on public transport, health, new roads and infrastructure, areas unfortunately ignored by the previous administration. In drawing up this legislation, the Treasurer has put in place mechanisms to ensure the jobs of electricity workers are protected. Their jobs will be an important consideration in negotiation of the sale transaction. For example, staff transferred from electricity generators to public sector agencies will maintain continuity of service, superannuation and industrial conditions. The Treasurer is to be congratulated for drawing up this critical legislation, which will raise much-needed funds for the improvement of the State's infrastructure. I highly commend the bill to the House.

Ms ANNA WATSON (Shellharbour) [11.02 a.m.]: I speak today on the Electricity Generator Assets (Authorities Transactions) Bill 2012. The Government has demonstrated its hide and hypocrisy in introducing this bill. Prior to the 26 March 2011 election, Mr O'Farrell announced that if the Liberals and Nationals were elected he would be held accountable to the people of New South Wales. He promised that an increase in electricity prices and electricity privatisation were not on the cards. He misled the people of this State. The now Premier said back then that he had absolutely no plans to sell the State's electricity generators—another broken promise. Today this House is debating electricity generators privatisation. This Government has never been truthful. It clearly cannot be trusted; it will say anything and then backflip without even a flinch. Even Coalition members believed their own Government's broken promises. The Premier's promises mean nothing to the Premier, and they mean nothing to the people of New South Wales.

This bill is strongly opposed by the Opposition. It will do nothing to protect workers' entitlements or job security. The O'Farrell Government has never been a friend of New South Wales workers. This has been confirmed on many occasions, with the capping of wages of public sector workers and changes to the police death and disability scheme just part of the list that goes on and on. Under part 4 of the bill the Treasurer may transfer, at his absolute discretion, a person in the employ of an electricity generator to another public sector agency. There is no commitment by the Government to ensure such a person, or any person, employed by electricity generators will be guaranteed any further work with another public sector agency.

The bill has no provisions that protect any entitlements or conditions of employment for workers, or their families, who are forced to transfer to these private entities. Private operators will now compete on the wages that they pay and on the conditions of employment of their workers, as opposed to services that they

provide. This has been made clear by what has happened in other States. Conservative governments love privatisation; it is in their DNA, and they just cannot help themselves. They know privatisation does not work, but they push ahead with it anyway. To add insult to injury, in July last year the Premier passed on an 18 per cent increase in electricity prices.

Pensioners, families and couples struggle to pay their electricity bills because the Premier broke his promise that electricity prices under his government would be kept low. Furthermore, Barry O'Farrell has made no commitment that the sale of the State's generators would be subject to review by the Auditor-General. This in itself should set the alarm bells ringing in the ears and minds of all people living in New South Wales, particularly those who voted for Coalition members. There has not been a release of any impact statement relating to rural communities. Members of The Nationals who sit in this Chamber should be very worried because electricity generator privatisation will have a huge impact on those communities. Rural electricity generators are, along with local government, large employers in rural communities.

When the Premier was campaigning in last year's election he said that New South Wales would be open for business. He said that time and again. But I do not recall the Premier ever saying that New South Wales would be for sale. He did not tell the people of New South Wales that that was on the agenda. He was not honest with the people of this State, and the people will now pay for their mistake in trusting the Premier. The bill gives no guarantees about the retention of poles and wires and the retention of these businesses in public ownership. There is no provision in the bill to protect the interests of the people regarding the sale of the poles and wires. There are no provisions in the bill to protect New South Wales communities against electricity price rises, and no safety nets for households.

This fire sale of State-owned generators is nothing more than a cover-up. It is a cover-up of the fact that this Government is struggling to manage the finances of New South Wales. It is an attempt to cover up its incompetence and its inability to balance the books. Before the election the Premier said that he would stop government treating electricity companies as cash cows. That is yet another broken promise. People in the electorate of Shellharbour are already feeling the pain. My constituents are feeling the pain of a conservative Government that is untruthful, uncaring and incompetent.

Mr JOHN BARILARO (Monaro) [11.07 a.m.]: I make a contribution to debate on the Electricity Generator Assets (Authorities Transactions) Bill 2012 because I believe it is important to explain how and why this bill has come about and that it is introduced in the context of cleaning up the mess left by those opposite. It has been quite amusing this morning to hear that all of those on the other side have seen the light. It is a shame they did not have the spine, while in government, to stop the fifteen-minutes-to-midnight fire sale of the State's electricity assets, which created the mess we are now facing in the electricity sector.

The bill essentially will enable the sale of the State's generators, including the Eraring and Delta West generators, which are subject to the former Government's gentrader agreements. Importantly, the bill implements the Government's response to the Special Commission of Inquiry into Electricity Transactions conducted by the Hon. Brian Tamberlin, QC. The New South Wales Government is seeking parliamentary approval to sell the State's electricity generator assets because it wants to free up funds for infrastructure spending, see more competition in energy markets, encourage private sector investment in generation and help put downward pressure on power prices for the consumers and businesses of this State.

The New South Wales Government is committed to acting in the interests of New South Wales consumers to keep electricity prices as low as possible—a message that many voters relayed before the 2011 election. That is why the New South Wales Government established an independent special commission of inquiry into the former Government's electricity transactions. The Hon. Justice Brian Tamberlin, QC, was appointed as special commissioner to inquire into and report on all matters relating to the electricity transactions of the previous Government.

Following the receipt of the final report, the New South Wales Government has confirmed that the electricity network business—the poles and wires—will remain in public ownership, honouring the commitment the New South Wales Liberals and Nationals took to the 2011 election. In line with the recommendations of the independent inquiry, the Government announced it will undertake the sale of Eraring, Delta West, Delta Coastal and Macquarie Generation generators. Unlike the previous Labor Government—which repeatedly misled the community, who suffered as a result of broken promises—the New South Wales Liberal and Nationals Government will ensure that the Parliament endorses the transactions, with the proceeds to be directed towards

crucial infrastructure projects across New South Wales and at least a third directed towards regional areas. These transactions will ensure that New South Wales consumers will benefit from a more competitive electricity sector, which will help put downward pressure on rising electricity prices.

Importantly, the Tamberlin report warned that maintaining the status quo would not achieve the objective of a competitive and reliable electricity market. More competition in the energy market is the best way to bring prices under control for householders. Also, it must be noted that the competition watchdog will not allow the sale of the generators to proceed if it believes it will result in less competition and it is not in the best interest of the people of New South Wales. The proceeds of the sale will be put into crucial infrastructure projects across New South Wales, with at least a third directed towards regional areas. Infrastructure NSW will determine the priority projects as part of its five-year and 20-year plans, without the political interference that is generally associated with those opposite. We have made it clear from the outset that we want to be a Government that delivers on infrastructure.

This is good news for regional New South Wales because it will mean more infrastructure funding will flow into the country areas of this State, such as the Monaro. It will unlock further funding for schools, roads and hospitals in communities such as Bungendore, Braidwood, Queanbeyan, Jindabyne, Cooma and Bombala. It will restore the imbalance that we saw over 16 years of the former Labor Government, which showed so much contempt for and disregard of regional communities. It will help address the run-down infrastructure in regional communities, which suppressed our communities reaching their full potential. It is time for regional New South Wales to shine, and funds from the sale of the generators will achieve exactly that.

Everything that we are doing is in line with our election commitment: We promised an independent commission of inquiry—tick; we promised during the election campaign that poles and wires would remain in public hands, and now we honour that promise—tick; and we promised that we would look at the best way to keep downward pressure on electricity prices through competition—tick. We are committed to having an open and frank discussion with our community on this issue, we are committed to handling any transactions in an open and transparent manner, and we are committed to taking the best way forward to clean up the mess left by the previous Labor Government in the electricity sector.

Yesterday the Leader of the Opposition was critical of the member for Orange and the member for Bathurst in relation to their stance on this bill. If the Leader of the Opposition had half the ticker or backbone that the member for Bathurst and the member for Orange have, he may not be facing single-figure opinion polls. The member for Bathurst—like many of us—has a tough decision to make, but we understand the importance of being part of the team. Being a member of the Government gives us the benefit of having influence to ensure a better deal for our communities. The work that the member for Bathurst is doing as a member of the Government in cleaning up the mess left by Labor will ensure that jobs in his electorate are protected, entitlements are protected and that 30 per cent of the proceeds from the sale will go to regional communities such as Lithgow and Bathurst and, of course, throughout the Monaro. That will be an investment in the future of those communities and it will guarantee the region's fair share of the infrastructure pie.

The member for Bathurst is standing up for his community and he is fighting for the best deal he can possibly get within the context of making such a tough decision—a tough decision that is required because of the mess left by those opposite. He is a man of integrity, a man who will always look at the best long-term interest of his community, and a man to have by your side in the trenches—unlike those opposite who do not understand the importance of strong and stable leadership in government. A bill such as this raises many questions. Why is the Government implementing this bill? We are doing so because we are honouring our election commitment to listen to the experts. The Tamberlin inquiry recommended the sale of the generation assets.

We are also committed to retaining poles and wires in public hands. Today we are reaffirming that commitment. The sale of the generation assets will free up several billion dollars which can be invested in much-needed infrastructure such as roads, hospitals and public transport and, of course, it will secure New South Wales's triple-A rating and ensure ongoing competition and investment in the electricity market. What is the future of the poles and wires? We promised in the election campaign that the poles and wires would remain in public hands, and we will honour that promise. We are committed to being honest with the people of New South Wales and we will deliver what we promise. In other words, we have ruled out the sale of poles and wires. How much will the sale achieve? The price of the generation assets will be determined through a market process, and we cannot pre-empt the outcome.

However, we are confident that it will net several billions of dollars that can be invested in much-needed infrastructure such as roads, hospitals and public transport. The decision to sell off the generation assets also will take significant financial risks off the New South Wales balance sheet, and that includes the risk of running electricity businesses. Taking financial risks off the New South Wales balance sheet will give New South Wales more flexibility to borrow funds for infrastructure without risking the triple-A rating. The decision also will avoid the Government making significant investment in additional generation capacity and maintenance.

What protection will be given to local jobs? The Government understands the importance of jobs, particularly in regional communities, and as a member of The Nationals I will always fight for regional jobs. The Government will ensure that any transaction includes job protections. The detail of the protections will be developed as part of the transaction structure. I want to make it absolutely clear: This bill means that we are honouring our election commitment to listen to the experts and we are retaining the poles and wires in public hands. This decision will free up capital for essential infrastructure such as roads, hospitals and public transport. The reform is necessary to secure New South Wales's triple-A credit rating and our financial future. It will help to contain electricity prices, and we will introduce appropriate measures to protect jobs.

The bill also will protect New South Wales from the negative impact of the Federal Labor Government's carbon tax. Data from the Federal Department of Climate Change and Energy Efficiency shows that the two New South Wales State-owned generators—Macquarie Generation and Delta Electricity—could face carbon tax bills of more than $466 million and $455 million respectively from July 2012. As the owner of Australia's largest power generators, New South Wales remains particularly vulnerable to the devastating impacts of the carbon tax. With no compensation given to State-owned corporations, the carbon tax will destroy a significant proportion of the value of these electricity infrastructure assets and have a direct impact on New South Wales government revenue.

This means a direct hit to front-line services, jobs and infrastructure for the people of New South Wales. Looking at the options left to us in our task to clean up Labor's mess, this sale, as detailed in the Tamberlin independent commission of inquiry, is the best option for the people of New South Wales and will protect electricity consumers and the people of New South Wales in the long term. This is not being done under the cloak of darkness. It is not being done by proroguing Parliament and cutting out genuine debate and public scrutiny. It is not being done by faceless men behind closed doors on the basis of political convenience rather than the good of the State and its people.

The bill has come about through an independent process and a conversation with the public in which the Government explained how and why, and it was done with all the integrity, honesty and transparency that only come with a Liberal-Nationals Government. I can assure the people of my community and the people of this State—who on 26 March 2011 gave this Government a mandate to get on with the job of fixing the mess left behind by 16 years of a Labor Government that fumbled and mismanaged the State's assets and prosperity—that I will always work to make the best decisions, and I will inform my community with accurate information about those decisions, for the long-term prosperity of New South Wales. I commend the bill to the House.

Ms LINDA BURNEY (Canterbury) [11.18 a.m.]: I oppose the Electricity Generator Assets (Authorised Transactions) Bill 2012. I am very happy to follow the member for Monaro because he spoke about the very issues that I will highlight in my contribution to this debate, such as, honesty, transparency and responsibility in government. The people who elect us to this place have certain expectations: they expect honesty, they expect us to reflect their beliefs and aspirations, and they expect integrity. These are the foundations of a responsible member of Parliament.

I do not accept the rewriting of history. I know that Madam Acting-Speaker, as an educator, would agree with me. But that is precisely what is taking place in this debate. The good bureaucrats over there must have worked very hard on Government members' speeches, but they cannot rewrite history because there are too many records and too many places in which to find the truth. The truth is that Barry O'Farrell whilst in Opposition made a number of promises to the people who elect us and expect us to be honest. The now Premier promised that he had absolutely no plans to privatise either the generators or the poles and wires. They are the words of the Premier and those words cannot be erased. The Premier made that promise to the people of New South Wales and he has clearly blown that promise out of the water.

The issue of trust was raised during the debate. How can people trust the leader of this State when he says one thing in Opposition and does something else in Government? I have been a member of this House for a long time and I know the cut and thrust of this place. But Barry O'Farrell is the leader of this State and he has betrayed the trust of the people when he broke his solemn promise. People should be able to believe what a

potential Premier says in the lead-up to an election. I am glad the member for Upper Hunter is at the table today because he did a similar thing that goes to the matter of trust and his integrity. The member for Upper Hunter told the workers at Liddell Power Station that he would resign if this sale went ahead. That is a matter of record. He should be writing his resignation letter based on this issue, let alone the other issues that have been raised about the member for Upper Hunter.

Mr Charles Casuscelli: Seriously.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Strathfield will remain silent.

Ms LINDA BURNEY: The member for Upper Hunter said to workers who wanted to trust his word that he would take strong action. He was with a number of other Ministers when he said that and it is a matter of record. The workers at Liddell Power Station must be questioning the integrity and honesty of their local member. They must be questioning what trust they can place in their local member when he has clearly betrayed their trust. The member for Strathfield asked me to cite the source of the statement by the member for Upper Hunter. It was reported in the *Newcastle Herald* on 19 November 2011, and I am happy to table the article as evidence.

It will make the member for Bathurst happy to hear that in the presence of the Minister for Planning, the Minister for the Environment, Robyn Parker, the Leader of The Nationals, Andrew Stoner, the member for Upper Hunter and Mr O'Farrell promised the winegrowers of the Hunter that they would protect the vineyards from the onslaught of coal seam gas. The recent regional strategy that has been released certainly does nothing to protect that industry. They have established a pattern of behaviour of saying one thing and doing another, and that is of enormous worry to me. I am worried that members opposite have said one thing when they were in Opposition and now that they are in Government—without due regard, proper consultation or any respect shown to the people those promises were made to—they have simply forgotten and broken their promises.

Mr Darren Webber: Like there will be no carbon tax.

Ms LINDA BURNEY: Members can say whatever they like to me in this Chamber. As I said, I have been here a long time and interjections have no effect on me. I know that I am speaking from solid ground. I am speaking from sources and I am speaking the very words that came out of the mouths of the Premier and the Minister for Tourism, Major Events, Hospitality and Racing. More importantly, I know what the member for Upper Hunter said to people who wanted to believe in him. I suggest to the Premier and the Minister that they do what they say they are going to do. This sale has been portrayed as fixing up Labor's mess and necessary for investment in infrastructure.

As the shadow Minister for Planning, Infrastructure and Heritage, I know that this Government has made so many promises in relation to infrastructure that there is absolutely no way it can fulfil its promises. I know how to read a budget paper. Painting this privatisation in such a way is a sign of desperation because this sale was clearly in the back of their minds even when they were saying something else. The fact that this money will go to Infrastructure NSW and Restart NSW again raises the question of integrity. The track record of integrity of the chairperson of Infrastructure NSW, one Nick Greiner, is also there for the public to see. I do not see any plans or any forward thinking as to how this will work. All I see is a desperate bid to fulfil a promise about the North West Rail Link.

I will conclude my remarks by summarising what I have said. In this debate I have raised issues around honesty, integrity and trust. I have specifically laid those issues at the feet of the Premier and the member for Upper Hunter. These are their words; not mine. I solidly place on record that history cannot be rewritten. The members opposite cannot rewrite the history of this issue no matter how they try to dress it up. The member for Smithfield made an interesting contribution about what Labor has and has not done in relation to infrastructure in New South Wales. I simply say to the member for Smithfield and to the baying member for Wyong—

Mr Darren Webber: I'll never be as good as you.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The member for Wyong will come to order.

Ms LINDA BURNEY: The member for Wyong has been well behaved this year. He obviously has been put on a leash; it will tighten around his neck if he keeps it up. The member for Smithfield had no idea what he was talking about. He mentioned the rebuilding of every major hospital in New South Wales. That did not happen in past 12 months; it happened when Labor was in Government. He should at least get his facts right.

Mrs TANYA DAVIES (Mulgoa) [11.28 a.m.]: I will first correct the record. We have just heard the contribution of the member for Canterbury. Although she claims to have been in this place for a very long time, she is yet to accurately identify the electorates of Government members. She referred to the member for Smithfield but it was the member for Granville who spoke in this debate. I support the Electricity Generator Assets (Authorised Transactions) Bill 2012. The bill implements the recommendations of the Special Commission of Inquiry into Electricity Transactions conducted by the Hon. Brian Tamberlin, QC. The inquiry recommended enactment of legislation to enable the Government to offer for sale or long-term lease the Eraring and Delta West generators, which are subject to gentrader agreements, and the Macquarie Generation and Delta Coastal generators, and added that the Government would sell the development sites. The Hon. Brian Tamberlin, QC, stated in his final report:

> ... the Inquiry does not consider there to be any good purpose to be served by the State continuing to own generation assets in NSW.

For the benefit of Opposition members, who may not be listening, I repeat that the Hon. Brian Tamberlin, QC, made that statement as a result of the inquiry he conducted.

Mr Nick Lalich: Did you say something?

Mrs TANYA DAVIES: I say again for the benefit of what is left of Labor representation that that statement was made by the special commissioner of the inquiry. The bill we are debating does not authorise the sale of the State's electricity distribution and transmission assets, which are commonly referred to as the poles and wires. On 24 November 2011 the Government announced that the electricity network assets would remain in public ownership. In spite of that, I continue to hear the mantra from Opposition members that the Government will sell the poles and wires and that this bill authorises their sale. It seems that Government members have to repeat the same line continually, which is that we will not sell the poles and wires: and I feel as though it is groundhog day. When I speak to my 4½-year-old daughter to ask her to do something and she does not do it, I have to say it over and over. I have to stop her and say, "Dear Laura, turn your listening ears on—click, click. Have you got your listening ears on?" I encourage members opposite to turn on their listening ears.

The Liberals and Nationals Government is being honest with the people of New South Wales and delivering on its commitments to electricity reform. We said that we would implement an independent inquiry on electricity reform and Labor's gentrader sale and that is what we delivered. We then said that we would implement the recommendations of the inquiry and that is what we delivered. We also said that we would retain the poles and wires in public hands and that is what we are doing. The contrast with the former Labor Government in relation to this issue is stark. In 2007 former Premier Morris Iemma said in this House, "There will be no sale of electricity generation, transmission or distribution", which is much like saying, "There will be no carbon tax", which echoes throughout this country. However, Labor spent the next four years trying to do exactly that.

In the dying days of the Keneally Government, Labor sold off the retail generation arm of electricity generation. It was a fire sale of this State's electricity assets. So abhorrent was the secret sale that eight board members resigned in utter protest. Then to prevent proper Australian democratic review and proper inspection of those proceedings, Labor prorogued Parliament early. The bill is in the best interests of the State because it will do four things: it will free up funds for infrastructure spending, it will result in more competition in electricity markets, it will encourage private sector generation and it will help to put downward pressure on power prices for consumers and businesses. I will discuss in greater detail the key benefits of this legislation to the State, which include the freeing up of funds for infrastructure spending.

The New South Wales Liberals and Nationals Government is spending $7 billion more on infrastructure in its first four years than Labor did in its last four years to catch up on the extraordinary infrastructure backlog that Labor left. When speaking with residents of my electorate of Mulgoa it does not take long to understand their difficulty and the great angst that they struggle with on a daily basis because of the huge infrastructure backlog that Labor left to the State. The bill we are debating will release additional funds that can be paid into the Restart NSW Fund, which is a dedicated fund established by this Government under the Restart NSW Fund Act to fund major infrastructure projects. Some 30 per cent of those funds will be invested in regional New South Wales in accordance with that Act.

Mulgoa needs more employment lands and the provision of those lands must be accelerated in as fast a pace as possible. The infrastructure funding will enable those types of infrastructure projects to be accelerated. I inform the House that 63 per cent of people in the Penrith local government area leave the area and travel

either on the M4 or on trains to go to work because employment simply is not available in sufficient quantity in western Sydney. That is completely unacceptable: it results in a significant diminution in their quality of life, such as their time to exercise and spend time with their family. The second area that this bill will tackle is the introduction of more competition in the energy market and the encouragement of private sector generation. In his final report the Hon. Brian Tamberlin, QC, stated:

> The Inquiry does not consider that the objectives of a competitive electricity market or reliability of supply are advanced by maintaining the status quo ...

The member for Drummoyne has eloquently explained that Victorian residents have access to 10 electricity providers that offer competitive prices. The other area in which this bill will assist is helping to put downward pressure on power prices. Electricity retail prices have risen sharply since 2007, not in the past 11 months that we have been in government as members opposite try to portray. Electricity prices increased sharply when Labor began its final term of government in 2007, particularly so in regional areas of the State. Some customers of Essential Energy reported experiencing increases in regulated electricity retail tariffs of approximately 85 per cent between 2004-05 and 2010-11. I will reflect on a couple of circumstances in the electorate of Mulgoa.

Last year I spoke to a small business owner in Oxley Park who runs a corner shop on Sydney Street and asked him how his business was going. He replied, "Have a look around at my shop. I have four deep freezers and I have six tall upright fridges. How many of them do you see are full of products for sale?" I looked at them and said, "Not even half." He said, "That's right. I have had to turn off half of my freezer and fridge equipment because the cost of electricity far exceeds the proceeds of the sale to pay for the cost of electricity." A lady in her eighties from Claremont Meadows who lives on her own phoned me and said, "I am absolutely desperate because my electricity bill has more than doubled from $254 to more than $500 in one quarter.

I have done nothing different. I have even started to turn off the TV and I haven't turned on my AC unit for more than 12 months." She was absolutely despairing. Something must change. This bill will go a long way towards beginning the change process. Employee protections are a key part of this bill. The bill authorises the transfer of employees of electricity generators to another public sector agency for the purposes of the sale. The member for Canterbury, the member for Shellharbour, the member for Wollongong and probably more Opposition members will say how bad we are as a Government and to look at what we are doing to the people of the State. Let us have a look at what we have done for the people of the State since forming government nearly 12 months ago.

We have decreased train fares for monthly, quarterly and annual tickets. We have begun the construction of the North West Rail Link. We have increased nursing numbers at the Nepean Hospital when Labor was responsible for cutting those numbers at that hospital. We have begun stage one of the Werrington arterial project that will run through Claremont Meadows in my electorate. We have begun the Erskine Park link road, which will increase the attractiveness of western Sydney lands and increase employment opportunities whereas Labor refused for nine years to do what every other business and chamber of commerce encouraged it to do. I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands) [11.38 p.m.]: I oppose the Electricity Generator Assets (Authorised Transactions) Bill 2012.

Mr Charles Casuscelli: No, go on.

Mr RICHARD TORBAY: I heard the interjection made by the member for Strathfield and, given that he is a new member of the House, I will grant him a little latitude because he is obviously not aware of the history of this issue in this place over many years. As he nods in agreement from the Government benches, I will highlight to members that no side of this Chamber can hold its head up during debate on this issue. Both sides of politics at some stage have attempted to sell off and privatise electricity assets. That is a statement of fact. The acts of hypocrisy on this issue have been staggering. When considering the agenda to privatise utilities, I go back to 1999 when I first came into this place. During that campaign the Labor Government was attempting to privatise power and the Chikarovski-led Opposition at the time was saying it was going to privatise it but also give every household $1,000 if they supported it. Not only have both sides tried to privatise the industry, but they have tried it on multiple occasions. I have opposed the privatisation of power utilities since 1999, no matter who has proposed it. I do not think many in this place can say they have been consistent on this issue for the duration of their time in this House. I can say that.

Recently I moved a motion in the House seeking a referendum before any privatisation of utilities is proceeded with, which I thought was a good policy suggestion. Why? Because one after the other members have said that this debate is about openness, transparency and trust. Nothing could be further from the truth. If it were about openness and transparency, why would we not let the community have a say? I am not targeting individuals for hypocrisy because there are so many—Premiers, former Premiers, Ministers and former Ministers. On this issue there should be a Minister for hypocrisy and a shadow Minister for hypocrisy to keep them honest. Governments and former governments have misled the community on this issue, including those that proposed privatisation against their stated policy and an Opposition that opposed it against its stated policy. That is the history of this debate.

The underinvestment and the raping of assets in the electricity industry is a crime. We are now paying the price for a lack of strategic planning and investment in the industry, and a lack of vision and total disinterest in the sector for the longer term. It was milked for as much as the parties could get, not once but twice, to get that cash and leave the assets to rot and fall apart. Absolute government neglect has plagued the power industry in this State. That brings me to this bill. The Government has failed to make a convincing business case for the sale of the generators, given its stated position prior to the election that it would not sell the generators. I have read those comments on several occasions and spoken about them on several occasions in this place.

Steamrolling this bill through Parliament without regard to public opinion and then saying it is about openness and transparency is a bit rich. If it were about openness and transparency, the motion I put to the House only in the last sitting week to allow communities to have a say in the privatisation of public utilities would not have been opposed by the Government when the question was finally put. We should let the community have a say about a utility, an asset, it owns and has paid for. The Government should make the case to the community and let the community decide. In my view, that is something the community would respond positively to. The Government would need to make that case, and the Opposition would need to make its case to the community. It is not good enough to say what the Opposition did when it was in government; this is about the future, and no-one is talking about future strategic investment.

A clear cost analysis of the comparative benefits of the sale to the private sector compared to properly managing and retaining these assets in public hands has not been put on the table. As I said earlier, years of underinvestment and poor management have reduced the value of the electricity generators and the return to Treasury. The community is facing a spike in electricity charges as a result of this sale. Government members have said that prices are going up because of the carbon tax. There is no doubt that that aspect of the carbon tax has had a negative impact on pricing. But one cannot convince me that privatising these generators will not have an adverse impact on retail prices. That is directly misleading the public and that is evidenced by comparisons with other States and Territories and other countries that have undertaken this process. There has not been an evidence-based approach in this debate.

I urge members, before they say electricity prices will be cheaper, to remember they are making those comments on the record, and I can assure them, like much of this debate, their comments will come back to bite them. The Government is missing an opportunity to develop a business that would deliver the State a profitable and long-term revenue stream. It should attempt to invest in it rather than to continue the underinvestment that has occurred for many decades. Only private companies benefit from the privatisation of these utilities through the desperation of this grab for cash. That is what this is, and it is not just this Government. This is a well-worn path of successive governments, but it is a grab for cash. It is a poor scenario from every perspective. Members of the public will continue to have to reach into their pockets to pay for government inefficiency and underinvestment in this sector. A comment in the *Sydney Morning Herald* of 9 March 2012 stated:

> NSW taxpayers could be left paying tens of millions of dollars a year in penalties incurred by the state's electricity generators after they are sold under the O'Farrell government's privatisation plans.
>
> Legislation to facilitate the sale gives the Treasurer, Mike Baird, the power to transfer the financial liabilities attached to the power generators to other state-owned entities before they are sold.
>
> These may include tens of millions of dollars in "availability liquidated damages" each year if a generator fails to supply the amount of electricity it is contracted to produce.

No-one can guarantee the price of electricity to consumers or the liabilities to taxpayers and community members as a result of the sale. As we have seen with a number of public-private partnerships, when those estimates are incorrectly calculated it is the taxpayers who continue to pay for them many years after those projects have been delivered. This is not good policy. It is a breach of trust. It is built on a range of breaches by successive governments, and it will deliver a poor outcome that, in my view, the Government will rue one day. I oppose the bill and urge other members to do the same.

Mr STUART AYRES (Penrith) [11.48 a.m.]: The key focus of the Electricity Generator Assets (Authorised Transactions) Bill 2012 is to: one, facilitate or authorise the sale of the State's electricity generation assets to the private sector; two, allow the Treasurer to exercise the functions as may be necessary for the purpose of that sale; and, three, establish the transaction entities to facilitate the sale. This is an extension of a clear commitment the O'Farrell Government took to the people of New South Wales at the last election to conduct an inquiry into the sale of electricity assets through the gentrader model as undertaken by the previous Government. We said that we would conduct that inquiry, we would consider the recommendations of that inquiry and we would act on those recommendations.

We also made a commitment to the people of New South Wales that we would not sell the poles and wires as part of any sale. That is exactly what we have done. That is exactly what we are doing here today. We have the report, we have seen the recommendations and we are now debating legislation that will allow us to sell those generation assets because that is exactly what the report recommended we should do. That is very clear. That is transparent and that is exactly what we are doing. That is exactly what the people of New South Wales voted for. I do not think that is really up for debate. The outcome of last year's election should indicate to anyone the exact wish and will of the people of New South Wales.

I encourage members of this place and the public to read the Tamberlin report, which contains a number of recommendations that make it clear why we should go down this particular path. Mr Tamberlin recommended that we should conduct further discussions and inquiries, and have much broader engagement on the future sale of any assets. The member for Canterbury is absolutely correct, we cannot rewrite history, but it is important to consider how we reached this stage. Over a sustained period of time the sale of electricity assets has torn members opposite apart. Probably no single issue goes to the heart of the complete despair of the Labor Party more than this issue. That guy replacing Michael J. Fox in *Spin City*, Bob Carr, did a very good job of raising this issue, but was knocked back by his own party. Michael Egan, a reasonably respected Treasurer of this State, had a good crack at privatising electricity assets but could not get it through his own party room.

Shortly after that occurred we heard that Sydney was full. Let us not spend any more money on major infrastructure. Let us basically destroy any opportunity for the private sector to invest in this State and let us structure anything that resembled a public-private partnership to significantly disadvantage the private sector. Why would anyone want to come back? We then went further. Morris Iemma realised the position of the State and his Treasurer, Michael Costa, also recognised that electricity assets could be used much better. This bill is not just about selling off assets to gain cash; essentially, it is about transferring assets. What does this State really want to own? Does it want to own the generation assets or does it want to own some other asset? That asset might be the M4 East, a wider M5, the connection of the F6 back to Sydney for those who live in the south, or the connection of the M2 to the F3. All of those assets can be owned, if not wholly then partially by the people of New South Wales.

This bill is not some cash grab. It is about us making a decision about the asset we want. The key point is that the Opposition will go a long time before it can remove the stench of the rotting corpse that is Morris Iemma that hangs around its neck. Most importantly, it hangs around the neck of its leader because he went further than anyone else to ensure that New South Wales would not reach its full potential. We are in this situation for no other reason than ideology and ensuring that the union mates of the Leader of the Opposition were looked after. The people of New South Wales knew things had gone too far and that the former Labor Government had stopped making tough decisions on this State's investments. The people decided to throw out the previous Government and elect one that was prepared to make those decisions.

They made that decision with a degree of confidence. When Premier O'Farrell launched the then Opposition's campaign in Penrith he said clearly that we would not sell poles and wires, but that we would conduct an inquiry and we would look at its recommendations. That is what the bill is all about. The other key point is that this is a piece of legislation, which might sound weird, but the last attempt to sell off electricity assets was not done by legislation. It was done in some dark-of-night gentrader deal to try to cut corners and make sure members had no opportunity to debate any legislation. At Labor's State conference its members pulled out their knives and hacked each other to death. We just had to bring out the mops, clean it up and start rebuilding New South Wales.

Mr Andrew Rohan: And bring the drinks as well.

Mr STUART AYRES: Bring the drinks; that is exactly right. The New South Wales Labor Party has torn itself to pieces over and over on this issue. You can bet your bottom dollar right now that on levels 10 and

11 members are going in and out of offices trying to figure out who will actually vote on this bill. They have to do it again: they have to oppose the bill knowing that that means no investment in infrastructure. Opposition members know they put the State's finances at risk. It is absolutely amazing that they will do it again. Maybe we might get another leader. Maybe some Labor Party members recognise that their leader is just not up to the job—he cannot make the tough calls—and they might get rid of him. Members opposite just sit there.

Perhaps we should ask the directors who resigned over the last electricity deal if they thought it was appropriate. They resigned when they realised that the Government's decision was not in the best interests of the people of New South Wales or those corporations. It would be best to discuss this matter with those four directors because they have a degree of integrity. They displayed the level of courage required to stand up for what you believe in. Those directors were replaced by some Labor hack to see the deal through. That deal led to the proroguing of Parliament, which clearly led to the people of New South Wales deciding to elect a new Government. There has been lots of talk in this debate about job losses. Opposition members would have us believe in fantasy: if the generation assets made their way into the private sector every job in the electricity industry would be lost. Do the generation assets run themselves? Who do they think will run the electricity assets? Will it be little fairies from some other planet? Will it be martians? I do not know who they think will run it.

Any reform will require us to make sure that we get the maximum output from those assets. With generation assets it is about making sure we get the best efficient model to generate electricity in this State. There is little doubt that electricity prices have risen extremely fast. Much of that is the result of the way in which electricity assets were managed by the previous Government. If we continue to milk the cow so much, to quote the member for Northern Tablelands, there will not be much left at the end. If we continue to keep prices at rock bottom just to make it look good and take the dividends off the top, the point will be reached where the product cannot be generated at the right price. Then prices will rise very quickly. That is exactly what is happening in New South Wales.

This bill is not some magic pudding that will result in electricity prices dropping mysteriously straightaway. But it will put downward pressure on electricity prices. That is what has happened in other States. We are not saying we will click our fingers and electricity prices will drop straightaway. Not until we improve the delivery of electricity in this State and get the asset structure in the right space will we be able to apply that downward pressure on electricity prices. Another point raised was that the Premier did not support former Premier Morris Iemma. Given the performance from that former Labor Government, one would have to always question its competency to deliver anything, particularly with electricity assets. This bill is about transferring assets and ensuring what New South Wales wants to own: a generation asset or another asset.

Mr GREG PIPER (Lake Macquarie) [11.58 a.m.]: I am pleased to contribute to the debate on the Electricity Generator Assets (Authorised Transactions) Bill 2012. Privatisation of the State's electricity generation assets remains of great concern to residents in my electorate for good reason. I am not sure everyone is aware of Lake Macquarie's involvement in electricity generation, but local residents are particularly attuned as we have historically been a hub for production and distribution of electricity to the benefit of the State. Eraring Power Station is at the centre of my State electorate and in the city of Lake Macquarie. Vales Point, owned by Delta Electricity, while in the Swansea electorate, sits on the shore of Lake Macquarie and uses the lake for its operations. Delta's other major asset, Munmorah Power Station, also is in view, and we have nearby the Colongra gas peaking plant.

The residents of Lake Macquarie and this region are aware of the importance of power generation and they are concerned about these proposals. I acknowledge—and to some extent understand and maybe even have a little sympathy for—the current Government's wish to complete what was started by the previous Government. After all, in some ways this can be seen as trying to fix the abject mess that was created by the former Labor Government. This mess was created as a result of a disgraceful partial sale, seemingly partly in spite because of the failure of the full privatisation proposal. It is a mess, but I do not believe that the benefits outweigh the risk. Opposition members spoke passionately about and argued vigorously against this proposal, so it is with a wry grin that I listened to some of their comments today as they metaphorically returned from Damascus with a complete change of heart on this issue. At the time members of the former Labor Government courageously stood against this proposal—an issue raised earlier by the member for Wallsend, the member for Wollongong and others. They were strongly opposed to this proposal in principle because of the impact it would have on the State's finances in the long term.

The State's electricity infrastructure has generated income for the Government and this could and should continue well into the future. These assets have been a nice little earner by paying the State annual

dividends and tax equivalents. All that the Government needed to do to continue earning this revenue was to reinvest in plant and depreciated assets. However, going back many years the former Labor Government has a sad history of failing to reinvest and plan for the ongoing and profitable operation of these assets. Even though these assets have been reduced to such a parlous state they are worth keeping and would play an important role in a power generating mix that clearly should include the private sector. I note that the member for Mulgoa in her contribution to debate on this bill said that Opposition members referred to poles and wires or to distribution assets, which is something that I have not heard. While poles and wires are a natural monopoly and will return a dividend, they are unlikely to be the cash-cow that electricity generation will be.

