

LEGISLATIVE ASSEMBLY

Wednesday 28 March 2012

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.

POLICE INTEGRITY COMMISSION AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from 27 March 2012.

Mr CHRIS PATTERSON (Camden) [10.10 a.m.]: I speak in support of the Police Integrity Commission Amendment Bill 2012, which will amend the Police Integrity Commission Act to clear up the uncertainty surrounding the ability of the Inspector of the Police Integrity Commission to publish reports. The Inspector of the Police Integrity Commission should have the right to publish reports as the Inspector of the Independent Commission Against Corruption does and this bill will enable that to occur. The cornerstone of the Government since its election 12 months ago has been accountability and transparency, and the Government can be proud of that. By giving broader powers to the Inspector of the Police Integrity Commission to publish reports, another level of accountability to increase and ensure transparency within the Police Integrity Commission will have been reached. As I said, the Government prides itself on accountability and transparency.

Both the Honourable Justice Bruce James, QC, the newly appointed Commissioner of the Police Integrity Commission, and the Honourable David Levine, QC, the Inspector of the Police Integrity Commission, have impeccable records and have the confidence of the Government that they will do an outstanding job in their new roles. The Commissioner and Inspector of the Police Integrity Commission play a vital watchdog role in ensuring that our State's Police Force is beyond reproach. The extremely hardworking men and women of the New South Wales Police Force do a wonderful job under, at times, extremely hard and adverse conditions. The Police Integrity Commission, and these changes to the Act, will give those hardworking, honest and beyond reproach police officers the confidence that the integrity of the force and the oath that they take will be maintained at all times.

Justice James was appointed a Crown Prosecutor for New South Wales in 1987 and appointed a Queens Counsel in 1989. In the same year he was appointed a Crown Advocate for New South Wales. Justice James was appointed a judge of the Supreme Court of New South Wales on 8 May 1991. Recent trials over which he has presided include the trials of Mark Standen, Marcus Einfeld and Bradley Cooper. Justice James replaced acting Commissioner of the Police Integrity Commission, the Honourable Jerrold Cripps, QC, from the beginning of this year. Mr Levine replaced the Honourable Peter Moss, QC, when his term expired in February this year. Mr Levine brings a wealth of experience to the role having served on the bench for almost 20 years, including 13 years on the New South Wales Supreme Court. In 2006-07 he also served as president of the Defence Force Board of Inquiry into a Black Hawk incident aboard HMAS *Kanimbla* that killed two and injured seven personnel. Mr Levine has been the chair of the Serious Offenders Review Council since August 2006.

The Police Integrity Commission was established in 1996 upon the recommendation of the Royal Commission into the New South Wales Police Service. The Police Integrity Commission Act 1996 set out the principal functions of the Police Integrity Commission. These functions are summarised briefly as preventing, detecting and investigating serious police misconduct. The Police Integrity Commission is also responsible for detecting, investigating and preventing misconduct by administrative officers of the New South Wales Police Force and the officers of the New South Wales Crime Commission. Whether it is in relation to police officers,

administrative employees of the New South Wales Police Force or officers of the New South Wales Crime Commission, the Police Integrity Commission is required to turn its attention, as far as practicable, to the most serious forms of misconduct.

Other functions of the Police Integrity Commission described in the Act relate to police activities and education programs and the collection of evidence and information. The Police Integrity Commission conducts research into serious misconduct and methods by which it may be reduced. It provides advice and recommendations to the New South Wales Police Force and the New South Wales Crime Commission as to how their capacities to minimise and prevent misconduct might be strengthened. The bill will give the Police Integrity Commission equal oversight of the New South Wales Crime Commission officers, New South Wales Police Force officers and New South Wales Police Force administrative officers. The bill will also provide, following longstanding concerns within the community, for the Inspector of the Police Integrity Commission to publish complaint reports.

The Inspector of the Police Integrity Commission will have the same powers with respect to the disclosure of such reports as those available to the Inspector of the Independent Commission Against Corruption. I reiterate that the bill reflects the Government's commitment to transparency and accountability. It will build on the Government's vision and belief to ensure wholesale accountability and transparency across all public sectors, in relation to which the Police Force plays a major part. As I have stated before, the men and women of our Police Force do a fantastic job under, at times, extremely difficult conditions, and with the introduction of this bill the community can rest assured that the highest standards of integrity will always be adhered to. I commend the bill to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [10.20 a.m.], in reply: I thank all members for their contributions to this debate, including the Leader of the Opposition and the members representing the electorates of Parramatta, Liverpool, Myall Lakes, Bankstown, Orange, Heathcote, Drummoyne, Granville, Cronulla, Baulkham Hills, Tweed, Menai, Rockdale, Gosford and Camden. As I said in my agreement in principle speech, the purpose of the bill is to implement the outcome of the statutory review of the Police Integrity Commission Act that was completed in November 2011. The bill reforms important operational aspects of the Police Integrity Commission and the Office of the Inspector of the Police Integrity Commission.

I have noted the comments made by members of the Opposition about procedural fairness provisions for people who are investigated by the Police Integrity Commission. I am aware that the New South Wales Police Association also has concerns about this issue; one could not deal with the association without being aware of that. The association and, in particular, the Commissioned Officers Branch made submissions to the statutory review on a range of matters, including arrangements about procedural fairness. The Government supports measures to extend procedural fairness arrangements for people scrutinised by the Police Integrity Commission, and that is why the bill amends the Police Integrity Commission Act 1996 to require the commission and the Inspector of the Police Integrity Commission to provide an opportunity for a person subjected to an adverse comment to make a submission.

This "persons to be heard" provision is consistent with arrangements for other integrity organisations and was supported by a number of stakeholders, including the New South Wales Police Force, for its inclusion in the statutory review of the Act. The Government believes that this provision addresses the concern about procedural fairness, because as with so many other integrity commissions it enables the person about whom an adverse finding or comment is about to be made to have an opportunity to make a submission before that declaration occurs.

The Police Association has written to me since the introduction of the bill requesting that the legislation be amended so that Police Integrity Commission reports affected by the denial of procedural fairness can be updated. It is not necessary to implement legislation to put such arrangements in place. Rather, the record can be updated by the commission adopting practices and procedures to make the public aware of the changes recommended by courts or the inspector as the case may be, and that is exactly what I expect to occur. The measures in this bill are evidence of the Government's support for world-class integrity bodies and 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.

JUDICIAL OFFICERS AMENDMENT BILL 2012

Bill introduced on motion by Mr Greg Smith.

Agreement in Principle

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.03 a.m.]: I move:

That this bill be now agreed to in principle.

The Judicial Officers Amendment Bill 2012 will amend the Judicial Officers Act 1986 to enable the Attorney General to be provided with certain information about the existence, nature, progress and outcome of complaints before the Judicial Commission. The Act currently prohibits a member or officer of the Judicial Commission from disclosing any information in relation to a complaint before the commission, except in some limited circumstances. The Attorney General is generally unable to obtain any information about the existence of a complaint about a judicial officer before the commission. The amendment aims to ensure that certain limited information can be provided to the Attorney General. It will also ensure that the Attorney is aware of any complaints serious enough to have been referred to the Conduct Division of the Judicial Commission.

The Judicial Officers Act 1986 establishes the Judicial Commission of New South Wales and confers on it functions relating to sentencing consistency, judicial education and various other matters. The Act also provides for the examination of complaints against judges and other judicial officers and provides procedures for suspension, removal and retirement in certain circumstances. The Act enables the commission to receive a complaint about a judicial officer by a member of the public or the referral of a matter by the Attorney General, and that is then treated like a complaint. The Act sets out the procedure that must be followed by the commission upon receipt of a complaint. The Act requires the commission to conduct a preliminary examination of complaints that may be summarily dismissed, referred to the head of jurisdiction or, for more serious matters, referred to the Conduct Division.

If the commission refers a matter to the Conduct Division for investigation, the Conduct Division can decide that a complaint is wholly or partly substantiated and that the matter could justify parliamentary consideration of the removal of the judicial officer from office. The commission must then present a report to the Governor setting out the division's finding of fact and opinion and also provide a copy of the report to the Attorney General, who must then lay it before both Houses of Parliament. Section 37 of the Act prohibits a member or officer of the commission or Conduct Division, or a member of a committee of the commission, from disclosing any information in relation to a complaint except in some limited circumstances, including with the consent of the person from whom the information was obtained, in connection with the administration or execution of the Act, for the purposes of legal proceedings arising out of the Act, or for another lawful excuse.

The Act provides that when the Attorney General refers a matter relating to a judicial officer to the commission under section 16 the commission must report to the Attorney General whether the matter has been summarily dismissed, referred to the Conduct Division or referred to the relevant head of jurisdiction. However, the commission is under no obligation to provide, and is in fact prevented from providing, the Attorney General with any information about the outcome of complaints about a judicial officer by a member of the public except in those limited circumstances. The proposed amendment will enable the Attorney General to seek and be provided with basic information from the commission about whether a judicial officer is the subject of any complaint and about the progress or resolution of that complaint.

The amendment will enable the commission to disclose to the Attorney General whether a complaint has been made about a judicial officer, when a complaint was made and when the alleged matter occurred, the subject matter of the complaint, the stage of the procedure for dealing with complaint that the complaint has reached, the manner in which the complaint was disposed of—that is, whether it has been summarily dismissed, referred to the Conduct Division, referred to the relevant head of jurisdiction or dismissed by Conduct Division—and other information that the commission considers relevant. If the complaint or referral has not been referred to the Conduct Division for examination, the commission will have a discretion not to disclose any information about the complaint or referral to the Attorney General if it considers that it is not in the public interest to do so.