Clearly, the people of New South Wales want these assets to remain in government hands. The underlying concern in delivering an essential public service into private ownership is the risk that profits will be seen as more important than service—shareholder dividends will be the primary consideration for the generators. New South Wales residents need to make a leap of faith and accept that their interests will be protected by State regulation. A range of precedents, particularly in Victoria, have been cited in debate on this issue. The citations have included price increases, lapses of essential maintenance and shortfalls in output. The Victorian experience is not something that can be set aside; it is relevant to this issue. Retaining public ownership of the remaining infrastructure in New South Wales is a good way of maintaining competition and assuring a large block of output, which is what the people of New South Wales and the residents of Lake Macquarie have clearly shown they want. As that is their desire, which I believe to be a sensible view, I cannot support this bill and will be voting against it.

Mr JOHN WILLIAMS (Murray-Darling) [12.02 p.m.]: I thank members for giving me an opportunity to speak in debate on the Electricity Generator Assets (Authorities Transactions) Bill 2012. I have always been opposed to the sale of public assets and in particular electricity generators in this State. I indicated in the past that if it came to a vote I was prepared to join the Labor dissidents and to oppose the sale of electricity assets in this State. Since then there has been a gradual deterioration in the value of these State-owned assets. This problem arose when Bob Carr and Michael Eagan went to the Labor Party conference and requested that electricity assets in this State be privatised. That request was rejected unanimously and they decided to take another course of action to mortgage those assets. They subsequently raised $12 billion but no-one knows where that money went. They mortgaged State Government assets and incurred a cost that was offset by the dividends that were raised.

Consequently from that date any reinvestment in electricity generating assets was challenged. Their ability to run those assets on the best fiscal model was destroyed and as time progressed Michael Costa and Morris Iemma decided, on the back of a flawed Owen report, to sell off those assets. Unfortunately at that stage they had no support. There was little support in their party, which led to the subsequent political demise of Morris Iemma. The fact is that there was still a frustration within the Labor Party about the privatisation of electricity. In the latter part of the tenure of the former Labor Government a decision was made to sell the retail side of the electricity market, which is in direct conflict with what is occurring today. Our State-owned generating assets and gentraders are now a part of a vertically integrated model—an association of generators and retailers—which is capitalism at work.

Retailers are now bidding in the marketplace for generation capacity, which is bringing down the wholesale price of electricity and creating a monster out of what historically was a fully regulated model that worked pretty well. If we did not have to pay off a mortgage that Bob Carr saw fit to impose on these assets, New South Wales could have retained them and managed them fairly well. The hybrid model created by the previous Labor Government has been an unmitigated disaster. The demand for electricity is not going in the direction suggested by TransGrid; in fact, electricity demand is going backwards and it will be a challenge to sell the generating assets.

Members in this Chamber are debating the sale of generating assets, but I want to know whether there are any buyers. From what I have seen this will be a difficult transaction. This Government does not have a choice as the damage has been done. The previous Labor Government's decision to sell off the retail sector and its demonstrated ability to compress the wholesale price of electricity created an unworkable situation for those government entities. They are now caught up by retail gentraders dictating the terms of the market obviously with a view to increasing their retail margin at the expense of the generating capacity and the costs of running those generators. The former Labor Government created an interesting scenario.

I see no choice for the Government but to sell these assets. It is a crying shame that Bob Carr and Michael Egan decided to put a mortgage on these assets and set the course for future electricity generation in

this State. I do not believe that anything this House does about selling these assets will change the price of electricity. That will be a great challenge for this Government. Whether or not electricity generators are privately owned, it is clear to me from the aggression of retailers and the way they have dealt with the market that the only way electricity consumers in this State will benefit is if the retailers try to increase their market share by decreasing the cost of power. That is the only opportunity, and it will be short-lived. As we know, once operators have bought their businesses, things will return to where they had been.

Electricity is a challenge for every State, whether or not electricity generation is privately owned. The future cost of electricity is grim. The impacts of the carbon tax will be passed on to consumers. This State is seeking conversion of these assets to private enterprise. I think the future looks a bit grim. I would not be out there spending the money hoped to be raised by this sale. What we will participate in is not a sale on my terms; I think there will be great difficulty in the Government selling these assets. It is going to be a tough call. To those who hope the money raised by this sale will result in an increase in infrastructure I say, "Wait to see the outcome of the sale."

Mr RYAN PARK (Keira) [12.11 p.m.]: From the outset I acknowledge the contribution of the member for Murray-Darling. The Treasurer's office will not be happy with the last 30 seconds of his speech, because the member said there is no chance any money raised from the sale will result in better infrastructure, and he asked why anyone would buy these assets. I imagine the Treasurer will have gone into damage control following those comments. The member for Murray-Darling speaks the truth about the inability of this sale to raise money that will go towards improving infrastructure in this State. He mentioned that it would be difficult to sell the assets. That is an interesting summation by my good friend the member for Murray-Darling. It gives me pleasure to speak about the Electricity Generator Assets (Authorised Transactions) Bill 2012. I start by saying that the Coalition's election to office in March 2011 followed a January 2011 discussion in Lithgow, where the Premier said:

> We have absolutely no plans to privatise either the generators or the poles and wires.

That is what Mr O'Farrell said in January 2011. After the March 2011 election of the Coalition, for weeks and weeks on end we heard in this place about the great winning margins of Coalition members, and how New South Wales communities would be a lot better off because of the election of the O'Farrell Government. Here we are, 12 months on, and the Premier has walked far away from the Lithgow declaration. Despite Premier O'Farrell saying, "We have absolutely no plans to privatise either the generators or the poles and wires," my good friend the member for Manly, the current Treasurer and future Premier, said in his agreement in principle speech on this bill:

> The New South Wales Government is seeking parliamentary approval to sell the State's electricity generator assets …

Something unusual is happening here. I know the Premier and Treasurer do not get on. That is life. But it is an unusual scenario that the Premier makes the Lithgow declaration that sale of electricity generators is off the table, yet the Treasurer says in his agreement in principle speech that it is on the table, and he wants parliamentary approval for it. That is unusual, and I am sure the member for Murray-Darling, if he were in the Chamber, would agree it is a little bit strange—even from the perspective of The Nationals. I want to say a little bit about my good friends the member for Bathurst and the member for Orange. On Thursday 3 November 2011, they issued their famous, or infamous, press release. Members on this side understand that members of The Nationals and members of the Liberal Party fundamentally hate one another, but that in order to retain their cosy relationship they tolerate one another.

The problem with the press release issued by the member for Bathurst and the member for Orange is that my good friends came out on Thursday 3 November 2011 and basically said that they were going to fight for their communities. Not on my watch, they were saying, would these assets be sold. Not on my watch, they said, would the workers be disadvantaged. The Bathurst electorate has the highest number of people working anywhere in the electricity distribution networks. But the members were saying in their joint press release: Not on our watch would we be a part of this sale. But then they head off down the mountains from those great areas of Orange and Bathurst, and the tone starts to change.

When they come into this place they get caught up in the fact that the Liberals run the party room, not The Nationals. The saltwaters and freshwaters clash, and they start to tone down their language while in Macquarie Street. It got so tough out in the electorate that they issued joint press releases. In here, they realise they do not control the party room. Tragically for our good friends in The Nationals, the reality is that they are

the rump that the Liberals have to tolerate. Tragically, when my good friends the member for Orange and the member for Bathurst get here there is simply no support for their position. I quote from that fine journal *OrangeNEWSnow* this report of 25 November 2011 by Derek Maitland:

> State member for Orange, Andrew Gee, gets the latest Spin Watch award for his self-promoted heroic bid to stop the O'Farrell government from selling the network transmission – or pylons, poles, cables and switches – of the NSW electricity grid.
>
> He told ABC News this week that he'd protested publicly against the sale of the network, along with the member for Bathurst, Paul Toole, because "I think that everyone in the Orange electorate and throughout the central west [has] had a gutful of high electricity prices."

He won the *OrangeNEWSnow* Spin Watch award for that performance. My good friend the member for Orange, I am sure, does a lot of good things. But, boy oh boy, his local paper has summed him up nicely and given him the Spin Watch award. He has not done too badly, given that when that article was written he had been in Parliament only eight months, to receive such fine recognition from his local journal, that trustworthy source of truth, the *OrangeNEWSnow*. That is an interesting piece of media reporting because we have seen that the member for Orange and the member for Bathurst have a lack of understanding of the way in which the media works. They cannot say something in Bathurst or Orange and not expect it to be made public in Sydney.

It is not about carrier pigeons anymore; we know what they say here and we know what they say in their electorates. It is a tragic set of circumstances when that fine journal, the *OrangeNEWSnow*, has given the member for Orange the Spin Watch award because it has seen through the difference in his behaviour in Macquarie Street compared with the main street in downtown Orange. Government members have said, "We have to flog off these poles and wires because we need money for infrastructure." My good friend the member for Drummoyne asked earlier today in debate, "Who wants infrastructure in their electorates?" I do not deny that I put up my hand. We all appreciate the challenges in a fiscal environment, but it should be remembered that the Treasurer was dragged kicking and screaming to sign off on another fine Nationals policy—the famous regional relocation grants when $280 million was given to people to move out of Sydney, Newcastle and Wollongong and into the bush.

That sounds great, but the problem is that if residents in Wollongong move to a house approximately 250 metres across a bridge they get $7,000, which is fantastic fiscal discipline by The Nationals. That is exactly the sort of thing that the Treasurer likes to see. Who said that The Nationals were bad economic managers? It is a disgrace, it is untrue and it is a joke. If the Government wants to get some money into its Restart NSW Fund to make New South Wales number one again, it should simply change the regional relocation grants, obtain the money sensibly and there would be no need to proceed with this bill.

Mr JAMIE PARKER (Balmain) [12.21 p.m.]: The Electricity Generator Assets (Authorised Transactions) Bill 2012 authorises the sale of the State's electricity generator assets to the private sector, implementing the Government's response to the Special Commission of Inquiry into Electricity Transactions. The bill enables the sale of the State's electricity generator assets, including the Eraring and Delta West generators, which were subject to the former Government's gentrader contracts. The legislation gives the Treasurer the power to exercise all functions as may be necessary for the purposes of the sale, and provides for the establishment of transaction entities to facilitate the sale. The transfer of the generator assets may proceed by direct sale with an initial public offering, but the final decision is to be made upon financial advice to Treasury.

The O'Farrell Government's legislation to sell off the State's electricity generator assets represents a failure on the part of the Government to learn from the mistakes of the former Labor Government. Further privatisation of the State's electricity assets is bad for the environment, bad for jobs and bad for household power bills. We fear, as other members apparently fear, that the partial sale will not satisfy the insatiable appetites of the NSW Business Chamber, Nick Greiner and Infrastructure NSW or the Murdoch press, and it may not even satisfy the Treasurer that it will fund proposed infrastructure projects. The O'Farrell Government is teetering at the top of the same slippery slope that undid two former Labor Premiers. As we have heard from other members today, including the member for Northern Tablelands, the Coalition is showing the same disregard for overwhelming public opposition to power privatisation that left the previous Government despised and eventually forced out of office.

I emphasise that the arguments that persuaded the Coalition in opposition to join with The Greens effectively to kill off the generator sale in 2008 are still as relevant today. The sale of power stations and the controversial Cobbora coalmine will earn almost nothing compared to the loss of State revenue and ongoing costs of private ownership. The former Government's gentrader transactions poisoned the value of the remaining generators and left public ownership as the only responsible option. Instead of reversing Labor's disastrous

gentrader transactions, the Premier is digging New South Wales in deeper. By selling the electricity generators the Government is increasing the exposure of overstretched household budgets to pay for infrastructure, maintenance and other costs. Pushing up power bills is no solution to the State Government's capital needs for transport, health and education. We know that the private sector will extract a greater amount of profit from its ownership of these assets and that can lead to only one result.

This legislation will give the Treasurer the power to sell off the State's generators while dumping responsibility for future financial losses onto the public purse. The Treasurer will be able to transfer the financial liabilities attached to the power generators to other State-owned entities before they are sold, leaving households to pay for Labor's mistakes for decades to come. This may include tens of millions of dollars in availability liquidated damages each year if a generator fails to supply the amount of electricity it is contracted to produce. Many members will remember the gentrader inquiry in the upper House in the dying days of the former Government. The former head of Treasury, Michael Schur, indicated to the inquiry that the total expected risks of availability liquidated damages over the lifetime of the contract was of the order of $360 million, and those are the risks with which the Government is moving forward. If the Minister believes that it is not the case that availability liquidated damages will not be a risk going forward for this arrangement he should make that very clear to the House.

Last year the New South Wales Auditor-General revealed that one generator company, Delta Electricity, is expected to be liable for $46.3 million in damages payments over the next four years. Another company, Eraring Energy, had budgeted to pay $6.7 million in penalties for 2011-12 alone. I encourage the Treasurer to inform the House whether that is the case. If it is we will welcome it. But it raises the issue of maintenance risk. Maintenance risk has been raised in the upper House inquiry and elsewhere. Will the Government commit to saying that there will not be a liability for public entities for availability liquidated damages or for maintenance risk in the future? I encourage the Minister to make that commitment because I understand from reading the *Sydney Morning Herald* that when the opportunity was provided the Minister was not able to make that commitment.

The downside risk will confront the taxpayer and the State for decades to come. When it comes to the environment the Government is handing over the rights to dump 60 million tonnes of $C0_2$ a year into the atmosphere. This sell-off will undermine the ability of the State to cut its greenhouse emissions for decades to come. Amongst all the sectors of the economy responsible for greenhouse gas pollution, electricity generation is unique in the availability of technological alternatives that are proven, are cost-effective and that lower emissions significantly. A transition to a 100 per cent renewable energy is now accepted by a wide range of industry experts as technically possible, affordable and highly desirable.

A University of Newcastle study estimated that New South Wales stood to gain 73,800 new direct and indirect jobs in the transition to a zero-emissions electricity sector. This would be approximately a tenfold growth in employment and consequent economic activity compared with coal-fired electricity generation alone. Privatisation removes the flexibility to respond to the growing need to reduce the State's emissions by replacing coal-fired power stations with high employment and low emissions alternatives. Private ownership also introduces a powerful profit motive to sell more electricity and undermine energy efficiency outcomes.

I turn now to household power bills. While prices for electricity in New South Wales are likely to continue to rise for some time, the growth in household bills can be curtailed by increasing levels of energy efficiency, local generation and energy conservation. Reduced consumption can compensate for rising prices and stabilise power bills. Private power means greater profits and higher power bills as well as pressure on energy efficiency. When it comes to employment, electricity plays a central role in the success of the domestic, commercial and industrial life of New South Wales. Public ownership has provided world-standard affordability and reliability. It has also developed a workforce that has displayed the capacity to innovate and act as a source of skills for the rest of the economy.

The New South Wales electricity industry has also been an incubator for skills for the State's economy by offering a large number of apprenticeships and a scholarship for engineering students. Many of these individuals end up working outside the power industry and the public sector, boosting the productivity of other sectors in the State. Privatisation puts all these benefits at risk because community service is replaced by shareholder profit as the overriding objective. Whatever jobs guarantees are built into the deal they will be short-lived and limited. The only sensible way to protect employment is to maintain public ownership and to build a thriving renewable energy sector.

The people of New South Wales have the right to be suspicious of the all-encompassing power of this legislation. Former Treasurer Eric Roozendaal, who put New South Wales in this mess, made many behind-closed-doors deals under the guise of commercial-in-confidence transactions. The result was a dysfunctional, partly privatised electricity sector. The former Government's botched electricity transaction decisions have undermined the ability of the State to reduce its greenhouse gas emissions. Those decisions have damaged the ability of the State to work in cooperative partnership with households to reduce long-term growth in demand and to curtail upward pressure on electricity bills. They have also eliminated important sources of recurrent revenue and represented exceptionally poor value for money.

They have exposed the State to unacceptable levels of risk associated with outages, the availability of liquidated damage payments, maintenance responsibilities and coal supply. They have removed the flexibility that public ownership provides during a time of massive global climate change. They have also reduced the ability to innovate in electricity supply, demand management and retailing, thus destroying opportunities to develop a lower-cost, lower-pollution industry and to foster a vibrant export industry. I am sure that all Coalition members enjoyed the political theatre of the opposition to the former Treasurer Eric Roozendaal's sell-off, but they are showing a remarkable lack of resolve when it comes to rescuing the State from the potential of billions of dollars of losses.

Unless reversed, the decision by the Keneally Government to sell the State's electricity retailers and two generator sites and to enter into contracts for trading the output of two sets of generators will have adverse consequences for New South Wales. The important role of electricity generation and retailing in the economic, social and environmental performance of the State leads to the conclusion that public ownership must be restored by legislation to reverse the sales and pay fair compensation. Public ownership and control should be maintained over the remainder of the electricity supply industry. As I have said, whether it is due to environmental reasons, job losses or the downside risks of the availability of liquidated damages, maintenance and coal supply, this bill should not be supported and these assets should remain in public hands.

Mr CLAYTON BARR (Cessnock) [12.31 p.m.]: I condemn the O'Farrell Government for the introduction of the Electricity Generators Assets (Authorised Transactions) Bill 2012. I also condemn the Government for the deliberately deceitful approach it took to this issue during the election campaign and its ongoing failure to be honest with the voters of New South Wales. The Lithgow declaration by Barry O'Farrell has been well cited and quoted in this Chamber by members on this side and avoided or ignored by those on the other side. I am fascinated to know if members opposite believe the video, audio and media footage is a true and accurate account of their Premier's words. I am fascinated to know if the Premier acknowledges those words as his own, or if he alleges that the footage has been doctored.

The words of the Lithgow declaration mean that the Coalition took to the recent election a policy that the electricity assets would not be sold, and now the Coalition of the willingly deceitful are squirming. They are trying to justify this premeditated sale as something that was independently assessed and supported. I ask them to explain the independence of the decision. As has been stated by many Coalition members, they have always said and will always say that the poles and wires are not for sale. If that is their position—always has been and always will be—how can they claim that they were guided by an independent study? Where is the independence if they already have an answer? We must face the fact that there is nothing about this decision which is independent or which has been driven by a study or research. The decision was premeditated.

The decision was hidden from the electorate in the lead-up to the election and members who have made contributions to this debate over the past 48 hours are still trying to hide the fact that it was premeditated. It strikes me that just about every time I speak in this Chamber I ask the O'Farrell Government to be honest with the public and I ask Coalition members to have the integrity and the intestinal fortitude to stand by their decision-making, to acknowledge their stand in the Chamber and to justify and prosecute their case to the public. They have to stand by their decisions and not try to justify them by attributing them to others. Although it is difficult, they must try to move on from that approach of misleading the public. The New South Wales Parliamentary Library provided a detailed research paper addressing key issues in energy. I refer to that document because it details the pressures on the rising price of electricity.

I refer to those statistics because Government members have made so much of the need to sell the generators to "put downward pressure on the rising prices of electricity". The fact is that the pressure on electricity prices is not driven by New South Wales generators. Importantly, this means that the sale will not put downward pressure on electricity prices. This bill has been introduced by a Government that promised, if elected, to ignore the Independent Pricing and Regulatory Tribunal and set its own price on electricity to ease

pressures on families. When can we expect the Premier to fulfil that promise? The same Premier who says, "Believe us when we say that this will put downward pressure on electricity prices" has also proven from prior broken commitments and promises that he cannot be believed.

When can we believe and trust the Premier? At the moment, it is impossible to tell. The voters of New South Wales are fast learning that they cannot believe the Premier. Certainly those who heard his Lithgow declaration and those who voted in the electorates of Orange, Bathurst and Upper Hunter have learnt they cannot believe the Government because their local members gave them assurances and ironclad guarantees that they would not allow this to happen. Yet it is happening. The short-term grab for cash by this sale may provide the dollars to build the North West Rail Line but it will provide little else. There will be no windfall for regional and country New South Wales. There will be no injection of funds into roads and hospitals. What happens when the money is gone? The residents of New South Wales will continue to pick up the tab.

If this money is so desperately needed to build infrastructure today, what funds will be used to build infrastructure tomorrow? What other public assets will be sold? If the Government is unable to build infrastructure with its current, sustainable, ongoing sources of income then we must surely question its ability to deliver on its promises. The Government will receive a windfall, which will be quickly spent and exhausted. Then what? The Government has shown a complete inability to handle the books and ledger of New South Wales. It has offered New South Wales a rising debt, a budget deficit and forward projections that will put the State almost $3 billion into debt by the end of its first term. Admittedly this Coalition Government is a little more restrained than that of former Premier Nick Greiner's, who managed a debt of almost $5 billion in his first term, but it does show a return to form and is evidence that the Coalition Government is a financially incompetent rabble.

It was argued in this debate whether the State needs to own the assets of electricity generators and put that we must make decisions about our assets, such as, roads, hospitals and electricity generators. If we asked the public what they considered was important infrastructure for the State, I am sure they would say that electricity is one of the basic pillars of our society and that they want government assurances about its supply. As much as the general public hate us as politicians, they rely on governments to be their backstop, their fallback position, their safeguard. The public equally would want assurances about water security, health, education, roads, transport and many other public services. Should the State own generators? I try to consider these types of issues with a view to the potential need for a disaster recovery action plan. In the event of a disaster I guarantee that water and electricity would be two core and essential requirements for recovery. Yet the Government is selling off these assets.

Research shows that the sale of electricity generators will not achieve downward pressure on prices. Logic dictates that the sale of electricity generators was not the result of an independent assessment. The decision to sell was premeditated. Accounting 101 proves that the sale of electricity generators is not a long-term financial solution to fulfilling the Government's election promises. This bill should not be supported or endorsed in this House. We have a responsibility to be the architects of the long-term future and prosperity of the people of this State. Our forefathers had vision. Almost a century ago they purchased electricity generators from privateers. They had the foresight to consider objectives that were decades and centuries away from being achieved. Unlike this bill, their decisions were not short-sighted and based on election cycles.

Ms CLOVER MOORE (Sydney) [12.38 p.m.]: The Electricity Generator Assets (Authorised Transactions) Bill 2012 provides for the restructure of the electricity generation industry and the sale of generator assets to the private sector through direct trade sale or public shares float. Debate about whether this infrastructure should be publicly or privately owned has failed to address the urgent need to restructure the industry to significantly reduce greenhouse gas emissions and accelerate the shift to a low carbon economy. Global warming is the biggest challenge of our time. Today we again are reminded of that by the most recent reports on increased carbon emissions. The energy sector is one of the biggest producers of greenhouse gas emissions. In fact, almost 80 per cent of Sydney's greenhouse gas emissions come from electricity that is supplied to homes and businesses.

Our future depends on a shift to greener energy. Failure to do this will be at our major cost. Recent floods, which climate scientists say will become more frequent as the planet warms, show the devastating costs of climate change. Restructuring the industry provides the opportunity to secure the future of our State and our planet. The most critical issue is how best to achieve a reliable, clean and sustainable power industry and the secondary issue is whether public or private sector ownership will better serve those objectives. Any shift in

ownership or control of our electricity industry must occur within a framework that guarantees sustainability outcomes that are needed to combat dangerous climate change. The matter is far too important to be left to the market alone.

As a major greenhouse gas producer, the power industry must take full responsibility for its emissions. The legislation should exclude any additional compensation against the impact of a carbon tax or any protection from future carbon abatement schemes just to get a better price for the sell-off. This Government already has abolished the solar feed-in tariff scheme to new consumers without forcing energy retailers to contribute to the scheme and pay for the renewable energy fed back to the grid, which they on-sell to other customers. Environment groups universally agree that coal-fired power must be phased out if we are to prevent the acceleration of catastrophic climate change.

Coal-fired power is one of the biggest sources of carbon dioxide. The generation of coal-fired power at remote sites is extraordinarily inefficient. It is widely accepted that we cannot meet emission reduction targets if we continue to expand our use of coal for electricity. We urgently need to wean ourselves from coal and begin the transition to decentralised power in the lead-up to a transition to renewable energy. I share widespread community concern that the sell-off facilitated by this bill could entrench New South Wales in a long-term reliance on coal-fired power because it is the cheaper and easier option. I support the call by environmental groups for a moratorium on new and expanded coal-fired power stations before any sell-off occurs. The privatisation plan should preclude the construction of new coal-fired power stations or the expansion of existing ones. If major investment in new power generation is needed, now is the time to switch to new green technology.

The Government should be aggressively promoting and investing in renewable energy, including solar, geothermal and wind power and allowing for cogeneration and tri-generation. It must set mandatory reduction targets and establish a major demand reduction program for homes, businesses and industries. Global warming, not ideology, is the most important consideration for the privatisation debate. If we do not have a planet with a future, everything else becomes academic. I am not convinced that the proposal will create a market that favours clean energy. While this is the case, we cannot afford to reduce our control of the industry and compromise meeting our climate change goals. I cannot support the bill at this time.

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

CORONERS AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from 22 February 2012.

Mr PAUL LYNCH (Liverpool) [12.43 p.m.]: I lead for the Opposition in debate on the Coroners Amendment Bill 2012. The Opposition does not oppose the bill. The object of the bill is to amend the Coroners Act 2009. The amendments are expressed by the Government to be comparatively minor ones to finetune the legislation, and that certainly seems to be the case. They do not amount to, and are not intended to be, a substantial review of the bill. They are intended to improve the operation of the Coroners Court in minor but useful ways. The principal Act, the Coroners Act 2009, resulted from an extensive review of the legislation and the court. The then Attorney's second reading speech in the other place in 2009 detailed the extent of consultation embarked upon at that time.

The office of the Coroner dates back to twelfth century England. The powers of coroners in this State were consolidated by statute in 1912. There was a new Act in 1960 and another new Act 20 years later. Subsequently there were amendments and developments, including the creation of the Office of the New South Wales State Coroner and assistant coroners. Building on that history, the 2009 legislation provided a modern and cohesive framework to allow coroners to perform their role. The current Attorney conceded in his agreement in principle speech that the court adjusted well to the introduction of the new Act. I think the Act generally has been well received. However, as the Attorney commented, some issues will become apparent only after implementation. It is in this category into which these finetuning amendments fall.

The amendments to the principal bill include an amendment to the definition of "senior next of kin". This provides greater flexibility to the Coroner in recognising as senior next of kin someone who had been the

deceased's legal personal representative before death. A change also is made to the definition of "reportable death". The impact of this change is to clarify the reporting of lives of people in or temporarily absent from the emergency department of hospitals that have been gazetted as mental health facilities. It also changes the use of the term "resident" to provide greater clarity as a matter of legal interpretation. There are amendments to give greater power to the Coroner to clarify the non-publication of questions, objections and comments. That is significant because it will help to avoid prejudicing future criminal proceedings.

The power to prevent publication of evidence is extended to submissions on the same basis. Section 79 is amended to clarify that a suspended coronial inquiry or inquest need not be resumed. Section 86 is clarified by section 86A in relation to a Minister's intervention in another party's application to the Supreme Court to open or reopen an inquest or inquiries. The bill also makes a sensible alteration to provisions relating to objections by senior next of kin or their representative to post-mortems. If the Coroner is satisfied that the senior next of kin has been or may be charged with an offence in connection with the deceased person's death, then the Coroner may refuse a request that a post-mortem inquisition not be conducted. This bill makes minor but useful amendments to the principal Act. I look forward to a dozen or so Government members jumping up to celebrate this fact. The Opposition does not oppose the bill.

Mrs ROZA SAGE (Blue Mountains) [12.46 p.m.]: It is with pleasure that I contribute to debate on the Coroners Amendment Bill 2012. I am one of the members in this debate who will say how wonderful the bill is. The bill aims to make miscellaneous amendments to the Coroners Act 2009 to improve the operation and effectiveness of the Coroners Court of New South Wales. The State Coroner has an important role to ensure that all deaths, suspected deaths, fires and explosions where the Coroner has jurisdiction are properly investigated. If necessary, an inquest or inquiry is held to consider evidence to determine the identity of the deceased and the date, place and manner and medical cause of death. It must be noted that all magistrates in New South Wales are ex-officio coroners by virtue of their appointment as magistrates.

An inquest is a court hearing and witnesses may be called to give evidence of their knowledge of the circumstances. In all those deliberations, the next of kin has important legal responsibilities. This bill will enable the Coroner to treat a deceased person's legal personal representative prior to his or her death as the senior next of kin. Of course, this applies only if no person is able to or has the capability to carry out the rights and responsibilities under the Act. The Coroner will assess the particulars of each case. A range of factors will need to be taken into account, including the relationship between the deceased and the legal personal representative, the extent of the legal personal representative's responsibility immediately prior to death, and the reason that the living senior next of kin was not suitable to undertake those responsibilities. These points relate to the insertion of new section 6A (2) in item [3] of schedule 1 to the bill, which amends the Coroners Act 2009.

The replacement of subsection (f) of section 6 (1) of the 2009 Act with a new provision in item [2] of schedule 1 to the bill will clarify NSW Health's obligations to report deaths of voluntary and involuntary civil patients that occur while the deceased person is temporarily absent from a hospital emergency department that has been declared a mental health facility. Patients' deaths that occur in an emergency department that is a declared mental health facility, which is where the patients were receiving treatment, will continue to be reported to the Coroner. Concern has been expressed by the New South Wales Department of Health that those who died while they were temporarily absent must be reported to the Coroner.

The aim of the amendment is to clarify that people who die while receiving mental health care, treatment or assistance in a gazetted emergency department are reportable to the Coroner. The amendment does not affect the obligations to report a death that is notifiable. Notifiable deaths are deaths where the person died a violent or unnatural death, the person died a sudden death the cause of which is unknown, the person died under suspicious or unusual circumstances, the person died in circumstances where the person had not been under the medical treatment of a medical practitioner six months prior to the person's death, or the person died in circumstances where the person's death was not the reasonably expected outcome of a health-related procedure.

The bill also will amend the word "resident" to "patient" to better reflect the word usage amongst mental health professionals for persons under care. I digress a little to say that health professionals in general—and I in particular—do not like the terms "consumer", "client" or "resident" when referring to people under their care. The word "patient" refers to a level and duty of care for a person well beyond that provided to a customer or client, which bureaucracy is apt to call patients these days. Dealing with a customer or client implies a temporary, superficial relationship. As a dentist I look after and care for patients, not customers.

The Coroners Amendment Bill 2012 will make amendments to section 74 (1) (c) of the Act to allow the Coroner to prevent the publication of coronial proceedings where a known person may have committed an

indictable offence. This will ensure that evidence of the proceedings, including written and oral submissions, will not interfere with the future course of criminal justice. The publication of such coronial proceedings could potentially prejudice either the prosecution or defence of a known person.

The bill also will enable the State Coroner to direct that a suspended coronial inquest or inquiry not be resumed, after consultation with the individual coroner and also in consultation with the Chief Magistrate where the coroner is a magistrate. This will enable the State Coroner to efficiently case manage files and should assist the State Coroner particularly when closing coronial proceedings. Once a coroner officially resumes an inquest or inquiry, the State Coroner no longer has the power to make a direction that it not be resumed. A coroner seeking to resume a suspended inquest or inquiry will be required to inform the State Coroner so that the State Coroner can review the matter in a timely manner and actively case manage the file.

The bill will clarify the rights of the Attorney General to be heard. It is within the Supreme Court's jurisdiction to grant the Attorney General leave to intervene when no party is opposing an application to hold an inquest or inquiry. The policy intent of section 86 is that seeking leave should not be required, as it is already expected the Attorney General would have the right to intervene. In the Act's current form this is not clear. The purpose of the amendment is to clarify that the Attorney General has the full rights of a party, including the ability to introduce evidence, issue subpoenas and seek costs. This amendment will give certainty on this point and avoid the expense of making submissions before the Supreme Court.

The amendment to subsections (5) and (6) of section 96 will enable the Coroner to refuse a request by a senior next of kin for a post-mortem examination not to be held if that next of kin has been or may be charged with an offence in connection with the deceased person's death. Delaying a post-mortem may lead to the loss of vital forensic evidence, it may be detrimental to the prosecution's case and the defence may gain a forensic advantage through the delay. When this provision is used, the Coroner will be reliant on advice from police regarding the senior next of kin's potential involvement in the death. The Coroner's decision will be subject to judicial review and, therefore, will need to be made on a lawful basis. It is expected that this provision will be used infrequently.

The amendment to section 98 provides for the situation where the senior next of kin who has been prevented from opposing the post-mortem attempts to authorise another person to oppose the post-mortem on his or her behalf. This amendment will stop the senior next of kin from authorising another person to object to the post-mortem. This amendment aims to prevent an accused from deliberately delaying a post-mortem for his or her advantage. Other family members will continue to have the right to object to the post-mortem and the amendment will not affect their right to seek a judicial review of a coroner's decision in the Supreme Court. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [12.54 p.m.]: Today I speak on the Coroners Amendment Bill 2012, which makes miscellaneous amendments to further improve the operation of the Coroner's Court in New South Wales. The eight amendments in the bill will mean that coroners will be able to conduct their duty with clearer direction. I will indulge in a little history about the Coroner. It is in the general interests of the community that any sudden, unnatural or unexplained death should be investigated. To reflect this, the role of the Coroner has adapted over the eight centuries since the office was formally established in 1194 from a form of medieval tax gatherer to an independent judicial officer charged with the investigation of sudden, violent or unnatural deaths.

Fast forward to this century, the coronership responds to and investigates deaths that have been referred to it for a wide variety of reasons rather than proactively screening all deaths that occur, whether in the community or in hospital, and then determining which ones should be subjected to further scrutiny. Deaths reported to the Coroner can be for reasons of violent or unnatural death or sudden death of an unknown cause or that a person died having not been attended by a medical practitioner within the period of six months immediately preceding his or her death. These are only examples of the types of cases the Coroner presides over. The office of the Coroner has existed for over 800 years by evolving to meet the changing needs of the society, which it serves. It continues to welcome any beneficial and positive changes that will enable it to develop and build on the service it provides to the public in general and the bereaved in particular.

Today we are speaking on changes that will assist the Coroner to provide a service to the public, often during times of stress and grief. The amendments will not affect any obligation to report a death that is reportable under one of the circumstances outlined in section 6 (1), but they will clarify NSW Health's

obligations to report deaths of voluntary and involuntary civil patients, as well as the deaths of forensic and correctional patients that occur while a person is in or temporarily absent from an emergency department that has been declared a mental facility under the Mental Health Act 2007.

Other amendments in the bill will help to ensure that the coronial process does not interfere with the future course of criminal justice by allowing the Coroner to order that submissions made in coronial proceedings where a known person may have committed an indictable offence not be published and by preventing the publication of certain submissions and comments in coronial proceedings concerning the suspension of coronial proceedings without the consent of a coroner. The Coroner will be able to case manage files more efficiently, particularly when closing coronial proceedings. This bill will enable the State Coroner to direct that a suspended coronial inquest or inquiry not be resumed following consultation with the individual coroner and subject to consultation with the Chief Magistrate when the coroner is also a magistrate.

The rights of the Attorney General will be clarified to "be heard" under section 86 to intervene in applications made to the Supreme Court under sections 84 or 85. Senior next of kin will not benefit from a delay in the conduct of a post-mortem on the victim of their alleged crime if the senior next of kin has been, or may be, charged with an offence in connection with the deceased person. These amendments can only benefit the Coroner in conducting his or her duties. Being a coroner cannot be easy, having to wade through cases that can be very complex and emotionally draining for all involved. If these amendments can assist the Coroner then all involved will benefit. I commend the Attorney General, who has put a tremendous amount of thought into this bill. Anything we can do to make the role of the Coroner more efficient and easier is positive. I commend the Attorney General and his extremely hardworking staff for their efforts in relation to this bill. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [1.01 p.m.]: The Coroners Amendment Bill 2012 is a very important piece of legislation and the Attorney General is to be congratulated on its introduction. The Coroners Act 2009 incorporated numerous changes to the previous Act, many of which had particular significance for the medical profession. But time has highlighted that, although the Coroner's Court adjusted well to the introduction of the Coroners Act in 2010, some issues need to be fixed. Having said that, I point out that the New South Wales coroner's case clearance rate rose to 108.8 per cent for 2010-2011, representing an improvement of 97 per cent. A recent Productivity Commission review revealed that the New South Wales Coroner's Court had one of the best clearance rates of any Coroner's Court in Australia. The reforms in this amending bill will only improve this impressive rate.

The 2009 Act introduced significant reforms, which resulted from a review undertaken by the Attorney General's Department in consultation with the State Coroner, the Chief Magistrate and a number of stakeholders representing relevant government bodies and medical practitioners. The reforms related to the important categories of death, conduct of post-mortems and case management of coronial proceedings. The jurisdiction of coroners was redefined, resulting in many deaths from natural causes being unnecessarily reported to the Coroner. Prior to 2009, approximately 6,000 deaths were reported to the Coroner each year, of which more than half were ruled by the corner as being from natural causes. That means that 3,000 families of loved ones around the State were unnecessarily subjected to the gruesome idea of a post-mortem—as if the death itself was not enough for those grieving.

Post-mortems can also delay funeral and burial plans, leaving next of kin in limbo about these arrangements. When the 2009 Coroners Act became law it prevented non-suspicious natural deaths from being reported unnecessarily to coroners and also helped to increase the clearance rate for the Coroner's Court. Items [12] and [14] of schedule 1 to the bill amend sections 96 and 98 to enable the Coroner to order an immediate post-mortem on the body of a person allegedly killed by a relative or senior next of kin. Currently, relatives can object to a post-mortem and are given 48 hours to apply to the Supreme Court to stop the procedure. This delay can seriously compromise the post-mortem. Under the proposed changes, the next of kin will lose the right to object if they have been or may be charged with an offence relating to the death.

Prosecutors can lose their case if the post-mortem is delayed as pathologists believe post-mortem results are most accurate when victims' injuries are fresh. The amendment is designed to prevent killers from deliberately delaying post-mortems for their own advantage. Other amendments prevent a next of kin who has been or may be charged with the death from postponing the post-mortem via a proxy. The Coroner's decision to proceed with a post-mortem is made normally within a very short time of the death. To do that there must be conclusive evidence from police responsible for the case that a certain party may be charged with the crime as well as knowledge of the medical history of the deceased.

Items [4] and [5] of schedule 1 amend sections 74 and 76 of the 2009 Act. Under item [4], the Coroner has the power to order the non-publication of submissions made in coronial proceedings relating to whether a person of interest may have committed an offence in relation to the death. Penalties apply for failure to comply, including a sentence of six months imprisonment. Item [5] prohibits the publication of any submissions by or on behalf of any person appearing or being represented in an inquest or inquiry on whether the matter should be referred to the Office of the Director of Public Prosecutions. Such submissions have the potential to prejudice the conduct of criminal proceedings. Case management is an important role of the Coroner, and amendments to section 79 will ensure that it is delivered more effectively.

Item [8] of schedule 1 amends section 79 to enable the Coroner to direct that a suspended coronial inquest not resume. This will enable the Coroner to case manage files efficiently and should assist the State Coroner when closing coronial proceedings. The Coroner's role in the deaths of people detained or temporarily absent from a mental health institution has been the subject of various interpretations under the present Act. Part of the proposed amendments will address this anomaly. Presently, some ambiguity exists over whether all deaths in one of the gazetted emergency departments must be reported to the Coroner. Since the 2010 Act, more than 30 State emergency departments have been declared a mental health facility to allow the short-term detention and treatment of patients in an emergency department before being discharged or, when necessary, transferred to an appropriate mental health facility.

The amendments will ensure that all deaths of patients receiving treatment for mental health in a recognised facility are reported to the Coroner. Let us take a moment to consider the role of the State Coroner. Coroners have been around for about 800 years and it may be the oldest judicial role surviving from medieval times. The traditional role of the coroner was to investigate and make findings about sudden, violent, suspicious or unnatural deaths. Coroners are located in local courts across New South Wales and inquire into the circumstances surrounding reported deaths and determine the cause.

The Coroner has the power to determine the identity of the deceased, inquire into the date, place and cause of death, and protect the lives and wellbeing of community members by bringing to the notice of relevant authorities any practices, policies or laws that could be changed to prevent similar deaths in the future. Coronial inquests can uncover evidence of criminal conduct and can result in recommendations and improved public health and safety. At inquests the Coroner can call witnesses to give evidence of their knowledge of the circumstances of the death. Most recently, the Acting Coroner ruled that standards of care needed to be tightened in hospitals following the tragic deaths of two little boys. Coroners play a key role in the judicial process and these amendments to the Act will further enhance better understanding and application. I commend the bill to the House.

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

[*Acting-Speaker (Mr John Barilaro) left the chair at 1.10 p.m. The House resumed at 2.15 p.m.*]

QUESTION TIME

[*Question time commenced at 2.17 p.m.*]

MINISTER FOR TOURISM, MAJOR EVENTS, HOSPITALITY AND RACING

Mr JOHN ROBERTSON: My question is directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. Since becoming the Minister responsible for regulating casinos has the Minister had any discussions with Peter Grimshaw at any time about The Star in a professional capacity, and what was the nature of those discussions?

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

Mr GEORGE SOURIS: As I have said on a number of occasions, there is the Gail Furness, SC, inquiry instigated by the Independent Liquor and Gaming Authority, there is also a reference by the Opposition to the Independent Commission Against Corruption, and the Director General of the Department of Premier and Cabinet also has a reference. Anyone with relevant information has every opportunity to put that information to an inquiry. The Premier has already indicated that every arm of government will cooperate. I refer to my previous answers: Members opposite should allow these inquiries to proceed.

GUN CRIME

Mr BRYAN DOYLE: My question is directed to the Premier. What progress has the New South Wales Police Force made in cracking down on gun crime?

Mr BARRY O'FARRELL: I thank the member for Campbelltown for his question and for his former service as a New South Wales police officer. This morning Commissioner Andrew Scipione announced that New South Wales police had detected and dismantled a criminal syndicate believed responsible for importing from Europe illegal handguns that were bound for the streets of western and south-western Sydney. Strike Force Maxworthy was established in February after police traced a number of seized illegal weapons to an Austrian manufacturer. One of those weapons included a Glock handgun seized during police investigations into a drive-by shooting at Campsie in late January. An extensive investigation followed, resulting in yesterday's raids at a number of addresses in Sylvania Waters, Greenacre, Wetherill Park, Fairfield West, Guildford, Greystanes, Dulwich Hill, Lidcombe, Wentworth Point, Wentworth Park and Rosehill. Police seized items including 140 Glock magazines, seven firearms, small quantities of steroids and other illegal drugs.

It is believed that the guns were imported specifically for use by criminals, including outlaw motorcycle gang members, and those in Middle Eastern organised crime gangs. I spoke with Commissioner Scipione first thing this morning, on behalf of the community and on behalf of the Government, and expressed our congratulations and thanks for the efforts of the Police Force in smashing this ring. As the commissioner said this morning, good police work can take time, but the State's police officers in this instance, as they do so often, have delivered for the people of this State. The collapse of this gun import racket is a big win: it will see criminals behind bars, it will take illegal guns off our streets, and it will make our community safer. I have previously expressed concerns about illegal guns coming through Australia's borders; this exercise seems to have shown that those fears were correct. Police inquiries are continuing, and hopefully we will see more crooks brought to justice.

The NSW Police Force has the full support of all those on this side of the House. But, unfortunately, in recent times that support has not been bipartisan. At the exact same time as the raids were taking place in Sydney yesterday, the Leader of the Opposition was doing his usual grandstand press conference outside a home that was shot up in a drive-by shooting. It is time the Leader of the Opposition tried to stop taking cheap political points, tried to stop putting police down, and started supporting police efforts and acknowledging their results. But he could do even more. He could get his Federal colleagues to effectively police and enforce the borders of our State and nation. Border protection and custom control is not the responsibility of a State police force.

Border protection and custom control is not meant to be the responsibility of the New South Wales Police Force, although on this occasion I am sure all citizens of this State, and frankly citizens across the country, will be grateful for the great, effective and sophisticated work done by New South Wales police overseas and in this State in cracking this criminal syndicate. It is time the Federal Government stopped burying its head in the sand about the porous nature of our borders and our custom service. It is time it stopped focussing on itself and the factional and leadership issues within the party. It is time the Federal Government started to provide this city, this State and this nation with the effective controls of our borders that the people have a right to expect. I am pleased that yesterday's success has also finally focussed the media's attention on the success that police have had over the past two and a half months in relation to drive-by shootings.

In addition to the three arrests made yesterday, over the past two and a half weeks we have seen 225 arrested, 463 charges laid, 867 vehicles searched, and 26 weapons seized. My Government's tough new drive-by laws have given police the powers that they need to do their work. Contrary to the consistent claims of those opposite who say that police do not have the necessary power or resources, yesterday's efforts demonstrate they have both. I note it has taken yesterday's success by the New South Wales police—success that has been ongoing for two and a half months—for the member for Toongabbie, the man who presided over the most drive-by shootings in this city's history, to give police the congratulations they deserve. [*Time expired.*]

THE STAR CASINO AND PETER GRIMSHAW

Mr JOHN ROBERTSON: My question without notice is to the Premier. Since he became Premier, how often has he had discussions with Peter Grimshaw about his former employer—

The SPEAKER: Order! I cannot hear what the Leader of the Opposition is saying. I may be required to rule whether the question is in order, so I need to hear it.

Mr JOHN ROBERTSON: The Leader of the House suggested that maybe the Minister for Gaming and Racing will answer this question on behalf of the Premier.

The SPEAKER: Order! The Leader of the Opposition will ask his question or resume his seat.

Mr JOHN ROBERTSON: Since he became Premier, how often has the Premier had discussions with Peter Grimshaw about his former employer, The Star, and what was the nature of those discussions?

Mr BARRY O'FARRELL: For the benefit of the gallery, I would point out that this is the first time in a week and a half that the Opposition has directed a question to the Premier.

Mr George Souris: A record.

Mr BARRY O'FARRELL: Yes, a record. I had to interpose myself into question time yesterday to get a go.

The SPEAKER: Order! If Opposition members do not cease interjecting, they will be placed on a call to order without warning.

Mr BARRY O'FARRELL: As I said at a press conference at Blacktown today, it is not because I think I am good; I just think members opposite are hopeless. My opinion does not count because at least 15 per cent of the State think the Leader of the Opposition is okay, which means that 85 per cent of the State think he stinks too.

The SPEAKER: Order! The Premier will return to the leave of the question.

Mr BARRY O'FARRELL: I welcome the question and repeat that there is an Independent Liquor and Gaming Authority inquiry and, as I said in this place two weeks ago when I was actually being asked questions—

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

Mr BARRY O'FARRELL: —if that inquiry believes that those issues are relevant, it has the power of a royal commission to call me or any other member of Government or any other member of the public service to answer questions. And, as I said in this place two weeks ago, we will cooperate completely. There is also though the issue of what the Leader of the Opposition did on 2 March. Of his own volition he referred this whole issue to the Independent Commission Against Corruption. My question today is the same as the one I asked yesterday: Why does the Leader of Opposition not trust the Independent Commission Against Corruption? Why does a member of the Labor Party—a party that has had such an association with the Independent Commission Against Corruption for so many years, a party with which so many colleagues of the Leader of Opposition seem to have a continuing association—not trust the organisation to which he sends—

Mr John Robertson: Point of order: I just make the point that there is someone sitting on the Government's front bench who is very familiar with the Independent Commission Against Corruption and an adverse finding.

The SPEAKER: Order! That is not a point of order.

Mr BARRY O'FARRELL: How many members in the last Parliament on the Labor Party side were declared by the Independent Commission Against Corruption to have been engaged in corrupt conduct? Shall I get those reports out?

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

Mr BARRY O'FARRELL: The point is that the Leader of the Opposition—

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

Mr BARRY O'FARRELL: —sends these matters to the Independent Commission Against Corruption. He should respect the Independent Commission Against Corruption, because we do. I say again, as I said yesterday, where is the fact, the one single decision, other than my refusal of an invitation to attend—

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

Mr BARRY O'FARRELL: —the opening of The Star, that has in any way been before Government, before Ministers or before staff over the past 352 days? The Opposition has asked the Minister for Tourism, Major Events, Hospitality and Racing 20 questions. The Minister is getting repetitive strain injury from getting out of his seat during question time. He will be asking for a higher duties allowance next—and the answer is no, George. Where is a single fact that supports a skerrick of the smear, innuendo and rumour that the Opposition has sought to peddle? There is none. The point remains: There was a referral made to the Independent Commission Against Corruption by the Leader of the Opposition and an Independent Liquor and Gaming Authority inquiry—the second one after an inquiry conducted last year—following which Gail Furness, who conducted the inquiry, demonstrated her independence and, not swayed by anyone, recommended the renewal of The Star's licence.

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

Mr BARRY O'FARRELL: Not only am I confused by the Leader of the Opposition; I am also certainly confused by The Star. I am sure that last week I read that the chairman of The Star said that he had no confidence in and could not work with the State Government, yet just this week the managing director of The Star said that he can work with the State Government. I do not know how much they are paying their public affairs company and I do not know what advice they are getting from a former adviser to Bob Carr—

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

Mr BARRY O'FARRELL: —but it is not worth the dollars they are paying.

WESTERN SYDNEY HEALTH INFRASTRUCTURE

Mr BART BASSETT: My question is directed to the Minister for Health, and Minister for Medical Research. What is the Government doing to deliver better health infrastructure for patients in western Sydney?

Mrs JILLIAN SKINNER: I thank the member for Londonderry for his great interest in health issues affecting constituents in his electorate. He was there on Monday when we celebrated the opening of the new wing of the Nepean Hospital, and today he was with me at Blacktown with the Premier, the member for Smithfield, the member for Hawkesbury and the member for Riverstone when we announced a $300 million upgrade of Blacktown and Mount Druitt hospitals. This is a record amount of spending on hospitals that have been sorely neglected for many, many years. I was delighted this morning to welcome one of the newest members of the Western Sydney Local Health District Board, Paul Gibson, who is known to a number of members in this place. I was able to say at the commencement of the meeting this morning that I welcomed Paul there because of what he had said to this House—

Mr Nathan Rees: You'll regret it.

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

Mrs JILLIAN SKINNER: —on 23 February 2010 when he pointed out that he had led deputations of doctors to successive health Ministers and Premiers for eight to ten years and had got absolutely nothing for Blacktown Hospital. I am therefore very pleased that I was able to thank the member for Londonderry and the member for Riverstone this morning for leading that same delegation of doctors, who told me that they were there previously—

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

Mrs JILLIAN SKINNER: They should have come to see me six months ago. There we all were today meeting on their terms. The upgrade to Mount Druitt Hospital will provide fantastic new facilities for the area, with a new entry, additional capacity for an elective surgery centre—which was promised for years but never delivered—new rehabilitation facilities, et cetera. Dr Mac Whyllie, who would be known to many opposite, was at that meeting this morning and he was thrilled; he was absolutely singing the praises of the Coalition and condemning the previous Government for its failure to respond. I was thrilled to read in a media release of the Australian Medical Association a comment made by Professor Peter Zelas, a specialist from Blacktown Hospital and a member of the board.

The SPEAKER: Order! The Minister needs no assistance from the member for Macquarie Fields.

Mrs JILLIAN SKINNER: Dr Zelas is obviously a good man. The media release reported him as having said:

> It's pleasing to see that the Minister has responded so positively to the concerns the medical staff raised with her when she visited the hospital late last year.

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

Mrs JILLIAN SKINNER: The media release continues:

> A/Prof Zelas says the Government has listened to calls from doctors to fulfil a plan mapped out to 2021 when the area's population is expected to reach 400,000 people.

What is in that plan besides the upgrade to Blacktown and Mount Druitt hospitals?

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

Mrs JILLIAN SKINNER: What is fantastic is that it starts with a $27 million car park—never mentioned anywhere by anyone else—that will provide 600 extra car parking spaces for patients and staff in the hospital. Another $270 million will come out of the State Government budget, which is more than double the $125 million we originally promised the hospital. After considering local needs we increased the funding to $270 million, and that will provide a totally new integrated cancer care centre, a new stage one hospital expansion, a subacute mental health facility, a whole new hospital street and a refurbishment of the existing hospital with upgraded intensive care units—

Dr Andrew McDonald: Did you do the development?

Mrs JILLIAN SKINNER: Well, if you built it, you did a damn terrible job; it is in an absolute shocking state of disrepair. I went through it today and I would not be boasting about that hospital. As Paul Gibson said, Labor ignored it for years. What will this upgrade mean? It means that these two hospitals will have 650 beds—an increase of 170 beds. The staff at the hospital were rejoicing this morning and I send to them my congratulations for the wonderful work they do, and I include in that the fantastic volunteers who sold the Premier and me odds and sods this morning. This will make a huge difference to the people of western Sydney who were ignored by Labor.

THE STAR CASINO AND PETER GRIMSHAW

Ms LINDA BURNEY: My question is directed to the Premier. When was the Premier made aware that his director of communications, Peter Grimshaw, planned to give evidence to the five-year review of The Star casino?

Mr BARRY O'FARRELL: I am tempted to—

Mr Richard Amery: Answer the question.

Mr BARRY O'FARRELL: I found a mistake—an unusual mistake—in yesterday's *Hansard*. I said yesterday that I was happy to listen to a point of order taken by the member for Mount Druitt because "he saw Parkes" that is Sir Henry Parkes "in this role". Hansard reported me as saying "parts" rather than "Parkes". I have asked that that be corrected. However, my response is the same. If the Independent Liquor and Gaming Authority and the Independent Commission Against Corruption finds that of interest, they can ask me about it. But unlike the member for Toongabbie, who did not understand this yesterday, I note that the Independent Liquor and Gaming Authority undertakes inquiries at arm's length from government, and its licence review inquiry—which I remind the member for Toongabbie is not a decision of government but a decision of the Independent Liquor and Gaming Authority—was set by legislation that those opposite administered, or at least pretended to administer for 16 years in government, and has been in operation since we have had a casino in New South Wales.

Ms Linda Burney: Point of order: Madam Speaker, could you bring the Premier back to the leave of the question? It was very specific. He should stop gibbering and answer the question.

The SPEAKER: Order! There is no need for those kinds of remarks. The Premier is being relevant. I cannot direct the Premier on how to answer the question.

Mr BARRY O'FARRELL: I have to say, the Deputy Leader of the Opposition is not shrill, she is just boring.

The SPEAKER: Order! I ask the Premier to return to the leave of the question

Mr BARRY O'FARRELL: The way it conducts its inquiries is entirely appropriate. In this case the way in which it conducted its inquiry allowed members of the public to give advice and make submissions. The suggestion today is that it was inappropriate for a member of the Government's staff to participate in a public inquiry. Surely that is a matter that Gail Furness, QC, and the Independent Liquor and Gaming Authority should have determined before it took that evidence. I do not think it is inappropriate for a Government or Opposition staff member to exercise his or her democratic rights in a public inquiry. But this goes to the bigger issue that the Opposition has failed to address after asking some 25 questions in a row on this issue in this place.

Ms Cherie Burton: So it is 25 now?

Mr BARRY O'FARRELL: It is 25 questions because three have been addressed to me. The member should not forget that. She should try to keep up, she is still in Parliament. What is the import of any decision—because there has not been any—that makes that question relevant to this place at a time when we could be asked questions about the devolution of education? That is a significant change for principals, teachers, students and their families across the State. We could be asked questions about our Government finally implementing the recommendations of Justice James Wood in relation to out-of-home care. We could be asked questions about the fantastic job that the Minister for Health is doing in delivering health infrastructure in New South Wales.

Ms Cherie Burton: Answer the question.

Mr BARRY O'FARRELL: Is that a traffic offender shouting? The point is that there is another Independent Liquor and Gaming Authority inquiry caused by The Star casino's dismissal of the managing director after it investigated two incidents of sexual harassment. There is a referral to the Independent Commission Against Corruption by the Leader of the Opposition. If any of these matters are relevant they will be the subject of those inquiries. As I said in this place two weeks ago, those inquiries will have the cooperation of this Government from top to bottom.

STATE ECONOMY

Mr JOHN FLOWERS: My question is directed to the Treasurer. How has the Government acted to protect jobs and grow the New South Wales economy?

Mr MIKE BAIRD: I thank the member for his question and for his interest in serving his community and small businesses in his electorate and across the State.

The SPEAKER: Order! I call the Leader of the Opposition to order for the third time. Those sorts of comments are not warranted.

Mr MIKE BAIRD: What a difference 12 months makes. The O'Farrell Government has been in power for 12 months and it has got on with the job of delivering for the people of New South Wales. It has been a year of action and delivery in this State. The Government has delivered on its promises and the people of New South Wales have experienced a change from years of financial mismanagement by the other side. The Government's first year has been one of many achievements. The Government has managed to eliminate Labor's $5.2 billion black hole—I will get to that. It has managed to align expenditure with revenue and has maintained this State's triple-A credit rating.

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

Mr MIKE BAIRD: The Government has implemented wage restraints and made the hard decisions that those opposite were not prepared to make. The Government has restored confidence in the economy and in the jobs market. The Government has record infrastructure and has identified funds to get on with the job of constructing more infrastructure in his State. The decisions on infrastructure will be made on economic merit,

not on the wishes of Sussex Street. The Government has turned around financial accountability in this State. It has turned around a $5.2 billion black hole. We remember what happened. The week before the election this little beauty came out of the oven, which was a promise to the people of New South Wales that those opposite would deliver surplus after surplus. Yet a week later we saw the true position of the finances and they were in the red.

The most disappointing thing was that those opposite knew the truth. They knew they were lying. They knew it then and they know it today. They should hang their heads in shame for what they did. It happened because Labor put budget forecasts together by going to the Treasurer's office and getting into the oven. That is exactly what they did. We also know the way that Labor puts policy proposals together. We remember Captain Solar at his greatest. We remember that when he introduced the Solar Bonus Scheme he said, "We don't want Treasury costings for the policy. We don't want to worry about that cost of a billion dollars because if we don't know about it we don't have to talk about it and we don't have to put it in the budget forecast."

That is exactly what those opposite did. This Government has maintained the triple-A credit rating. That is an important point because the triple-A credit rating would have been lost under the former Labor Government. At the moment estimates are that it would cost $3.75 billion over 10 years if the triple-A credit rating were lost. The good news is that the Government has retained the triple-A credit rating and the agencies have acknowledged the strict control measures in place. For 16 years Labor failed to act on wages. If this Government had not acted it would have cost taxpayers close to $2 billion over the next four years. Even the Tasmanian Labor Premier said this week:

> The Tasmania government recognises the importance of wages restraint ... that is why we have set a firm wages policy of 2% ...

What does all this mean for the bottom line? A government that did not take the hard decisions and did not bring expenditure under control would end up with the same report card as the member for Maroubra. It is a table of red for polices that Labor failed to endorse.

Mr Nathan Rees: Point of order: The Treasurer should have more class. The member for Maroubra is not here to defend himself.

The SPEAKER: Order! That is not a point of order.

Mr MIKE BAIRD: As I said yesterday, New South Wales is now leading growth in non-mining States in this country. A total of 20,000 jobs have been created in New South Wales since the O'Farrell Government came to power compared with 3,300 job losses across the country. Under Labor this State had its lowest economic growth in 10 years. Under the O'Farrell Government there has been growth and confidence of the highest magnitude. This State has had the highest quarterly and annual growth of the non-mining States. After years of financial mismanagement by Labor, under the O'Farrell Government we now have more growth, more confidence, more jobs and more infrastructure. The O'Farrell Government is delivering. The O'Farrell Government has delivered change and kept its promises. It will continue to work for the people of New South Wales.

MINISTER FOR TOURISM, MAJOR EVENTS, HOSPITALITY AND RACING

Mr NATHAN REES: My question is directed to the Minister for Tourism, Major Events, Hospitality and Racing. What discussions did he and his office have with Peter Grimshaw about when the five-year review into The Star casino would be released?

Mr GEORGE SOURIS: I refer to my previous answers. As has also been stated by the Premier, there is an independent review underway by the Independent Liquor and Gaming Authority conducted by Gail Furness, SC. There are a number of other either potential or actual inquiries underway. If anyone has any information of any relevance they should take the opportunity to provide that information through one or other of those avenues. The Opposition has an obligation in this State to allow independent inquiries to proceed.

Mr NATHAN REES: I ask a supplementary question: What did the Minister mean when he referred to potential inquiries?

Mr GEORGE SOURIS: The potential inquiry is the one that might be generated by the reference made by the Labor Opposition to the Independent Commission Against Corruption.

CORRECTIVE SERVICES REFORMS

Mr ANDREW GEE: My question is directed to the Attorney General, and Minister for Justice. What is the Government doing to better manage Corrective Services in New South Wales?

Mr GREG SMITH: I thank the member for Orange for his question and for his interest in this topic. When the Liberals and Nationals Government came to office, we inherited a prison system running with a number of inefficiencies, an outdated business model and spiralling costs. The Government needed to take action urgently to fix these inefficiencies to ensure that Corrective Services NSW delivered better services to the people of New South Wales and was recognised as a leader in the corrections industry. The Government wasted no time in embarking on an ambitious reform process. In less than one year we had closed three prisons, which resulted in significant cost savings to the people of New South Wales. It was not just the prisons themselves that required reform—outmoded work practices needed to be addressed also.

In our first year of office, we have made significant inroads into the reform of the corrections industry. Staffing levels have been reduced with in excess of 350 voluntary redundancies being actioned. In addition, outmoded practices have been improved with the introduction of a more efficient and cost-effective rostering system. Today I announce that an independent review into Corrective Services NSW has been finalised, which will ultimately recommend a new organisational structure. Knowledge Consulting, headed by Keith Hamburger, who is a former Queensland Corrective Services Commissioner, conducted the comprehensive review. Its aim was to identify a cost-effective business model for Corrective Services NSW that delivers effective and efficient corrective services in New South Wales while ensuring that the Government's strategic policy objectives, such as the reduction of reoffending, are progressed and realised.

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

Mr GREG SMITH: There has been too great a trend in the public sector to centralise decision making, thereby denying local communities a say. A key priority in our reform agenda has been to strengthen our local environments by devolving decision making and returning powers to the community to ensure that they have a say in decisions that affect their lives. The reform of Corrective Services NSW is consistent with this Government's goal. The fundamental principle of the review undertaken by Keith Hamburger is devolving decision making to Corrective Services facilities. General managers of facilities now will have operational, financial and administrative responsibility for all facets of their service delivery. They will be empowered to undertake management functions that are currently drawn up by head office.

Head office will no longer have primary responsibility for the day-to-day operational side of service delivery in correctional centres. Instead it will have a greater focus on setting standards across the whole of Corrective Services NSW, as well as performance management. This will include the identification and development of resource frameworks, best practice business approaches, future infrastructure needs, and integrated policy development across the custodial and community corrections services. Head office also will drive culture change across the organisation. Contrary to what existed previously, it will be a high-performance culture that is vision driven, open, inclusive, accountable and adaptive to drive and facilitate the new structure and business outcomes across the department.

An Office of Departmental Review will be established to deliver monitoring and investigative functions, and to ensure that all allegations of misconduct are investigated independently. That office will work closely with the Inspector of Custodial Services, which will be established soon. The new organisational structure proposes that a number of corporate services functions will be placed within a combined principal department. This is consistent with the Government's proposal for efficient shared corporate services reform. This new business model provides a framework that will enhance the capability of Corrective Services NSW to reduce reoffending, and consolidates its position as a key player in the criminal justice system. It focuses on a holistic approach to offender management, which will include better preparation of prisoners for their eventual return to the community. That has obvious benefits to the community. The implementation of the recommendations of the independent review will need strong leadership. [*Extension of time granted*.]

I am sure all Opposition members are interested in this answer. Accordingly, a restructure implementation team has been formed to drive this implementation. The team is chaired by the Director General of the Department of Attorney General and Justice, Laurie Glanfield, with members being the former Commissioner of Police, Ken Moroney, and the current Corrective Services Commissioner. We are committed to ensuring that implementation of the recommendations of the review is undertaken carefully so that there will

be no compromise on the safety of staff and the community, and the security of inmates. The new Corrective Services NSW structure and new way of doing business provide an exciting and rewarding opportunity to at last deliver high-quality cost-effective correctional and community services into the future, and at the same time, to reduce reoffending. I wish that could happen on the Opposition side of the Chamber.

SYDNEY HERITAGE FLEET

Ms CLOVER MOORE: My question is addressed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. Will he investigate sites to accommodate the Sydney Heritage Fleet such as Cockatoo Island or Goat Island as they are not adjacent to densely populated areas and since residents of Pyrmont are concerned about noise and pollution impacts of a proposed industrial site at 1 Bank Street?

Mr Richard Amery: Barry is not going to take it for him—do not worry.

Mr Barry O'Farrell: I was just asking him.

Mr BRAD HAZZARD: The Premier is just giving me guidance, as he does, and we accept his guidance. I thank the member for Sydney for her question. The Government and I as Minister for Planning and Infrastructure are aware of the issues surrounding the Sydney Heritage Fleet and the subset problems of the Pyrmont Heritage Boating Club. I acknowledge that the member for Sydney has worked with me in my capacity as Minister for Planning and Infrastructure in a number of different areas. This is another area in which I propose to ensure that the Government works closely with the member for Sydney.

For the information of members who may not be aware, the Sydney Heritage Fleet is a working museum. It preserves maritime history and involves approximately 700 volunteers. Some of the significant ships in the fleet are the *James Craig*, the *Lady Hopetoun* and the *Waratah*. Motorists heading past Rozelle Bay can see the fleet undergoing renovation. It is progressing much better than did the former Government in renovating parts of New South Wales, and the fleet's renovation is not taking as much time as did the former Government's repair of the State's infrastructure.

Mr John Robertson: Oh, that hurt. That was a real heavy blow.

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

Mr BRAD HAZZARD: I am receiving a lot of suggestions on how to respond to the Leader of the Opposition, and they are all very good. Instead, I will be polite to him. I indicate to the member for Sydney that, as far as the Government is concerned, it is happy to look at support for the Sydney Heritage Fleet and work with her on the Pyrmont Heritage Boating Club. I am very conscious of the fact that its volunteers and associates do extraordinary work. During the last stages in the term of the former Government, a number of proposals were examined and, like so many projects undertaken by the former Government, there were lots of studies and lots of investigations, but of course absolutely nothing happened—except that we ended up with John Robertson as leader of a political party that consists of almost no representatives in the New South Wales Parliament. Other than that we reached a stage at which the current Government is quite happy to work towards achieving an outcome and move the project forward.

I understand a submission has been made to the Department of Planning and we will work with the various individuals who lodged it to see how we can progress it. I am conscious—and I raise this issue for the benefit of the Leader of the Opposition, who may not be aware—that the Pyrmont Heritage Boating Club is a group that works with people with particular health issues and mental health issues, and seeks to assist those who need upskilling for employment. I think both sides of the House would like to see the Pyrmont Heritage Boating Club supported, as well as the Heritage Fleet. We will do what we can.

We are happy to work with the member for Sydney and I look forward to any information the City of Sydney may like to give as we consider how we can best support both those activities. I understand the need for a move and I understand the residents' concerns about potential noise. All of those issues, like most planning issues in New South Wales, will now be considered openly, transparently and honestly, which is totally different from the way things were done in the days of Labor. It will now be out there for the whole community to see what we are doing. I am happy to encourage and support the City of Sydney in that process.

SPECIAL OLYMPICS ASIA PACIFIC REGIONAL GAMES

Mr TIM OWEN: My question is to the Minister for Sport and Recreation. Will the Minister tell us how the Special Olympics will benefit the Hunter region?

Mr GRAHAM ANNESLEY: Today I was privileged to be part of a very important announcement for New South Wales. In the presence of the Governor-General and the Premier, Special Olympics Australia was announced as the winning bid to stage the inaugural Asia Pacific Regional Games in Newcastle in 2013. The successful bid was backed by the New South Wales Government, but would not have been possible without the support and commitment of my colleague the Minister for Disability Services, Destination NSW and the Newcastle City Council. Special acknowledgement must also go to Special Olympics Australia Chief Executive Officer, Gill Stapleton, for her drive and enthusiasm to ensure a successful outcome.

For those who do not know, Special Olympics is a worldwide movement that inspires people with an intellectual disability to reach their personal best through participation in sport and competition. It is not just a single event and it is not just for the elite. The Special Olympics provide opportunities for all people with an intellectual disability regardless of their skills, and it does this every week in communities right around Australia. People with an intellectual disability are often ridiculed, misunderstood, isolated or simply ignored. But with the understanding and support of the Special Olympics they discover the skills that allow them to improve their health, develop self-confidence and experience the joy and social benefits of inclusion, as do their families and their communities.

At today's announcement Special Olympics Chief Executive Officer Gill Stapleton told a very moving story of a young athlete named Harry, a softballer who went to the World Games in Athens last year. Although most of us would measure success by winning medals—and although to his great credit Harry won a bronze medal—when he returned to Australia the thing he was most proud of was that a teammate had taught him how to tie his own shoelaces for the first time in his life. Today's announcement and the hosting of these games will help people right across Australia embrace the same Olympic spirit and ideals, just as young Harry did. More than 1,750 athletes and 650 coaches from 24 countries are expected to complete in sports like athletics, bocce, tenpin bowling, basketball, football—that is, soccer—badminton, table tennis and swimming.

The nine-day program includes opening and closing ceremonies to be held at the recently upgraded Hunter Stadium. Newcastle also offers a host of other first-class facilities and venues across the range of sports to be conducted during the games as well as providing a great social hub for those participating and attending the games. The track and field events will be held at the Hunter Sports Centre located at Glendale, which is one of the region's premier sporting venues. The quality of the facilities at the centre has received wide acclaim, it having hosted events such as the 2001 and 2002 National Athletics Grand Prix, the 2001 Athletics New South Wales Country Championships and an international friendly involving 10 nations in the lead-up to the Sydney 2000 Olympic Games.

Other venues will include Broadmeadow Basketball Stadium, Newcastle No. 1 and No. 2 sports grounds, Newcastle Badminton Centre and the Forum at the University of Newcastle. As well as the benefits to the athletes, the profile and economic impact to the region will be significant, including an estimated 5,000 international visitors, future tourism links, and an international media profile. As a supporter of the bid, the New South Wales Government also secured an exclusive partnership with Special Olympics Australia for the first right to bid for the 2018 Australian Games and the first right to partner with Special Olympics Australia to bid for the 2019 World Games. Today is a great day for Newcastle and the Hunter, and it is a great result for New South Wales.

STRATEGIC AGRICULTURAL LAND PROTECTION

Mr PAUL TOOLE: My question is directed to the Minister for Planning and Infrastructure. What has been the public feedback to the Government's plan to protect strategic agricultural land?

Mr BRAD HAZZARD: I thank the member for Bathurst for his interest in protecting strategic agricultural land and ensuring that we have the right balance in New South Wales. It is interesting that we have copped criticism from a number of members on the other side, yet in all the time they were in government they did absolutely nothing to protect agricultural land.

The SPEAKER: Order! The Minister needs no assistance from Government or Opposition members.

Mr BRAD HAZZARD: What the Government has done in a short time in office is to deliver on yet another promise. We made sure we consulted broadly with the community. We established a high-level officers group to work with us and to consult the community on how we achieve the right balance in protecting strategic agricultural lands. Last week we had the pleasure of announcing a new draft policy in regard to strategic agricultural lands, a policy that is still out for two months of community consultation. This policy comes off the back of a belief by the Government that it is absolutely critical that there be protection for those parts of our land that are strategic agricultural land, defined by the biophysics, that is the soil fertility issues, the water issues and what we are calling critical clusters around horseriding. I would like the Leader of the Opposition to come up and front the farmers. We will make sure they know he did absolutely nothing. He did over a couple of former Premiers, but that is all he did.

Ms Cherie Burton: Sit down. Say something interesting.

Mr BRAD HAZZARD: Was that the member for Kogarah calling out "sit down"? She can stand up in court. We have announced that there is a policy in place for the community to have a say. Gunnedah and Namoi Valley are hotbed issues for the local community. What were the headlines from the Namoi Valley last week—"The Plains Protected under Mining Policy." I know the member for Bathurst has been debating this issue and making sure the community has its say. I also acknowledge that the member for Tamworth has been arguing the case—

Mr Barry O'Farrell: What a good bloke he is.

Mr BRAD HAZZARD: He is a good bloke, a very good bloke, as the Premier says. He was quoted in the *Namoi Valley Independent* as saying, "We need to get the balance right." That is exactly what the Coalition is doing. Interestingly, the editorial of the same paper said—

Mrs Barbara Perry: What did the editorial say?

Mr BRAD HAZZARD: I will read it, because the member for Auburn loves editorials, particularly when they are telling us how good the Coalition Government is. It says, "The mining companies are not happy and the farmers and conservation groups are screaming blue murder, so it appears the State Government might have got it right on regional/strategic land use." This proposal is what we believe is in the best interests of protecting strategic agricultural lands. As I have indicated on a number of occasions, we are not saying that we will not amend this or move forward. We are not saying that we will not consult broadly with the community. In fact, I will be in Gunnedah next week at a public meeting and in Singleton a couple of weeks later.

I indicate to the community broadly that we are genuinely interested in hearing the concerns of the people on the ground—the farmers and everyone involved in these issues. But I issue one warning. I understand from some correspondence and documents I have seen that a coalition of green groups effectively is trying to hijack those public meetings, which is disappointing. I say to them publicly, "If you come along and destroy the opportunity for farmers and the community to have a say, you will wear it." I hear the Leader of the Opposition supports The Greens taking over for the farmers and not hearing the community's voice. That is classic Labor. I repeat, "Let us know what you think." We are happy to try to make sure this policy works as well as it can. [*Time expired*.]

Question time concluded at 3.10 p.m.