If the complaint or referral has been referred to the Conduct Division, the commission will be required to disclose this to the Attorney General. The commission will be required also to notify the Attorney General when the complaint is disposed of and the manner in which it was disposed of. The commission will not be required to provide the Attorney with details of the examination or investigation of a complaint by the commission. Of concern is the inability of the Attorney General to obtain information about complaints before the commission when the existence of a complaint about a judicial officer is already in the public domain. Complainants can inform the media that they have made a complaint about a judicial officer and provide information about the substance of the complaint.

Particular incidents involving judicial officers may be reported in the media by court reporters. As the Attorney General is unable to obtain any information from the commission, the Attorney General cannot advise if a complaint is being considered or has been determined by the commission. The Attorney General cannot provide any clarification if there is a misrepresentation. Under the Act the commission itself also cannot respond to such media reports and cannot confirm whether a matter or complaint was received and whether it was resolved. This lack of transparency can undermine public confidence in the Judicial Commission.

Judicial independence and the separation of legislative, Executive and judicial power are important components of the justice system and the rule of law. It is important that the Judicial Commission in its role of receiving and considering complaints about judicial officers is completely independent. It was for this reason that it was established as a statutory corporation with its own independent staff. The commission conducts its preliminary examinations and inquiries in private as far as is practicable and, as mentioned, has limited reporting requirements. Parliamentary involvement occurs only when the Conduct Division forms the opinion that a matter could justify parliamentary consideration of the removal from office of a judicial officer and presents a report to the Governor of its findings.

This amendment is intended to enable the Attorney General to have access to information in order to advise if a complaint is being considered by the commission or has been determined by the commission, particularly when a report of a complaint about a judicial officer is already in the public domain. The proposed amendment does not impinge on the independence of the commission, and its ability to deal with complaints according to the Act will not be limited or affected in any way. The proposed amendment preserves the independence of the judiciary and the commission while allowing the Attorney General access to basic information about the existence of complaints to the commission, their progress and outcomes. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Divisions and Quorums

Motion by Mr Brad Hazzard agreed to:

That standing and sessional orders be suspended at this sitting to provide that from 5.00 p.m. until the rising of the House no divisions or quorums be called.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from 7 March 2012.

Mr TIM OWEN (Newcastle) [10.32 a.m.]: I am pleased to speak today in support of the Public Sector Employment and Management Amendment Bill 2012. We have heard the scaremongering and distortion of reality from the Opposition about this bill, so I would like to put some facts on record. The bill was introduced by the Premier because the Government is determined to make the New South Wales public sector the best in the nation, with unambiguous goals, clear policy direction, transparency and accountability—things the Labor Government was not interested in during its term in office. The bill will help the New South Wales Government manage its workforces more effectively to meet changing priorities and to deliver high-quality, cost-effective services to the people of this State.

Under the previous Government a number of employees whose roles were surplus to Government needs were kept on the payroll, costing the taxpayers millions and millions of dollars. The system allowed excess employees to drift in limbo for months, some for even years, without effective results. The purpose of this bill is to improve performance management in the public service and to ensure that provisions relating to excess employees are clearly laid down and adhered to. The decision behind the introduction of this important bill came after a review conducted in July last year which discovered that 390 public servants who had left their jobs were still being paid, and that 56 of those had not had a permanent job for at least a year or in some cases for more than a decade. Thus, as we know, new arrangements for the management of excess employees in Government service commenced on 1 August 2011.

I note that the arrangements do not apply to State-owned corporations, the health service, the teaching service, police, NSW Fire and Rescue, RailCorp and the Transport Construction Authority. The key features of the 2011 policy included: first, offering an upfront choice of a generous voluntary redundancy package or a three-month retention period; second, for employees that chose the retention period, assistance in seeking redeployment was offered; third, forced redundancy for employees who are not redeployed at the end of the retention period; and, fourth, a reduced severance payment for forced redundancy compared with the voluntary redundancy package. The Government considered those measures were fair and reasonable. The unions challenged the new arrangements introduced in August last year through Industrial Court of New South Wales.

Ms Tania Mihailuk: It was done on behalf of employees.

Mr TIM OWEN: Enough out of you. Listen to the facts. In November 2011 the court handed down its decision. Though the court did not find that the 2008 policy formed part of the contracts of employees, it did find that moving from the 2008 policy departed from express promises that were made by the previous Government and the public service to 33 employees. Prior to that judgement the test for "useful work" had been limited, in practice, to checking the availability of vacant permanent positions. The new test proposed by the court requires checking of all temporary and contract employment opportunities. It would prove to be very difficult for a department head to demonstrate that the test's obligations have been met. Therefore, amendments to the Public Sector Employment and Management Act 2002 Act are necessary to affirm the previously accepted view of what is a reasonable test for a department head to apply to be satisfied there is no job for an excess employee before the employee's position can be terminated.

The O'Farrell Government is determined to get rid of inefficiencies in the public service and to give the State's industrial relations laws more power. The Government has assigned a high priority to improving performance in public sector agencies. Consistent with this, it is proposed that the Public Sector Employment and Management Act be amended to require the heads of public sector agencies to develop and implement performance management systems. Furthermore, the Public Service Commissioner will be required to develop guideline for performance management systems in agencies.

Allow me to outline the four express changes proposed to the Public Sector Employment and Management Act. Section 56, Excess officers of a Department, will be amended to replace the impractical "useful work" and "in the service of" search with a requirement to search for an ongoing position in a public sector agency to which an excess officers can be transferred. Where such transfer cannot be achieved, an excess officer's position can be terminated. Secondly, section 57, Excessive salaries of officers of a Department, will be amended to make it consistent with the amended section 56. This will ensure that the search for the job at the same salary level continues to be across the whole of the public sector, but is limited to an ongoing position in the public sector, and not just any type of work.

Third, the amending bill will insert section 103A to exclude the application of the unfair contract provisions in division 2 of part 9 of chapter 2 of the Industrial Relations Act to arrangements for the management of excess employees, both in Government service and in other public sector agencies. In particular, the excess employee arrangements include how and when a staff member becomes excess, and issues concerning redeployment, the retention period, salary maintenance, redundancy payments and termination. The fourth amendment will insert section 101A, Performance Management Systems for Public Sector Staff, to require the heads of public sector agencies to develop and implement performance management systems. That is only reasonable in the eyes of this Government.

The Public Service Commissioner will be required to develop guidelines that stipulate the essential elements of a performance management system. Under the previous Government there was no incentive for excess public servants to find new jobs. The former system had no checks and balances in place, and allowed

these excess employees to drift around in limbo for way too long, to the detriment of themselves and obviously the taxpayers of New South Wales. This was simply a waste of money. As the Premier noted when he introduced this bill, the proposed changes will support the Government's fair and reasonable policy for managing excess employees and improve agencies' ability to deliver better public services in line with community expectations. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [10.39 a.m.]: The Public Sector Employment and Management Amendment Bill is the next salvo in the O'Farrell Government's war on the New South Wales public sector. This war commenced with the Government removing the right of New South Wales public servants to have access to the independent industrial umpire in the Industrial Relations Commission and continued with its disastrous attack on the Police Death and Disability Scheme. The bill is designed to help the Government remove public servants. That is what this bill is all about. The Coalition members of this place who sycophantically sang the praises of this bill should hang their heads in shame. The Government has made it clear that it has no respect for New South Wales workers.

ACTING-SPEAKER (Ms Sonia Horner): Order! Government member will remain silent.

Ms TANIA MIHAILUK: The first sign came when the Premier refused to appoint a Minister for Industrial Relations. For the first time in 100 years New South Wales workers do not have a voice at the Cabinet table. The Government has also weakened the occupational health and safety legislation, closed industrial relations offices in Gosford, Penrith, Wagga Wagga, Coffs Harbour and Orange, and denied parental leave to foster carers. This Government is illiterate when it comes to industrial relations. The normal process for any government, Labor or Liberal, when making changes to industrial relations policy is to consult with the employees' representatives—their union. However, the O'Farrell Government seems to think it is above such concerns as consultation. The Government refused to even meet with the relevant unions on this bill. Shame on this Government.

Schedule 1 [5] (2) explicitly states that the unfair contracts aspects of the Industrial Relations Act do not apply to so-called "excess employees". This takes away the right of appeal by these employees to their dismissal. A basic principle in workplace fairness has long been recognised by both sides of the House—there should be a right to appeal. There should be an external body that can facilitate a process of fairness. Industrial matters should not be decided by one person. This is a key philosophical difference between the contemporary Liberal Party and the Labor Party. We are the party that sees workers as more than numbers on a balance sheet. We are the party that recognises that sometimes employers, even if they are governments, do get it wrong. However, it is not only members of the Opposition who have concerns about this bill; Government members have expressed doubts about this piece of legislation.

I serve on the Legislation Review Committee. The Government members of the committee, with the rest of our colleagues, referred the following concerns to Parliament: The committee noted that elements of the bill may be retrospective and that the bill may have an adverse impact on public sector employees who may have been preparing to bring proceedings before the Industrial Court. Maybe the reason one of the members of the Legislation Review Committee, the member for Parramatta, just ran out of the room is that he voted for that—as did the member for Kiama and the member for Rockdale, who is still in the Chamber. He knows that there are going to be adverse impacts on public sector employees.

ACTING-SPEAKER (Ms Sonia Horner): Order! Opposition and Government members will remain silent. The member for Bankstown will keep her voice calm.