INDEPENDENT TRANSPORT SAFETY REGULATOR

Report

Ms Gladys Berejiklian tabled the report of the Independent Transport Safety Regulator entitled "Rail Industry Safety Report 2010-11."

PETITIONS

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

Armidale Rural Referral Hospital Upgrade

Petition requesting support for funding for the major upgrade of Armidale Rural Referral Hospital, received from **Mr Richard Torbay**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

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**.

Neonatal Pup Tail Banding

Petition requesting the repeal of the 2007 amendment to the Prevention of Cruelty to Animals Act and the introduction of legislation similar to the New Zealand model to allow veterinarians to legally perform the procedure of banding tails of neonatal pups by ligature, received from **Mr Troy Grant**.

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

Animals Performing in Circuses

Petition requesting a ban on exotic animals performing in circuses, received from **Ms Clover Moore**.

Pet Shops

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

Pet Bans in Accommodation By-laws and Tenancy Agreements

Petition requesting the prohibition of blanket pet bans in accommodation by-laws and rules and tenancy agreements, received from **Ms Clover Moore**.

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

Bellevue Hill Public School Security Fence

Petition requesting the construction of suitable security fencing at Bellevue Hill Public School to ensure the ongoing safety of students, received from **Ms Gabrielle Upton**.

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. Katrina Hodgkinson—Pittwater Fishing—lodged 14, 15, 16, 21, 22 and 23 February 2011 (Mr Rob Stokes)

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Motion by Mr Brad Hazzard agreed to:

That standing and sessional orders be suspended to permit consideration of the Constitution Amendment (Restoration of Oaths of Allegiance) Bill during government business at this or any subsequent sitting.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Trade Union Membership

Mrs LESLIE WILLIAMS (Port Macquarie) [3.13 p.m.]: Before I read my motion I should like to state that we certainly support the motion seeking priority proposed by the Opposition. We do not need to debate it. We all agree that the New South Wales police do outstanding work, including in the past 24 hours, to combat international gun trafficking. However, the motion for which I seek priority needs to be debated. My motion states:

> That this House:
>
> (1) notes that thousands of hardworking health care professionals have signed a petition to support choice in union membership; and
>
> (2) calls on the Opposition to put the interests of workers ahead of union bosses and support this important legislation.

This motion should be accorded priority because employees, just like the thousands who signed a petition regarding employees' rights to join a union of their choice, deserve the right to choose the organisation they want to join to represent their industrial interests. Employees need to know that when things do not go as planned in their work environment an advocate from an organisation whom they can trust and rely on will support them and have their best interests at heart. I would have thought that those opposite would not hesitate, as the member for Wollongong said this morning, for one nanosecond to support this motion because it is about supporting the workers—the workers that Labor continually lays claim to represent. If those opposite have the courage of their convictions and are true to their word, they will support this motion. This motion deserves priority because it will serve to end the perception that only one organisation can look after the interests of employees. Employees just want their voices to be heard, but by a union they choose.

We all choose which insurance company protects our assets, which bank deals with our finances and which health insurer protects our wellbeing. It makes perfect sense for people to choose to which union they want to belong. This motion should be accorded priority because it supports giving employees the option to choose who should represent them in work matters. Employees expect nothing less of this Government and if we do not change the rules so people can have the freedom to choose which union they belong to, we will simply be out of touch with community expectations. This motion deserves priority because employees are calling on this Government to support them and there should be bipartisan support. Finally, this motion deserves priority so the Australian Labor Party can demonstrate clearly to the millions of workers across the State that their interests are more important than those of union bosses.

The SPEAKER: Order! I remind members that they have only three minutes in which to deliver their arguments as to why their motion should be accorded priority. Every question time I have to call the House to order. It is disrespectful to all members standing at the microphone trying to convey their arguments when members continue to have private conversations. In future I will remove members from the Chamber who behave in such a manner. Today in the Federal Parliament the Speaker removed six members, and counting. I call the member for Toongabbie to give reasons as to why his motion should be accorded priority, and I ask members to show him some respect.

Police Resources

Mr NATHAN REES (Toongabbie) [3.17 p.m.]: I seek priority to be accorded to my motion, which states:

> That this House:
>
> (1) congratulates the New South Wales police on their outstanding work in the past 24 hours to combat international gun trafficking; and
>
> (2) calls on the O'Farrell Government to match police endeavours and devote greater resources to local area commands in western and south-western Sydney that are badly understaffed.

For more than six months now the New South Wales Opposition has outlined at every opportunity the shortage of police resources in western and south-western Sydney. This motion needs to be accorded priority because that endeavour simply is not matched by the commitment from this Government to provide better resourcing for western and south-western Sydney, despite the great police work in recent weeks and months leading to

yesterday's arrests. In fact, the reverse has happened. The Government's own hand-appointed auditor of the NSW Police Force, Mr Peter Parsons, said that New South Wales police were being managed "more like a business than a provider of community safety." Yesterday, Don Weatherburn of the independent Bureau of Crime Statistics and Research said:

> Increasing the risk of arrest and the probability of imprisonment are much more effective in preventing crime.

He made clear also that shooting events in western and south-western Sydney over the past nearly 12 months are at a decade high. It is clear from Police Force documentation that resourcing for western and south-western Sydney—

Mr Troy Grant: Point of order—

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

Mr Troy Grant: The member for Toongabbie is misleading the House.

The SPEAKER: Order! That is not a point of order. I draw the member's attention to the sessional orders relating to priority debates.

Mr NATHAN REES: He will not get George's spot.

The SPEAKER: Order! The member for Toongabbie has the call.

Mr NATHAN REES: Police Force data and the Government's own data reveal that south-western Sydney is understaffed by some 80 police officers and that 12 of the 15 local area commands are understaffed. In the face of this the Premier's electorate of Ku-ring-gai is overstaffed. We have seen an increase in drive-by shootings to a 10-year high. We have seen, by the Government's own account, under-resourcing of south-western and western Sydney local area commands. The police officers of New South Wales deserve the Government's support through increased resources rather than tawdry attempts to piggyback on their efforts and gross attempts to dismantle the death and disability scheme which had them walking the streets in protest. It beggars belief that Government members argue that they support the police officers of New South Wales when they repeatedly fail to resource them properly.

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

The House divided.

Ayes, 62

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

Noes, 23

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

Pair

Mr Edwards Mr Daley

Question resolved in the affirmative.

TRADE UNION MEMBERSHIP

Motion Accorded Priority

Mrs LESLIE WILLIAMS (Port Macquarie) [3.27 p.m.]: I move:

That this House:

(1) notes that thousands of hardworking health care professionals have signed a petition to support choice in union membership; and

(2) calls on the Opposition to put the interests of workers ahead of union bosses and support this important legislation.

I moved this motion today to ensure that the voices of workers are heard loud and clear when it comes to who represents them. The O'Farrell Government wants to ensure that workers who want to join a union have the right and freedom to choose which union that is. As I said previously, it makes perfect sense that employees choose which union they join just as they choose which bank, insurance company and health provider they use. Under the current laws groups of employees in a particular job can only be covered by one union. This rule applies even if there are several unions that overlap an occupation. The current provisions, which are simply outdated, do not meet the needs of today's workforce. The thousands of signatures on the petition to which I referred quite clearly reflect that. At the time when the legislation governing this aspect of industrial relations was made law the aim was to have a monopoly which supposedly would equate to stability and continuity in the workforce.

Unfortunately, such a monopoly has led to many unions losing touch with those they represent, and in many cases being unresponsive to calls by their members for assistance and for genuine advocacy. A perfect example is probably the Health Services Union. Members opposite no doubt will be supporting that union to the hilt—no surprises there, I guess. As a nurse I recall having conversations with a number of my colleagues who found themselves in circumstances in which they needed the union to be by their side, to act on their behalf, to assist them through their workplace issues. Often, the union simply was not there. But, unfortunately, the nurses had no choice about which union they could join, who would advocate on their behalf, or who would be there for them when they found themselves in a situation where they needed a union's assistance. I can absolutely guarantee that those in the health workforce will benefit from a system that allows them to choose which union they belong to.

This is a case where competition will be healthy. Competition in this workspace will mean effective representation for all employees. Clearly, the paramedics who are calling for this change agree with me on this one. The paramedics have made it perfectly clear that they want that choice; that they do not want to be forced to join a particular union. Surely everyone in this House would agree that these frontline employees deserve the right to choose which organisation represents them. This Government will support those workers and ensure there is a fairer industrial system. I would have thought, given the union backgrounds of those opposite, this proposal would have received their bipartisan support.

This Government will ensure that the rules are changed so that the industrial relations provisions in this State align with those of the Commonwealth. We want to harmonise the provisions with the current Federal Fair

Work Act by allowing employees to choose which union they join. Of course, these sensible provisions were introduced by the previous Federal Coalition Government. But Federal Labor must support them, because it certainly has not made any attempt to overturn that legislation. Unions that are doing a great job of representing their members effectively and genuinely have nothing to fear. I imagine every one of the members on the opposite side is a member of a union.

I might be wrong, but I would be happy to have an indication from members opposite if that is not so. I also surmise that only a percentage of those on this side of the House are members of a union. I am guessing that probably less than 15 per cent of members on the Government benches are members of a union; that equates to the proportion of the wider community who are members of a union. But, being the responsible Government that we are, we will make sure that the 15 per cent of the population who want to join a union have the freedom to choose which union they join. That is only fair. Those opposite surely would agree with us on this one.

Dr ANDREW McDONALD (Macquarie Fields) [3.32 p.m.]: A petition placed before the Parliament regarding employees' rights to join a union of their choice is under the letterhead "EMSPA Inc.", which stands for Emergency Medical Service Protection Association. This motion, which has been accorded priority, is an attempt to fast-track discussion of that petition. That is because the legislation to which members opposite refer is now before the other House. That legislation is not being debated at the moment because amendments to it are still being considered. The reason the legislation is so dangerous is that it represents a Trojan horse. The legislation is designed to remove permanently the ability of workers to unionise. I will read the petition regarding employees' rights onto the *Hansard* record because the Emergency Medical Service Protection Association clearly wants it recorded:

> We believe all NSW employees should
>
> - have the right to join any union formed by them and of their own choosing
> - not be forced to join a union to which they could otherwise conveniently belong
> - have the choice to form and join their own union irrespective of whether the union of our choosing is affiliated with the Australian Labor Party, Liberal Party of Australia, the Australian Greens or any other political party
> - have that choice without being subjected to demarcation disputes with existing unions …
> - have genuine freedom of choice and not be subjected to forced association.

The Emergency Medical Service Protection Association is the driver of this petition. In fact, this is a demarcation dispute involving that association. The Emergency Medical Service Protection Association, which was started in 2005 in Queensland, identifies with professional organisations such as the Australian Law Society and the Australian Medical Association. These are organisations which the Emergency Medical Service Protection Association itself said has characteristics it must embody if it wants to achieve true representation of its members. The difference between the Law Society and the Australian Medical Association is that those associations are open to every member of the profession, and they are not unions. One can be a member of a workplace union and a member of the Australian Medical Association, as I am.

They are not necessarily the same thing, and they have different roles. But the Emergency Medical Service Protection Association clearly wishes to change from being an association to being a union. The Emergency Medical Service Protection Association website describes itself as being "proudly apolitical" and attesting it will "never affiliate with any political party". However, it is formally recognised by the Liberal Party and The Nationals in Queensland, and provides formal input to those parties' policy direction for emergency services in Queensland. The Emergency Medical Service Protection Association also has an extensive history of being quoted by the current Minister for Health when she was in opposition. This is an attempt by a professional association to become a union, and therefore able to represent ambulance officers.

This is all about destroying union power; it is not about the rights of workers. This is a Government that has restricted public sector salary rises to less than movements in the consumer price index, has refused to replace nurses when they are sick, has done its best to kill the independent umpire, the Industrial Relations Commission, and fundamentally does not believe in unions. That is why so few Coalition members are members

of unions, despite the fact that most improvements achieved by workers over the past 100 years have resulted from collective bargaining. This is the empire strikes back; it is all about trying to kill the unions. That is part of this Government's theme and policy for this term of its governance.

Another group that is affected are the young doctors who are not mentioned in the petition. I do not know whether any of the junior doctors have in fact signed the petition. The petition has 10,000 signatures, and there are only 2,500 ambulance officers in New South Wales, and the Emergency Medical Service Protection Association probably represents only a minority of those. The association claims to have 2,500 members nationally, spread over New South Wales, Victoria and Queensland. If it were to make public the true number of New South Wales paramedics it represents, not only would that be interesting but also it would inform the House. All junior doctors were guaranteed intern jobs by the previous Labor Government. The responsibility of this Government is to ensure that those junior doctors get the training jobs that they deserve in the interests of the people of New South Wales.

Ms MELANIE GIBBONS (Menai) [3.37 p.m.]: The reforms currently in the upper House are aimed at making the public service more efficient. They will protect the community from unfair industrial action and, importantly to this debate, will give employees choice in the union that they join. We all like choice, but right now groups of employees in a particular job can be covered by only one union, even when several unions might overlap an occupation. Those reforms bring the New South Wales system into line with the Federal system and allow employees a choice as to which union they join. Our paramedics want this choice, as is evidenced by the more than 10,000 signatures on the petition that they presented to the Minister for Finance and Services, the Hon. Greg Pearce, and the Minister for Health, the Hon. Jillian Skinner, in support of the bill. I congratulate them on getting those signatures, which show that this reform has the support of the community.

Dr Andrew McDonald: Four for every paramedic in the State.

Ms MELANIE GIBBONS: It is brilliant that they can get that many so quickly. This reform gives people the right to choose which organisation they want to join and which organisation represents them. I see a place for unions and I believe that unions that are doing a good job representing and standing up for their members should have no concerns. As the Minister for Finance and Services, the Hon. Greg Pearce, stated, it makes a fairer industrial system for all workers in New South Wales. Let us look at the health system, for example. The Minister for Health has pointed out that under the current system paramedics and junior doctors have been forced to remain members of just one union, despite wishing to join an alternative union.

Recently I visited Liverpool Hospital, one of my local hospitals, which is in the process of inducting 132 new nurses and 54 new interns. Sutherland Hospital has had an intake of 42 new nurses, as well as new doctors. I have met some of these new doctors and I am pleased that they will now be able to have a choice of union. They can let their membership do the talking. If they do not tolerate the way their union conducts business they can say so and they can move their membership to a union that stands up for them and represents their industry. Because the unions are currently monopolies, there is always the danger that they will lose touch with clients and become less responsive to their needs.

Healthy competition can stop people believing that they can spend up big on a union's credit card. The Government has also considered safeguards to ensure that competition is not restrained and does not lead to damaging demarcation disputes. The bill makes sure that the organisations are capable of representing their members. It is appropriate that people have the opportunity to join a capable union that is kept on its toes by the idea of competition. As about 15 per cent of Australian workers are members of a union, including members on the other side, it is not a bad idea to keep unions accountable.

Ms ANNA WATSON (Shellharbour) [3.40 p.m.]: How hypocritical of this Government: I bet not one member on the other side of the House has ever been a member of a union. Only a few months ago 40,000 workers protested in the Domain and not one Government member went out there to support them. The Government has capped wages at 2.5 per cent for public sector workers. That is a disgrace. The objective of the Australian Council of Trade Unions and affiliated unions is to improve the wages and conditions of all workers across New South Wales, whether they are members of a union or not. The Government fails to understand that union membership provides workers with sector-specific information and support.

The priority motion moved by the member for Port Macquarie is evidence that this Government is so out of touch with workers it is a joke. One element of this Government is it does not connect with the working

class. I doubt whether many members on the other side of the House have engaged or consulted with workers or the unions to which they belong. I would be very surprised if they have. Union membership of a relevant union allows members to access relevant information specific to that sector. Unions are opposed to destructive, competitive unionism and will maintain respect for established areas of union membership that have had coverage for more than 100 years.

Only last year, more than 40,000 workers protested against the Coalition's attack on nurses, police, teachers, ambulance drivers and the public sector. The Coalition fails to understand that unionists are about looking after each other. Solidarity and comradeship are central to their psyche. For the Premier to attempt to cause the unions to be at each other's throats is an indication of just how pathetic this Government is. Imagine a Metal Workers Union member being represented by the Nurses Association—it would be absolutely ridiculous. This is nothing more than an attempt to de-unionise the workers of New South Wales. Government members are rattled by the power of the collective; they are rattled by the power of unions to stand up and advocate for everyday workers. Constitutional coverage in New South Wales has been around for more than 100 years. We saw John Howard's attempt to de-unionise. He lost the election because of WorkChoices and the de-unionisation of unions—it did not work.

The Premier will not silence the workers of New South Wales. The Public Service Association, the United Services Union, the State Transit Authority, the Nurses Association, the Maritime Union of Australia, the Australian Workers Union, the Australian Manufacturing Workers Union, the Australian Services Union, the Police Association, the Transport Workers Union and all other unions and their members will find the best method for protecting and advancing wages and employment conditions and advancing union membership. They will look at ways to recruit, whether or not they are undermined by the Premier. The Coalition Government is afraid of the union movement. The history of the union movement is strong and proud and its history will see this Government ousted over these issues. The Premier has done his best to remove all forms of recourse for workers. But the Premier fails to understand the psyche of the people of New South Wales— [*Time expired.*]

Mrs LESLIE WILLIAMS (Port Macquarie) [3.43 p.m.], in reply: I thank the member for Menai for her support and I acknowledge the contributions of the member for Macquarie Fields and the member for Shellharbour. It is clear that those opposite do not support choice. They do not support people being able to choose which union will represent them when they need advocacy and support in the workplace. I want to address the comments made by the member for Macquarie Fields. I am a little disappointed that he has chosen to view this motion as sinister. My intention today was not to debate the petition, which I acknowledge has not been tabled, but rather to make the point that thousands of workers—in this case healthcare workers, as I was—want to be able to choose which union they join, which union they want to represent them.

I also refer to the amendments to the legislation, which were outlined in the motion. These amendments, which have been proposed in the other place, are about giving employees the choice that thousands of workers have asked for. The reform we propose is about providing certain safeguards that permit the Industrial Registrar to register an organisation after accepting an enforceable undertaking to avoid demarcation disputes arising from overlapping eligibility rules. The current arrangements are designed to ensure that the coverage of a particular group of employees is confined to a single organisation. The proposed reforms are underpinned by a competitive model, which I referred to previously, that encourages an industrial organisation to be responsive to the needs of members.

We know that sometimes that is not what occurs. Should a person not be satisfied with a union's capacity to effectively represent his or her industrial interests, that person is able to make a choice to join another union if he or she meets the eligibility criteria for membership. The amendments are intended to harmonise with provisions in the Federal Fair Work Act. These provisions continue the approach that has operated successfully in the Federal jurisdiction since 1996, with no significant disruption caused by demarcation disputes arising from overlapping coverage. I again thank the member for Menai for her support. The contributions of the Opposition members show quite clearly that they do not want to allow choice.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 58

Mr Anderson	Mr Evans	Mr Roberts
Mr Annesley	Mr Flowers	Mr Rohan
Mr Aplin	Mr Fraser	Mr Rowell
Mr Ayres	Mr Gee	Mrs Sage
Mr Baird	Ms Gibbons	Mr Sidoti
Mr Barilaro	Ms Goward	Mr Smith
Mr Bassett	Mr Gulaptis	Mr Souris
Mr Baumann	Mr Hartcher	Mr Speakman
Ms Berejiklian	Mr Hazzard	Mr Spence
Mr Bromhead	Mr Holstein	Mr Stokes
Mr Brookes	Mr Humphries	Mr Toole
Mr Casuscelli	Mr Issa	Mr Torbay
Mr Conolly	Mr Kean	Ms Upton
Mr Constance	Ms Moore	Mr Ward
Mr Cornwell	Mr Notley-Smith	Mr Webber
Mr Coure	Mr O'Dea	Mrs Williams
Mrs Davies	Mr Owen	
Mr Dominello	Ms Parker	*Tellers,*
Mr Doyle	Mr Patterson	Mr Maguire
Mr Elliott	Mr Provest	Mr J. D. Williams

Noes, 21

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

Pair

Mr Edwards Mr Daley

Question resolved in the affirmative.

Motion agreed to.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The motion accorded priority having concluded, the House will consider Government business.

ELECTRICITY GENERATOR ASSETS (AUTHORISED TRANSACTIONS) BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [3.56 p.m.]: I make a brief contribution to the debate on the Electricity Generator Assets (Authorised Transactions) Bill 2012. Electricity distribution is an important issue for the people of my electorate and across New South Wales. The price of electricity is of great concern to all mums, dads and families. I have continued to work hard and fight for the people of my electorate. Labor's previous gentrader model of 2010 is seen as the most disastrous deal ever. It is nothing short of a dog's breakfast. The previous sale occurred at midnight, under the cloak of darkness. By the next morning eight directors had resigned and Parliament was prorogued to ensure that the sale went through. We now have a quasi-privatised system. It is half under private ownership and half under public ownership.

The system is continually competing against itself. The former New South Wales Labor Government ripped billions of dollars out of our State-owned electricity retailers in special dividends, resulting in a maintenance and upgrade backlog. Taxpayers received little value for their power assets, which were sold for $2 billion less than they were worth. I have received numerous emails, letters and phone calls and I have met with many constituents on this issue. I have taken all of their concerns to the Premier, the Deputy Premier and the Treasurer. I am pleased that the Government has made concessions in acknowledgement of the many concerns raised by my constituents.

One of the key issues fought for by the member for Orange, Andrew Gee, and the member for Monaro, John Barilaro, has been the assurance of job protection. We have been at the forefront of leading the charge and instrumental in fighting for the protection of jobs and workers' conditions, such as superannuation and other entitlements. We continue to make representations and fight for assurances that funds from the sale will be invested in infrastructure projects for regional areas, including my electorate where people are desperately calling for funds to be spent on the provision of improved infrastructure.

Mr MIKE BAIRD (Manly—Treasurer) [3.59 p.m.], in reply: I thank all members who contributed to debate on the bill. As this debate concludes, it is appropriate to reflect on the long path we have followed to arrive at this point. Members voiced their concerns over many years, but today is a chance for the House to support a transaction that I believe is in the best interests of the people of New South Wales. The O'Farrell Government is delivering on its commitment to electricity industry reform. It is important to make the point in this debate that prior to the State 2011 election the Coalition made a commitment to undertake an independent inquiry into Labor's gentrader sale.

We said that we would implement the recommendations of the independent inquiry. We also said that we would retain in public hands the electricity industry's poles and wires. The O'Farrell Government is doing exactly what it said it would do. The bill implements the recommendations of the Tamberlin inquiry by authorising the sale of State-owned electricity generators to the private sector. It does not authorise the sale of the electricity network businesses or the sale of poles and wires. This statement by the Hon. Brian Tamberlin highlights an important premise of this debate:

> ... the Inquiry does not consider there to be any good purpose to be served by the State continuing to own generation assets in NSW.

That is a recommendation by the independent experts, and that is what the Government, by introduction of this bill, is undertaking today. I call on each member to reflect on the important fact that an independent inquiry undertaken by experts has called on the Government to act by introducing this legislation. The bill requires the net proceeds of the transaction to be paid into the Restart NSW Fund. Contrary to what has been suggested by some members, the Treasurer does not have unfettered discretion to release funds from the Restart NSW Fund. The Restart NSW Fund Act makes it clear that funds cannot be diverted to other purposes without authorisation by an Act of Parliament. Importantly, that means the net proceeds of the transaction will be invested in infrastructure for the State. That is a very important point.

The O'Farrell Government is proud that Restart NSW was established under legislation to fund infrastructure projects, such as the construction of schools and hospitals or the provision of much-needed public transport. The purpose of introducing the bill to Parliament is to obtain Parliament's authorisation for the sale of electricity generators to the private sector. The Government is not acting with undue haste and in secrecy in conducting electricity industry transactions. The bill provides flexibility to the Government to structure the transaction in a manner that will maximise the financial return to taxpayers, taking into account market conditions and expert advice received at the time of the transaction.

That flexibility is absolutely essential to ensure that taxpayers receive the best possible return on the sale of State-owned assets. Of course, the transactions will be subject to oversight by the Auditor-General in accordance with the Public Finance and Audit Act. The Auditor-General may present reports to Parliament in accordance with that Act. I take this opportunity to thank all members who not only contributed to the debate but also invested significant time in consulting Treasury on the objects of the bill. I thank Treasury staff, who have done a lot of hard work in preparing this legislation. I also take the opportunity, for the sake of the record, to correct inaccurate assertions made by the Opposition during the debate.

I will begin with the completely wrong assertions made by the Leader of the Opposition in relation to price increases. The Leader of the Opposition referred to 18 per cent price increases in electricity bills under the O'Farrell Government. The fact is that the Independent Pricing and Regulatory Authority [IPART] determination set the increased prices in March 2010 when Labor was in government. The Leader of the Opposition does not understand that and misrepresents entirely the facts of the matter. Indeed, under the last five

years of the Labor Government, the Independent Pricing and Regulatory Authority figures show that electricity prices increased by 60 per cent whereas consumer price index [CPI] increases were 16 per cent. In the context of prices, it is interesting to cite what was stated by the member for Maroubra in this House on 26 February 2008:

> He should read a recent article by the former Auditor-General of New South Wales, Tony Harris, in which he looked at the effect of electricity privatisation in Victoria and noted conclusively that the electricity reforms in Victoria led to a significant price decrease in that State.

It is interesting that the member for Maroubra has not contributed to debate on this bill. Nevertheless, he was pretty clear about his position in 2008.

Mr Richard Amery: And so were you. You were pretty clear on the Morris Iemma proposal.

Mr MIKE BAIRD: I will talk about that. Statements made by the Leader of the Opposition in this debate in relation to jobs were completely wrong and he completely misrepresented the position. He claimed that this legislation would put at risk hundreds of local jobs. When Labor was considering the sale of electricity industry assets, it commissioned a rural community impact statement that addressed employment. The report commissioned by Labor stated, "There is no evidence that rural employment in the sector will decline."They are the facts, and the Leader of the Opposition should focus on that. The Leader of the Opposition referred to finances, so let me cut to the chase. It is important to discuss finances because if the Leader of the Opposition generally thinks that this State is in surplus from 2009 through to forecasts for 2014, that is a sad indictment on him, his role in the former Cabinet and on what he considers to be sensible financial policy.

The Leader of the Opposition knows that in 2009 the State's finances showed that New South Wales was $800 million in deficit. When the Federal Government's economic stimulus funding is taken out of the equation, the State's finances by 2014 are forecast to be $2.4 billion in deficit. I have mentioned that many times previously, and it is not an insignificant matter. I have spoken often about this because the people of New South Wales should know that days before the 2011 election the then Labor Government knew that a whole series of published financial forecasts were not right. The then Labor Government absolutely misrepresented the State's financial position and lied to the people of New South Wales by telling them that the State's finances were in a sound position. Labor members know those facts, but they are yet to apologise. They should apologise because that was how they lost the trust of the electorates and lost the election.

Mr Richard Amery: Read your own Budget Speech.

Mr MIKE BAIRD: It will be apparent from reading the Budget Speech, to which the member for Mount Druitt refers, that as soon as the Federal Government's economic stimulus funding and the rail grants that were fiddled and pushed forward from one year to the next are taken out of the equation, there is a clear State deficit position. The true position for 2011 is that the State was in deficit. The problem can be traced to actions taken by Labor, such as hiding things from Cabinet so that costings do not reach Cabinet—for example, $1 billion for the solar scheme—fiddling with rail grants and pretending that the Federal Government's economic stimulus funding was part of the true bottom line of the State's financial position. All that was done to hide the deficit from the people of New South Wales, and Labor was caught out. The current Government was left with a significant deficit. How did that happen? We know why we were left with a significant deficit: because the financial reports did not come from New South Wales Treasury but from the former Treasurer's office. That is what the current Government has been confronted with.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Members have had an opportunity to participate in this debate. The Treasurer will be heard in silence.

Mr MIKE BAIRD: On the issue of the authority that is given to the Treasurer, the member for Bankstown claimed that I have been given a blank cheque and the member for Cabramatta claimed I have unfettered powers. The member for Fairfield suggested I have overarching powers and related that to the movies. Clearly, he is a James Bond fan, but I am not quite sure how his comments relate to the debate. The authority given to the Treasurer replicates a section in Labor's own Electricity Industry Restructuring Bill 2008. When that legislation was introduced to Parliament, the then Coalition Opposition argued very strongly about the uncertainty of markets. At that stage, the global financial crisis was emerging. We have witnessed the impacts of the global financial crisis, which vindicates the then Coalition Opposition's concerns at that time.

The then Coalition Opposition also pointed out the significant concern in relation to the carbon tax. We did not know whether a carbon tax would be imposed and, if so, the form it would take and what its impact would be on the valuation of electricity industry assets. If you follow the historical trail of that carbon tax, there were many days on which the carbon tax would not have gone forward and the impact on those assets would have been significant. It was exactly the right time to be concerned about that transaction and the significant

impact it would have on those assets. I acknowledge that at that time the Opposition—the current Government—did the right thing in relation to the global financial crisis and the carbon tax by waiting to see those things play out.

The member for Cabramatta raised concerns about employee protections and claimed that the bill does not provide employee guarantees. The same provisions that were in Labor Party's bill are in this bill—the relevant section is at pages 33 to 35. This bill provides the same protections for superannuation, continuity of service and leave entitlements as those provided in the Labor Party's bill. I assure the member for Wallsend that the Government is committed to ensuring that electricity workers are protected, and those protections will form an important part of our negotiations. For example, staff transferred from electricity generators to other public sector agencies will retain all their entitlements. I can give an assurance that we will protect the employees as part of this transaction.

The member for Fairfield got it wrong again—he is regularly wrong—on the reporting requirements. He referred to safeguard governance in schedule 2 to the bill and claimed the bill limits the supply of information to Treasury about the transactions of a State-owned corporation. The bill replicates, again, a provision in the Energy Services Corporation Act regarding supply of information about energy services to a portfolio Minister. The member for Bankstown and the member for Wollongong wanted assurances that low-income earners would be assisted. The Minister for Resources and Energy has been clear about our rebates for households. The low-income household rebate will increase to $215 per annum and a new $75 per annum family energy rebate will be introduced from 1 July 2012. Approximately 80,000 families will be eligible for both rebates.

The member for Sydney questioned the impact of the bill on the environment. I assure members that selling these assets will not undermine any environmental regulations that apply to the generators. They remain in place. The member for Balmain spoke about the risk to the State of maintaining liabilities. I have seen this type of campaign that comes from The Greens and others. The Government is determined to conduct this transaction with the right processes to maximise value for taxpayers and minimise risk to the State. To suggest that I would try to shelve or hide liabilities is completely disingenuous. If members went back through history they would see that I led for the Opposition on the WSN Environmental Solutions transaction and what did I do? I said I did not want the Government of the time to run that transaction and to leave the State with environmental liabilities.

In doing that, I asked that an account to be set up into which proceeds could be deposited for protections against those future liabilities. The Opposition stood up against those sorts of practices, and we will do the same thing in government in relation to this transaction. At that time close to $50 million was set aside against future liabilities. My concern at that time was for the financial practices I had seen, which were no way to deal with these sorts of transactions. I stand strongly on that. The member for Fairfield was also wrong on recommendations of the independent inquiry. He claims the Government needed to give reasons why it should sell generation. That is wrong, and I refer him to the report, which states very clearly:

> The inquiry does not consider there to be any good purpose to be served by the State continuing to own generation assets in New South Wales.

The member for Northern Tablelands referred to the need for the community to have a say. I remind him that we were given a decisive mandate on 26 March last year. For the benefit of the member for Mount Druitt I hold up our policy, which says that we will hold a special commission of inquiry, we will undertake its recommendations, and the poles and wires will remain in public hands. That was the policy, and that is what we are enacting and delivering on. We have a mandate from the people of New South Wales to get on with the job to fix the problems in this State. Part of that is cleaning up the mess in the electricity sector. I ask members on the other side how they can stand against this, because they know it is right. They know we should be doing this.

They know that the independent inquiry recommended that in the interests of the people of New South Wales we should undertake this transaction in this form. Yet, to stand against it for political purposes is something they will have to live with as they vote in this Chamber tonight. The Leader of the Opposition talked about trust. He was quoted many times on the previous sale. He spoke about the Government reform strategy and he said that a number of generation development sites would be made available to the private sector. He said the private sector, not the Government, would decide when new investment in generation would occur. He was an advocate for private sector investment and for private sector involvement when he was in government, but it seems he has changed his tune. On 19 October last year, as Leader of the Opposition, he said this:

> I was, I am, and I always will be opposed to electricity privatisation.

We saw something different from him in government to what we are seeing from him today. This is where the people of New South Wales lost trust in the former Labor Government. The former Premier said in Parliament in the lead-up to the 2007 election, "There will be no sale of electricity generation, transmission or distribution." He was emphatic that it would not happen; however, over the next four years we saw Labor trying to do exactly that. It did that without the trust and without a mandate. Today we are in a very different position with the people of New South Wales. This bill delivers exactly what the State needs. It is good for consumers. Whatever myths the other side perpetrates about pricing, in 2010 when the Organisation for Economic Co-operation and Development [OECD]—not an insubstantial secondary voice—was looking at electricity prices across this country it said:

> Since the creation of the National Electricity Market, prices have risen faster in New South Wales, where there is still a public monopoly, than in other states in eastern and south-eastern Australia, yet productivity gains have been smaller.

The argument that we will have lower electricity prices in public ownership is dispelled by the Organisation for Economic Co-operation and Development, which is an important point to recognise. We have said that protections will be in place for existing workers. This transaction is good for the State because whatever community one visits there are infrastructure needs. This transaction will release billions of dollars that we desperately need that we otherwise would not have to put towards schools, roads, and hospitals. If we do not go ahead with this transaction the equation is simple: we will have billions of dollars less to fund infrastructure needs. Are members on the other side happy to sign up for billions of dollars less for infrastructure that this State needs desperately?

Are they happy to say to the people of New South Wales, "We don't think you need the infrastructure and we are happy to vote against something, not in the interests of the people of New South Wales or in the interests of good governance but in the interests of the Labor Party"? It is a challenge for members opposite. This transaction will release billions of dollars and it delivers on our mandate. We went to the election on this issue. We set up an independent inquiry to look at the transaction we inherited and map a way forward that is in the interests of the people of New South Wales. The inquiry was explicitly clear:

> The inquiry does not consider there to be any good purpose to be served by the State continuing to own generation assets in New South Wales.

They are not our words; they are the words of the experts. We come before this House with a road map that says we can have a better State, we can put forward a policy that delivers billions of dollars worth of infrastructure and we can look after consumers. That is exactly what the O'Farrell Government is doing.

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

The House divided.

Ayes, 61

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

Noes, 21

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

Pair

Mr Edwards Mr Daley

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.

CORONERS AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [4.28 p.m.]: The Coroners Amendment Bill 2012 contains a number of amendments to the Act, and I have participated in a briefing on those amendments. They include defining a person's legal representative, particularly with a senior next of kin; declaration of mental health facilities; what deaths should no longer be reported; what is necessary to change the word "resident" to "patient"; publication of submissions that do not contravene the principles of open justice; case management intervention by a Minister; objections to post-mortems by a senior next of kin; and other issues.

I will deal with some of the issues in detail. The majority of the bill seeks to clarify legal representation and perhaps the court's interpretation of the Coroners Amendment Bill 2012. On a number of occasions I have dealt with various issues from the Coroner's Court while representing constituents of the electorate of Tweed that were involved in the process. They were relatives or friends of those involved in the inquiry, or those involved directly in the inquiry. Over the past five years I have been involved in a number of representations to the previous Government, the Attorney General and so on. Some of the grey areas in the Act in relation to the Coroners Court created a lot of frustration for community members at a traumatic period in their lives. The question of open justice is dealt with in new section 76 (1) (d).

Like other proceedings, coronial proceedings are generally held in public in accordance with the principles of open justice. Although open justice is significant in guiding the courts in a range of matters it is not a free-standing right and can be limited as required by other factors. Section 76 (1) (a) to (c) of the Act prohibits the publication of questions, warnings, objections, and incriminating evidence given in proceedings without the express permission of the coroner presiding. The amendment extends this prohibition to submissions and other comments made by people in coronial proceedings concerning whether an inquest or inquiry should be suspended and the material referred to the Director of Public Prosecutions for prosecution. Publication of these submissions and comments could be potentially prejudicial to either the prosecution or defence of the known person.

The limitation upon open justice is justified in this context and is based upon a recommendation by the State Coroner. As I have said in the House previously, the amendments deal with specific issues in relation to

interpretation by courts of law. A number of my colleagues with legal backgrounds will give members a more in-depth view. I draw the attention of the House to the terms of the amendment for the intervention by a Minister in application under chapter 7 of the Act, section 86A. Within the Supreme Court is the inherent jurisdiction to grant the Attorney General leave to intervene when there is no other active contractor—for example, there is no other party opposing the application to have an inquest or inquiry held. However, the policy intent of section 86 is that seeking leave should not be required as it is to be expected that the Attorney General would have the right to intervene. Unfortunately the section is not clear enough to ensure this interpretation.