Ms TANIA MIHAILUK: I am waking them up. The committee further noted that the bill authorises administrative decision-making but also limits the right of those directly affected by such decisions to have their views heard. The bill is an insult to the hardworking men and women who keep our State running. I condemn the Government for moving this legislation. Shame on the members of the Government: they all have public sector workers in their electorates.

Mr TONY ISSA (Granville) [10.45 a.m.]: I wish I could have the courtesy we gave those opposite.

ACTING-SPEAKER (Ms Sonia Horner): Order! The member for Granville will remain silent. Opposition members will remain silent.

Mr TONY ISSA: Thank you, Madam Acting-Speaker.

ACTING-SPEAKER (Ms Sonia Hornery): Order! I have not yet given the member the call. Everybody will calm down and be sensible. The member for Granville has the call.

Dr Geoff Lee: Good member.

Mr TONY ISSA: I welcome the member for Parramatta, because he is a very active member, as well as my other colleagues here. It gives me great pleasure to support what we call the Public Sector Employment and Management Amendment Bill. Let it be on the record, for the information of the member for Bankstown, that we support the bill because we believe in good leadership. We believe this Government will deliver the best for the people of New South Wales. We are going to stop people being like a sponge, sucking the resources of this Government. The comparison between a sponge sucking water and people sucking resources from Government is appropriate. We are talking about 500 jobs being created by the former Government.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Members will come to order. The member for Granville will speak in a calm tone. Members are debating the Public Sector Employment and Management Amendment Bill. The member will return to the leave of the bill.

Mr TONY ISSA: We are talking about—

ACTING-SPEAKER (Ms Sonia Hornery): Order! Do not argue with the Acting-Speaker.

Mr TONY ISSA: Madam Acting-Speaker, all we are doing is trying to stop wastage. This Government is trying to stop the wastage created by the Labor Government. I heard the member for Cabramatta saying in his speech—

ACTING-SPEAKER (Ms Sonia Hornery): Order! I warn the member for Keira that I will call him to order if he does not remain silent. Government members will not incite the member for Granville. The member for Kiama will remain silent.

Mr TONY ISSA: The member for Cabramatta referred to an untrustworthy Government. I looked around and thought we were elected by the people of New South Wales in a landslide. That wave went all the way to Queensland, with the same result there. If people do not trust this Government why did they vote this Government in? How could the Government be labelled as untrustworthy when elected by the majority of the people of New South Wales? Those opposite are lucky to have enough people to form a shadow Ministry of Cabinet. I support the amendments in this bill. Amendments to section 56 of the Public Sector Employment and Management Act 2002 are required to support the Government's policy for management of excess employees. This is the policy that abolished the previous Government's longstanding practice of no forced redundancies.

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

Mr TONY ISSA: That allowed employees with no permanent position to drift in the system indefinitely. This is what we are trying to do. Section 56 allows department heads to terminate the services of excess employees who no longer have a position. The amendments to section 56 are necessary to return to the more reasonable requirement to transfer a person either to an officer position, a permanent position in a department, or to an ongoing position in another public sector agency. We are not trying to cut their employment altogether; we are giving them the opportunity to reform their position. The Government believes that departments must be able to manage their workforces and implement organisational reforms in order to achieve more responsive and cost-effective service delivery for the people of New South Wales. I am talking about section 56.

Mr Ryan Park: I've got it. I'm just following.

Mr TONY ISSA: You are following it. Madam Acting-Speaker, I should be shown courtesy when I am on my feet.

ACTING-SPEAKER (Ms Sonia Hornery): Order! Opposition members will remain silent. Government members will refrain from making inappropriate comments.

Mr TONY ISSA: Let me make it clear: We were elected by the people to represent the people of New South Wales.

ACTING-SPEAKER (Ms Sonia Horner): Order! Opposition members will remain silent. I have asked Government members not to incite the member.

Mr TONY ISSA: We represent the people of New South Wales; we do not represent the unions of New South Wales. That is the difference between the Opposition and the Government: you represent the unions of New South Wales and you do what the unions want you to do; we do what the people of New South Wales want us to do. You have to understand the difference between government and opposition. The Government is delivering what the people of New South Wales want and what the bosses want—that is the difference.

ACTING-SPEAKER (Ms Sonia Horner): Order! I ask the member for Granville to direct his comments through the Chair.

Mr TONY ISSA: Madam Acting-Speaker, I have been addressing my points through the Chair but you have taken too much time looking at the other side of the House. Section 57 of the Public Sector Employment and Management Act 2002 allows a department head to reduce the salary of an excess employee if the work the employee is performing is of a lesser value than their salary. It places a similar obligation to section 56 on department heads to first investigate all employment opportunities appropriate to the salary of the employee before any such reduction can be made.

ACTING-SPEAKER (Ms Sonia Horner): Order! I am sure what the member for Mount Druitt said is very witty but I remind him that interjections are disorderly at all times.

Mr Gareth Ward: Put him on a call.

ACTING-SPEAKER (Ms Sonia Horner): Order! I do not need any assistance from Government members. The member will be heard in silence.

Mr TONY ISSA: This will ensure that the search for a job at the same salary level continues to be across the whole of the public sector but is limited to a vacant position and not just any type of work before a salary reduction can be made. This is a sensible, practical change that will help redeploy excess employees to a wider range of vacant positions. In July 2011 the Public Service Association and Unions NSW lodged an application with the Industrial Court opposing the Government's new managing excess employees policy. The union application argued that the previous managing excess employees policy formed part of the contracts of employment for a small group of named employees and that the move from the previous policy to the new policy was unfair. The Government is amending section 57 of the Act so that it can deliver what the people of New South Wales deserve.

The Government has given a high priority to improving performance in public sector agencies. This is reflected in the establishment of the Public Service Commission, which will lead the strategic development and management of the public sector workforce in relation to performance management and recognition. Consistent with this, it is proposed that the Public Sector Employment and Management Act 2002 be amended to require the Public Service Commissioner to develop guidelines and to issue a direction concerning the implementation of performance management systems in agencies. The Government introduced a sensible new policy for the management of excess employees in the New South Wales Government service on 1 August 2011. The new policy gives excess employees the choice of a generous voluntary redundancy package or a three-month retention period in which to pursue redeployment. The Government is delivering what it promised the people of New South Wales: to make New South Wales number one again. I have no hesitation in supporting this bill produced by the O'Farrell Government.

Mr Ryan Park: Point of order: I seek an extension of the member's speaking time.

ACTING-SPEAKER (Ms Sonia Horner): Order! That is not a point of order.

Mr RICHARD AMERY (Mount Druitt) [10.55 a.m.]: As other Labor members have indicated, the Opposition opposes the Public Sector Employment and Management Amendment Bill 2012. I will firstly make a few comments in relation to the overview of the bill. It is to revise the provisions of the Public Sector Employment and Management Act 2002 relating to excess officers of public sector departments—it sounds like an overloaded truck: a little bit of luggage, a little bit of garbage, a little bit of building waste that has overloaded the truck; to exclude the unfair contracts jurisdiction—excluding again another protection of the

workforce within the public sector, to require the heads of public sector agencies to develop and implement performance management systems for their staff, and to require the Public Service Commissioner to issue guidelines for that purpose.

This bill has been marketed in public and in the Parliament very simply. It seems to paint a picture that somewhere in one of the buildings of Sydney are surplus, excess, no-longer-wanted public servants who are sitting there doing nothing and getting paid from the public purse and that that has got to be stopped because the Government cannot get rid of them. I will go through a couple of points for members of the Government who may want to say something that has not been prepared for them by the Minister's office. Why is that policy in place? That has got to be a difficult question for the Government. I will tell the Government why: It is because over the seven years of the Greiner-Fahey Government there were so many sackings within the public sector that the then Opposition leader Bob Carr went to the elections in 1995 with a policy of no forced redundancies—no sackings in the public sector.

Mr Gareth Ward: Point of order: My point of order relates to Standing Order 76, relevance. What the Greiner Government did is not relevant to this bill. I ask you to bring the member back to the leave of this bill.

ACTING-SPEAKER (Ms Sonia Horner): Order! I ask the member to return to the leave of this bill.

Mr RICHARD AMERY: We have to know the origins of the policy. The policy of no forced redundancies was endorsed by the electorate with the election of the Carr Government in the 1995 election. The Carr Government did something that this Government has never done: it kept a promise. I do not have time to read out the 200 broken promises but there will be a magazine signing later on.

ACTING-SPEAKER (Ms Sonia Horner): Order! Government benches will remain silent.

Ms Robyn Parker: Point of order: The member is misleading the House. The Carr Government certainly broke promises.

ACTING-SPEAKER (Ms Sonia Horner): Order! I do not uphold the point of order. I remind members that they should refer to the appropriate standing order when taking a point of order.

Mr RICHARD AMERY: That is why the policy is in place and that is the policy that the Government wants to change with this bill. The second question is: Why was that policy in place for so long and why does it have to be changed by this bill? Why are those people redundant? Why are they surplus? Why are they not gainfully employed within a government department? The main reason is that there have been many decisions by Labor and Coalition governments that have had departments decentralised to country areas or completely amalgamated or even abolished altogether. A lot of people have been put on the unattached list as a result of government decisions. Some have been on that list for a long time but because the majority were on the public payroll there was pressure from the Government to find them alternative employment. The Labor Government did this and some Government members have suggested that is why this piece of anti-worker legislation is currently before this House.

Ms Robyn Parker: It has not been working; that is the point.

Mr RICHARD AMERY: I am sorry?

ACTING-SPEAKER (Ms Sonia Horner): Order! Government members will remain silent.

Mr RICHARD AMERY: Decisions taken by both Labor and Coalition governments have put these employees on that unattached list. Because governments were required to pay them, pressure was applied to retrain them, relocate them or find them other employment, and it worked quite well. Perhaps the Government should be working a little bit harder now to find people jobs. There must be a more humane and fairer way of resolving the problem than introducing this bill. The bill gives the Government the opportunity to get rid of those employees like a piece of excess baggage or garbage. The Opposition makes no apologies for opposing this bill and the cluster of anti-workforce legislation being introduced by the Coalition Government.

Some Labor members have said unfairly that every bill introduced in this place is the result of processes put in train by the former Labor Government. Those comments are untrue, and I remind those opposite that not every bill to come before this place was worked up by the former Government. Bills dealing

with libraries, noxious weeds and agriculture were, but bills that attack this State's workforce are owned by those opposite. The former Government did not work those up; they were created by those opposite. We on this side of the Chamber proudly say that those bills are the work of the O'Farrell Government. Down through the ages the first bills introduced by Coalition governments are always something to do with getting rid of public servants, making their working conditions more difficult or making it easier for Executive Government to get rid of employees on the unattached list who are there because of a government decision. Departments are closed and people are made redundant. Public servants on the unattached list are given no re-employment priority—

Ms Robyn Parker: What are you talking about? Your Government put them there.

Mr RICHARD AMERY: Do not interrupt me. I think there is a call for you from the brain foundation; apparently they have found a donor. The Opposition proudly opposes this Coalition bill.

Mr MARK SPEAKMAN (Cronulla) [11.03 a.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. The bill emphasises the Government's focus on better performance in public sector agencies and supports the Government's new policy for managing excess employees in government service. I will deal first with performance management. The Government has assigned a high priority to improving performance in public sector agencies. The Act will be amended to require the heads of public sector agencies to develop and implement performance management systems. The Public Service Commissioner will be required to develop guidelines for performance management systems in agencies. The guidelines will stipulate the essential elements of a performance management system, but will allow agencies some flexibility to choose the system that best fits their business requirements and organisational structure.

The other limb of the bill supports the Government's new policy for managing excess employees in government service. The bill seeks to amend sections 56 and 57 of the Act. As members would be aware, the Government introduced a new policy for the management of excess employees from 1 August 2011, abolishing Labor's "no forced redundancies" policy. This new policy is in line with the Government's election commitment. The no forced redundancies policy allowed excess employees to drift in a kind of limbo, without securing a permanent job. We have heard a lot today from Opposition members about a war. Labor's no forced redundancies policy was a war on taxpayers and on workers. It was a war on those in the electorates of Bankstown and Mount Druitt who struggle to make ends meet and those in New South Wales who have incredible tax bills because of the waste and mismanagement under 16 years of Labor. It is all very well to talk about workers, but what about those workers at Bankstown and Mount Druitt who have to pay for the waste, extravagance and non-performance of 16 years under Labor?

The Government is waging a war on waste and mismanagement. That is why getting rid of Labor's no forced redundancies policy is an important plank in our platform. The Government wants to help those public servants who lose their jobs, but employees who cannot be redeployed cannot be kept on the books indefinitely. On 1 August 2011 the new arrangements for the management of excess employees in government service commenced. It does not apply to State-owned corporations: the health service, the teaching service, the NSW Police Force, Fire and Rescue NSW, RailCorp, Sydney Ferries, the Country Rail Infrastructure Authority and the Transport Construction Authority. Under the Government's new policy, excess employees are asked to choose between a generous voluntary redundancy package and a three-month retention period in which to pursue redeployment. If an excess employee declines voluntary redundancy and cannot find a new job within three months, he or she will be made redundant. For public servants, this means termination under section 56 of the Public Sector Employment and Management Act.

The unions challenged the new arrangements in the Industrial Court of New South Wales, and in November last year the court handed down its decision. The decision does not affect the new policy but the proposed interpretation of section 56 of the Act significantly broadened its application and has made this section impractical and onerous to apply. The court indicated that an excess employee cannot be made redundant as long as "useful work" of any kind exists anywhere across the entire public sector. Under that broad interpretation, "useful work" would include all work undertaken on a temporary, casual and contractual basis as well as that performed on an ongoing basis. If this interpretation of section 56 were applied, it would be almost impossible to satisfy the requirements in the current provision and proceed to terminate an excess employee who cannot be found a new permanent position. In fact, the "useful work" test would result in a de facto return to the no forced redundancies policy.

The new test proposed by the court requires checking of all temporary and contract employment opportunities, which this bill will amend. These amendments are necessary to return to the previously accepted

view of what is a reasonable test for a department head to apply to be satisfied that there is no job for an excess employee before they can be terminated. For consistency, section 57 of the Act—covering public servants on excessive salaries relative to the position they are currently occupying—will be amended as well. This will ensure that the search for a job at the same salary level is limited to an ongoing public sector position and not just any type of work.

The Industrial Court's judgement also raised questions about the interaction between the Act and the unfair contract provisions in section 106 of the Industrial Relations Act. For that reason it is proposed that the Public Sector Employment and Management Act 2002 be amended to explicitly exclude the application of the unfair contract provisions in the Industrial Relations Act to arrangements for dispensing with excess employees in all public sector agencies.

The bill is intended to clarify that the Public Sector Employment and Management Act 2002 is the principal legislation governing the employment of public servants. Let us be very clear: while the changes mean that the Industrial Court cannot deal with these matters, individual excess employee disputes and unfair dismissal matters will still be able to be heard and determined by the Industrial Relations Commission. The proposed changes will support the Government's fair and reasonable policy for managing excess employees and improve agencies' ability to deliver better public services in line with community expectations. The O'Farrell Government is committed to a war on waste and to getting the best bang for its buck from the public service. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [11.09 a.m.]: As the Premier indicated when introducing the Public Sector Employment and Management Amendment Bill 2012, it proposes to update the State's primary public sector employment legislation to improve performance management in the public sector and to ensure that the provisions relating to excess employees are clear and practical to implement. Labor demonstrated a real inability to manage excess employee numbers from the time the Carr Government introduced the unattached list, in 1996. This continued, despite Labor's stated intention to require agencies to proactively manage their excess employees and the introduction of a tighter policy, which was released in 2008. This updated policy provided for "a clear process to allow agencies to make excess employees redundant if they are not placed in a position after the 12-month retention period". In that respect I refer in particular to a response to my question on notice No. 4535 in the last parliamentary term.

Labor did overturn its own previous no forced redundancies policy, although in reality it said one thing and did another—which was a familiar pattern from the previous Government. I also refer to various other questions on notice regarding the number of excess employees, which show that there have been hundreds of unattached or displaced employees for many years. Those questions and answers, which are on record, include one in March last year, asked to the current Premier, which indicated that there were 510 excess employees on the list as at the end of March 2011, at the time of the change of government—a record number on all the available figures, dating back to 2003 and collated from various questions and answers on notice.

So it was little wonder that the New South Wales Business Chamber's chief executive officer, Stephen Cartwright, said last June that it was time to dump the waste and inefficiency as "like a cockroach after a nuclear blast, somehow the unattached list kept surviving and growing". About the same time the Premier referred to a review that found that, of 390 unattached public service employees, 56 had not held a permanent job for more than 12 months and 25 for more than five years. This was clearly in breach of Labor's own adopted policy from 2008. It also sent the wrong message to the more than 300,000 hardworking members of the New South Wales public sector. Like other taxpayers, New South Wales public servants want fairness, improved services and value for money. Does the current Government want capriciously or uncaringly to make people redundant or wish to cause workers hardship? Of course it does not.

Some of the hysterical and emotive language from members opposite in this debate, imputing bad motives, has bordered on the offensive. When employees are displaced, new section 56 (1) (a) of the amending legislation quite appropriately requires department heads to "take all practicable steps to secure the transfer of the excess officers to ongoing public sector positions". One government employee from my electorate who was displaced last year through no fault of her own came to me for assistance. Clearly she was motivated to continue in a New South Wales public service role, and I am pleased to say that ultimately she did find a permanent role in the public service. I note that the current Government's redundancy policy does not apply to essential front-line employees. Indeed, over the past year the number of police, teachers and nurses in New South Wales has increased. I note also that the previous Labor Government's 2008 policy to make employees redundant in certain circumstances did not exempt front-line employees.

I now turn to the issue of performance management. One objective of this bill is to require the heads of public sector agencies to develop and implement performance management systems for their staff and to require the Public Service Commissioner to issue guidelines for that purpose. In September 2011 Mr Graeme Head was named as the first head of the Public Service Commission, with the Premier saying that he would be "instrumental in shaping a public service with clear and unambiguous goals, policy direction, processes and accountability". Consistent with this, the legislation before us now endeavours to help empower the commissioner to do his job. The notion of performance management in the New South Wales public service is not new. The 1998 Premier's Department Performance Management Policy and Guidelines provided that:

The introduction of performance management systems is seen as an important means to improve the productivity, efficiency and effectiveness of public sector organisations. The Policy and Guidelines explore and articulate four key areas: the principles of underlying performance management; the minimum standards to apply across the sector; a framework for developing or evaluating existing systems; and resolving poor performance issues.

That was under the previous Government, led by then Premier Carr. However, performance of government and the public sector in implementing performance standards has been deficient over recent years. As the Chairman of the Public Sector Commission, Peter Shergold, who was reported in the *Sydney Morning Herald* on 14 April last year, said:

There is a sense that for a few years (the NSW Public Service) has been a little bit directionless. There is a concern that to some extent it has not been as publicly accountable as it might be. I think it wants to have a clear direction and a clear sense that to work for the NSW public service is something you will actually aspire to, that it will actually become an employer of choice. I would have to say that right now it probably isn't that.