In 2009 the applicant indicated an intent to argue that the Attorney General had a very limited role under section 86 (2), which was restricted to making submissions. The matter was resolved without binding precedent and, therefore, uncertainty remains regarding the meaning of the right of the Attorney General to be heard at the hearing. Arguing this point in each case is an unnecessary drain on State resources. Consideration of the bill is another example of the Attorney General and his department working to clarify and increase the transparency of the laws of this State. I applaud that effort. The Attorney General and his office have been speedy in providing advice to my constituents in relation to the Coroner's Court. Once again I am not only 100 per cent for the Tweed but I am 100 per cent for the O'Farrell-Stoner Government.

Mr CHRIS SPENCE (The Entrance) [4.35 p.m.]: I support the Coroners Amendment Bill 2012. The Attorney General has noted the Coroner's Court of New South Wales has one of the best clearance rates and the lowest backlog of any coroner's court in Australia. This bill offers further clarification to the Coroners Act 2009 and will assist the New South Wales Coroner's Court in expediting coronial matters. The term "legal personal representative" is broad and often used in the statute book without definition as it has common law and statutory meanings. To avoid confusion, it has remained undefined, but may include a guardian appointed by the Guardianship Tribunal or under an enduring power of attorney.

If, for example, an adult child, a parent or an adult sibling is able to act as senior next of kin and can exercise their rights and responsibilities, it is unlikely that a legal personal representative would be used as a senior next of kin. This will be determined at the discretion of the Coroner by assessing the circumstances surrounding each individual case and will depend on factors such as the relationship between the deceased and the legal personal representative and the scope of the legal personal representative's responsibilities immediately preceding the death, and will take into account reasons why the living senior next of kin was not deemed appropriate to act.

The Attorney General advises that since late 2009, more than 30 emergency departments have been gazetted as a declared mental health facility within the meaning of the Mental Health Act 2007, and this amendment will clarify the requirements under which the emergency department must report a death. The amendment essentially means that people who die while receiving mental health care, treatment or assistance in a gazetted emergency department are reportable to the Coroner—not all deaths. This also relates to the hypothetical scenario that if a patient has presented to a gazetted emergency department for mental health care, treatment or assistance, but takes his or her life before seeing a doctor, that death would still be reportable under section 6 (1).

Following a request from the New South Wales Ministry of Health, an amendment is made to the reference of a "resident" of a mental health facility, and is now referred to as "patient"—as this is the common word used among mental health professionals. Section 74 (1) (c) enables a coroner to order that any evidence given in coronial proceedings not be published if the Coroner is of the opinion that to publish would not be in the public interest. As stated by the Attorney General, "The amendments ensure that there is now an express power to order non-publication of submissions and comments made in relation to whether a known person may have committed an indictable offence or whether an inquest or inquiry should be suspended for this reason."

Coronial proceedings are generally held in public according to principles of open justice. However, there are occasions when it is appropriate to apply certain limitations. The amendment prohibits the publication of questions, warnings, objections and incriminating evidence given in coronial proceedings without the express permission of the coroner presiding, and extends to the prohibition of submissions and comments made by people as to whether a matter should be suspended and referred to the Director of Public Prosecutions to consider prosecution, in which case the publication could prejudice either the prosecution or defence of a known person.

The Act also enables a coroner to reopen an inquest or inquiry following any determination of criminal charges. It also allows the State Coroner to resume, commence or dispense with an inquest or inquiry if the

individual coroner responsible is unavailable to resume, commence or dispense with that inquest or inquiry. As the State Coroner no longer has the power to direct an inquest or inquiry to not be resumed once it has been resumed officially by a coroner, the matter will first be reviewed by the State Coroner to case manage the file actively and, if necessary, direct that it not be resumed.

The Coroners Amendment Bill 2012 clarifies the rights of the Attorney General to intervene in applications made to the Supreme Court under sections 84 or 85. It is within the Supreme Court's jurisdiction to grant the Attorney General leave to intervene where there is no party opposing an application to have an inquest or inquiry held. However, the intention of section 86, although it was not clear, is that seeking leave should not be required as it is expected the Attorney General would have the right to intervene. Arguing the right of the Attorney General to be heard in individual cases is an unnecessary drain on State resources and, therefore, the amendments make clear the Attorney General's rights for intervention. The bill seeks to clarify the rights of the Coroner to refuse a request by a senior next of kin not to conduct a post-mortem examination, where the senior next of kin has been, or may be, charged in relation to the death.

If the Coroner determines a post-mortem examination is necessary despite a request not to do so, the Coroner is required to give the senior next of kin notice of that decision, and the Coroner can then not conduct the examination until at least 48 hours have passed to allow time for the senior next of kin to apply for the decision to be overturned by the Supreme Court. Other family members will continue to have the right to object to a post-mortem examination and the amendments will not affect their right to seek judicial review of a coroner's decision in the Supreme Court. These amendments have been determined through extensive consultation between the Attorney General and all key stakeholders. This important bill will further streamline the Coroner's Court by clarifying what were ambiguous definitions and interpretations, and providing clearer definitions of roles, responsibilities and particular powers. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.40 p.m.]: I speak in support of the Coroners Amendment Bill 2012. The Coroners Act 2009 was the result of a substantial review in 2008 of previous legislation by the Department of the Attorney General and Justice, in consultation with the State Coroner, the Chief Magistrate and a range of internal and external stakeholders. The Coroners Act 2009 sought to modernise and simplify many of the provisions in the previous Acts. The Productivity Commission's Report on Government Services 2012 compared the Coroner's Court of New South Wales with equivalent tribunals in other jurisdictions against a range of performance and efficiency indicators, and found that the clearance rates by New South Wales were generally quite positive. Despite the relatively new practices provided by the Act, together with broadly positive reviews, the Attorney General of New South Wales said in his agreement in principle speech:

> As with any significant reform process … some issues will only become apparent during implementation.

The amendments in this bill are designed to rectify those issues that have been identified. These amendments have been the subject of consultation with key stakeholders, including members of the judiciary, government departments and agencies, the Law Society, the New South Wales Bar Association and the State Coroner. The object of the bill is to amend the Coroners Act 2009:

> (a) to enable a coroner to treat a person who was a deceased person's legal personal representative as the deceased person's senior next of kin for the purposes of the Act if the coroner is satisfied that the person who is available to act as senior next of kin is unable to do so,
>
> (b) to provide that the death of a person in or temporarily absent from a declared mental health facility … is reportable to a coroner if the person was a patient at the facility for the purpose of receiving care, treatment or assistance …
>
> (c) to enable a coroner to order that submissions in coronial proceedings concerning whether a known person may have committed an indictable offence not be published, and
>
> (d) to prevent the publication of certain submissions and comments in coronial proceedings concerning the suspension of coronial proceedings without the consent of a coroner, and
>
> (e) to enable the State Coroner to direct that suspended coronial proceedings not be resumed, and
>
> (f) to enable the Attorney General to intervene in applications made to the Supreme Court for a coronial inquest or inquiry to be held, and
>
> (g) to enable a coroner to refuse a request by a senior next of kin of a deceased person for a post mortem examination not to be conducted if he or she has been, or may be, charged with an offence in connection with the deceased person's death, and
>
> (h) to make provisions … consequent on the enactment of the proposed Act.

Schedule 1 [2] provides that a death that occurs while the deceased person is in or temporarily absent from a declared mental health facility within the meaning of the Mental Health Act 2007 is reportable to a coroner if the person was a patient at the facility for the purpose of receiving care, treatment or assistance under the Mental Health Act 2007 or Mental Health (Forensic Provisions) Act 1990. Item [3] of the schedule enables a coroner to treat a person who was a deceased person's legal personal representative immediately before the deceased person's death as the deceased person's senior next of kin for the purposes of the Act if the Coroner is satisfied that the person who is available to act as senior next of kin is unable to do so.

Schedule 1 [4] enables a coroner to order that submissions made in coronial proceedings concerning whether a known person may have committed an indictable offence not be published. Failure to comply with such an order will constitute an offence. The maximum penalty for such an offence will be 10 penalty units or imprisonment for six months in the case of an individual, or 50 penalty units in any other case. Item [5] makes it an offence to publish submissions made to, or comments made by, the Coroner concerning the suspension of coronial proceedings without the consent of a coroner. The maximum penalty for the offence will be 10 penalty units or imprisonment for six months in the case of an individual, or 50 penalty units in any other case. Item [8] enables the State Coroner, after consulting with the coroner who ordered it, to direct that a suspended coronial inquest or inquiry not be resumed.

For this purpose, item [7] will require a coroner to notify the State Coroner before resuming coronial proceedings. Item [10] enables the Minister to intervene in applications made to the Supreme Court by another person for a coronial inquest or inquiry to be held. Item [12] enables a coroner to refuse a request by a senior next of kin of a deceased person for a post-mortem examination not to be held if the senior next of kin has been, or may be, charged with an offence in connection with the deceased person's death. Item [15] enables the Governor to make certain regulations under the Act. The Coroner's Court is an extremely important court, and its legislation has been in existence for more than 100 years.

Mr Paul Lynch: Since the twelfth century.

Mr STEPHEN BROMHEAD: It was adopted in this country—

Mr Paul Lynch: Through the common law.

Mr STEPHEN BROMHEAD: —initially through the common law, but by statute in the 1900s. A number of people specialise in this jurisdiction, which deals with not only deaths but also fires. The Coroner has wider powers than have magistrates or judges of the Local Court, District Court and Supreme Court when it comes to compelling persons to give evidence to inquests and inquiries. In my time as a police officer and lawyer, on a number of occasions I prepared for the Coroner a report on an inquest into a death, or a report in relation to inquires relating to fires.

As a lawyer I represented people who had been named persons of interest in relation to murders and deaths in custody, and I was also involved in proceedings regarding road fatalities and suicides. All road death matters in which I was involved related to accidents on the Pacific Highway. It was sad, before the highway was upgraded, to see the number of deaths that occurred in the 1980s and 1990s, each requiring a coronial inquest. The legislation was changed to give the Coroner power to compel persons to give evidence, ensure that proceedings were conducted in a manner that was fair to and protected the rights of persons of interest, and at the same time facilitating the job of the Coroner and prosecutor. Taking a leaf from the book of the member for Tweed, I say again: Break a leg for Myall Lakes.

Mr ANDREW CORNWELL (Charlestown) [4.49 p.m.]: It is with pleasure that I support the Coroners Amendment Bill 2012, which will amend the Coroners Act 2009 to improve the operation and effectiveness of the New South Wales Coroner's Court. The Coroners Act 2009 was the result of a major review of the previous legislation in 2008 and it modernised and simplified many provisions in the previous Act. The Act prevents natural deaths from being unnecessarily reported to coroners, and that enables the Coroner's Court to focus more on deaths that are suspicious or unexplained. Subsequent to these reforms, the Productivity Commission's recent report on government services in 2012 found that the Coroner's Court of New South Wales has one of the best clearance rates and the lowest backlogs of any Coroner's Court in Australia. Resolving coronial matters in a timely manner reduces uncertainty and stress for grieving families and can help them come to terms with the loss of a family member or loved one.

The Coroners Act 2009 came into force at the beginning of 2010 and the Coroner's Court has adjusted well to its introduction. As with any significant reform process, however, some issues became apparent only

after its implementation. This bill addresses a number of issues identified by the State Coroner to further improve the operation of the Coroner's Court of New South Wales and to clarify legislation in certain circumstances. The State Coroner supports each of the proposed amendments contained in the bill, and detailed consultation has been carried out with a broad range of stakeholders. I will run through a few of the proposed changes. The bill amends the definition of "senior next of kin". The term "legal personal representative" is broad and is often used in the statute book without definition as it has common law and statutory meanings. The Office of the Parliamentary Counsel recommended leaving it undefined lest it cast doubt on other references in the statute book. A legal personal representative may include a guardian appointed by the Guardianship Tribunal or under an enduring power of attorney.

In the event that a person is available to act as senior next of kin, as defined within section 6A (1), that is, an adult child, a parent, an adult brother or sister, and that person is able to exercise his or her rights and responsibilities, it is unlikely that the Coroner would exercise the discretion to treat the legal personal representative as senior next of kin. The Coroner will have to make an assessment in the circumstances of each case, and that will depend on a range of factors, including such matters as the relationship between the deceased and the legal personal representative; the scope of the legal personal representative's responsibilities immediately prior to the death; and the reason the living senior next of kin was not deemed appropriate to exercise those responsibilities, which will vary considerably upon the nature and scope of the legal personal representative's authority.

The bill also clarifies NSW Health's obligations. New South Wales has more than 30 emergency departments that are declared mental health facilities. Persons who die whilst in an emergency department which is a declared mental health facility and in which they were receiving mental health care will continue to be reported to the Coroner. The amendment to this section is more in the nature of a clarification. NSW Health is concerned that the practical effect of section 6 (1) (f) is that all deaths that occur while a person is in or temporarily absent from one of the gazetted emergency departments under the Mental Health Act 2009 must be reported to the Coroner. This was not the intention of the section as originally drafted and the amendment will clarify this point. The aim of the amendment is to clarify that people who die whilst receiving mental health care, treatment or assistance in a gazetted emergency department are reportable to the Coroner.

Currently there is some confusion for NSW Health and emergency department staff about their obligations, especially regarding the word "resident". That is not a word in common use amongst mental health professionals. The word "patient" clarifies the intended meaning. The New South Wales Ministry of Health requested this amendment. If persons present to an emergency department for mental health treatment but have not yet received it and take their lives, the Act clears up whether or not that is reportable. That scenario would still be a reportable death under section 6 (1) of the Coroners Act and the Coroner would accordingly investigate what assessment was made of the deceased prior to the death, including questions such as whether he or she waited an unreasonable amount of time to be seen by a doctor. The Coroner's Court advises that in actuality that scenario is unheard of. The most usual scenario is when persons take their own lives after being assessed and being allowed to leave. Under the amendment those deaths would still be reportable.

Furthermore, the amendment will not affect any obligation to report a death that is reportable under one of the other circumstances outlined in section 6 (1), that is, if the death occurs in any of the following circumstances: the person died a violent or unnatural death; the person died a sudden death the cause of which is unknown; the person died under suspicious or unusual circumstances; the person died in circumstances where he or she had not been attended by a medical practitioner during a period of six months immediately before the person's death; or the person died in circumstances where his or her death was not the reasonably expected outcome of a health-related procedure carried out in relation to the person. They are just a few of the sensible amendments that are contained in the bill that will improve the previous Act. This is just another example of the O'Farrell Government getting on with the job of making New South Wales number one again. I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands) [4.55 p.m.]: I note that Government members are keen to support this good amendment bill and I commend the Attorney General who has presided over a number of good changes in his portfolio areas. I support the introduction and passage of the Coroners Amendment Bill 2012. The bill, which will amend the Coroners Act 2009, addresses a number of issues that some speakers have touched upon that were identified by the State Coroner and by other stakeholders to further improve the operation of the Coroner's Court of New South Wales and to clarify the legislation.

The object of this bill is to amend the Coroners Act 2009 to enable the Coroner to treat a person who was a deceased person's legal personal representative as the deceased person's senior next of kin for the

purposes of the Act if the Coroner is satisfied that the person who is available to act as the senior next of kin is unable to do so; to provide that the death of a person in or temporarily absent from a declared mental health facility is reportable to the Coroner if the person was a patient at the facility for the purposes of receiving care, treatment or assistance; to enable the Coroner to prevent the publication of certain submissions in coronial proceedings concerning whether a known person may have committed an indictable offence, as well as to prevent the publication of certain submissions and comments concerning the suspension of coronial proceedings without the consent of the Coroner; to enable the State Coroner to direct that suspended coronial proceedings not be resumed; and to enable the Attorney General to intervene in certain applications.

The bill clears up a range of matters that were ambiguous and open to subjective interpretation. I contacted the Law Society of New South Wales, which I do as a matter of process in relation to bills such as this, and was informed that it welcomes the changes made to the Coroners Act 2009 following its submission. The Law Society believes that the changes will bring New South Wales into line with other jurisdictions. All members will agree that resolving coronial matters without delay reduces uncertainty and stress for grieving families and can help them come to terms with the loss of a loved one at a most difficult time. I commend the bill to the House.

Mr ANDREW GEE (Orange) [4.58 p.m.]: I support the Coroners Amendment Bill 2012, which will greatly improve the operation and effectiveness of the New South Wales Coroner's Court. At the outset I echo the omniscient comments of the member for Myall Lakes about this important bill. Just over a week ago I listened in this House to the member for Keira speaking about the member for Myall Lakes. The member for Keira had a go at the member for Myall Lakes because of his broad-ranging life experiences. The member for Myall Lakes has been a nurse, a police officer and a solicitor.

The member for Keira apparently thought that was a great joke, that it was very funny. The performance of the member for Myall Lakes today showed the difference between the world of The Nationals member and that of the member for Keira, the party apparatchik. There is a difference between the two sides of this House. Government members have broad-ranging and real life experiences. The member for Keira inhabits a world of political paybacks and mates scratching one another's backs. The member for Myall Lakes certainly is not a jumped up, tricked out party apparatchik.

Mr Paul Lynch: I have two points of order. The first is that the member speaking clearly is overexcited and should calm down.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! That is not a point of order.

Mr Paul Lynch: But it is a pretty accurate observation. The second point of order is that he should come back to the leave of the bill. He has moved well away from the leave of the bill.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I did not hear what the member for Orange said.

Mr ANDREW GEE: For your benefit, Mr Assistant-Speaker, I was referring to a "jumped up, tricked out party apparatchik". I will return to the leave of the bill. This bill enables a coroner to treat a person who was a deceased person's legal personal representative immediately before the deceased person's death as the deceased person's senior next of kin if the Coroner is satisfied that other persons available to act as senior next of kin are unable to do so. In some circumstances, a person's legal personal representative immediately prior to his or her death has been appointed because the deceased person's immediate relatives were not able, or were deemed not able, to manage that person's affairs. Without the amendment that legal personal representative may not be considered to be the deceased person's senior next of kin following death. This situation will be rectified under the bill.

The bill also adds clarity to the obligations of NSW Health with respect to the reporting of deaths. Currently over 30 emergency departments have been gazetted as declared mental health facilities within the meaning of the Mental Health Act 2007. One of the issues with respect to the current Act is ambiguity over whether all deaths of people who are in or temporarily absent from one of these gazetted emergency departments must be reported to the Coroner, including those who are admitted for general care, treatment or assistance as opposed to mental health care, treatment or assistance. The bill clears up this ambiguity by providing that the death of a person temporarily absent from a declared health facility is reportable to the Coroner if that person was a patient at the relevant facility for the purpose of receiving care or treatment under the Mental Health Act 2007 or Mental Health (Forensic Provisions) Act 1990.

A further amendment of note is that the bill enables a coroner to order that submissions made in coronial proceedings regarding whether a known person may have committed an indictable offence not be published. This provision has been made because such submissions could have a potential to cause prejudice to future criminal proceedings. A further amendment to the current Act makes it an offence to publish submissions made to, or comments by, the Coroner with respect to comments made about the suspension of coronial proceedings without the leave of the Coroner. This is another provision brought in to ensure that future criminal proceedings are not prejudiced. It is an eminently sensible amendment.

Item [8] of schedule 1 to the bill also enables the State Coroner to direct that a suspended coronial inquest or inquiry not be resumed in order to better manage coronial matters. It requires consultation with the relevant coroner and the Chief Magistrate where the coroner is also a magistrate. The State Coroner recommended this amendment. Items [9] and [10] of schedule 1 to the bill amend section 86 of the Coroners Act 2009 to clarify the rights of the Attorney General, as the Minister administering the Coroners Act, to intervene in applications made to the Supreme Court. Section 86A allows the Attorney General to be heard on the hearing of an application even if he or she does not intervene or is otherwise a party to the hearing. This adds flexibility to the scope of the Minister's powers and will hopefully allow for greater efficiencies in the conduct of application hearings.

Item [16] of schedule 1 to the bill provides that amendments in the bill which allow the Coroner to refuse a request made by the senior next of kin of a deceased person that a post-mortem examination not be conducted can extend to requests made but not determined before the commencement of those amendments. Ordinarily any provisions in a bill that have retrospective effect have attracted comment in the past and people have taken issue with such provisions. However, even though this bill has retrospective effect in that regard the provision only applies to prevent a person suspected of an offence in connection with a deceased person's death from requesting that a post-mortem examination not be conducted. That is an eminently sensible amendment that I wholeheartedly support. I congratulate this hardworking Attorney General on introducing the bill, which I think will be welcomed by all who practice in the Coroner's Court and by the legal community generally. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [5.05 p.m.]: I will make a few comments in debate on the Coroners Amendment Bill 2012. The overview of the bill has already been outlined on a number of occasions by the Attorney General and other speakers, including the shadow Minister, the member for Liverpool, who led in debate on behalf of the Opposition. As the shadow Minister indicated, the Opposition will not oppose the bill. That is obviously an appropriate position to take because there is nothing of a party political nature in the bill that would cause major parties any concern. This bill tidies up some legislation that has been constantly reviewed over the years mainly by governments or by the State Coroner.

This bill is a tidying up process; it is not about making New South Wales number one again, unlike what was said by an earlier speaker. Even members who draw the longest bows could not make the stretch that this bill is major legislative reform by a new Government. As a matter of fact, most of its origins come from an ongoing review process and recommendations by the State Coroner over a long period and have little to do with which party would have been in government at the time the bill was drafted. The member for Myall Lakes made some reference to the Coroner's Court. As a former police officer I recognise the incredibly good and difficult work done by coroners and their staff. They deal in the area of life and death which is sensitive and which can be most complicated in any court processes. Like all police officers—many are now represented in this Parliament—I know that the preparation of reports to the Coroner is an everyday occurrence. However, these days I do not know what the reports are called. A member who has more recent experience in police work might be able to enlighten us.

Mr Bryan Doyle: The P79a form.

Mr RICHARD AMERY: The P79a was the old form. I do not know whether it has been changed since then.

Mr Bryan Doyle: We still stick with it.

Mr RICHARD AMERY: The P79a, which was always produced with six copies, was submitted after a reportable death required its submission by police. An interesting component to this bill, which must have arisen as a result of some problems or gaps in the legislation, is its provisions about a person who is a patient of an institution that treats mental illness and so on. Obviously in various coronial inquests problems have arisen

relating to where a person was when he or she died. Some flaw in the legislation must have been exposed which brought about this recommendation which should not be overlooked. Other interesting aspects in the overview of the bill are to be found in paragraphs (a), (c), (d) and (e), which state:

> (a) to enable a coroner to treat a person who was a deceased person's legal personal representative as the deceased person's senior next of kin for the purposes of the Act if the coroner is satisfied that the person who is available to act as senior next of kin is unable to do so, and ...
>
> (c) to enable a coroner to order that submissions in coronial proceedings concerning whether a known person may have committed an indictable offence not be published, and
>
> (d) to prevent the publication of certain submissions and comments in coronial proceedings concerning the suspension of coronial proceedings without the consent of a coroner, and
>
> (e) to enable the State Coroner to direct that suspended coronial proceedings not be resumed ...

Item [4] of schedule 1 to the bill enables a coroner to order that submissions made in coronial proceedings, concerning whether a known person may have committed an indictable offence, will not be published. That is an important provision. Item [12] of schedule 1 inserts new section 96 (5), which states:

> The coroner may refuse a request made by the senior next of kin of a deceased person for a post mortem examination not to be conducted on the deceased person if the coroner is satisfied that the senior next of kin has been, or may be, charged with an offence in connection with the deceased person's death.

Members may think that is an obvious power for a coroner to exercise, but there may have been some difficulties in the past. All members would be aware of tragic stories that have been made public in recent years relating to persons being arrested and charged with the murder of their own family. One cannot imagine the circumstances that would lead to such a tragedy. A person who is a suspect in a police investigation may have an interest in affecting the processes of the Coroner's Court, so a coroner should have the power to order a post-mortem and refuse a request by a senior next of kin. I will not deal with the circumstances that could lead to a suspect refusing to give permission for a post-mortem. Suffice it to say that in recent years there have been cases in which a person who is the senior next of kin has been charged with the murder of a member of their own family.

Existing legislation may have shortcomings that limit the ability of a coroner to make appropriate orders. This bill performs the very important function of addressing that anomaly. It is an everyday function of the police and other government officers to report deaths to the Coroner. When grieving families challenge coronial procedures, it is very difficult for the coroner to proceed and make final determinations. Legislation should continually be reviewed and amended when necessary to enable the Coroner to handle difficult matters. I suggest that many of the provisions in this amending bill emanate from identification of problems and shortcomings in existing legislation. The Opposition supports the bill.

Mr MARK SPEAKMAN (Cronulla) [5.12 p.m.]: I support the Coroners Amendment Bill 2012. In 2008-09 the Department of Attorney General and Justice substantially reviewed coronial legislation in consultation with the State Coroner, the Chief Magistrate and various stakeholders. As a result of that review, the Coroners Act 2009 was enacted and it modernised and simplified many provisions in the previous Act. It prevented natural deaths from being unnecessarily reported to coroners, which enabled the Coroners Court to focus more on deaths that are suspicious or unexplained. As is the case with any significant reforms, there have been occasional teething problems or issues that have become apparent during implementation. The bill addresses a number of the issues that have been identified by the State Coroner and other stakeholders.

The State Coroner supports this amending bill, which has been the subject of consultation with key stakeholders, which include the Chief Magistrate, the Chief Justice of New South Wales, the New South Wales Ministry of Health, the Ministry for Police and Emergency Services, the New South Wales Police Force, Legal Aid NSW, the Crown Solicitor's Office, the Minister for Citizenship and Communities and Minister for Aboriginal Affairs, the Community Relations Commission, the New South Wales Bar Association and the Law Society of New South Wales. I will outline the purpose of the amendments that are stated in schedule 1 to the bill. The first set of amendments I will deal with appear in items [1] and [3] of schedule 1.

The provisions will enable a coroner to treat a person who was a deceased person's legal personal representative immediately before the deceased person's death as the deceased person's senior next of kin for the purposes of the Act, if the coroner is satisfied that the person who is available to act as senior next of kin is unable to do so. Item [2] of schedule 1 to the bill provides that when a death occurs at a time that a person is in,

or is temporarily absent from, a declared mental health facility within the meaning of the Mental Health Act 2007, the death is reportable to a coroner if the person was a patient at the facility for the purpose of receiving care, treatment or assistance under the Mental Health Act 2007 or the Mental Health (Forensic Provisions) Act 1990.

NSW Health was concerned that under existing legislation there is a possibility that all deaths that occur when a person is in, or is temporarily absent from, one of the gazetted emergency departments, must be reported to the coroner. It was not the intention of the legislation when it was originally drafted for reporting of deaths in all those circumstances to be mandatory. The purpose of the bill is to clarify that the death of a person that occurs while that person is receiving mental health care, treatment or assistance in a gazetted emergency department is reportable to the coroner.

The next set of amendments I propose to deal with relate to item [4] of schedule 1 to the bill. This provision will enable a coroner to order that submissions made in coronial proceedings concerning whether a known person may have committed an indictable offence will not be published. Like other proceedings, coronial proceedings generally are held in public, in accordance with the principles of open justice. Although open justice is significant in guiding the courts in relation to a range of matters, it is not a freestanding right and it can be limited, when required, by other factors. New subsection 74 (1) (c) will extend a coroner's power to cover written and/or oral submissions concerning whether a known person may have committed an indictable offence. Existing penalties for contravening a non-publication order are not amended by this bill. The maximum fine for an offence by an individual will be 10 penalty units, or six months' imprisonment, or 50 penalty units in any other case.

Item [5] of schedule 1 to the bill will prevent the publication of certain submissions and comments in coronial proceedings concerning the suspension of coronial proceedings without the consent of a coroner. In this case also, existing penalties for contravening a non-publication order are not amended by the bill. This provision has been included because publication of submissions and comments potentially could prejudice the prosecution or defence of a known person. In that context, the limitation upon open justice is justified and based upon a recommendation made by the State Coroner. Item [8] of schedule 1 to the bill will enable the State Coroner to direct that suspended coronial proceedings will not be resumed.

It should be noted that section 79 (6) of the Coroners Act already allows the State Coroner, or a coroner who is authorised by the State Coroner, to resume, commence, or dispense with an inquest or inquiry under section 78 if the individual coroner, who is responsible for the inquest or inquiry, is not available to resume, commence or dispense with that inquest or inquiry. The amendments will extend those powers to enable the State Coroner to proactively case manage files by issuing a direction that a suspended coronial inquest or inquiry will not be resumed. That will enable the State Coroner to efficiently case manage files, and particularly will assist the State Coroner when closing coronial proceedings.

The next set of amendments I will deal with relates to item [10] and a consequential amendment in item [9] of schedule 1 to the bill. New section 86A in item [10] will enable the Minister to intervene in applications made to the Supreme Court by another person for a coronial inquest or inquiry to be held. Already it is within the Supreme Court's inherent jurisdiction to grant the Attorney General leave to intervene when there is no other active contradictor—in other words, when there is no party opposing an application to hold an inquest or an inquiry. However, the policy intent of existing section 86 is that seeking leave should not be required as it is to be expected that the Attorney General would have the right to intervene.

But, unfortunately, that section is not clear enough to ensure a correct interpretation, and that necessitates the amendment. The new provision will clarify that in such circumstances the Attorney General will have full rights of a party, including the ability to adduce evidence, issue subpoenas and seek costs. The amendment will prevent uncertainty on this point in the future and will enable parties to avoid the expense of making submissions before the Supreme Court. I turn to the amendments in item [12] of schedule 1 to the bill. They will enable a coroner to refuse a request by a senior next of kin of the deceased person that a post-mortem examination not be held if the senior next of kin has been or may be charged with an offence in connection with the deceased person's death.

In relation to the threshold of "may be charged", advice from the Coroner's Court of New South Wales was that adopting a higher threshold of "likely to be charged" would make the amendment operationally ineffective. The coroner normally has to make this decision within a short time after death. When this provision is used, the coroner will rely upon advice from the NSW Police regarding the senior next of kin's potential

involvement in the death. A higher standard such as "likely to be charged" may not be able to be met until a post-mortem examination has been carried out and the cause of death is clearer. Therefore, a higher threshold would render the section operationally impractical.

The benefit of postponing the post-mortem may have already been served. The situation sought to be overcome is rare and it is expected that the provision will be used infrequently. The decision will be subject to judicial review and therefore will have to be made on a lawful basis. Item [15] of schedule 1will enable the Government to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act or any future amending Act. This set of amendments has the imprimatur of all the key stakeholders and is not opposed in this House. It is a sensible set of amendments. Teething problems emerged following the substantial review undertaken in 2008 and 2009. This bill addresses those teething problems. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.21 p.m.]: I speak on the Coroner's Amendment Bill 2012. As time is limited, I will not refer to each of the amendments. I appreciate that previous speakers have provided detail on them. The Greens support the bill, which contains relatively minor amendments. The amendments are positive. I acknowledge the work of the Minister's office and all those in the department who have worked on this legislation. The amendments in the bill represent another step forward. The Coroners Act 2009 represented significant reform to the operation of the Coroner's Court in New South Wales, and issues that have been identified since 2009 are addressed in this bill. I am heartened to hear that wide consultation has been undertaken on this bill. I understand that the State Coroner supports the bill and, following wider consultation, the Law Society, Bar Association, judges and Legal Aid New South Wales have given their broad support.

I commend the Minister, his office and his department for undertaking such consultation. I am pleased that the bill has the support of all those stakeholders. I raise two points and ask the Minister to address them in his reply. As many members know, the Coroner's Court is located in Glebe in my electorate. As the local member, I am contacted by people who are involved in matters before the Coroner. For many of the State's most disadvantaged people who are seeking justice and a full investigation of the circumstances of the death of their child, a relative or friend, the Coroner's Court is the last chance. It is important that we recognise the critical role of the Coroner's Court and the thousands of inquiries and matters dealt with by that court. I also acknowledge all the hardworking staff in this area.

In relation to coronial inquests, I have previously raised the issue of the substantial costs incurred by a victim's family in attempting to fully represent the interests of the deceased person—as was seen in the inquest into the tragic death of Sarah Waugh. When a matter goes on for several years the costs are onerous on families. These families often are not in a financial position to pay but they want to make sure that the deceased person is well represented. I ask the Minister to consider this issue in future amendments. Although it does not relate specifically to the bill, I ask the Government to address this issue by offering the support of advocates to families of deceased persons during the Coroner's Court process. Such assistance would be just and would relieve some of the pressure on those who are suffering terribly, not just emotionally but also as a result of the substantial cost burden.

Those who come into contact with the Coroner and the Coroner's Court often do so at a most difficult time in their lives. I emphasise my appreciation of the professionalism of the officers and staff who work in the Office of the Coroner. Their attention to detail in these coronial investigations is particularly admirable. There is an ongoing need to monitor the operation of the coronial system in New South Wales to ensure that it is transparent, accessible to families and adequately resourced to investigate all suspicious deaths in the State. There have been calls for greater reform, in particular, to require the Government to respond to all coronial inquest recommendations within a prescribed time, say, six months. I call on the Minister to examine this issue also.

I know the Minister has a bagful of reforms in relation to departments, recalcitrant individuals and recidivism with the aim of ensuring that the causes of crime are front and centre. I again ask the Minister to put his mind to the costs incurred by families of deceased persons before the Coroner's Court and call on the Minister and his department to consider a requirement that the Government respond to recommendations within a prescribed period. In the past it sometimes has taken the government of the day a very long time to deal with and carry out coronial inquest recommendations. I thank the House for the opportunity to speak on this bill. I welcome the amendments and look forward to assistance being provided to families of deceased persons.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.27 p.m.], in reply: I thank the members who contributed to the debate: the member for Liverpool, the member for Blue Mountains, the member for Camden, the member for Drummoyne, the member for Tweed, the member for The Entrance, the member for Myall Lakes, the member for Charlestown, the member for Northern Tablelands, the member for Orange, the member for Mount Druitt, the member for Cronulla and the member for Balmain. I note the comments of the member for Balmain. Although the matters he raised do not relate to this bill, I will consider the issues of legal aid for relatives of the deceased and the Government's prompt attention to coronial recommendations.

The bill contains miscellaneous amendments arising from the implementation of the Coroners Act 2009. The bill addresses a number of issues identified by the State Coroner and other stakeholders to further improve the operation of the Coroner's Court of New South Wales. The amendments will ensure that the conduct of coronial proceedings, the ordering of post-mortem examinations and the publication of matters arising in coronial proceedings are as appropriate as possible. I commend the bill to the House.

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

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT BILL 2011

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.29 p.m.]: I move:

That this bill be now agreed to in principle.

This bill was introduced in the other place on 24 November 2011 and is in the same form. The second reading speech appears at pages 51 to 52 in the *Hansard Proof* of 16 February 2012. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [5.30 p.m.]: I lead for the Opposition on the Government Information (Public Access) Amendment Bill 2011. The Opposition does not oppose the bill. The bill contains minor amendments to the current freedom of information regime. The principal Act that the bill seeks to amend was a matter of great significance to this State, particularly with its cognate bills, as it represented the first complete and substantial overhaul of freedom of information structures in this State in 20 years. It clearly was aimed at turning that system on its head and dramatically improving transparency and integrity of government. It aimed to move the focus to proactive disclosure and stemmed from what was said to be a general consensus that the freedom of information Act was broken and needed to be fixed. The principal Act was progressive reform of great import.

This bill contains a series of quite minor tweaks to the principal Act. However, that is not to say that the bill should be opposed, as the amendments are worth pursuing. But perhaps it is worth keeping in mind that they are particularly minor compared to the substance of the principal bill. The objects of the bill are primarily to amend the 2009 primary legislation, the Government Information (Public Access) Act. As I read the bill, it certainly is the case that it contains minor amendments. The bill amends the Government Information Public Access Act and the Criminal Records Act 1991, the Privacy and Personal Information Protection Act 1998 and the Commission for Children and Young People Act 1998. It makes amendments also to the Privacy Code of Practice (General) 2003.

When introducing this bill, the member with its carriage in the other place described the modest aims of this bill—to tidy up and clarify certain minor aspects of the Act and keep it operating smoothly. The bill includes the following provisions. Sensibly, it alters the current strict position against disclosing information about spent convictions. This will allow agencies to give spent conviction information to the person to whom it

relates. It changes the terminology of publication guide and guides to agency information guide or guides; it makes clear that open access does not breach copyright; and the timing for agencies to have information on their disclosure logs is clarified.