There is a need for a fresh approach. The need for reform to deliver a more productive, efficient and responsive New South Wales public sector was confirmed with the recent release of the New South Wales Commission of Audit Interim Report—the Schott report—which, among other findings, confirmed that many areas in the New South Wales public sector are functioning well, but overall its performance is far from excellent. It also found that a low level of importance has been given to people management, which is an unsatisfactory situation. It found also that a well-managed and efficient public service is vital to the future success of the New South Wales economy. The performance measures that are enabled by this bill should be no surprise. Indeed, the Premier has previously emphasised how, in the absence of a profit bottom line in public sector organisations, transparent measurement and appropriate accountability are the best way to motivate better public sector outcomes.

Performance measurement against clear objectives should be the tool to motivate and inspire better performance. As the Premier has asked: How will we know if we are succeeding if we do not measure performance? I refer in particular to an address by the Premier on 2 February last year, before the election, to the Institute of Public Administration Australia. In that address the Premier clearly indicated that under a Liberal-Nationals government departmental heads would sign employment contracts and performance agreements with the Premier, those agreements would be aligned to the New South Wales State Plan, and the Public Service Commissioner would work closely with the Premier to design effective key performance indicators to drive public sector performance. This bill will allow that to occur.

Finally, the Premier highlighted appropriately how Ministers should have clear accountability to the Premier for delivering their responsibilities under the New South Wales State Plan. I note that when Ministers are moved on from their jobs, as a number of people who formerly sat on the Labor benches found at the last election, there is no redundancy arrangement or termination benefit. When a Minister loses their job there are not the sorts of protections that this bill preserves for other workers in New South Wales. So this legislation helps to fulfil our election commitments and create a better governance arrangement for New South Wales. The Government is determined to move the New South Wales public service forward to a level that the people of New South Wales reasonably expect and deserve.

Mr KEVIN ANDERSON (Tamworth) [11.19 a.m.]: I speak in support of the Public Sector Employment and Management Amendment Bill 2012. I will reiterate a couple of features of the policy. They are: an upfront choice of a generous voluntary redundancy package or a three-month retention period; for employees choosing the retention period, assistance in seeking redeployment; forced redundancy for employees who are not redeployed at the end of the retention period; and a reduced severance payment for forced redundancy compared with the voluntary redundancy package. They are four good options for those who have been sitting on the unattached list for a long time in an environment where we are constantly looking to improve the efficiency, productivity and responsiveness of the public sector. We should also consider the health and wellbeing of those on the unattached list. We are all aware that people need a reason to get up in the morning and to function properly in society. Gainful employment is one way to achieve that and people who are on the unattached list for an extended period may start to suffer if they do not undertake meaningful work.

Amendments to section 56 of the Public Sector Employment and Management Act 2002 are required to support the Government's policy for managing excess employees. This means not just offering them opportunities for meaningful employment to give them a sense of worth but also looking at the responsiveness of the public sector and getting value for money from those who are already in the system. This policy abolished the previous Government's longstanding practice of no forced redundancies that allowed employees with no permanent position to drift in the system indefinitely. We need to be smarter about the way we do things so that we become more efficient. This Government is doing things differently, whether by reducing the number of personnel needed to complete a task or by employing more people to do a job. We must consider ways to use our resources better.

It is common sense and more effective to offer alternative, meaningful work to people who were previously engaged in a task—a reason to get fired up about the way they contribute to their particular department. While it might be fine for some to remain on an unattached list for an extended period, I would not like to front up to my place of work and not contribute in a meaningful way. The policy of no forced redundancies gave people an opportunity to remain on the unattached list for some time. It also caused budgets to blow out. Although people try to run their business efficiently and provide the best possible services within a budget, any drain on the wages side of the business is a hindrance.

Managers are starting from behind the eight ball when an employee who is not productive is soaking up wages. A recent judgement of the New South Wales Industrial Court significantly broadened the test contained in section 56, stating that a department head must apply to establish that no useful work is available before terminating an excess employee. Previously the test for useful work had been limited to checking the availability of vacant permanent positions for redeployment. The new test proposed by the court requires the checking of all work opportunities across the public sector, including temporary and contract employment, before an excess employee's services can be terminated.

It is not realistic to expect department heads to search for any type of work, even short-term work, for excess employees across the public sector. This will make it virtually impossible for department heads to demonstrate that their obligations under section 56 have been met and to terminate the employment of an excess employee. Amendments to section 56 are necessary to return to the more reasonable requirement to transfer a person either to an officer position—that means a permanent position in a department—or to an ongoing position in another public sector agency. In other words, it means finding meaningful work for that person rather than having them warming a seat, being unproductive and costing the public sector an enormous amount of money.

It was stated earlier that one of the reasons for the unattached list growing to around 390 was decentralisation to country areas. The lifestyle benefits in regional centres far outweigh people choosing to remain in an office, where they have a lovely view of a brick wall, smell smog and smoke, and get stuck in traffic during morning and evening peak hours. They should take the opportunity to move to regional areas and enjoy the lifestyle they offer—including shorter commute times, better employment opportunities, health and education—which is better than in many metropolitan areas. I do not agree that decentralisation to country areas is a reason that the unattached list has grown. I firmly believe those employees should take the opportunity to move to the country and experience the wonderful opportunities available in those areas. Indeed, major centres like Tamworth offer fantastic opportunities.

In addressing public sector reform the Minister for Health is seeking to introduce a new policy for managing excess employees in NSW Health that covers health professionals, nurses, ambulance officers and administrative staff. The current policy provides for most displaced or excess employees, often administrators or managers, to receive their salary indefinitely even when they do not have a position or are performing work of a lesser grader. In effect, it is a policy of no forced redundancies. In an environment where we are trying to do more with less, wages tied up by those on the unattached list could be better used to employ more nurses, police and ambulance officers, and to ensure that services are delivered to the front line.

The O'Farrell Government discovered a major budget black hole when it took office last March. Part of that was due to the excess wages policy and money being sucked up by those on the unattached list. We need to be efficient, responsive and accountable. We need to learn from the experience of the past 16 years about what not to do. How many millions of dollars are spent on an unattached list? Let us offer those people meaningful employment so that they can have the opportunity to do what they would like to do in a department of their choosing. I congratulate the 300,000 hardworking public sector employees in our State on doing a fantastic job. They are getting on with providing us with the opportunity to make New South Wales number one again. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra) [11.29 a.m.]: I will make a brief contribution to debate on the Public Sector Employment and Management Amendment Bill 2012. Until the election in March last year I was the proud Minister of a wonderful government department covering the NSW Police Force and other government agencies such as WorkCover, and departments that came with my role as Minister for Finance. Before that I was the proud Minister responsible for the Roads and Traffic Authority, now Roads and Maritime Services. All of those bodies have suffered and are suffering from a malaise imposed on them by this Government as a result of their budgets and numbers being cut, forced amalgamations, downsizing—

[Interruption]

Let us talk about that and start with the NSW Police Force where the numbers are actively being cut. The bill deals with real people—mums and dads—who are tasked with providing government services to the taxpayers of New South Wales every day. This is about an approach to people. The Premier says it is all about unambiguous goals, and indeed it is. It is about the unambiguous, perennial conservative government philosophy of treating people as numbers, as commodities and as parts of the budget. The member for Tamworth blamed people on the unattached list for blowing the budget. The member for Granville referred to them as sucking resources, as sponges. Another Minister referred to those on the unattached list as cockroaches. At least they had the gall to come in here and say in the vernacular what the Premier dresses up as spin in his speech—

Mr David Elliott: Who said "cockroaches"?

Mr MICHAEL DALEY: It was the member for Davidson. I was not going to mention him but the member asked the question. This philosophy started with an attack on occupational health and safety laws and moved on to the continued emasculation of the Industrial Relations Commission and public sector wages cuts. With inflation running at 3.7 per cent public sector workers get a 2.5 per cent wage rise every year, but it means real wages are being reduced for government employees. Thirty-eight thousand good employees marched to The Domain, and the Police Force, for the first time in the history of New South Wales, marched on this place and screamed at members of the Government, including the Premier and the member for Campbelltown, who should have known better, in this very Chamber. This bill is a continuation of that living and evolving philosophy.

Section 101A of the Act requires management systems for the staff. How about management systems for some of the hapless Government Ministers who trot into this place from day to day? Would the Minister for Tourism, Major Events, Hospitality and Racing survive a management system in his portfolio? The Minister for the Environment would have failed any management system imposed on her in her portfolio. The Minister for Resources and Energy, Chris Hartcher, is leaking entire Cabinet minutes. Would he survive a management system? How about some management systems for the Treasurer with his red ink, four years of deficits, doubling of government debt, job losses and sackings, or the Premier with his 200 broken promises?

Paragraph (b) in the overview of the bill excludes the unfair contracts jurisdiction of the Industrial Relations Commission in connection with any such excess officers and any excess employees of other public sector agencies. I know a little bit about section 106 of the Industrial Relations Act 1996 because when I was a lawyer it was one of the specialties of the firm in which I was employed and I litigated and settled many matters that were brought pursuant to section 106 of the Act. It is a very good provision. It has been on the statute books since some time in the 1950s. It was a baby of that revered and excellent lawyer and former Attorney General, Jeff Shaw. It states:

- (1) The Commission may make an order declaring wholly or partly void, or varying, any contract whereby a person performs work in any industry if the Commission finds that the contract is an unfair contract.

That is, if the commission finds that the person has been treated unfairly; if the commission finds that the agreement that goes back to the inception of that employment or any conduct thereafter has been manifestly unfair. I do not think there would be a single member in this place or any reasonable person elsewhere who would say that that philosophy is wrong. But this bill excludes the unfair contracts jurisdiction of the Industrial Relations Commission in respect of certain New South Wales Government employees. One of the positive aspects of the unfair contracts jurisdiction of the Industrial Court is that it enables the Industrial Relations Commission to make orders varying unfair contracts.

If people have been treated unfairly during some stage of their employment they have recourse to an independent umpire. However, the independent umpire is under scathing attack from this Government, and that is an objective call. Just ask the President of the Industrial Relations Commission, Justice Boland, what he

thinks about the attacks on the commission. This gentleman, who has the standing of a Supreme Court judge, is forced due to the conduct of his Minister to put in writing what he thinks is the contemptuous conduct of this Government, and it is indeed a shame. New section 103A (2) says:

- (2) Division 2 of Part 9 of Chapter 2 of the Industrial Relations Act 1996 (Unfair contracts) does not apply to contracts of employment of members of staff of any public sector agency that are alleged to be unfair for any reason relating to excess employees, including the following:
 - (a) when and how members of staff become excess employees,

We could have a situation in which a person in a government department is victimised—it does happen, rarely now compared with in the past. Two employees may have applied for the same job and due to favouritism or some other subjective conduct one of them does not get the job and is put on the unattached list. That is demonstrably unfair. In days gone by and until the promulgation of this bill, a person could go to the Industrial Relations Commission and say to the independent umpire, an uninterested, objective and learned person, "I've been treated unfairly. This is not fair. We live in Australia in the twenty-first century and I want fairness. I want you to make an order declaring that what has happened to me at work, something that affects my life, my livelihood, my standing in the community, my psyche and my security—all the things that go to make up a person, bearing in mind that employment is a huge part of our being—is unfair." That will no longer be the case and that is to the eternal shame of this Government.

This bill represents a deep vein running through this Government that was exemplified this week when, after the Premier copped some flak in the media on the weekend from business groups about his lacklustre performance—according to them—in the first year of his Government, he came out swinging on Monday and said, "Hold on a minute. I have to revert to type here. I'm going to attack the workers compensation scheme." Later that day, again reverting to type, he whistled to the business community and said, "I wish I could get my hands on rail employees, on electricity employees and on port employees that are protected under the Fair Work Act Australia. I could save \$350 million over four years if only I had the opportunity to shake them down."

That is what this bill is all about; it is a continual shaking down of government employees, good people who just want to go to work and be left alone. This is legislated laziness. There is no reason to treat people this way. With a 10 per cent churn rate per annum on average in the public sector the Government could continue to manage these people; it could continue to find them work; it could continue to treat them with dignity. Instead, this bill legislates away the rights that they used to have, and by virtue of the fact they are on an unattached list they are set aside and discriminated against in comparison to other private and public sector employees.

Many of the programs that have been promulgated by this Government are a continuation of Labor programs, as the member for Mount Druitt so eloquently said—in health and roads and transport and the re-announcement this week of matters relating to police that we announced when we were in Government. This traditionally conservative, Liberal-Nationals, Tory approach of blaming employees, attacking them, removing their rights and treating them like commodities, whether it is occupational health and safety, Cronulla Fisheries, or reducing police numbers, is all the Government: it owns them, it announced them and it is living through them, but the Opposition will have none of it.

Mr DAVID ELLIOTT (Baulkham Hills) [11.39 a.m.]: I will make a modest contribution to the Public Sector Employment and Management Amendment Bill 2012. The contribution of the member for Maroubra fascinated me when he lectured us on public sector administration. I refer him to a recent article published in the *Sun-Herald* that referred to his administration when he was the Minister for Finance. Mr Greg McCarthy, Chairman of WorkCover, was quoted as saying that "Mr Daley, he was leaving the State's finances in a parlous state." The lecture from the member for Maroubra on public sector administration was quite funny and probably as entertaining an event as I will have today.

I remind the House that, true to form, the Australian Labor Party in government was an economic rationalist. It sold Qantas, the Commonwealth Bank and NSW Lotteries. It was very good at selling public sector infrastructure, assets and corporations, but in Opposition it circled the wagons and reverted to its Socialist mentality. Two years ago we heard cries in this place from the member for Maroubra and the governing party about the need to introduce more efficient public sector employment strategies and management, but now that the Labor Party is in opposition it needs to circle the wagons with its Socialist allies. All of sudden the Labor Party has become the workers' friend.

That does not wash with us in New South Wales and I dare say it does not wash with our friends in Queensland when we consider Labor's election results in the past 12 months. For too long the taxpayers of this

State have been propping up a civil service so riddled with inefficiencies that it would make Sir Humphrey blush. Despite these inefficiencies, during the 16 years that the Labor Party was in government it shied away from essential public sector reform. In my previous life I sat in meetings with members of this Opposition who begged us to support them in introducing more efficient public sector reform. As an industry lobbyist and advocate, I sat side by side with them helping them to get through the union thuggery that they were facing.

The Labor Party wanted better public sector reform, but it could not implement it. In not doing achieving that, it created a culture of waste and mismanagement unlike anything we have ever seen in this country. This bill places common sense at the heart of the New South Wales public sector. It drags the public sector into line with the rest of the community. If any of the organisations with which I have been involved in my adult life were as inefficient as the New South Wales Labor Government was, I would not be able to stand in this House in good conscience and make this presentation to the House. This bill will end some of the worst excesses of the previous Government.

Mr Richard Amery: A \$1.3 billion profit and a triple-A rating.

Mr DAVID ELLIOTT: The member for Mount Druitt makes a very enlightened contribution, reminding us of the Labor Party's less-than-efficient offerings to this State. Unlike the member for Mount Druitt, we believe that this bill will grant government department heads the same authority and flexibility that any manager in business would expect. The bill's main reform is putting an end to Labor's policy of no forced redundancies in the public sector. I am sure it is clear to all members that such a ridiculous position invariably leads to the bloated and ineffective public sector that we see today. It is astounding that in this State we could not make some employees redundant even though they had not had a permanent position for up to a decade. That is a waste of taxpayer's money, and the people of New South Wales deserve better.

Instead, this bill provides that excess employees can now be made redundant if a vacant permanent position is not available in the public sector. Any opposition to this legislation by the Labor Party is just crocodile tears because I know that many members of that party when it was in government were indebted to the union movement to the extent that they could not get this reform through. They wanted these reforms but they could not achieve them. The scheme remains generous comparable to industry standards. An excess employee can be made redundant only if no permanent position exists across the entirety of the public service. I do not think we can be any fairer than that.

If redeployment is not possible, the excess employee is offered a voluntary redundancy or a three-month period to seek redeployment. As the Premier said when introducing this bill, "employees who cannot be redeployed cannot be kept on the books indefinitely. The bill also clarifies that the Public Sector Employment and Management Act is the principal Act in regard to public sector employment. To this end, the amendment removes the application of the unfair contracts provisions of the Industrial Relations Act. These provisions have been used to prevent excess employees from being made redundant, even though such action was in the public interest. Being such a necessary reform, we would expect the Opposition to be responsible and to support the amendment.

Unfortunately, it has ignored the public interest again, reverted to form and decided to play partisan politics. The contribution of the Leader of the Opposition to this debate was particularly disappointing. He claimed that this amendment was the end of redeployment being the primary means of dealing with excess staff in the public sector. He further claimed that this bill was an attack on nurses, teachers, police officers and other front-line service personnel. If the Leader of the Opposition had bothered to read the bill, perhaps he would not have erred in his remarks. The bill makes it clear that redundancies can be made only when redeployment is not possible. Further, nurses, teachers and police officers are exempt under the bill. Overall, this bill will result in greater public sector efficiency, and ultimately a better public service. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [11.46 a.m.]: The Public Sector Employment and Management Amendment Bill 2012 amends the Public Sector Employment and Management Act 2002 to make changes to the so-called unattached list, to exclude the Industrial Relations Commission from having jurisdiction over those on the list, and to require the Public Service Commissioner to develop and issue guidelines to public sector agencies detailing the required elements of performance management systems. A new section 56 is inserted, which adds additional powers regarding "excess officers" in a department. Under existing law the department head must satisfy himself or herself that the number of officers exceeds the number necessary for the "effective, efficient and economical management" of the department. The department head is required to take all practicable steps to secure the transfer of excess officers to ongoing public sector positions.

This is intended to address the current situation whereby employees often end up in contract or temporary roles when these are available. If a worker takes temporary work in another agency, under new section 56 (2) that worker will still be considered an excess employee. Section 57, which regulates excessive salaries of officers of departments, will have a new section 57 (1) (b), which inserts the requirement for the transfer to be to an "ongoing public sector position". The requirements for the Public Service Commissioner to develop performance management system guidelines for public sector staff are contained in the new section 101A. This further requires the heads of public sector agencies to develop and implement performance management systems for employees. New section 103A means that excess employees will be excluded from the jurisdiction of the Industrial Relations Commission as this related to the provisions of the Industrial Relations Act governing unfair contracts.