Proposed changes to section 56 make clear that third parties can object to certain information being disclosed about them. There is also the removal of a $40 fee in some limited circumstances when an internal review is recommended by the information commissioner. Section 82 currently prevents internal review of a decision if it is made by the principal officer of an agency or by a Minister. This is extended to include a Minister's staffer. It is perhaps worth noting briefly what is not in the bill. The Coalition went to the last election with a policy that said in government it would pursue a new era of open government, including reforming the freedom of information process based on the following basic principles and initiatives:

> pro-active disclosure of government information;
>
> one-stop online shop for information from all government agencies;
>
> enforced public disclosure of government contracts and grants; and
>
> no cost for FOI applications and the establishment of mandatory deadlines.

I note the complete absence of any of those initiatives from this bill—a failure of an election commitment by the current Government. However, this bill should not be opposed. The bill is not particularly significant in making major changes; it is perhaps on the same level of significance as the Library Bill. On that basis I assume a couple of dozen Government members will be telling us how good it is. The Opposition does not oppose the bill.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [5.34 p.m.]: I support the Government Information (Public Access) Amendment Bill 2011, which introduces minor amendments to the Government Information (Public Access) Act 2009. The Act repealed the Freedom of Information Act 1989 with the aim of achieving greater openness and transparency in government. The Act has been in place for around 18 months and users have identified some minor operation issues. This bill seeks to address those issues. We live in a world where our every move and word may be recorded for perpetuity thanks to the glorious digital age, which is a blessing and a curse. An incredible amount of information is recorded about all of us and it is our fundamental right to have access to that information. The bill aims to tidy up and clarify certain aspects of the Act so that it can run smoothly and be more user-friendly. The objects of the bill are:

> (a) to amend the *Government Information (Public Access) Act 2009* (the ***principal Act***):
>
> (i) to clarify the timing for the recording of information in the disclosure logs of agencies and what can be included in such logs and to enable affected persons who are not access applicants to object to certain information about them being included in such logs, and
>
> (ii) to enable parts of agencies to be treated as separate agencies for the purposes of the principal Act, and
>
> (iii) to confirm that access to open access information is to be provided in a manner that has due regard to copyright issues, and
>
> (iv) to enable an agency to refuse to provide access to government information if the access applicant has already been provided with the information, and
>
> (v) to remove the current requirement to pay a fee for an internal review by an agency following a recommendation by the Information Commissioner, and
>
> (vi) to confirm that an agency may require proof of identity from an access applicant before providing access to government information if the access application involves certain personal factors about the applicant, and
>
> (vii) to provide that there is no conclusive presumption of overriding public interest against disclosure of a spent conviction to the person convicted, and
>
> (viii) to clarify when an agency is required to consider whether to waive legal professional privilege in connection with an access application, and
>
> (ix) to make certain other minor amendments, amendments in the nature of statute law revision and amendments that provide for savings and transitional matters,
>
> (b) to amend the *Criminal Records Act 1991* to provide that it is not an offence for a public authority or other government agency that has a record of a spent conviction (or its authorised officers) to make information about the conviction available to the person who was convicted,

(c) to amend the *Privacy and Personal Information Protection Act 1998* to enable the regulations to make provision for a public sector agency to be treated as part of another public sector agency, or for a part of a public sector agency to be treated as a separate agency, for the purposes of that Act,

(d) to make amendments in the nature of statute law revision to the *Commission for Children and Young People Act 1998* and the *Privacy Code of Practice (General) 2003*.

The bill clarifies, amongst other things, that where an agency waives, reduces or refunds a fee, an application can still be validly made and determined. Agencies can require proof of identity where necessary—for example, when someone seeks access to personal information. Applications can be made from overseas addresses. The bill addresses also some inconsistencies with agencies' disclosure logs—for example, clarifying that the right to object to information going on to a disclosure log is not restricted to people applying for access to information but to third parties whose information may be affected.

These minor amendments will make it easier for agencies and the public to be clear about their position when using the Act and underpins the Government's commitment to transparency of access to government information. Importantly, the bill seeks to amend the Criminal Records Act 1991 to provide that it is not an offence for a public authority or other government agency that has a record of a spent conviction to make information about the conviction available to the very person who was convicted. The bill also will amend the Privacy and Personal Information Protection Act 1998 to enable the regulations to make provision for a public sector agency to be treated as part of another public sector agency or for part of a public sector agency to be treated as a separate agency for the purposes of the Act. This will permit a more practical approach to the administration of the Act.

When entities are not part of the same agency they may be treated as one agency for the purposes of handling complaints and internal reviews. The bill introduces only minor and technical amendments to the existing Government Information (Public Access) Act 2009. However, even minor matters of process can have an important impact on people's rights. For example, this bill makes clear that third parties can object to the inclusion of information in agencies' disclosure logs where their information is affected by an application made by someone else. The bill makes it clear that third parties aggrieved by a decision of an agency can seek review directly to the Information Commission when no internal review is available, such as when decisions are made by Ministers' officers. These changes are technical, but they also clarify the existence of important rights. They may have a real and positive impact on a third party who is genuinely concerned that their information should not be made public, and who wants to seek a review of an agency decision.

This Government is determined to deliver the change the people called for overwhelmingly to rebuild our State and to make New South Wales number one again. One of these goals is goal 31: To improve government transparency by increasing access to government information. The community has a right to openness, accountability and transparency when it comes to government decision-making and information. Greater public access fosters collaboration, increases efficiency and fosters a public sector that values and shares information. Already we have seen an improvement in the way people use government services, thanks to innovations such as Live Traffic NSW, SMS bus services, police eyewatch and real-time hospital emergency information. The bill will finetune the procedures that underpin the community's right to access government information. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [5.41 p.m.]: I support the Government Information (Public Access) Amendment Bill 2011, which introduces amendments to the Government Information (Public Access) Act 2009. The Act repealed the Freedom of Information Act 1989 and made a significant break with the structure of that Act. The aim was to achieve greater openness and transparency in government. The Government Information (Public Access) Act 2009 has been in effect for approximately 18 months. In the early stages users of the Act identified some issues with its operation and practice. The bill seeks to address those issues. It has been developed in consultation with government agencies and with the Office of the Information Commissioner. The objects of the bill are as follows:

(a) to amend the Government Information (Public Access) Act 2009 (the principal Act):

(i) to clarify the timing for the recording of information in the disclosure logs of agencies and what can be included in such logs and to enable affected persons who are not access applicants to object to certain information about them being included in such logs, and

(ii) to enable parts of agencies to be treated as separate agencies for the purposes of the principal Act, and to confirm that access to open access information is to be provided in a manner that has due regard to copyright issues, and

(iii) to enable an agency to refuse to provide access to government information if the access applicant has already been provided with the information, and

(v) to remove the current requirement to pay a fee for an internal review by an agency following a recommendation by the Information Commissioner, and

(vi) to confirm that an agency may require proof of identity from an access applicant before providing access to government information if the access application involves certain personal factors about the applicant, and

(vii) to provide that there is no conclusive presumption of overriding public interest against disclosure of a spent conviction to the person convicted, and

(viii) to clarify when an agency is required to consider whether to waive legal professional privilege in connection with an access application, and

(ix) to make certain other minor amendments, amendments in the nature of statute law revision and amendments that provide for savings and transitional matters,

(b) to amend the Criminal Records Act 1991 to provide that it is not an offence for a public authority or other government agency that has a record of a spent conviction (or its authorised officers) to make information about the conviction available to the person who was convicted,

(c) to amend the Privacy and Personal Information Protection Act 1998 to enable the regulations to make provision for a public sector agency to be treated as part of another public sector agency, or for a part of a public sector agency to be treated as a separate agency, for the purposes of that Act,

(d) to make amendments in the nature of statute law revision to the Commission for Children and Young People Act 1998 and the Privacy Code of Practice (General) 2003.

The Act currently provides that agencies must have a publication guide that contains information about matters, including the structure and functions of the agency, the kind of information the agency holds and how to access that information. This bill changes the name of the guide from "publication guide" to "agency information guide" to better reflect its content. The bill clarifies certain aspects of the process for applying for access to government information. Item [8] of schedule 1 removes the requirement that the postal address accompanying an application must be an Australian postal address. That will enable people living overseas to make an application under the Act without having to rely on the address of an Australian contact to do so. Item [10] clarifies that any decision by an agency to waive, reduce or refund an application fee does not prevent the application from being valid.

Item [13] clarifies that existing capacity of agencies to require an applicant to provide evidence about the personal factors of an application includes the capacity to require proof of identity when this is relevant to the agency's decision about the application. That is important in situations in which people apply for access to personal information. If the information relates to the applicant there is a public interest in favour of disclosing it to that person. If the information does not relate to the person, privacy considerations mean there is a public interest against one person gaining access to another's personal information. It is important that agencies are able to establish an applicant's identity. Item [19] permits agencies to determine an application by deciding that the information is already available to the applicant because another agency has provided it to him or her. Item [30] clarifies how agencies are to send notices under the Act. That may be done by post or another method agreed upon by the agency and the person in question.

The bill also makes several changes in relation to agencies disclosure logs. A disclosure log contains information about access applications that agencies have granted when the agency considers that information may be of interest to the public. Item [5] clarifies the timing for agencies to place information on their disclosure logs. If no-one objects to information being placed on the disclosure log, the agency can place information on the log when the access application is decided. If there is an objection, there is no requirement for an agency to record information on the log until it has decided that there was no right to object or, if there was a right to object, until review rights have expired. Currently agencies are not required to place personal information about an access applicant on their disclosure log. Item [6] of the bill extends this protection to the personal information of any individual.

Item [14] makes clear that when information affects a third party's interests in certain ways—for example, when the information includes personal or financial information about them—they have a right to object to an agency placing that information on the agency's disclosure log. The bill also clarifies the operation of the provisions in the Act that allow people to seek review of decisions. At present, if an aggrieved person, other than the applicant, wishes to seek a review by the Information Commissioner, an internal review is required beforehand. However, in the case of decisions made by a Minister, a member of a Minister's staff, or an

agency's principal officer, internal review is not available. Item [23] clarifies that an internal review is a precondition to third parties seeking review by the Information Commissioner only when internal review is available.

Mr Ryan Park: Come on mate, fire up.

Mr STEPHEN BROMHEAD: Fire up?

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind Opposition members that under Standing Order 52 members should not converse or make any other noise or disturbance when a member is speaking. If members wish to have private conversations they should do so outside the Chamber.

Mr STEPHEN BROMHEAD: Earlier the member for Orange, who is a great local member, spoke in debate on the bill. The member had some pertinent things to say about the member for Keira.

Mr Ryan Park: What did he say? I was not here.

Mr STEPHEN BROMHEAD: What I can say is that the constituents of Orange have a great local member who is highly intelligent and knows what he is speaking about.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! The member for Myall Lakes should not provoke interjections from Opposition members. The member will return to the leave of the bill.

Mr STEPHEN BROMHEAD: When a review is not available, people in this position can seek review directly from the Information Commissioner. At present, if a person seeks to have the Information Commissioner review an agency's decision and the commissioner recommends that agency should itself conduct an internal review, the person has to pay a $40 fee for that internal review. Item [25] removes the requirement to pay that fee. This makes effective the free right of review by the Information Commissioner. It is important to have free access without the fee—a fee imposed by Labor when it was in government. The bill also standardises references to the time and updates references to agencies and departments where restructuring has occurred. The Act is due for statutory review as soon as possible after five years from the date of assent, which means as soon as possible after 26 June 2014.

That five-year review is the period in which to consider whether the Act is meeting its policy objectives and whether more significant policy changes are required. That review will require broad consultation and detailed analysis. As the member for Port Stephens, a great local member, said, this is all part of the Government's gaols. Goal 31 is to create better access to online information and to make real-time information about government services available to the public. As was said earlier, this is all part of making New South Wales number one again—after it slipped from that illustrious position which it held 16 years ago to now being about number six in Australia. This Government is determined to make New South Wales number one again. We will have better, more open and transparent government. Opposition members have put their hands in the air; they are defeated and cannot take any more. I commend the bill to the House. Once again, as the great member for Tweed says: Break a leg for Myall Lakes.

Ms TANIA MIHAILUK (Bankstown) [5.51 p.m.]: I will make a brief contribution to debate on the Government Information (Public Access) Amendment Bill 2011. I note at the outset that the Opposition will not oppose this bill. The Opposition supports greater accountability and transparency in the governance of New South Wales. I understand that the bill proposes a series of minor amendments to the Government Information (Public Access) Act 2009. That legislation was introduced by the former Government and enacted to replace the former Freedom of Information Act to improve access to government information. Schedule 1 [1] clarifies that no agency can make open access information available if it in some way constitutes an infringement of copyright.

Schedule 1 [6] clarifies that the personal information of individuals involved in the application is not required in an agency's disclosure log. As such, affected persons are able to object to certain information being included. Schedule 1 [7] amends the requirement to register a government contract valued at $150,000 or more from 60 days to 45 days after the contract becomes effective. Schedule 1 [7] also amends the period for which information must be kept available on the Government Contracts Register from 30 days to 20 working days. I note that this may, in effect, ensure that such information is available for an appropriate period regardless of public holidays or other events. Schedule 1 [10] clarifies arrangements for the non-payment of fees in specific cases such as where a fee is waived or reduced by an agency.

Schedule 1 [12] requires agencies to notify in writing individuals whose information is likely to be included in the agencies disclosure log. Further to this, item [17] requires agencies to inform individuals who have objected to the inclusion of their information on the disclosure log of the outcome of their objection. Schedule 1 [13] clarifies that agencies can seek proof of identification in determining the personal factors that might affect an application, namely, as to whether there might be an overriding public interest against disclosure of information. Items [28] and [29] contain consequential amendments stemming from changes to the allocation of the administration of Acts. Schedule 2 makes subsequent amendments to related legislation as required as a result of the bill. I note once again that the Opposition does not oppose the bill, and I commend it to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.54 p.m.]: I will make a brief contribution to debate on the Government Information (Public Access) Amendment Bill 2011. I note comments made by the member for Bankstown in her fine presentation on this important bill. I think members on both sides of the Chamber would strive for open and transparent government. However, on a number of occasions under the previous Government I found it necessary to lodge a freedom of information application. At times that was an arduous task; the information was provided in dribs and drabs, sometimes in code-like language. This is an important process regarding all levels of government and government agencies. The Tweed Shire Council has a large number of freedom of information requests. I assume that many councils across New South Wales have made a number of requests.

The overview of the bill notes that the amendments clarify the timing for the recording of information in the disclosure logs of agencies and so on. The amendments enable agencies to be treated as separate agencies under the Act. A number of members who have spoken in the debate noted the provisions contained in the items of the schedules. I do not intend to mention those again; I expect some members will do so in their contributions. I have passed on to the Minister charged with carriage of the bill a concern about the cost of complying with the provision of the information. Unfortunately, all electorates have certain people who will require and request information on a continuous basis. At times they are not satisfied with the information that is provided.

The Tweed Shire Council also is concerned about the amount of money spent to service requests made under freedom of information legislation as well as under the Act to be amended by this bill. The provisions are subject to ongoing reviews; we have been told the operation of the provisions of this bill will be reviewed in another five years. Like many legislative changes passed by this Parliament, their operation in practice reveals a need for modification or amendment. I notice from today's *Business Paper* that a number of legislative amendments are proposed. However, there is some concern with the costs imposed particularly on local government. Obviously, I will support this bill and the openness and transparency of the current Government of New South Wales.

Mr RYAN PARK (Keira) [5.58 p.m.]: Believe it or not, for the umpteenth time this week I say that the Opposition supports the Government's proposal. The Opposition does so because it appreciates that the Coalition is recognising good Labor Party reforms, which the Government Information (Public Access) legislation was when introduced by former Premier Nathan Rees in 2009. We appreciate the compliment that the Coalition is paying to the Labor Party by refining what was landmark legislation. I will talk a little about the Government Information (Public Access) Amendment Bill 2011. First, I will refer to what was said by Matthew Moore, one of the Fairfax journalists who looks after the freedom of information rounds. He has been particularly pertinent in his commentary on this matter. On 24 May 2011 Matthew Moore—somewhat of a media expert in relation to freedom of information—said about the O'Farrell Government:

> In the first big test of his government's transparency, the Premier, Barry O'Farrell, has imposed a blanket ban on the release of all public service briefs prepared for his administration.

I am happy to table this document. The problem is that nine months on the Government is saying it is all about transparency and it is all about the Government Information (Public Access) Act. But it is not really because Matthew Moore demonstrates very clearly that that was not the case. I state at the outset that those on this side of the House always support transparency in government. As the member for Liverpool and the member for Bankstown have articulated clearly, it is those on this side of the House who introduced this legislation in 2009. Those on the other side of the House are now making some very minor amendments to the legislation.

Because we are a cooperative, thoughtful and productive Opposition we are happy to continue to support freedom of information and access by people to this sort of information. I congratulate the former Labor Government on introducing this legislation in 2009 in what was a landmark reform in relation to the community

accessing information. I thank the Labor Government, and I acknowledge that Mr Assistant-Speaker also thanked the Labor Government when endorsing this bill. I thank my friends in the Government for being so supportive and I hope the Government acknowledges that in the weeks and months to come.

Mrs ROZA SAGE (Blue Mountains) [6.01 p.m.]: That was some comedy act. I will contribute briefly to debate on the Government Information (Public Access) Amendment Bill 2011. This bill seeks to make a number of minor and technical, but important, amendments to the Government Information (Public Access) Act 2009. These amendments will provide further transparency of and accessibility to public records, something that the O'Farrell Government has committed to and is doing. This information should be made accessible but should not impinge on individual privacy. I will address some of the amendments relating to privacy considerations that will be affected.

In many areas of life proof of identity is essential to obtain access to services. When opening a bank account or applying for a passport the individual is required to show proof of identity—the 100-point check that most people will be familiar with. This is just as important, if not more important, when considering the personal factors of an application. There are many examples where this could be very important, for example, in matters of family law disputes or if someone is applying for the records about a particular person that are held by the Department of Family and Communities. This information often is very sensitive and private. A government agency should not give out personal information until it has determined that the person who wants access to the information is the person to whom it relates. If this information relates to an individual wanting to access his or her personal information the application usually will be granted.

For many reasons an individual is entitled to know the content and extent of information the Government holds about that person. Schedule 1 item [13] clarifies section 55 of the Act to make sure that the Act functions as it was intended and that government agencies are clear about their guidelines. The bill also amends the legislation to allow a person to access his or her own spent convictions. Individuals may have made bad decisions and poor choices in their early years and incurred the wrath of the law. But as they have matured they may have spent a significant amount of time without committing further crimes and turned over a new leaf. The law currently protects people in this situation by making it an offence to disclose information about spent convictions without lawful authority by others.

However, the law does not allow those who originally incurred convictions to access their own record of spent convictions. When the State holds such information about an individual that individual should be entitled to access that information. This amendment will change the law to allow that to happen. Items [5] and [6] relate to timing and information in the disclosure logs. Agencies are currently not required to place personal information about an access applicant on their disclosure log. This bill will extend this protection to the personal information of an individual. In today's society many people are worried about the type and scope of information that government agencies hold about them: they fear Big Brother intrusions. This bill will help to assuage those fears to some extent by making access to that information more accountable and transparent. I commend this bill to the House.

Mr NICK LALICH (Cabramatta) [6.05 p.m.]: The objects of the Government Information (Public Access) Amendment Bill 2011 are to amend the Government Information (Public Access) Act 2009 to clarify the timing for the recording of information in the disclosure logs of agencies and what can be included in them, and to enable affected persons who are not access applicants to object to certain information; to enable parts of agencies to be treated as separate agencies for the purposes of the Act; to confirm that access to information is provided in a manner that gives regard to copyright issues; and to enable an agency to refuse to provide access to government information if the access applicant has already been provided with the information.

Further objects of the bill are to remove the current requirement to pay a fee for an internal review by an agency following a recommendation by the Information Commissioner; to confirm that an agency may require proof of identity from an applicant before providing access if the application involves certain personal factors; to provide that there is no conclusive presumption of overriding public interest against disclosure of a spent conviction to the person convicted; to clarify when an agency is required to consider whether to waive legal professional privilege in connection with an access application; and to make certain other minor amendments in the nature of statute law revision and amendments that provide for savings and transitional matters.

It is worth noting that the former Nathan Rees Labor Government further opened up laws formerly known to the wider public under the Freedom of Information Act. A State Labor Government decided that the

onus should not be on the applicant to explain why he or she is applying for access to information but on the government department that is willing to release any relevant information should it not conflict with the greater good of governing. A State Labor Government decided that the best way to govern is honestly and openly. That is where the Government Information (Public Access) Act originally came from. This bill makes reasonable and minor amendments to the existing legislation—Labor legislation that was enacted.

We are happy with the amendment and we thank the Coalition for bringing our legislation forward to improve it in a minor way. Matters such as enabling parts of agencies to be considered separate agencies for the purpose of the Act should have the effect of creating less confusion. Confirming that access to information is provided in a manner that takes into account copyright issues is reasonable and self-explanatory. Confirming that an agency may require proof of identity from an applicant before providing access if the application involves certain personal factors obviously is a privacy protection issue and it would not be a favourable outcome if government departments were releasing all matter of personal information without checking the applicant's proof of identity first. Confirming that an agency may require proof of identity from an applicant before providing access if the application involves certain personal factors obviously is a privacy protection issue.

It would not be a favourable outcome if government departments released all manner of personal information without first checking the applicant's proof of identity. The amendments in this bill also remove the current requirement to pay a fee for an internal review by an agency following a recommendation by the Information Commissioner. This legislation also amends the Criminal Records Act 1991 so that it is not an offence for a public authority or other government agency or its authorised officers that have a record of a spent conviction to make information about the conviction available to the person who was convicted.

This bill amends the Privacy and Personal Information Protection Act 1998 so that a public sector agency may be treated as part of another public sector agency, or for a part of a public sector agency to be treated as a separate agency for the purposes of that Act. As I stated earlier, the Government Information (Public Access) Act was first introduced by a Labor Government with the goal of offering more transparency and increased openness when it comes to the business of government. Labor members have no problem with the public knowing exactly what the Government is doing. We were open and honest in government and we are open and honest now, unlike those who sit opposite and who operate in a shroud of secrecy and concealment. The Opposition does not oppose this bill.

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

COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2011

CRIMES (CRIMINAL ORGANISATIONS CONTROL) BILL 2012

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

[*Acting-Speaker (Mr John Barilaro) left the chair at 6.12 p.m. The House resumed at 7.00 p.m.*]

PRIVATE MEMBERS' STATEMENTS

GOULBURN ELECTORATE FLOODS

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [7.00 p.m.]: When I was elected to this House as member for Goulburn in 2007, the State was gripped by drought. The city of Goulburn was in dire straits, dams were at crisis level and residents had been living with level 5 water restrictions for two years. There was heated debate about how to secure a permanent and adequate water supply. And through it all the people of Goulburn coped stoically with privations at which most of us would baulk. How times have changed. Last week I cut short my tour of western New South Wales when I heard that Goulburn was under threat of flood. Again the persistent rains over the summer combined with unprecedented falls early last week to fill the dams and rivers to overflowing. It became clear that both the Wollondilly and Mulwaree rivers soon would burst their banks, and low lying parts of the town were threatened with going under.

When I arrived on Friday morning at the emergency operations centre the situation was being managed with calm control. Hundreds of residents had been evacuated as a precautionary measure and houses were sandbagged in preparation. The Goulburn Soldiers Club had readied itself to host potential evacuees who had nowhere else to go on such short notice. Luckily its services were never needed. Roads were cut off by floods and fallen trees, but everywhere I went I saw the reassuring orange overalls of State Emergency Service volunteers who were out and about, helping wherever they could. Thanks to a generous donation by Bunnings in Mittagong, exhausted State Emergency Service crews were able to restore their energies back at their headquarters with a barbecue lunch. The Goulburn State Emergency Service was ably supported by police and ambulance officers, with backup teams coming from both the Australian Capital Territory and Sydney.

I thank the dozens of State Emergency Service volunteers who kept their cool and worked endless hours to protect their community. In particular, I thank the able State Emergency Service regional commander, Colin Malone, and the Goulburn Mulwaree controller, Robert Bell, who coordinated proceedings so well. The community was not so lucky in December 2010 when a flash flood inundated a number of houses. However, remedial work on waterways and dam walls in the meantime resulted in less catastrophic damage this time around. That does not mean the area is unscathed. As the floods recede and villages such as Towrang are rescued from isolation, no doubt we will see evidence of damage to roads and bridges. The Goulburn Mulwaree Council will have its work cut out managing repairs. The Government has acknowledged the shire's situation by declaring the area a natural disaster.

I acknowledge and commend the Goulburn community once more during period of long suffering. Rain continues to fall and present a threat to the sodden land, yet I see nothing but cheerful faces in the street, with a shrug of the shoulder and raised eyebrows being the extent of complaint I have encountered. The Mayor of Goulburn, Geoff Kettle, has been on hand at all times and has ensured that there has been a controlled approach to the situation. He has kept me informed of developments to the minute at all times of the day and, I might say, night. I thank him for being such a strong advocate for the city and the wider shire. Our police local area commander, Gary Worboys, also ensured that I always knew what was going on. The local media have also kept the community up to date with developments without sensationalising events or alarming everyone. I commend Gerard Walsh, Emma Mastronardi and the team at the *Goulburn Post* and radio 2GN for their responsible coverage. My own home was kept snug and relatively dry. I thank my neighbour, Elaine, for keeping an eye out for my chooks so that again I could come home to eggs on toast.

Droughts and floods are big news items because they affect so many in my electorate and they form the storyline of our country. Even people in the Southern Highlands have not been immune, with localised flooding, trees falling across roads and increased numbers of car crashes. We have all contended with leaking roofs and blocked pipes, soggy shoes and sodden gardens. Stock have huddled up against trees, or have been standing, dejected, in paddocks. I have even heard that birds are taking up residence in people's garages and sheds—so fed up are they with their wet perches in the trees. I thank my staff for their forbearance and for fielding many calls from concerned constituents. In particular I take this opportunity to acknowledge Keri Ahmet, whom I was lucky to inherit from my predecessor, Peta Seaton.

Keri Ahmet has been my senior electorate officer in the Bowral office and has been a pivotal member of my local electorate team. She has now moved to my ministerial office as a senior policy adviser. All my parliamentary colleagues would agree that we are reliant on our electorate staff and that their multifaceted role is rarely publicly acknowledged or even understood. I thank Keri for her loyal support, great knowledge and wisdom. Her contribution to the Goulburn and Southern Highlands communities is immeasurable. I also thank another staff member who is leaving to undertake his honours degree this year. Travis Holland has been a terrific addition to my team. His research skills and persistence have helped many of my constituents to resolve their issues. Good luck, Travis.

UNIVERSITY OF WESTERN SYDNEY MEDICAL STUDENT GRADUATIONS

Dr ANDREW McDONALD (Macquarie Fields) [7.05 p.m.]: I draw the attention of the House to the graduation of the first year cohort of University of Western Sydney medical students in December 2011. Currently those young interns are gaining experience in the wards. All who work with them are impressed by their skills and commitment. Those young medical students were trained in western Sydney for western Sydney. They have travelled throughout the State. Many of them are working on the Central Coast. Those young doctors will change the medical workforce of New South Wales forever. They are of a very high quality and they are committed to patient care. Testament to that is their professional oath, which was written by them. I will read it

into *Hansard* because it is unique among students in New South Wales for an oath to be taken. I assure members that there was barely a dry eye in the enormous auditorium at Rydalmere when the oath was read by all of them. Their oath reads as follows:

> In acknowledging the privilege of practising medicine, I make this declaration freely and sincerely in front of my family, friends, colleagues and esteemed teachers.
>
> At the time of being admitted as a member of the medical profession:
>
> I solemnly pledge to dedicate my life to the service of humanity;
>
> I will practice my profession with conscience and dignity;
>
> I will give to my teachers and future students the respect and gratitude that is their due;
>
> I will maintain by all the means in my power, the honour and the noble traditions of the medical profession;
>
> As a doctor, I will be both a lifelong learner and teacher;
>
> I will not permit considerations of gender, age, disease or disability, creed, ethnicity, nationality, political affiliation, sexual orientation, social standing or any other factor to intervene between my duty and my patient;
>
> I will work to become an integral part of my community to promote health and wellbeing;
>
> I will respect all that my patients confide in me;
>
> The health of my patient will be my first consideration;
>
> I will not use my medical knowledge to violate human rights or civil liberties;
>
> My colleagues will be my sisters and brothers.
>
> To best serve my patients and colleagues, I will remember to care also for myself;
>
> I will maintain the utmost respect for human life;
>
> I make these promises solemnly, freely and upon my honour.

That oath was written by the students of the University of Western Sydney in their first year. This is unique in Australia and is a great start. I would recommend that all medical students upon graduation write and read a similar oath. For the first time in 30 years we have enough young interns in New South Wales. With proper training and resources these young doctors will change health care in New South Wales—if they are given the opportunity to train. That is a challenge for this Government, given budgetary constraints. The previous Government granted all these students intern years and the challenge will continue over the next few years as they seek training positions at registrar level to enable them to become specialists. We now have students from Wollongong, Notre Dame, and Armidale universities to add to those from Newcastle, Sydney and New South Wales universities.

So, for the first time we have enough doctors for our community. Hospitals such as Shoalhaven at Nowra also train students. I pay tribute to Dean Annemarie Hennessy and to the foundation dean, Professor Neville Yeomans. They have brought about a change for the better in western Sydney with the creation of a medical school. We now have commitments from this Government similar to but not as great as those that were made by the previous Labor Government to enlarge Campbelltown and Blacktown hospitals. This will mean a lot to the people of western Sydney, and these necessary enlargements of both hospitals, as well as improvements to patient care, will enable this medical school to grow and thrive. I commend the medical students and their teachers to the House and wish them all the best for their future.

KINGS HIGHWAY SAFETY REVIEW

Mr JOHN BARILARO (Monaro) [7.10 p.m.]: Unfortunately I draw the attention of the House to three separate road tragedies over the past weekend on roads in my electorate. Two fatal crashes over the weekend claimed the lives of five people and injured several others on the infamous Kings Highway, an important road link between the Australian Capital Territory and the South Coast. The first accident on Friday night, which occurred 15 kilometres east of Braidwood, claimed the life of a father and his two daughters. As a parent of two young girls, I could not imagine what the family is going through right now. I take this

opportunity to say that that family is in my thoughts and prayers, and trust that their friends and community will comfort them in this time of need. As a result of the second of the accidents, which happened 20 kilometres outside of Braidwood, we mourn the loss of another two young lives.

My thoughts and prayers are with their families and friends also. I draw the attention of the House to a third accident that occurred on this horrific weekend, this time on the Alpine Way at Jindabyne, which claimed the life of one person and seriously injured another. My prayers are with the family and friends of those involved in that accident also. The weekend's tragedies are a reminder to all road users that we need to be vigilant on our roads. With the great rain and floods that we have just endured, road conditions have changed and some of what may have been regarded as good roads prior to the rains have become a little dangerous. I plead with everyone in my electorate and across the State to change their driving habits to suit the current road conditions. Speed continues to be a killer and I urge everyone to remember that they are better off arriving half an hour late than not arriving at all.

I thank the Minister for Roads and Ports, the Hon Duncan Gay, for his counsel during this period. I am pleased that the New South Wales Government will instigate as a priority a detailed safety review of the Kings Highway after the tragic loss of life over the weekend. The review will take into account the findings of police investigations of two of the recent crashes on the Kings Highway and, along with historical data, will look at what needs to be done to improve this stretch of road. In past years many safety improvements have been undertaken on the Kings Highway; however, these latest tragedies show that more needs to be done to protect motorists.

In the five years to 2010 there were six fatal crashes on this highway that caused the loss of seven lives. In 2009 a Queanbeyan to Batemans Bay Corridor Strategy was developed to prioritise short-, medium- and long-term safety improvements between Braidwood and Batemans Bay. Black spot safety work had recently been completed near the location of Sunday's crash and road maintenance work was also planned for the highway near the site of Friday's crash. Despite recent improvements, it is clear that more needs to be done to address the safety of the Kings Highway, particularly the section of road between Braidwood and Clyde Mountain, but I believe there is also a need for a change in driver behaviour.

With the closure of Brown Mountain as a result of a road slip caused by flooding, additional traffic and congestion will be seen on the Kings Highway. This brings with it further concerns, because drivers may not be familiar with this road. I again urge drivers to take all care. With regard to Brown Mountain, I advise that Roads and Maritime Services is ahead of schedule in reopening the Snowy Mountains Highway at Brown Mountain. All the necessary clearing has been done and some foundation work is being completed as we speak. Crews of Roads and Maritime Services are working seven days a week to ensure that the road opens for Easter, hopefully with the weather continuing to get better.

Drivers are human beings and are always at risk of making mistakes, but I accept that it is the responsibility of governments to ensure that road infrastructure minimises these mistakes. I encourage all motorists using the Kings Highway to take extreme care when travelling. These latest tragedies remind us that a small slip in concentration or an error in judgement can lead to disaster. I acknowledge the efforts of the local area command, Queanbeyan police and all the emergency personnel who responded to these tragedies on this very sad weekend for our community. The manner in which they go about their duties in tough and trying circumstances, in times of great need, make us proud. I am proud to have them in my community.

CENTRAL WEST RELAY FOR LIFE AND CANCER SERVICES

Mr ANDREW GEE (Orange) [7.15 p.m.]: I wish to draw the attention of the House to the fact that the tenth annual Relay for Life was held in Orange over the past weekend. 1,200 people and 92 teams participated in this year's relay. So far over $160,000 has been raised for the Cancer Council's research and cancer support services. I acknowledge and thank the hardworking Relay for Life committee, led by chair Nicole Downey, for organising such an outstanding event. I also extend the gratitude of our community to regional Cancer Council manager Nella Powell and her tireless team for their work in making the event so successful.

For me, this year's Relay for Life held special significance because, at the urging of my children, I walked the first lap with the cancer survivors for the first time. Towards the end of 2010 I was diagnosed with cancer. It was quite a shock at the time. At the end of September that year I attended a press conference on the steps of the Department of Primary Industries at Orange with the Hon. Duncan Gay and my friend and predecessor Russell Turner—and then headed to Sydney for surgery. May I just add that watching two of The Nationals' finest in full flight before an operation can only fill one with confidence and inspiration.

I have to confess that until that time, like many of us, I was guilty of taking my lymph nodes for granted. It was not until I had some removed and subsequently had to wear a pressure stocking and lymph drain for a few weeks that I appreciated how important they really are. I am currently on a cancer vaccine trial, and we are looking for a cure. It was during this time that I became acquainted with the valuable work that our cancer researchers do. My doctor, Professor John Thompson—or "Prof" to his colleagues—is one of those unsung Australians who is making a real difference to the lives of people all over the world. When I asked him if there were any reason I should not contest the seat of Orange, he told me there was not but that if it was a career in politics I was considering perhaps he should book me in for a brain scan. That is medical humour for you.

The truth is that we are very good in this country at acknowledging the achievements of our sportspeople or even those that win singing contests—and rightly so. But for me, if we want to talk about Australian heroes, look no further than to men and women like Professor Thompson, who are quietly working behind the scenes to give others the gift of life. To cancer sufferers they represent one very important thing—hope. Greg Poche is a man I have never met but is someone to whom I owe a debt of gratitude. In 2005 he gave an unprecedented $40 million gift to fund the world's largest melanoma research and treatment centre at North Sydney. Mr Poche, and Australians like him, is also a true hero. My experience has brought home to me how important it is to secure radiotherapy services for the State's central west. It is a service that people in the cities take for granted. We are lucky in Orange that we have one linear accelerator.

But that accelerator has now reached its capacity and patients from all over the Central West are once again being referred to Sydney for treatment. That can mean weeks away from family and friends. It can be an isolating and stressful experience and it can be financially draining. We need to get that second linear accelerator on line. I thank the executive and board of the Western New South Wales Local Health District for recognising the need for this service and for applying for funding. The struggle against cancer can be a long and lonely road. Even with the best support in the world, it is a deeply personal struggle. One of the wonderful things about Relay for Life is that it brings the community together on this issue that touches so many people. It demonstrates that if you have cancer or you have had it, others will walk the road with you. It demonstrates that you do not have to walk alone.

YOUTH OFF THE STREETS KOCH CENTRE

Dr ANDREW McDONALD (Macquarie Fields) [7.20 p.m.], by leave: On 1 December 2011 with Premier O'Farrell I attended the opening of the Youth Off the Streets Koch Centre in Macquarie Fields. This centre is the achievement of six years hard work by Youth Off the Streets. It was a great day attended by Premier O'Farrell, Kate Ellis, Father Chris Riley and, most importantly, David Koch and his charming wife, Libby. Former Premier Morris Iemma, who was the driving force behind the initial funding for this centre, also attended and was welcomed by everybody. Barry O'Farrell said in his opening address that the Government does not have all the answers and that not-for-profit and private sector organisations can help. Youth Off the Streets, with its mixture of corporate and government support, has been an enormous success in Macquarie Fields and has made an enormous difference to the everyday lives of the local youth. That is why Father Chris Riley is a well-deserved New South Wales Australian of the Year.