I am sure that all members will agree that we want an efficient and effective public service. The introduction of this legislation is part of a policy announced by the O'Farrell Government in June 2011, which sought to end the former Government's no forced redundancies policy, to shorten the period for retaining excess employees from 12 months to three months, to reduce severance payments for public servants who reject an initial offer for voluntary redundancy and to offer a one-off incentive payment of \$10,000 for current excess employees to accept a new voluntary redundancy offers. In June 2011 390 public servants were on the "unattached list". The previous legislation ending the no forced redundancies policy came into force on 1 August 2011. The New South Wales Commission of Audit investigation undertaken by Dr Kerry Schott—former head of Sydney Water—led to the following recommendation:

The Government should agree to the development of mechanisms to decouple positions from a narrow classification and appoint employees where appropriate to a substantive remuneration band level, to provide greater flexibility in staff deployment within an agency or cluster.

There is some merit in this approach, but I note that the Public Service Association strongly opposes these changes, arguing that those on the unattached list are generally still working full time but their position has been abolished. As part of the 2011 changes, workers on this list were offered an incentive redundancy payment and severance payments for unattached workers who rejected the initial voluntary redundancy offer were reduced. While the intent of much of this bill is admirable, The Greens believe that it should be amended and therefore we do not support it. The mismanagement of staffing arrangements by the former Government, including the no new positions policy, have contributed to the growth of the unattached list while agencies have become increasingly reliant on contractors.

We have seen media reports of the impact of the no new positions policy and the explosion in the use of contractors and temporary staff. That is at the heart of this issue. It has reduced the flexibility of the public service and resulted in an increase in the number of people on the unattached list. A primary factor when staff are considered excess is whether the number of staff employed is necessary for the economical management of the department. In an environment in which the Government has limited public sector pay increases to 2.5 per cent—which is below inflation—unless cost savings are proven it is possible that agencies will be forced to achieve cost savings through increasing redundancies.

New section 56 means a department head must take all practicable steps to secure the transfer of excess officers to ongoing—and I emphasise "ongoing"—public sector positions. The amendments are made in light of the decision in *Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Director of Public Employment* [2011] NSWIRComm 152. In that case the interpretation of "useful work" explicitly included work done on an ongoing basis as well as temporary, casual or contract positions. That goes to the heart of the issue. As at 14 March 2012, of the 344 jobs advertised on the www.jobs.nsw website, 131 were identified as temporary, casual or contract positions. Of course, that does not include the vast number of unofficial positions in the public service filled by temporary agency employees. I suspect, and I am sure many members will agree, that that number exceeds both of the figures on the www.jobs.nsw website.

In his agreement in principle speech, the Premier indicated that excess employees would be asked to choose between a voluntary redundancy package and a three-month retention period in which to pursue redeployment. Front-line staff will not be subject to this policy, and I acknowledged the points made by the member for Baulkham Hills. The three-month retention period in which to pursue redeployment sounds reasonable until one considers the length of time it takes to obtain a public service position. It can involve waiting many months between applications and interviews, and interviews and commencement of employment. Under this legislation, if the employee cannot find a new job in that limited and prescriptive period, he or she will be terminated under new section 56.

The exclusion from the jurisdiction of the Industrial Relations Commission means that those excess employees will not be able to challenge being considered as such and that will impact on their entitlements as they relate to redundancy payments and termination. The Government argues that these amendments will avoid lengthy and ongoing court proceedings under the Industrial Relations Act, which prevents agencies from implementing reasonable changes to their excess employee policies. That the Government seeks to have considerations excluded from the Act suggests that it is aware of the potential unfairness involved in the application and the success of any legal challenge. While The Greens acknowledge that this matter should be addressed, the approach taken in this bill—which we believe was generated as a result of the no new employees policy of the former Government—is not satisfactory.

Mr ANDREW CORNWELL (Charlestown) [11.55 a.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. This bill updates the State's public sector employment legislation to improve performance management in the public sector and to ensure that the provisions relating to excess employees are both clear and practical to implement. The O'Farrell Government is determined to ensure that New South Wales once again has a world-class public service: a public service with unambiguous goals and policy directions and underpinned by transparent processes and consistent accountability. Part of that task is to establish strong performance management within the public service.

This is not simply about addressing poor performance or underperformance. An emphasis will be placed on recognising achievements and providing training and guidance. The bill requires the Public Service Commissioner to develop and issue guidelines to public sector agencies on the essential elements of performance management systems. The commissioner will be able to issue a direction to public sector agencies about performance management systems and they will also be required to develop and implement performance management systems for their staff. The O'Farrell Government recognises that public sector agencies need to tailor their systems to reflect their organisational environment and operational priorities if they are to achieve a better outcome and to deliver improved services for their customers—the taxpayers and residents of this State.

The bill also amends sections 56 and 57 of the Public Sector Employment and Management Act. On 1 August 2011, the Government introduced a policy abolishing the Labor Government's no forced redundancies policy, which allowed excess employees to drift in limbo for up to 10 years without securing a permanent job—excluding in the central business district area. That was the greatest waste of taxpayer dollars of all time. The Government wants to help public servants who lose their job as a result of changing priorities or structural reform. However, those who cannot be redeployed cannot be kept on the books indefinitely. This legislation is about fiscal responsibility. In an environment of falling GST receipts due to global trends, the O'Farrell Government has been able to improve this State's financial position. This Government's 10-year funding spread is a great example of that.

When the Coalition took office, New South Wales was paying 0.5 per cent more than Victoria for borrowings. However, despite this challenging environment, the Government has been able to turn that around and our rates are now less than those paid by our counterparts in Victoria. It is also worth noting that since the middle of last year our comparative funding spread in respect of Queensland has changed dramatically. That State is now paying 0.5 per cent more for its borrowings than it did this time last year. That demonstrates that responsible expenditure can overcome some of the headwinds being caused by a reduction in GST receipts. It is also worth noting that if the budget continued tracking the way it was when we went to the election last year and if the Coalition had not addressed the downward trend this State would have lost its triple-A credit rating.

Maintaining that rating is vital in keeping our expenditure under control and in saving money that would otherwise be wasted paying interest. Those savings can be used to improve front-line services. If the Coalition Government had not taken action this State's budget would have continued tracking downwards and our ability to provide the services for which the people of New South Wales are crying out would have been greatly diminished. The Government has faced many challenges, including the fact that there is a \$400 million schools maintenance program backlog, which is a key issue in my electorate. However, because this Government has been able to control costs we have seen and will continue to see more nurses being employed in New South Wales public hospitals. My electorate has 20 more police officers in the Lake Macquarie Local Area Command, which will make a big difference and enable our local officers to pursue proactive rather than reactive policing. This legislation is about being able to redistribute staff.

There is no point in retaining staff in limbo and paying them to do a job that no longer exists at the expense of front-line services. This policy will enable the Government to employ more police officers and nurses and to improve services for New South Wales. This legislation is about fiscal responsibility and it is the

right thing to do. It will enable the Government to do what private sector operators do to address challenging economic times. We must be able to expand and contract our workforce as the work expands and contracts. A business that cannot do that will fail. If business operators cannot make the difficult decision to reduce staff numbers slightly, they will fail and everybody will lose. This is about the Government following what is a fiscally responsible course of action. Nobody likes laying off staff but if there is no longer a job then it is the right thing to do.

Mr Mark Coure: It is a common-sense thing.

Mr ANDREW CORNWELL: As the member for Oatley said, it is common sense. This enables us to provide better services for New South Wales and sets us on a trajectory whereby we can continue to improve the services provided to our State. I take great pleasure in commending the bill to the House.

Mr JOHN FLOWERS (Rockdale) [12.01 p.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. I acknowledge the Premier for his determination to make the New South Wales public sector the most efficient in the nation. To this effect the Government has given a high priority to improving performance in public sector agencies, reflected in the establishment of the Public Service Commission to lead the strategic development and management of the public sector workforce in relation to performance management and recognition. This bill will amend the Public Sector Employment and Management Act 2002 to support the Government's new policy for managing excess employees in the Government service and emphasise the Government's focus on better performance in public sector agencies.

The bill proposes to revise the provisions of the Act relating to excess officers of public service departments and the way in which the services of those officers may be dispensed with, and to exclude the unfair contracts jurisdiction of the Industrial Relations Commission in connection with any excess officers and any excess employees of other public sector agencies. This bill will require the heads of public sector agencies to develop and implement performance management systems for their staff and require the Public Service Commissioner to issue guidelines for that purpose. Whilst the bill excludes the jurisdiction of the Industrial Court, it does not exclude the jurisdiction of other courts to review complaints concerning provisions under the Public Sector Employment and Management Act 2002. The Public Sector Employment and Management Amendment Bill 2012 seeks to amend sections 56 and 57 of the Act. Section 56 will allow department heads to terminate the services of excess employees who no longer have a position. It will provide:

- (1) If the appropriate Department Head is satisfied that the number of officers employed in the Department or in any part of the Department exceeds the number that appears to be necessary for the effective, efficient and economical management of the functions and activities of the Department or part of the department:
 - (a) the Department Head is to take all practicable steps to secure the transfer of the excess officers to on-going public sector positions, and
 - (b) the Department Head may, with the approval of the Commissioner, dispense with the services of any such excess officer who is not transferred to an on-going public sector position.

Section 103A—Excess employees-jurisdiction of Industrial Relations Commission—makes it clear that an "excess employee" means an excess officer referred to in section 56 or any member of staff of a public sector agency who has been notified by the head of the agency:

- (a) that his or her position or work in the agency has been abolished or terminated, and
- (b) that he or she is an excess or displaced employee.