The first thing that will happen is that Eden College will move into the centre. I have spoken previously about Eden College, which is a school for those who have difficulty in the mainstream system. This college does a wonderful job providing enormous opportunities for its attendants. Chris and Peter, two young men from Youth Off the Streets, were the masters of ceremony on the opening day and did a fantastic job. These young youth workers are a tribute to Father Riley, the team and the community. They told everyone of their great hope for the future of Macquarie Fields and showed what can be done with commitment and time. Libby and David Koch were inspired by what has been achieved already. Two young men who died in 2005, Dylan Rayward and Matthew Robinson, will have their ashes spread on the grounds at the centre.

The 2005 Macquarie Fields riots were a turning point for the community. The opening of the Youth Off the Streets Koch Centre is the culmination of a six-year journey. The centre opens from three o'clock in the afternoons until nine o'clock in the evenings and will be a major change forever in the way the young people of Macquarie Fields live. In times of disadvantage the one thing that matters is continuity of care. Father Riley and Youth Off the Streets are there for the long term. As Father Riley said, it costs $1.5 million annually to run the centre and the people who will judge him are the kids. The centre deals with counselling and case work, and, as I stated previously, will house Eden College.

The most effective way to decrease crime rates is to provide infrastructure to help our young people learn and be able to achieve their potential by using their skills. That is why Father Chris Riley always speaks

out for young people. As I stated earlier, Morris Iemma provided the initial $2 million grant, which made the centre possible. Father Riley paid tribute to Morris as a man who understands the needs of youth. The centre cost $7.3 million to build, much of which was donated in cash or in kind. I pay tribute to Bermagui Constructions and Brookfield Multiplex, and to Russell Matheson, the Federal member for Macarthur, who as Mayor of Campbelltown with the help of general manager Paul Tosi was instrumental in the approval process for the construction of the centre. His personal commitment is one reason the centre exists.

Former member of Parliament Tony Stewart, the Ainsworth family and Ken Moroney also were important in the centre's development. Steve Armstrong, formerly of Eden College, will become the manager of the centre, and the hardworking staff are committed and uncomplaining. As Stan Walker, a local community member, said, "We are blessed to have Father Chris Riley." Eric Bana, an ambassador for Youth Off the Streets, congratulated everyone on such a special day. I leave the final word to Jan Nichol, one of the leaders of the Islander community, who said:

> This is a chance for our community to foster courage and go forward with pride.

And further:

> God bless you, Father, it is our honour to have our children to have a future. This is about standing strong, healing, acknowledging the pain and living with hope.

This wonderful centre will be a great addition to the Macquarie Fields community. Thank you very much, Father Riley.

FORSTER-TUNCURRY SUPER-10S GALA DAY

Mr STEPHEN BROMHEAD (Myall Lakes) [7.25 p.m.]: I advise the House about the Forster-Tuncurry Rugby Super 10s Gala Day that was held recently. The Forster-Tuncurry Dorvik Dolphins hosted the 10-a-side day for the fifth year in a row. In 2007 the competition was won by Terrigal; in 2008 the mighty Forster Dolphins Rugby Club were the winners; in 2009 and 2010 the Hamilton Hawks from Newcastle were premiers; in 2011 Kariong from the Central Coast won; and in 2012 the Central Coast representative team, the Central Coast Sea Hawks, won. This year's grand final was contested by the Central Coast Sea Hawks and Wynnum from Brisbane, Queensland. It certainly was a hard and torrid game. Both clubs fielded a number of representative players, with the Central Coast team having country players also amongst its ranks.

It was a great day and a great competition, and one of the best things to come out of it was a new club that had been formed to join the lower mid North Coast rugby competition. In 2003 the lower mid North Coast had only one rugby club—the Manning River Rats. In 2004 the Forster-Tuncurry Dolphins were formed and took part with the Old Bar Beach Clams. The Gloucester Cockies were enticed out of retirement and the Nabiac-Wallamba Bulls also were formed. Someone can check my maths, but I believe that made five clubs in the competition for that year. The following year the Harrington Harlequins joined up to make six clubs in the competition. This year the Myall Lakes Mud Crabs formed a team. After a few short years, we now have a seven-team competition. The great thing about the Myall Lakes Mud Crabs joining the competition is that it has some very good rugby players.

Mr Paul Toole: Who did you play for?

Mr STEPHEN BROMHEAD: I actually played for Old Bar Beach Clams before playing for the Manning River Rats and then going on and playing for the Forster-Tuncurry Dolphins, until I played my last game in Ireland in 2005.

Mr John Barilaro: In Ireland?

Mr STEPHEN BROMHEAD: In Ireland. I played as a member of the 2005 Invincibles, the all-conquering team that played undefeated throughout Ireland. This year's gala was a great day and showed that rugby is growing. The sport gives children who may not be the greatest soccer or rugby league player another opportunity to be involved in sport; they can find a niche for themselves in which they can play well and enjoy themselves. The Forster-Tuncurry Dolphins joined the Good Sports program and has reached level three—the highest level in the program.

The Dolphins were the Australia Drug and Alcohol Foundation club of the year in 2009, which is a competition open to all clubs, associations and organisations with a liquor licence. The Dolphins won the 2009

competition—a tremendous feat for a small club on the mid North Coast. The Myall Lakes Mud Crabs are based in Tea Gardens-Hawks Nest which is located in part of the electorate of the member for Port Stephens. Gloucester forms part of the electorate of the member for Upper Hunter but the balance of the teams is located in the electorate of Myall Lakes. I thank and congratulate the Forster Tuncurry Dolphins rugby union club for staging a wonderful day.

Private Members' Statements concluded.

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Mr MARK SPEAKMAN (Cronulla) [7.33 p.m.]: I support the Government Information (Public Access) Amendment Bill 2011, which will amend the Government Information (Public Access) Act 2009, which, in turn, repealed the Freedom of Information Act 1989 with the aim of achieving greater openness and transparency in government. The Government Information (Public Access) Act is due for a statutory review as soon as possible after five years from the date of assent to that Act, which means as soon as possible after 26 June 2014. The conclusion of that five-year review will be the time to consider whether the Government Information (Public Access) Act is meeting its policy objectives and whether we need more significant policy changes which will involve broad consultation and a detailed analysis.

In the meantime the bill before the House, which arises after a 1½ year use of the Government Information (Public Access) Act, has more modest aims: to finetune, tidy up and clarify minor aspects of the legislation to keep it operating smoothly until the macro review occurs as soon as possible after 26 June 2014. This bill is not all that the Government is doing on the front of government transparency. Goal 31 in our State Plan is the improvement of government transparency by increasing access to government information. As well as finetuning this Act, goal 31 will ensure that agencies comply fully with mandatory proactive release requirements under the Government Information (Public Access) Act.

The Information Commissioner is currently reviewing agency open access websites and will deliver a report to Parliament outlining the results. That report will act as a benchmark indicating the extent of agency compliance. Another aspect of goal 31 is to create better access to online information and to make real-time information about government services available to the public. As an example, the emergency wait website now delivers real-time information about emergency department waiting times in major public hospitals in New South Wales. The community can now access live traffic conditions on the Live Traffic website. That is what the Government is doing with goal 31. This bill will finetune procedure that underpins the substantive community right to access government information.

I will address some, but not all, of the amendments proposed by this bill. Schedule 1 contains a list of amendments to the Government Information (Public Access) Act and schedule 2 deals with amendments of other legislation. Schedule 1 [1] will confirm that the obligation imposed on agencies to provide access to their open access information does not require or permit the agencies to make that information available in a manner that would constitute an infringement of copyright. The next set of amendments relate to items [2] to [4] in schedule 1. Publication guides that agencies are required to prepare will be referred to as agency information guides to better reflect the content of those guides. Item [5] provides for the time when an agency is required to include details in its disclosure log about an access application made to it by reference to whether an objection has been made to the inclusion of information in the log.

Item [6] provides that an agency is not required to include information in its disclosure log about any application, certainly personal information about any individual, whether or not the individual is an applicant. Items [7], [20], [24], [26] and [27] will standardise certain time frames. Item [13] will confirm that an agency may require an access applicant to provide proof of identity as a precondition to providing access to the government information that is being sought if the access application involves certain personal factors about the applicant. Items [14] to [18] will enable a person whose private information might be disclosed to object to the inclusion of that information in an agency's disclosure log, even if the person is not the access applicant.

Schedule 1 [12] will provide for information that has to be given by an agency about those objection rights. Item [19] will enable an agency to refuse to provide access to government information if the access applicant has already been provided with the information under the Government Information (Public Access) Act or the former Freedom of Information Act. Item [22] will confirm that an internal review is not available in

relation to a review of a decision of a member of a Minister's personal staff. Item [23] recognises that an internal review by an agency is not required before the Information Commissioner can review a reviewable decision if an internal review by the agency is not available to the aggrieved person.

Item [25] provides that no fee is payable for reconsideration by an agency of a decision, including by way of internal review, pursuant to a recommendation of the Information Commissioner. At the moment a $40 fee is payable for an internal review by an agency carried out pursuant to such a recommendation. That fee will be done away with. Items [28] and [29] will update references to reflect the fact that the Government Information (Public Access) Act is administered by the Attorney General rather than the Premier. Item [32] will provide that there is no conclusive presumption of overriding public interest in relation to the disclosure of a spent conviction as defined in the Criminal Records Act 1991 to the person who is convicted. Item [33] will confirm that the requirement for an agency to consider whether to waive legal professional privilege in relation to government information sought under an access application is limited to situations where the application is made to the agency that has the privilege.

Item [34] enables the Government to make regulations of a savings or transitional nature. There are savings and transitional provisions in item [35] and regulations are enabled by item [37]. Schedule 2 will bring four sets of amendments. Schedule 2.1 will update an outdated reference to a provision in the Privacy and Personal Information Protection Act 1998 that appears in the Commission for Children and Young People Act 1998. Schedule 2.2 will amend the Criminal Records Act 1991 and will provide that it is not an offence for a public authority or other government agency that has a record of a spent conviction or an authorised officer of the authority or agency to make information about the conviction available to the person who was convicted. Schedule 2.3 will amend the Privacy and Personal Information Protection Act 1998 and enable regulations under that Act to declare:

(a) a specified public sector agency is not to be regarded as a separate public sector agency and instead is to be regarded for the purpose of that Act as part of or included in another specified public sector agency, or

(b) a specified office, branch or other part of a public sector agency is for the purposes of that Act to be regarded as being a separate public sector agency to the public sector agency of which it forms part in respect of specified functions that it exercises.

Finally, schedule 2.4 will correct an inconsistent use of language in the Privacy Code of Practice (General) 2003. This is a modest set of amendments. As soon as practical after June 2014 there will be a major review of the operation of the Act and that will be when more far-reaching changes are made. The measure of the Government's commitment to openness and transparency is the fact that we have included goal 31 in our State Plan. I have spoken about the proactive steps that the Government is taking to ensure it is accountable, transparent and open. What is important is not only the substance of what the Government is doing but also the openness, transparency and accountability with which it is doing it. It is not only that it is governing in the public interest; it is seen in an open, transparent and accountable way to be governing in the public interest. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [7.39 p.m.]: I thank my colleagues on the other side of the Chamber for their indulgence in allowing me to speak. I support the Government Information (Public Access) Amendment Bill 2011, which seeks to make a number of minor amendments to the Government Information (Public Access) Act that have been identified since the inception of that Act in 2009. The Government Information (Public Access) Act 2009 was developed with the aim of achieving greater openness and transparency in government. Transparency is a goal that this Government is committed to delivering. These amendments were developed in consultation with government agencies and with the Office of the Information Commissioner and will serve to improve the public's access to information.

As citizens of New South Wales, we deserve the right to access our information from the government. Government agencies work to protect our information from public consumption. However, when we need to access that information we can get it via the Government Information (Public Access) Act, more affectionately known as GIPA. Every time we access a government agency, whether through our health system, enrolling in our public schools, or seeking assistance from our police, our information is stored and protected. It cannot be publicly disseminated or given out to anyone who asks for it. Most of the information stored is of no interest but when a situation arises where records need to be checked that information can be requested.

The Government Information (Public Access) Act is about promoting responsible and representative government that is open, accountable, fair and effective. It also intends to facilitate access to government information promptly and at the lowest reasonable cost. In fact, in most cases government information sought

may be made available free of charge. One of the key amendments is item [10], which clarifies that any decision by an agency to waive, reduce or refund an application fee does not prevent the application from being valid. The existing legislation gives agencies the right to exercise the general discretion in section 127 in any situation where they consider a waiver or reduction to be appropriate. Clarifying that waivers or fee reductions can be made without jeopardising the application ensures a fairer system for all applicants. Additionally, this bill removes the requirement to pay a fee for an internal review based on the recommendation of the Information Commissioner. These reviews are available to all applicants who dispute the agency's decision.

Further amendments have been made by item [13] to clarify that agencies have the power to require an applicant to provide evidence about the personal factors of an application. This includes the capacity to require proof of identity when this is relevant to the agency's decision about the application. This amendment helps to ensure that the information being released is being given to the appropriate individuals and will stop abuses of the Act from happening. It is important to ensure the person applying for access to personal information has a relationship to the information requested. It must be in the public interest to disclose the information to that person. If the information does not relate to the person, privacy considerations mean there is a public interest against one person gaining access to another's personal information. So it is important that agencies are able to establish an applicant's identity.

Some of the minor amendments to the Act include renaming the Publication Guide the Agency Information Guide to better reflect its content. This relates to the key provisions of schedule 1 that agencies must provide a document that contains information about the structure and function of the agency. This information must be provided under the Open Access Information provision and as such must be made freely available on an agency's website for public consumption. Applicants will now be able to apply even if they are living overseas. Item [8] of schedule 1 to the bill removes the requirement that the postal address accompanying an application must be an Australian postal address. This will allow people living overseas to make an application under the Act without having to rely on the address of an Australian contact to do so.

Another amendment clarifies how agencies are able to notify the applicants. It provides that applications can be done by post, or by another method agreed between the agency and the applicant. This will make information access far more flexible to those requesting it. Sometimes an application is received but another agency has already provided the requested information. Item [19] gives agencies the capacity to determine an application by deciding that the information is already available to them. This will reduce multiple requests for the same information and unnecessary duplication of work for the Office of the Information Commissioner. Understandably, there is a lot of sensitive information held by government agencies, particularly personal information that should not be publicly shared without consent.

This bill makes several changes in relation to agencies' disclosure logs. A disclosure log contains information about access applications that agencies have granted when the agency considers that that information may be of interest to the public. Personal information of any kind will no longer be required to be recorded in an agency's disclosure log. Currently agencies are not required to place personal information about an access applicant on their disclosure log. Item [6] of schedule 1 to the bill extends this protection to the personal information of any individual. This is about protecting our privacy. Changes have also been made to the timings for agencies to place information on their disclosure logs. Subject to no objection, the agency can place information on the log when the access application is decided.

If there is an objection, there is no requirement for an agency to record information on the log until it has decided that there was no right to object or, if there was a right to object, until review rights have expired. These clarifications ultimately will help to protect the applicant's privacy and anyone else mentioned in the information. However, provisions have been clarified regarding the right to object. Item [14] makes clear that where information affects a third party's interests in certain ways—for example, where the information includes personal or financial information about them—they have a right to object to an agency placing that information on the agency's disclosure log. These amendments ensure a fairer system for all involved, to no-one's detriment.

The bill also clarifies the operation of the provisions in the Act that allow people to seek review of decisions. At present if an aggrieved person other than the applicant wishes to seek review by the Information Commissioner an internal review is required beforehand. However, in the case of decisions made by a Minister, a member of a Minister's staff or an agency's principal officer internal review is not available. Item [23] clarifies that an internal review is a precondition to third parties seeking review by the Information Commissioner only when internal review is available. When review is not available people in this position can seek review directly from the Information Commissioner.

Sometimes there is confusion or a lack of clarity regarding certain entities being separate to another agency. Item [37] will enable the Act to be applied in a more practical manner—for example, when a particular branch of an agency operates quite separately from the main agency. If they are prescribed as a separate agency they will be able to manage their obligations under the Act separately. For example, when entities are not part of the same agency they may be treated as one agency for the purposes of handling complaints and internal reviews. This will only improve the current Act and the way matters are dealt with. Lastly, an amendment of note is the changes made to information about spent convictions. At present there is an overriding public interest against disclosing this information under the Government Information (Public Access) Act and it is an offence under the Criminal Records Act 1991 to disclose this information without lawful authority. This amendment allows agencies to give spent conviction information to the person to whom it relates.

It is not always possible to see what issues may arise when a new bill is introduced but in this case we can be proactive and address these issues early on to improve the way the Act works. Each one of these amendments aims to enable a more practical and flexible approach to administering the Government Information (Public Access) Act. When it comes up for statutory review, due mid-2014, the entire Act will be investigated and further improvements may be made. But today this amendment bill should resolve a number of the minor and technical issues identified since the Act was introduced. I believe that the people of New South Wales deserve a fair and equitable system to access public information. At the same time there must be provisions in place to protect our personal privacy and ensure that the system is not abused. As we have said many times since our election to government, transparency is the key. This Government is committed to maintaining transparency at all times while making it simpler and far more flexible to access government information across all agencies. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [7.48 p.m.]: I am delighted this evening to address the Government Information (Public Access) Amendment Bill 2011. This is the second bill we have debated in this Chamber this evening relating to the portfolio of the Attorney General. The Greens welcome the bill. We appreciate that it proposes some amendments of a minor or technical nature, but I would like to raise a number of other issues relating to the operations of the Act and the bill and procedures regarding public access to information. The bill makes a number of technical amendments and clarifications following the first 1½ years of operation of the Government Information (Public Access) Amendment Bill 2011. The Greens support the bill, which clarifies aspects of the scheme in New South Wales. There is a range of different schedules.

Schedule 1 clarifies that the obligation to make information available does not mean that information has to be made available in a manner that would constitute an infringement of copyright. Under the current operation of the Act several circumstances have occurred in which interested parties or community members have been refused access to development application documents that would potentially impact on them on the grounds that the provision of such materials would constitute a breach of copyright. Clearly, changes are required to the Federal copyright Act, and I encourage the Attorney General to be proactive in those changes in order to allow relevant and useful public access to information in such situations.

The Greens also support changes that make it easier to access information that is subject to the Act. For example, item [8] of schedule 1 enables applications to be made by people who do not have an Australian postal address. Changes are also made to the Act to enable notifications to be delivered by email or other methods if the applicant agrees. That is a sensible change that reflects good practice and can help to make information more available. I have had experience with public access to information in my time in local government as the mayor of Leichhardt. When I was elected in 2008 our council abolished fees for applications made under the then Freedom of Information Act because we believed that the application fee was an impediment for citizens. We decided to test it.

Some people said that the removal of an application fee would result in a deluge of applications, but that was not the case. There have been a steady number of applications under the Government Information (Public Access) Act and the former Act, the Freedom of Information Act. We believe that it is a good way to help increase people's accessibility to information in their community. It also sends a strong message to the community that this information that we hold—which is specifically related to them or involved matters of importance to them—is their information and it is our responsibility to provide it. The financial impact caused by the removal of the application fee was minimal. The existing practice in most agencies is that proof of information is required for access to personal information under the Act. Schedule 13 confirms that an agency can require such information.

There is also a right created for individuals to object to their personal information being included in agencies' disclosure logs, regardless of whether the person is the access applicant. I note that schedule 1 [22]

limits internal review of a decision if the decision has been made by the principal officer of the agency or a Minister or a member of his personal staff. This brings me to the issue of timing. One issue that many members would know I have been pursuing is Barangaroo. A whole range of Government Information (Public Access) Act applications have been made to the Department of Planning, to Roads and Maritime Services and to other organisations. I draw the attention of the House to a response to an application from the Office of the Information Commissioner, and I trust that the Attorney General will be able to address this issue. In response to a recent application for a review of a decision made under the Government Information (Public Access) Act the Office of the Information Commissioner sent an email, which stated:

> The OIC's Casework & Compliance team currently has a full caseload of reviews and complaints.

One thing we find when we make an application to a government department is that invariably the department fusses for a long time and nothing much happens and then the department says that the information will not be provided. So we go to the Office of the Information Commissioner for a review of that decision. Many of the applications are time sensitive in that local residents, activist organisations, non-government organisations and community groups seek to obtain information in a timely manner in order to act on the particular issue. The email from the Office of the Information Commissioner continued:

> Your request for assistance will not be allocated until a review officer becomes available. We are experiencing delays in allocating new cases and will update you if your request has not been allocated in the next six to eight weeks.

The office does not say in the next week, the next two weeks or the next month; it says that it will provide an update if the request has not been allocated in the next six to eight weeks. People are receiving generic emails from the Office of the Information Commissioner stating that the office will not even look at their application for probably two months and then the case will be allocated to a review officer. The review officer then has to review the application. I fully accept that the Government is on the ball in making these amendments to the Act, but is there an issue in the Office of the Information Commissioner?

Is the Office of the Information Commissioner under-resourced or unsupported? Does the Minister consider it satisfactory that generic emails—I assume they are generic emails because the email I have quoted from is written in a generic way—are being sent in response to applications? Is it the fact that the Office of the Information Commissioner is regularly asking people to wait up to two months just for the allocation of a case? It is not asking people to wait while the case is reviewed or an investigation completed, but for the case to be allocated to an officer. If that is so it is a matter of concern. Incidentally, the email from the Office of the Information Commissioner stated:

> We apologise for the inconvenience caused by this delay.

That is very helpful. The email continued:

> Other review options
>
> In addition to your right to an external review by the Information Commissioner, you have a right to apply for an internal review by the agency who made the original decision under the GIPA Act—if you have not already done so—or for an external review at the Administrative Decisions Tribunal (ADT).

An external review by the Administrative Decisions Tribunal is a very difficult and complex process. The email continued:

> To apply for an internal review, please contact the agency who made the original decision. You have 20 working days after the notice of a decision has been sent to you to ask for an internal review, subject to any extensions granted by the agency. Please note that if a Minister or the principal officer of an agency made the original decision, you cannot ask for an internal review.

There are other options available. The Attorney General might say go to the Administrative Decisions Tribunal or have an internal review. But the Office of the Information Commissioner is where people should go for a review of a decision made under the Government Information (Public Access) Act, and it is taking up to two months just to get a case allocated. When the Attorney General was reviewing the Act did he look at resourcing issues and the implications for the staff of the Office of the Information Commissioner? This may well be a hangover from the former Government. Many people were trying to get information out of the former Government.

Mr Rob Stokes: We've all got a hangover from the former Government.

Mr JAMIE PARKER: I know—a very strong hangover.

Mr Ryan Park: We gave a lot out.

Mr JAMIE PARKER: I know, but it was to the developers: that was the problem. This is not a criticism of the staff of the Office of the Information Commissioner. I have dealt with the office in relation to requests for information and I know that the review officers are under the pump. However, I think that two months is an unsatisfactory time to wait just to get a review allocated to a case officer. I thank the Minister, his department and departmental staff. I know the departmental officers are very diligent, working here late at night on this matter. I ask the Minister again if he is aware of these matters and to provide a solution so that we can have an open, accountable and transparent government in New South Wales and our local communities can have the greatest confidence and trust in our freedom of information system.

Mr GUY ZANGARI (Fairfield) [7.57 p.m.]: The Government Information (Public Access) Amendment Bill 2011 builds on the reforms introduced by the Labor Government under the Government Information (Public Access) Act 2009. The 2009 Act overhauled the Freedom of Information Act 1989, with the aim of introducing greater scrutiny and public access to documents relating to the workings of government. I note that the amendments contained in this bill are minor alterations to the instrument introduced in 2009. I acknowledge that the member for Toongabbie, Nathan Rees, introduced the 2009 reforms in his former capacity as the Premier and I note the fine work he did which resulted in the 2009 legislation.

As I have already stated, the 2009 legislation introduced a series of changes aimed at increasing the transparency and openness of State government. The Act required government agencies to allow the public access to information that they collect in relation to structure, governance and operational procedures and set out how such information could be accessed. Item [1] of schedule 1 of the bill clarifies issues relating to the information that may be protected by copyright rules or that may be sensitive to copyright issues. Items [2], [3] and [4] are cosmetic changes that alter the adjectival wording of the guide available to the public. It replaces the term "publication guide" with the term "agency information guide".

Item [5] of schedule 1 clarifies the requirements for recording information in the agency disclosure logs and item [14] gives affected individuals recourse to object to certain information being included in the register. Item [7] is another cosmetic change. I suspect it has been included to remove any ambiguity as to the time frame an agency has to declare commercial contracts that are valued at over $150,000. The changes have no material effect except to clarify the details so that people do not confuse calendar days with working days. Item [8] removes the requirement that a person making an access application is required to have an Australian postal address. Item [13] inserts requirements for an applicant to provide proof of their identity if they require access to information involving certain personal factors about themselves.

I have already touched on item [14] of schedule 1, which, in conjunction with items [15] to [18], sets out the mechanism by which individuals can object to the inclusion of information in the disclosure log of the agency even when that individual is not the applicant. Item [19] provides changes that I believe require further consideration. That item allows government agencies to deny a request for information if the applicant has already been furnished with the information concerned or under the repealed Freedom of Information Act 1989. My issue with this requirement is that it can hinder access to information that a person in distress may need to gain access to government services. For instance, a person who has been made homeless and requires assistance from the Department of Housing may need to regain access to certain information—whether it is medical records or information relating to extenuating circumstances—to prove the severity of their predicament to the department.

Another example is people who have lost their belongings in a fire. They may require access to information they have retrieved in the past to prove their eligibility for certain government services. Just because they were given access to the information in the past I do not see why they should be denied future access to the same information. People lose documents all the time. In some circumstances it may be through no fault of their own. So why should this provision deny them access to information which they clearly are entitled to? Without going through the rest of the legislation, it is clear the Government Information (Public Access) Amendment Bill 2009 introduced under the previous Government has delivered greater transparency and openness to the agencies in New South Wales. This legislation proposes minor tweaks to the 2009 legislation. It is an indication of how successful the Labor reforms have been. I do not oppose the bill.

Mr CHRIS PATTERSON (Camden) [8.02 p.m.]: I support the Government Information (Public Access) Amendment Bill 2011. The member for Balmain is a respected local government member and a good State member. I commend him for his support of this bill. It is obvious from his contribution to the debate that

he has great knowledge of local government issues and issues upon which the amendments in this bill will have a positive effect. I commend the member for Balmain for his contribution, which I found very insightful. In that spirit I also mention the member for Fairfield, whose contribution was also positive. I do not want to mention anything negative, but it is the first time in 12 months that the member for Fairfield has said anything positive, and I thank him for that. I commend the member for Fairfield for his support of the Government and his acknowledgment of the need to amend the 2009 bill.

Mr Rob Stokes: What about me?

Mr CHRIS PATTERSON: I will come to the member for Pittwater. The bill aims to tidy up and clarify minor aspects of the Government Information (Public Access) Act 2009 and to continue the smooth running of the Act. This Government prides itself on openness and transparency and strives to improve on these aims at all opportunities. The member for Menai elegantly addressed the Government's aim to ensure transparency in government and our willingness to do so. This bill is all about openness and transparency. Goal 31 in the Government's NSW 2021 plan to rebuild our economy, return quality services, renovate infrastructure, strengthen our local environment and communities and restore accountability to government is to specifically improve government transparency by increasing accessibility to government information.

At the risk of repetition, I reiterate that two key goals of the O'Farrell Government are to restore accountability and government transparency. They are two goals of which I am proud. Goal 31 is to make sure that agencies fully comply with the mandatory proactive release requirements under the Act. I commend the Government for its commitment as part of goal 31 to create better access to online information and in making real-time information about government services available to the public. The people of New South Wales can now access live traffic information on the Roads and Traffic Authority's Live Traffic website and real-time information about emergency department waiting times in major public hospitals on the NSW Health's emergencywait website.

With the Act having been in effect for roughly 18 months, minor issues have been raised by users of the Act in relation to its operation in practice. This bill aims to address these issues and has been developed in consultation with government agencies and the office of the Information Commissioner to continue the smooth operation of the Act. The Information Commissioner is conducting a review of agencies' open access websites, with its report and findings soon to be delivered to Parliament. I agree with the Hon. David Clarke that this report will act as a significant benchmark in the extent of agency compliance. The Government Information (Public Access) Act also will be due for a statutory review on 26 June 2014, five years after its assent. The review will consider whether the Act is meeting its policy objectives and if more significant policy changes are required.

Item [2] of schedule 1 to the bill will change the name of the publication guide that agencies are required to prepare, which contains information on the structure and function of the agency, the type of information the agency holds and how to access the information. This bill will change "publication guide" to "agency information guide" with the aim that this will better reflect the guides' content. Item [8] of schedule 1 will remove the requirement for an Australian postal address for an application so as to allow those living overseas to make an application under the Act. Schedule 1 [10] clarifies that an application is not prevented from being valid because an application fee may have been waived, reduced or refunded by an agency. Item [13] of schedule 1 is also a clarification of an existing requirement for an applicant to provide evidence of personal factors of an application and includes the capacity to require proof of identity when it is relevant to the agency's decision about the application. Item [19] of schedule 1 to the bill inserts new subsection 60 (1) (b1) to allow agencies to determine an application by recognising that the information is already available to the applicant as a result of another agency having provided it beforehand.

Agencies' disclosure logs contain information about information access applications that agencies have granted and whether the agency considers the information to be of public interest. The bill will make numerous changes affecting the disclosure log of agencies, including clarification of timing for agencies to place information on their disclosure log based on any objections and an applicant's rights to objections. The personal information of any individual will be protected. The bill will clarify that when information in certain respects affects a third party's interests the person will have a right to object to an agency placing that information on the disclosure log. Presently when a person seeks a review of a decision an internal review must be undertaken before a person other than the applicant can seek a review by the Information Commissioner. The exception to that is an internal review not being available for decisions made by Ministers, a Minister's staff or an agency's principal officer.

The bill clarifies in item [23] that an internal review is a precondition to third parties seeking review by the Information Commissioner only when a review is available. When an internal review is not available, people may seek a review directly from the Information Commissioner. Currently a fee of $40 applies to an internal review if that is recommended by the Information Commissioner. Item [25] of schedule 1 to the bill makes the right of review by the Information Commissioner free of charge. Item [32] of schedule 1and schedule 2.2 change the position in relation to spent convictions. Currently it is an offence to disclose this information without lawful authority. However, the bill will change that to allow agencies to give spent conviction information to the person to whom it relates.

The bill will allow entities to be declared separate agencies for the purposes of the Act, or for entities to be declared part of a public sector agency in relation to particular functions under the Act. Clearly, this bill will allow for more flexibility in the administration of the Act. It will allow for a more efficient and common sense approach to allowing access to government information by members of the public. This legislation reflects the Government's election commitments. It represents the Government standing by its word and allowing people to have a more streamlined path to accessing government information. In the 20 seconds that remain for my speech, I acknowledge our wonderful Attorney General and the great work that has been done in preparing this legislation.

Mr Ryan Park: Oh.

Mr CHRIS PATTERSON: I make no apologies to the member for Keira for acknowledging the hardworking staff who were involved in the preparation of the bill and thanking them for their wonderful work, in particular Angus King—who has nothing to do with my preselection—and Elizabeth Passmore of the department. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [8.12 p.m.]: I support the Government Information (Public Access) Amendment Bill 2011. I commend the Minister for his commitment to improving public access to government information and for being an integral part of a progressive Government that is keen to get New South Wales moving. The purpose of the amendments is to remove obstacles in the legislation and to tidy up loose ends. I am pleased that the bill will receive bipartisan support. The objects of the bill are aimed at achieving greater openness and transparency in government. They are objectives that every democratic government aspires to and to which the New South Wales public is entitled. The bill will make it easier for people to access government information. For example, people who live overseas will be able to make an application under the Act without relying on the address of an Australian contact to do so. At present people who live overseas cannot make an application of their own accord.

An application will be valid irrespective of a decision by an agency to waive, reduce or refund an application fee. The bill clarifies proof of identity requirements that must be satisfied to ensure that privacy provisions are not breached but nevertheless provides an applicant with an opportunity to access government information. Taking away doubt and replacing that with certainty will assist to speed up applications for access to government information. Public interest matters are important. If we are to have open and accountable government we must have efficient access to government information. Other minor amendments relate to process, but even minor changes could have an important impact on people's rights. Third parties will be able to object to inclusion of information in agencies' disclosure logs when information relating to third parties is affected by an access application made by someone else.

Third parties who are aggrieved by a decision of an agency may apply directly to the Information Commissioner for review of the decision when no internal review process is available, such as when decisions are made by Ministers' officers. At present when a person requests the Information Commissioner to review an agency's decision and the commissioner recommends that the agency should conduct an internal review the applicant pays a fee of $40 for the internal review. The bill will remove the requirement to pay that fee and provide a legislated free right of review by the Information Commissioner. This bill will have a real and positive impact on a third party who genuinely is concerned that information concerning them should not be made public and who seeks review of an agency's decision.

The bill finetunes procedures underpinning substantive rights of access to government information. Clarification of certain minor aspects of the Act will enable the legislation to operate smoothly. By finetuning procedures in the Act the Government has provided a useful format by which citizens may access information.

That, in turn, demonstrates the Government's commitment to transparency of government information. The New South Wales public deserves that standard of government service. This bill honours the Government's commitment to open and transparent government. I commend the bill to the House.

Mr TONY ISSA (Granville) [8.17 p.m.]: It gives me great pleasure to support the Government Information (Public Access) Amendment Bill 2011, which will make minor amendments to the Government Information (Public Access) Act 2009. Earlier the member for Keira told me that the 2009 Act was introduced by the former Labor Government as part of its reform strategies but that the Act nevertheless requires amendment. The New South Wales Liberals and Nationals Government is willing to rectify the mistakes made by Labor by the introduction of this amending bill. In other words, my Government is committed to making the required changes to improve the legislation.

Mr Ryan Park: Don't be like that.

Mr TONY ISSA: The member for Keira told me that the 2009 Act was introduced as a result of the former Labor Government's reform strategies.

ACTING-SPEAKER (Mr Lee Evans): Order! I ask the member for Granville to confine his comments to the leave of the bill.

Mr TONY ISSA: I am responding to comments made by the member for Keira, who claims to always support transparency in government. I am pleased that he acknowledges the flaws in the 2009 Act. Consequently, I am sure that he will indicate his support for the Coalition Government's action to rectify those legislative defects. I just love the idea of the member for Keira admitting that the former Labor Government got it wrong. Schedule 1 will change at least 13 items in the Labor Party reform legislation of 2009. I do not have time to go through them all but I will refer to a couple of the changes. Item [2] changes the name of the guide from "publication guide" to "agency information guide" to better reflect its content.

Item [8] of schedule 1 removes the requirement that the postal address accompanying an application must be an Australian postal address. That will enable people living overseas to make an application under the Act without having to rely on the address of an Australian contact to do so. Item [10] clarifies that any decision by an agency to waive, reduce or refund on application fee does not prevent the application from being valid. The bill goes on and on. The bill extends protection to the personal information of any individual. Item [23] clarifies that an internal review is a precondition to third parties seeking review by the Information Commissioner only when internal review is available. At the moment a person seeking a review has to pay $40. This bill will remove the requirement for the payment of this fee.

Dr Geoff Lee: Saving people money.

Mr TONY ISSA: That is exactly right. The Government Information (Public Access) Amendment Act is due for statutory review as soon as possible after five years from the date of assent, which means as soon as possible after 26 June 2014. The Government has committed to review the Act to make sure it provides better services to the community of New South Wales. This is another commitment the Government has made to create better access to online information and to make real-time information about government services available to the public. The Government's commitment to transparency of government information is demonstrated by other steps we have taken to make government information more accessible to the people of New South Wales in a more useful format and in a more timely fashion. I commend the bill to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [8.22 p.m.]: I speak to the Government Information (Public Access) Amendment Bill 2011. One of the promises I made during my election campaign was that I would fight for transparency and openness in government. For too long people have seen government as a monolithic organisation— inaccessible and often frightening. One of the most frightening things is that they imagine government contains vast amounts of personal information gathered through various agencies and centralised in some Orwellian-like database. It was to address such concerns that the first Freedom of Information Act was enacted in New South Wales in 1989 under a Liberal government. Citizens finally gained an opportunity to inquire about personal information held by the Government and, if necessary, request corrections.

In 2009 this Act was expanded and renamed the Government Information (Public Access) Act 2009. This name change was not just cosmetic; the Act was restructured to achieve greater openness and transparency in government. This Act has now been in effect for approximately 1½ years. Feedback during this time has seen

the need for some minor issues to be addressed to further improve the practical operation of this legislation. Many joke that freedom of information really means freedom from information in practice. This is because there are valid reasons why information cannot be disclosed. However, where such decisions have been made it is vital that a robust review process be available. This bill clarifies the operations of the provisions in the Act that allow people to seek review of a decision not to grant access to documents.

At present if an aggrieved person other than the applicant wishes to seek review by the Information Commissioner an internal review is required beforehand. However, in the case of decisions made by a Minister, a member of a Minister's staff, or an agency's principal officer internal review is not available. Item [23] of schedule 1 clarifies that an internal review is a precondition to third parties seeking review by the Information Commissioner only when internal review is available. When review is not available people in this position can seek review directly from the Information Commissioner. Currently if a person asks the Information Commissioner to review an agency's decision and the commissioner recommends the agency conduct an internal review the person has to pay a $40 fee. Item [25] will remove the requirement to pay this fee, making the right of review to the commissioner completely free of charge.

I turn now to some of the other provisions contained in schedule 1 to the bill. Item [2] changes the name of the publication guide that agencies must produce to that of Agency Information Guide to better reflect its content. Item [8] removes the requirement that an applicant have an Australian postal address. This enables overseas residents to access information using the address of their country of residence rather than relying on the address of an Australian family member or friend. Item [10] clarifies that any decision by an agency to waive, reduce or refund an application fee does not prevent the application from being valid. Item [13] clarifies that agencies are able to require an applicant to provide proof of identify where this is relevant to an agency's decision. Privacy considerations make it imperative that personal information can only be released to the correct person.

Item [19] permits agencies to determine an application by deciding that the information is already available to the applicant because another agency has already provided it to them. Item [30] clarifies how agencies are to send notices, and will allow agreement between the agency and the applicant as to the preferred method. Item [32] will allow agencies to give information of spent convictions to the person to whom the information relates. Item [37] provides that regulations may declare certain entities to be separate from another agency. This will allow the Act to apply in a more practical manner, for example, when a particular branch of an agency operates quite separately from the main agency.

The amendments to the Act are modest and are designed to keep it running smoothly. Government transparency is something that must be monitored constantly and addressed. The Government Information (Public Access) Act is due for statutory review as soon as possible after 26 June 2014. That review will be the time to consider whether the Act is meeting its policy objectives and whether more significant policy changes are required. That review will involve significant consultation and analysis. For now, this Government's commitment to the ongoing monitoring of openness and transparency legislation is shown in this bill. I commend it to the House.

Mr ANDREW CORNWELL (Charlestown) [8.29 p.m.]: It is my great privilege to support the Government Information (Public Access) Amendment Bill 2011, which introduces a number of minor and technical amendments to the Government Information (Public Access) Act 2009. Several amendments relate to the interaction between considerations of privacy and the importance of transparency in government information. It is important that government information generally be accessible and that the functioning of government be transparent. However, this should not come at an unacceptable cost to individual privacy. This bill includes some clarifications about privacy considerations that come into play when accessing government information. First, it clarifies that agencies can require proof of identity when considering the personal factors of an application. This could be very important—for example, if someone is applying for the records about a particular person held by the Department of Family and Community Services. Such information might be very sensitive and personal.

Certainly, all of us in this Chamber understand that dealing with Family and Community Services information and personal elements requires delicate handling. We must be sensitive to the needs of those who may be a complainant or plaintiff in a matter. An agency generally should not release information unless it has established that the person wanting access is the person to whom the information relates. If an agency establishes that an individual seeks access to their own personal information such an application usually should

be granted. We are all entitled to know what kind and what extent of information the State holds about us. Therefore, this clarifying amendment makes sure that the Act will function as intended, and that agencies are in no doubt about that function.

The bill also changes the law to make sure that a person can access their own records of spent convictions. The law provides that many offences are spent after a certain period so that a person is not affected for life by something they committed many years ago after spending a significant period without committing further offences. The law protects people in this situation by making it an offence to disclose information about spent convictions without lawful authority and by preventing people from accessing those records under the Government Information (Public Access) Act 2009. However, the law does not contemplate that a person might want to access their own record of spent convictions. When the State holds such information, that person should be entitled to access that information. This bill changes the law to give effect to that change.

The Government Information (Public Access) Amendment Bill makes clear that third parties can object to the inclusion of information in agencies' disclosure logs where their information is affected by an access application by someone else, and that third parties who are aggrieved by a decision of an agency can seek referral directly to the Information Commission when no internal review is available, such as when decisions are made by Minister's officers. These changes are technical, but clarify the existence of important rights and may have a real and positive impact on the third party that is genuinely concerned that their information is not made public and wants to seek a review of an agency decision. The Government Information (Public Access) Act was about allowing the public access to information not readily available, but it certainly fits with the philosophy on this side of the House about being open—

Mr Paul Toole: Transparent.

Mr ANDREW CORNWELL: —accountable and, as my colleague the member for Bathurst said, transparent. Many of our Minister's officers place information on the website almost immediately after meeting with stakeholders. This bill is about making sure that people can have trust in government and that government is accountable immediately. The habit of the previous Government over 16 years was for decisions to be made behind closed doors. This side of the House does not believe and certainly does not support that kind of process. If the O'Farrell-Stoner Government can leave one great legacy of its tenure, it is that it will be considered a Government that not only is accessible and listens to people, but also is accountable and transparent.

That certainly is something I know all my colleagues on this side of the House hold dear. This is a positive amendment to the Government Information (Public Access) Act. It strengthens the Act and provides greater opportunity for the public to engage with government not just at the coalface and through media releases, but through the real genuine workings of government. The public will be able to see how government works, how the wheels turn and how the engine works at every single point, not just through media releases. Our Government is about substance, not spin. This reform to the Government Information (Public Access) Act is part of that process. It is my great pleasure to speak to the bill and to commend it to the House.

Mr GARETH WARD (Kiama) [8.35 p.m.]: Sunlight is the best disinfectant. When we look at the grubs opposite we know why. If there is one thing that sets us apart from those who sit opposite, it is transparency and accountability. Around the country at the moment people are watching *Yes, Prime Minister*. One could be mistaken for thinking that it was a documentary on the parliamentary Labor Party. The one thing we took to the last election that resonated with the Australian community—

Mr Ryan Park: What was it?

Mr GARETH WARD: —was that we will be a transparent and accountable Government. The fact that the member for Keira asks what it was shows the seriousness of the problem as those opposite do not recognise their own foibles. We want to ensure that we have a transparent Government. If nothing wrong is happening, there is nothing to hide. If there is no spending of $500 million on a Metro project without a single sleeper being laid, $100 million on the Tillegra Dam, $127 million on TCard or things of that nature, there is nothing to hide. Of course, those opposite have lots to hide. That is why we have had to introduce the Government Information (Public Access) Amendment Bill 2011, which provides for minor and technical amendments to the Government Information (Public Access) Act 2009 that were identified in the first year and a half of its operation.

Mr Ryan Park: Call for an extension of time.

Mr GARETH WARD: That might happen if the member is lucky. These small amendments will help make the Act more user friendly and will address some minor issues that have been identified. The bill clarifies amongst other things—

Ms Linda Burney: Nobody is watching at this time, Gareth.

Mr GARETH WARD: They certainly are not listening to you and they will not be for a very long time. When an agency waives, reduces or refunds a fee, the application can still be validly made and determined.

ACTING-SPEAKER (Mr Lee Evans): Order! The member for Canterbury will not incite the member for Kiama. He does not need encouragement.

Mr GARETH WARD: She is not inciting. Her presence does not have that much of an effect. Agencies can require proof of identity.

Mrs Barbara Perry: I didn't think you were like that. I thought you were a nice guy.

Mr GARETH WARD: Looks can be—

Mr John Sidoti: He is a nice guy. I'm sticking up for him.

Mr GARETH WARD: I am glad I have one friend in the House. It is just that he is on the other side. Agencies can identify whether identification is necessary, for example, when someone seeks access to personal information. Applications can be made from overseas addresses. The bill also addresses some inconsistencies with agency disclosure logs—for example, clarifying the right to object to information going on the disclosure log and not restricting access to people applying for access to information but to third parties whose information may be affected.

[*Interruption*]

The Parliamentary Secretary is not supposed to interject on one of his party members. These minor amendments will make it easier for agencies and the public to be clear about their position when using the Act. They also underpin the Government's commitment to transparency and accountability, to which I believe all members on this side of the House are committed. I refer now to some of the key provisions of the bill. I acknowledge the presence in the Chamber of the Attorney General, who is a most excellent, very diligent and hardworking Attorney General. Currently, the Act provides that agencies must have a publication guide that contains information about matters, including the structure and function of the agency, the kinds of information an agency holds and how to access that information. Item [2] changes the name of the guide from publication guide to agency information guide to better reflect its content. The bill clarifies certain aspects of the process for applying for access to government information.

Mr John Sidoti: Who wrote that for you?

Mr GARETH WARD: Some of us do not require that, member for Drummoyne.

Item [8] of schedule 1 removes the requirement that the postal addresses accompanying an application must be an Australian postal address. That will enable people living overseas to make an application under the Act without having to rely on the address of an Australian contact to do so. Item [10] clarifies that any decision by an agency to waive, reduce or refund an application fee does not prevent the application from being valid. Item [13] clarifies that the existing capacity of agencies to require an applicant to provide evidence about the personal factors of an application includes the capacity to require proof of identity when this is relevant to the agency's decision about the application. That is important in situations in which people apply for access to personal information.

If the information relates to the applicant there is a public interest in favour of disclosing it to that person. If the information does not relate to the person, privacy considerations mean there is a public interest against one person gaining access to another's personal information. So it is important that agencies are able to establish an applicant's identity. Item [19] permits agencies to determine an application by deciding that the information is already available to the applicant because another agency has provided it to them. Item [30]

clarifies how agencies are to send notices under the Act: by post or by another method agreed between the agency and the person in question. The bill also makes several changes in relation to agencies' disclosure logs, which I mentioned earlier.

A disclosure log contains information about access applications that agencies have granted when the agency considers that that information may be of interest to the public. Item [5] clarifies the timing for agencies to place information on their disclosure logs. If no one objects to information being placed on the disclosure log, the agency can place information on the log when the access application is decided. If there is an objection there is no requirement for an agency to record information on the log until it has decided that there was no right to object or, if there was a right to object, until review rights have expired. Currently agencies are not required to place personal information about an access applicant on their disclosure log.

Item [6] extends this protection to the personal information of any individual. Item [14] makes clear that when information affects a third party's interests in certain ways—for example, when the information includes personal or financial information about them—they have a right to object to an agency placing that information on the agency's disclosure log. The bill also clarifies the operation of the provisions in the Act that allow people to seek review of decisions. At present, if an aggrieved person, other than the applicant, wishes to seek review by the Information Commissioner, an internal review is required beforehand. However, in the case of decisions made by a Minister, a member of a Minister's staff, or an agency's principal officer, internal review is not available.

Item [23] clarifies that an internal review is a precondition to third parties seeking review by the Information Commissioner only when internal review is available. When review is not available, people in this position can seek review directly from the Information Commissioner. At present, if a person seeks to have the Information Commissioner review an agency's decision, and the commissioner recommends that agency should itself conduct an internal review, the person has to pay a $40 fee for that internal review. Item [25] in the bill removes the requirement to pay this fee. This makes effective the free right of review to the Information Commissioner, which is an important part of this bill. The bill also standardises references to time and updates references to agencies and departments where restructuring has occurred.

Item [37] also provides that the regulations may declare certain entities to be separate to another agency. This will enable the Act to apply in a more practical manner, for example, when a particular branch of an agency operates quite separately to the main agency. If they are prescribed as a separate agency they will be able to manage their obligations under the Act separately. The bill also changes the position with regard to spent convictions. At present there is an overriding public interest against disclosing this information under the Government Information (Public Access) Act and it is an offence under the Criminal Records Act 1991 to disclose this information without lawful authority. Item [32] of schedule 1 and schedule 2.2 change the position so that agencies can give spent conviction information to the person to whom it relates.

Finally, schedule 2.4 to the bill includes a power to make regulations under the Privacy and Personal Information Protection Act 1998 to permit an entity to be declared a separate agency for the purposes of the Act, or to permit entities to be declared part of the same agency in respect of particular functions under the Act. This is similar to the regulation-making power under the Government Information (Public Access) Act. Again, this will permit a more practical and flexible approach to administering the Act. This Government went to the last election promising greater transparency and accountability, but it must be relevant to all of its applications. This bill seeks to improve the legislation to make it more flexible and appropriate for individuals. It is important that people can get access to information in a timely and responsible way. This bill seeks to clean up some of the anomalies that have been found over the past 18 months.

Legislation and the legislative process should be about making changes that are appropriate. Over the many years that this Act will operate there will be more changes to ensure that people get the access to government information they deserve. That is an important part of any democratic place. The Government must ensure that the people—who have the right to hold any government to account, be it the Liberal Party, the Labor Party or whoever may form government in the future—can get access to the information they need in a responsible and timely manner and that red tape does not unnecessarily tie people up. The Government must ensure that the community can get access to the information they need to pass judgement on matters that may concern them or the greater community in general. It is without hesitation that I commend this bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [8.45 p.m.], in reply: I thank the members for Liverpool, Port Stephens, Myall Lakes, Bankstown, Tweed, Keira, Blue Mountains,

Cabramatta, Cronulla, Menai, Balmain, Fairfield, Camden, Clarence, Granville, Coogee, Charlestown and Kiama for their contribution to this debate on the Government Information (Public Access) Bill 2011. I note the concerns raised by the member for Balmain and I thank him for raising them with me. While this bill attempts to make only minor and technical amendments to the current Act, at the statutory review in 2014 such concerns will be taken into account.

I am happy to now look into the issue of possible delays with the Office of the Information Commissioner. This bill affects minor and technical changes to the Government Information (Public Access) Act 2009. The bill ensures that the process for agencies receiving and deciding on applications for access to government information will run smoothly. It also clarifies the position in relation to review rights and how agencies should deal with objections to make information public on agencies' disclosure logs. I commend the bill to the House.

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

CHILDREN (DETENTION CENTRES) AMENDMENT (SERIOUS YOUNG OFFENDERS REVIEW PANEL) BILL 2011

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

ACTING-SPEAKER (Mr Lee Evans): Order! Government business having concluded, the House will now proceed with the matter of public importance.

CHILD PROTECTION

Matter of Public Importance

Mrs BARBARA PERRY (Auburn) [8.48 p.m.]: I raise with the House the subject of the protection of children and young people in New South Wales. The tragic reality is that for some children in our State childhood is a place inhabited by fear and a place of great stress. There is neglect where there should be security. There is violence where there should be love. There is absence where there should be engagement and support, and there is exposure and exploitation where there should be protection. The community tasks governments with ensuring that children are protected from abuse and neglect. As Parliament seeks to do this it comes up against complexity upon complexity. It comes up against drug and alcohol dependency, domestic violence, mental health issues and broken families. Health, education, housing and employment inequality also add to the complexity of the issue. Justice James Wood was given the heavy task of examining the child protection system in 2008. He stated that child protection, "Is the collective responsibility of the whole of Government and of the community."

One could sum that up by saying it is a partnership. The need for a preventative public health approach to child abuse and neglect is becoming increasingly recognised. I add that it is a response that is as expensive as it is intensive. It aims to deal with the underlying causes of abuse and neglect, and to do so in a holistic and integrated way. A recent article in the *Lancet* by Professor Ruth Gilbert compares child protection policies in six developed countries and clearly shows that there are pressures on child protection systems around the world. Minister Goward's narrative that high numbers of children in out-of-home care is an issue specific to New South Wales, created by an incompetent government and an inept department, may help her politically, but it has nothing to do with reality.

The real story is that community services workers, many of whom gathered in the Domain tonight, are hardworking, undervalued workers who face overwhelming and deeply traumatic situations on a daily basis. I know it, because I worked alongside them as a Legal Aid solicitor. The Minister's statement that community

services is "well resourced" is contradicted by two reports released in the past few years by the Ombudsman and the Auditor-General. Taking pot shots at easy targets that work under stress, with high caseloads, stretched resources and with unallocated files weighing on their minds, achieves nothing. These workers need our gratitude and our support, and they need our resourcing. We need to harness the expertise of our workers at Community Services; we need their partnership if are to deal seriously with abuse and neglect. Similarly, our non-government organisation partners need the same respect.

Studies of child protection caution against the danger of giving simplistic answers, such as the capping of numbers of children coming into out-of-home care and raising of targets. I note that the Minister is emphasising the importance of restoration to birth families in order to deliver on her promise of decreasing the number of children in out-of-home care. While we all see restoration as a worthy goal, the question is: Is the Minister prepared to provide the expensive and intensive support for these families, such as live-in social workers where necessary? The importance of live-in social workers has been recognised and expressed in other jurisdictions like Canada. The reason is to ensure that no child restored to birth families is put in danger. I am afraid that the Minister's flat budget does not appear to cater for this. Far more money must be put into family support if this is where the Minister wants to focus.

The New South Wales Opposition supports the implementation of Justice Wood's recommendations. However, it is vital for the transfer of out-of-home care to be carefully managed. We do not want to re-create the same problems in a new system. It is important that we keep in mind what was envisaged by Justice Wood. The whole idea was predicated on adequate funding, on service improvement, and on a partnership not only between Community Services and non-government organisations but also between Community Services and other government agencies. Child protection is complex and it is expensive. It is time to stop the simplifying. It is time to stop stereotyping and undermining the workers at Community Services.

Mr STUART AYRES (Penrith) [8.53 p.m.]: I speak on behalf of the Government on the matter of public importance relating to child protection for children and young people in New South Wales. It is critical to recognise immediately that not a single member of this House would be untouched by experiences in dealing with issues surrounding a young person who finds himself or herself in out-of-home care, whether engaging with a person in a caring situation or engaging with family members of children who have found themselves in environments such as those described by the member for Auburn. Only at the back end of last month I had the privilege of listening to a young girl of 14 years, to whom I will refer as Rebecca without saying more. Rebecca came to my office to talk about her experiences of out-of-home care.

Rebecca's experience, along with those of her siblings, essentially led to her being in a separated arrangement. Two of her siblings went to a government-funded position. Rebecca and two of her other siblings went to a non-government organisation. I do not want this to sound like it is a non-government organisation versus publicly funded argument, because I agree with the member for Auburn that this about supporting the children, the carers and the families, regardless of whether the children find themselves in the care of a non-government organisation or a government-funded place. The Government is in the difficult position of finding a way in which to offer the services sustainably. Work being done to implement recommendations put forward by Justice Wood on transformation and reform of this space will see some tough things happen.

The Government is looking at ways to make the funding arrangement more sustainable. We do not want people finding themselves without the opportunity to receive the support and care of people who are willing to offer it. Carers are an incredibly precious resource; they are an incredibly special group of people. Although I was not here, I was privileged to see, in a demonstration of bipartisanship, New South Wales recognise the importance of carers through carer recognition in the last term of government. Simply put, we need to reform the way that this service operates. We need to find a way to ensure that the budget and funding allocated to the service is spent sustainably. One way of doing that is a greater transfer through to the non-government organisation space. I agree with the member for Auburn: it is important that that transfer is seriously considered and well managed. The Government must look at a number of options to ensure engagement with the community.

It should be acknowledged that some decisions made by the Government have been supported by non-government organisations and some of the peak bodies. It is worth noting that the Director of the National Council of Social Service, Allison Peters, has welcomed the Government's announcement supporting Justice Wood's recommendations to transfer out-of-home care to the non-government sector. The Chief Executive Officer of the Association of Children's Welfare Agencies, Andrew McCallum, announced his support of the

reform, highlighting that non-government organisations also carry a degree of accreditation to act as a regulatory oversight body. It is important to note that non-government organisations playing a greater role in this space are not operating in an unregulated environment; they are subject to a degree of oversight.

This type of reform will be challenging, because we must be right at the coalface to deal with some of the darker sides of our community. Anyone who has an experience such as I had of young persons like Rebecca coming to their electorate offices with their carer and describing the differences in the relationships that exist between them and someone else in their family would realise how difficult an issue this is. I would encourage both sides of politics to ensure that we keep the primary person at the forefront of our minds when thinking about child protection, and that is the child. If we become focused on politics, budgets and money we will be distracted from what we should be doing; that is, caring for and recognising that the most vulnerable of young people in this State need some support. That support can come from both the government and the non-government sector.

Ms LINDA BURNEY (Canterbury) [8.58 p.m.]: In 2008 Justice James Wood recommended that out-of-home care services be transferred to the non-government sector in order to allow Community Services to focus on what is called the pointy end of child protection. He saw that Community Services workers were stretched, and he wanted to ensure they were able to focus on children at risk of significant harm. He saw the complexity. He was interested in partnerships. He saw a role for both government and non-government organisations and other agencies in protecting our most vulnerable children. But the Minister for Family and Community Services has changed the focus.

One would think from the Minister's statements made in the past few days that somehow just outsourcing out-of-home care to the non-government agency is the magic formula for child protection we have all been waiting for. In saying this, I do not in any way want to dismiss the wonderful work undertaken by the non-government organisations. But we all know it is far more complicated than that. If the transfer is not adequately funded, if there is no flexibility in contracts, if there is no adequate oversight, if there is not enough capacity in the sector, if smaller agencies are unable to survive, if foster and kinship carers are kept out of the conversation the whole idea behind the transfer will be undermined. Is the Government's unit cost price of $37,000 enough? That is a very good question.

Justice Wood also noted that, given the tragic overrepresentation of Aboriginal children in out-of-home care, we must ensure that Aboriginal providers are able to build capacity. Will the Minister ensure that this happens? Last week the Cummins inquiry report was released in Victoria. We would be wise to heed the report's recommendations. The fact is that every system must be adequately scrutinised and funded. The Minister for Family and Community Services must ensure that that happens. Child protection is about two things: First, it is about prevention and, second, it is about dealing with crisis and recognising that sometimes children will never be safe to go home. How does undermining the work of Community Services and how does cutting post-adoption allowances address those issues?

The Minister's simplistic answers—her focus on targets, her assertions that somehow it all comes down to financial sustainability and that people need to "take more responsibility"—show that she does not really understand the underlying issues: the dysfunction and the complexity. It is time to stop the "us and them" division. It is time to look at integrated, multidisciplinary, co-located child and family services. Establishing what is best for each child takes well-trained, well-resourced and experienced workers across the Government and community working in partnership. I stress how important working in partnership is and I stress also that transferring out-of-home care to the non-government sector is not a simplistic solution; it is much more complex than that.

Mrs BARBARA PERRY (Auburn) [9.01 p.m.], in reply: I thank the member for Penrith and the member for Canterbury for their contributions to this debate. The member for Penrith gave a wonderful speech tonight and I thank him for his thoughtful contribution. As the member for Penrith said, we will see tough things happening but those tough things cannot happen at the cost of protecting children in this State, nor can they happen at the cost of any child in this State falling through the cracks. If this system is to work—and there is no doubt this will be a major overhaul of the system—it must be accountable, it must be adequately funded and it must ensure that no child falls through the cracks. It is difficult to do that in the Community Services sector but to lessen the risk to children we need an overhaul of the system.

I note that the member for Canterbury was the former Minister for Community Services and I acknowledge the work that she and the former Labor Government did following the recommendations of Justice Wood. That work has been built on now by the new Government and, yes, it is about partnership, which was acknowledged by the three speakers tonight. It is time to cut the rhetoric of saying it is us versus them—

unfortunately, that is how I see it—and it is time to look at what is being said. It is time to look at how partnerships will work. It is time to ensure that they work and it is time to look at how partnerships will build a better future for those vulnerable children who desperately need it. This is about making sure we can get those outcomes for those children and for the 14-year-old child that the member for Penrith spoke about. I have seen many children in the Children's Court over the past 10 years and what I saw was extremely distressing.

It is time to recognise that this issue is complex and that we must ensure we have good dialogue and that everyone is included in that dialogue. It is concerning to me that currently carers are being left out of any dialogue. Carers have not been placed on the regional implementation committees and their voices are not being heard. Carers are important because they are the ones who are trying to restore and build these children's lives. I ask the Minister to consider putting carers at least on the regional implementation committees so their voices can also be heard for the children for whom they love and care. This afternoon I met with a carer who told me, "I do this because children are worth it." She is absolutely right—children are worth it.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

MACLEAN HIGHLAND GATHERING

Mr CHRISTOPHER GULAPTIS (Clarence) [9.04 p.m.]: Tonight I acknowledge the efforts of the Lower Clarence Scottish Association for its continued support of the Maclean Highland Gathering. Maclean is of course renowned for being the Scottish town in Australia. Maclean's Scottish character originates in the 1830s and 1840s in Scotland following the Jacobites' defeat at Culloden, the Highland Clearances, potato blight famine and prevailing disastrous economic conditions. The only future lay in emigration. In Australia John Robertson pushed through Parliament the Free Selection Act legislation, which provided for anyone to take up land from 40 to 320 acres for a down payment of 5 pence per acre with three years to pay. Some 450 Scottish families settled in Rocky Mouth. Surveyor-General Alistair Maclean ordered the town to be properly laid out. That was done in 1862 and named Maclean after the Scottish-born Surveyor-General.

Many of its new streets were named after places in Scotland—Argyll, Morvern, Clyde, Oban and the like. Commerce and hotels sprang up under Scottish businessmen, such as Alexander Cameron, Samuel MacNaughton and John McLachlan. Churches were an intrinsic part of Scottish life and elders of the Free Kirk erected their church in 1868. It remains the oldest church still in use in the Clarence. In 1886 the Murray brothers, natives of Thurso, and local sawmillers, sponsored the first local Highland gathering in Maclean, and with the exception of the war years it continues to this day. This year at Easter will be the 108th Highland gathering. The Lower Clarence Scottish Association was formed in 1893. It has now existed continuously for 119 years. A pipe band was formed in 1898 under Donald Mathieson—formerly from Inverness—and has continued to this day.

The primary function of the association is to organise the annual Highland gathering held at Easter each year. It is a major function of State and national significance in Scottish circles. The association has always required a chieftain as its head, and usually the chief remains in the post for many years. The current chief is Chief Peter Smith and the immediate past chief was Reverend Kenneth Macleod, he being a native Scot and probably the only Gaelic speaker currently in the Lower Clarence. The current secretary, Robert McPherson, OAM, and previous secretary, Norman McSwan, have held the secretarial portfolio for at least 57 years between them. The current senior chieftain is Roger McLean, junior chieftain is Graham Anderson, and Treasurer—for some 34 years—is John McPhee.

At this year's gathering 25 inter-district bands from Sydney, Brisbane and New Zealand will attend the gathering in a competition arena and there will be sports and fellowship. Competitions commence on Good Friday in drumming and solo piping, and on Friday night the main street is closed for a street festival with bands, dances, massed bands, a civic welcome and a concert in the Civic Hall. Easter Saturday commences with a full regalia street march of visiting and local bands through the shopping centre. Activities then take place at the Maclean showground where drumming, piping, dancing and bands compete, and there is a full array of Highland games such as caber tossing, pole wrestling, tug of war and the like. The finale of the day is always a very stirring massed bands display—a fitting end showing what Maclean is all about.

In 1986 local bank manager Mr Graham Leach initiated the thematical idea of rediscovering the town's Scottish heritage. Thus the Maclean Scottish Town in Australia Association was formed. The association's

committee has undertaken numerous tasks to benefit the town's Scottish identity, including erecting a Scottish cairn in a town park, a pioneers memorial wall, painting some 220 power poles with Scottish tartans, organised concerts for Tartan Day and Kirkin' o' the Tartan Services for Easter Sunday. There have been only two presidents of the Maclean Scottish Town in Australia Association—Howard Cowling for two years and Robert McPherson, OAM, for the past 24 years. Secretary for 24 years is Warren Rackham and Treasurer is Roger McLean. Hardworking member Nancy Bain, OAM, has also been on the committee since its inauguration. I commend the efforts of the Lower Clarence Scottish Association.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.09 p.m.]: I congratulate the hardworking member for Clarence on advising the House of the upcoming Maclean Highland Gathering. Port Stephens also has an annual Celtic festival called Clans on the Coast. It is held at Nelson Bay on the third weekend in September which this year will be 15 and 16 September. Many of us have Scottish skeletons in the closet and these gatherings and festivals are a great way to enjoy and celebrate that heritage. I notice there is a tradition of developers naming streets after their children. It is good to see that in those days surveyors-general named towns after themselves.

SPECIAL OLYMPICS ASIA PACIFIC REGIONAL GAMES

Mr ANDREW CORNWELL (Charlestown) [9.10 p.m.]: It is with pleasure that I inform the House of a fantastic announcement today in which I was privileged to take part. At the Opera House on this beautiful sunny day the Premier and the Governor General announced Newcastle as the winner of the inaugural Special Olympics Asia Pacific Regional Games. Her Excellency the Governor General, Quentin Bryce, and Premier Barry O'Farrell delighted the crowd with this announcement. It is a fantastic win for Newcastle and the Hunter. Premier O'Farrell said:

> Australians are known the world over for their love of sport and I'm delighted Newcastle will welcome athletes to the inaugural Special Olympics Asia Pacific Regional Games in 2013.

The Games will be held in Newcastle in late 2013 and will bring some $10 million to our region. Athletes from 25 countries will compete over nine days in eight different sports. It is estimated that 5,000 international visitors will attend the games together with more than 1,700 athletes, 600 coaches and 4,000 volunteers and family members. This is fabulous for the region because we will be in a position to showcase Newcastle and the Hunter to the rest of the world. As the member for Newcastle and the member for Port Stephens who are here tonight will attest, the Hunter region is one of the jewels of New South Wales. It is the engine room of the New South Wales economy and it is blessed with fabulous natural attractions and a warm and welcoming community.

The Hunter region also has some terrific sporting facilities. Hunter Stadium, formerly known as Ausgrid Stadium, will provide a fantastic venue for the opening ceremony. I am sure that Novocastrians and people from all over the Hunter will embrace this fabulous event. It is also a great opportunity for people from the Hunter to witness magnificent international athletes who will be able to showcase their skills in a variety of sports. This event will be a veritable festival of sport that will be remembered for a long time. I encourage all members of the House to join us in the Hunter region in late 2013 for this magnificent exhibition which Newcastle will take great pride in hosting.

MASTERTON HOMES FIFTIETH ANNIVERSARY

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.14 p.m.]: When the Premier asked whether I could represent him at the fiftieth birthday celebrations of Masterton Homes last week I did not hesitate. The decision to be a small part of the celebrations of the most well-known and respected residential building company in New South Wales did not take long to make. Of course, the man behind the successful company is Jim Masterton, AM. Jim's vision and tenacity has made him revered by his colleagues in the building industry and loved by his staff and he has made generations of families happy. At his side for more than 50 years has been Marjorie, Jim's long-suffering and loving wife.

With a growing brood Jim left his fruit shop and fruit truck behind and got into the building game by building war service homes in Bankstown. He went out on his own and started his successful building company in 1962—the year the Beatles released their first single and Marilyn Monroe was sewn into a dress to sing history's most memorable happy birthday to a President. Whilst Jim created concrete slab on ground construction and pioneered prefabricated wall frames, Marjorie was dealing with councils and doing the books—tasks just as important as hammering in nails.

Since then a lot has changed in the world and in the building industry, but what apparently has not changed is the man himself. He is still energetic and positive and he has an incredible imagination and foresight that other building companies can only dream about. He has done the hard yards from the beginning, working with hardwood timber, making bearers and joists and then prefabricating. He used to load the prefabricated frames onto his one-tonne Morris truck and use bags of cement on the front mudguards to keep the front wheels on the road.

As my colleagues in the House are aware, although I am a structural engineer I have always worked in the building industry. My father and a partner established a commercial building company 40 years ago. I joined them and we exchanged on 60 residential lots in Maitland. Thirty years later we are still marketing and building residential housing throughout the Hunter Valley. When we started, 10 and 12 square three-bedroom homes seemed to be the standard but we could see that modern, high-quality designs were being drawn up and developed by a company at Warwick Farm. Masterton Homes set the standards by which all other builders were rated. Jim Masterton pushed the boundaries and his success has been recognised by a huge list of awards, more than 50,000 satisfied clients who have found their dream home and of course his well-deserved Order of Australia.

The building game is unique and it is fraught with danger. It is the first to suffer in times of recession. It is victim to banks, bureaucrats, bricklayers and shonky competitors. One thing I worked out years ago is that a house cannot be built if there is no block of land to put it on. New housing construction in New South Wales has fallen to an all-time low. In 2004 the previous Government introduced the Lower Hunter Strategy. In 2012, although 22,000 blocks may have been rezoned, I do not know whether any of them have been developed. The Liberal-Nationals Government is committed to planning for towns and cities that are not only accessible and viable but also are great places to live and work. We need developed land, we need services and infrastructure and we need employment opportunities. Our target is to facilitate delivery of 25,000 new dwellings in Sydney each year and to maintain supplies of zoned and trunk serviced land with potential for at least 50,000 dwellings. This will stimulate the economy and help companies such as Masterton Homes to continue to build great residences for appreciative clients.

While Frank Sinatra's *My Way* might be the soundtrack to Jim's life, it is worth noting that although he did it his way, he did it for the benefit of others. He saw early on that he had the responsibility for people realising their dreams and it was a responsibility that he took very seriously. Today he urges young people to "get a house you can afford and not get in too deep at the start". He has always remained one step ahead of the pack and he says that this is because he surrounded himself with good people. A humble man, he shares his awards with his staff and is surrounded by a loving family, all of whom have worked in the company at some stage. There were 540 people with Jim and Marjorie to celebrate 50 years of Masterton Homes. Employees, subcontractors, suppliers, clients, bankers and development partners were all there to celebrate a remarkable achievement by a remarkable man and his equally remarkable wife and family.

IT'S ON! IN NEWCASTLE AND THE HUNTER

Mr TIM OWEN (Newcastle) [9.18 p.m.]: It gives me great pleasure to elaborate on the comments about the Special Olympics made by my esteemed colleague from Charlestown. I inform the House of an event that is running at the moment and that will run over the weekend. First, the story of Newcastle and the Hunter is ever changing. Newcastle has evolved into a place of opportunity rather than a city of heavy industry and steel mills. It is a vibrant, energetic and interesting place to live, and offers much to both its citizens and its visitors. As well as a wide range of business and investment opportunities, there is world-class wine, research, academia, innovation, and the arts—all factors that contribute to the rich social fabric and appeal of a renewed city and the gateway to the Hunter region. The events that the New South Wales Government invests in serve to highlight what is so special about Newcastle and the Hunter to the rest of New South Wales, Australia and beyond.

The events featured during It's ON! in Newcastle and the Hunter this weekend are an excellent example of the calibre of events that our region is in a position to host. They include Surfest Newcastle, which is a six star rated Association of Surfing Professionals [ASP] event; CMC Rocks the Hunter; the NRL Telstra Premiership and Hyundai A-League matches; the Newcastle Regional Show; and the Sparke Helmore NBN Television Triathlon. All those events are taking place during the weekend of 17 and 18 March. Each event offers some special experiences to the people of Newcastle. Not only that, but they also provide an opportunity for homegrown talent like Morgan Evans, who is a talented musician, and our local football, league and surf stars to play on the big stage in a local setting, and amidst the best visiting talent.

Those events also help to promote Newcastle and the Hunter's position as a wonderful tourism destination, and bring vital tourism dollars to the region. A month ago I announced on behalf of Minister Souris $25,000 in funding for the Newcastle Harbour project as part of a wider package of $250,000 in funding to develop tourism opportunities for Newcastle and the Hunter. The events I have mentioned, which are supported by the Government through Destination NSW, further demonstrate the Government's commitment to the region. Recently Destination NSW made an investment in Fuel'arama, ensuring that it stays in Newcastle this year. Fuel'arama, which is a round of the Australian Offshore Superboat Championship, will be held on 21 and 22 April 2012.

Regional events such as Fuel'arama provide a much-needed boost to our local tourism industry and help to fill hotel rooms at a time of year when occupancy levels traditionally are quite low. This year we expect 20,000 visitors to the Hunter region for the event. I thank the New South Wales Government for its commitment to the region through funding of $25,000 for this event. I am advised that Fuel'arama would have been staged on the Gold Coast if we had not come up with that funding. I congratulate the organisers on their initiative and hard work in staging these fantastic events. I encourage everyone to make the most of the It's ON! this month.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [9.22 p.m.]: I congratulate the member for Newcastle. It's ON! certainly will be a showcase for Newcastle. I know he has facilitated much of the activity planned for this weekend. I also commend the member for Charlestown for advising the House of the forthcoming Disabled Games, which will be important for the whole of the Hunter region, not just Newcastle and the venues. However, I must point out that Port Stephens is situated across the Hunter River, and that is where the action really is—on the beautiful beaches and in crystal-clear waters, where whales and dolphins frolic. I congratulate both the member for Newcastle and the member for Charlestown on their private members' statements.

Private members' statements concluded.

The House adjourned, pursuant to standing and sessional orders, at 9.24 p.m.
until Thursday 15 March 2012 at 10.00 a.m.