A person employed on a temporary basis—a temporary basis—in the same or any other public sector agency does not cease to be an excess employee under this section. This Government is of the view that departments must be able to manage their workforces and implement organisation reforms in order to achieve more responsible, cost-effective and efficient service delivery for the people of New South Wales. In view of the proposed amendments to section 56, section 57 amendments propose that excessive salaries of officers of departments will be amended to ensure consistency and fairness. This ensures that the search for a job at the same salary level continues to be across the whole of the public sector but is limited to a vacant position and not just any type of work before a salary reduction can be made. This will provide for a more reasonable test for department heads to meet before an employee's salary is reduced.

The bill proposes to amend the Public Sector Employment and Management Act 2002 to insert section 101A, Performance management systems for public sector staff. This will require that the head of a public sector

agency is to develop and implement a performance management system with respect to members of staff of the agency. Further, the Public Service Commissioner is to issue guidelines to public sector agencies on the essential elements of such a performance management system. The Government understands that public sector agencies will need flexibility, in that no two agencies are the same, each unique with its own internal culture and operational priorities. Therefore, implementing a single common performance management system would be neither practical nor effective.

Ultimately we want the best outcomes for public sector employees and improved services for the people of New South Wales. The community expects the public sector agencies to deliver public services that meet their expectations. This Government has a focus on better performance in public sector agencies and on managing excess employees in the Government service. I am proud to be a member of a Government that is getting on with the job, and I commend Premier Barry O'Farrell for his ongoing dedication to improving the public service and making New South Wales number one again. I commend the bill to the House.

Mr CHARLES CASUSCELLI (Strathfield) [12.08 p.m.]: I will make a very brief contribution to debate on the Public Sector Employment and Management Amendment Bill 2012. In doing so I rely on my substantial experience in the public and private sectors spanning over 30 years. I think it would be fair to say that over time, whether you are in the public service or a private sector organisation, there is a need for organisations to change. That need is brought about by all sorts of factors, whether they be government policy, changing market conditions, significant changes in the client base that you provide services to or demographics of staff. Organisations need to change for a whole range of reasons. The reality is that as organisations change their size changes as well, and the skills and attributes of the staff need to be realigned with the new challenges that are before an organisation. It is not uncommon for organisations in the private sector to make radical change.

In fact, I have worked in organisations where 20 per cent of the staff resource has been made redundant in a single program spanning between 6 and 12 months. The need to make radical change and the extent of it can be quite substantial, but the private sector responds by helping redundant employees. It puts staff on protracted programs to help retrain them and to then find alternative employment, as well as trying to redeploy them within the organisation—in or out of country. But one thing that the public sector does not do—which is exclusive to the public service—is to take their staff who potentially should be made redundant and park them in an area called the twilight zone. To be fair, I have experienced this myself in the public service. The twilight zone is where work is found that is not meaningful, or where outcomes are produced to demonstrate that something is being done and therefore the cost of keeping staff on the unattached list is justified.

As the public sector moves to being more productive, more competitive and more aligned to serving the community it needs to look at this unattached list issue. The O'Farrell Government has done that. The Government has done nothing more than to take a look at an area of government where scarce resources are being wasted. Most of the people on the unattached list are either middle management or supervisory level; very few are front-line service delivery staff. Having come from the public sector, sometimes I would bump into someone earning \$100,000 per year and then I would go to another office and see a contractor employed for \$150,000. Sometimes it would strike me that the skill set of the contractor was not totally unlike that of the person on \$100,000. I failed to understand why the Government was wasting many millions of dollars on the unattached list when it was spending hundreds of millions of dollars on temporary hire, contractors and consultants. I scratched my head for quite a while trying to figure that out.

This bill is simple: the public service needs to align its staff resource to need. Once that is done, if it is found that there are excess employees, something definitive should be done with them. Excess employees should not be parked in an area that is very disillusioning—is that a word? Can I make that up? I am Italian: I can make up words on the go. Excess employees should not be parked in an area that creates un-motivation. Is that another word I can make up on the go? I am on a roll here. I have seen the effect of workers who turn up for work every day who are not motivated. They are not energised. They do not get up of a morning and say, "Wow, I am on the unattached list. I am going to go to work to do something for someone but I really cannot do anything that I really want to do because the opportunity is not there for me."

I have been made redundant twice in my career—much to the pleasure of some of the people I have left behind, I am sure. By being made redundant I experienced something that others who have not been made redundant would struggle to understand. Being made redundant was probably the best thing to have happened in my life. And others who have gone through the same experience have told me that being made redundant

allowed them to get on with their lives. It allowed them to seek opportunities which allowed them to exploit their skill sets. They all said it was a great relief when it happened, rather than spending day-in day-out in a job that was not meaningful.

I do not believe any reasonable person could question that the main objectives of the bill are simple and worthy of support. If a staff member is being made redundant because of an organisational realignment or a series of changes which require a different skill set to be used then the organisation is bound to make every effort to find that person meaningful work. It must be meaningful work, not a temporary position on the unattached list in the twilight zone. But if no meaningful work can be found a decision needs to be made to allow employees to get on with their lives. I commend the bill to the House.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [12.14 p.m.]: I welcome the opportunity to speak on the Public Sector Employment and Management Amendment Bill 2012, as I did last year on the Public Sector Employment and Management Amendment (Ethics and Public Service Commissioner) Bill 2011. Both important pieces of legislation focused on ensuring that our public service remains centred on the best service delivery—the quality of service that the people in New South Wales deserve. Government exists to provide services to its citizens that cannot be provided by the free market or by ready voluntary exchange between individuals. Every member of the New South Wales community has the right to expect the Government to ensure the best possible delivery of those services. After all, they are provided through taxpayer funds and taxpayers have a right to expect that those taxes be spent responsibly and prudently.

It takes more than a parliamentary team to run this State. As the Premier said before the election, it takes collaboration with business and community groups, including public servants who provide the services of government: namely, all the people employed by the Government—with the exception of local government employees—including front-line workers such as police, health workers, firefighters, transport workers and teachers, who we have lots to do with every day in our role as members of Parliament. Each day people in this State benefit from their service to the community—the roads we drive on, the water we drink, the teachers in our public schools, the health professionals in our hospitals and those in government departments who support our parliamentary wing. For the residents of the electorate of Vaucluse public servants facilitate their travel on the ferries to and from work, on trains from our two interchanges and on buses from all parts of the electorate. Public servants are the teachers in the schools that parents drop their children to and they give the care in hospitals. Our public sector provides a vital community service.

For the most part, the 300,000 or so public servants in New South Wales accept the challenges and the heavy responsibilities of public service every day. Having worked with many public servants, I believe that a career in the public service for them is a vocation, not just a job. As Parliamentary Secretary for Tertiary Education and Skills I work closely with those in the Department of Education and Communities. Those I work with are committed and hardworking individuals who help the Government to deliver effective outcomes for the largest government agency. They help to deliver early childhood, school, vocational training and university education into New South Wales—some of the most important things that the New South Wales Government does for the community.

Employees increasingly choose the public sector to provide a professional career where they can give something back to the community. That is to be applauded. In order to ensure that the public sector acts with integrity and independence the Government is placing its trust in the commitment and resilience of the employees that make up the public service. The O'Farrell Government is not going to ride roughshod over them as the former Government did. The O'Farrell Government is not going to move the goalposts at a whim or want quick fixes to manage the polls or for scapegoating. That is not what this new Government is all about. Individuals in the public service must feel empowered to undertake tasks that the New South Wales community needs and values.

A valued public service, as was the case in any organisation I worked in before coming to this place, is more likely to be motivated to provide quality services to the New South Wales community. As I have said, employees in the public sector are already talented and professional. The Government plans to harness that by providing unambiguous goals, clear policy directions, transparent processes, consistent accountability, consistent leadership and fair and transparent work arrangements. The bill is about the last of those. The bill is aimed at fostering the confidence within the public service to innovate with rewards and incentives for those who give new ideas a go. The Government is calling on our public servants for frank and fearless advice, integrity, impartiality and expertise.

In the private sector organisations I have worked in, both here and overseas, raising new ideas, speaking your mind and giving something a go in good faith are encouraged and rewarded. And so it should be in the public service. As the Premier said in his agreement in principle speech, the Government is determined to make the New South Wales public sector the best in the nation and a leader in the world. From my experience in working with the Department of Education and Communities I know that such a goal is shared by the public servants with whom I work. The sector has simply needed a government with a commitment to implement a strong framework, and establishing strong performance management systems is part of this task.

This bill requires the Public Service Commissioner to develop and issue guidelines to public sector agencies on the elements of performance management systems. The commissioner will be able to issue a direction to public sector agencies about performance management systems. Public sector agencies will also be required under proposed section 101A to develop and implement performance management systems for their staff. The guidelines will set out the fundamental parts of a performance management system and allow agencies the flexibility to choose the details which best suit their organisation. The Government recognises that there is a great diversity of agencies that support the government and serve the people of New South Wales, and a standard performance management system will not assist in achieving the important goals of excellence and responsibility amongst all those different agencies.

I come to an important part of the bill, on which my colleagues have spoken. The amendments to section 56 of the Public Sector Employment and Management Act 2022 are also required to support the Government's important policy for managing excess employees. Many members have focused on that aspect of the bill. This is the policy that abolished the previous Government's practice of no forced redundancies that allowed employees with no permanent position to remain indefinitely on the New South Wales payroll. That is not good for the State, it is not good for the community and, most importantly, it is not good for the employees themselves and their self-esteem.

Under the Government's new policy excess employees are asked to choose between a generous voluntary redundancy package and a three-month retention period in which to pursue redeployment. If an excess employee declines voluntary redundancy and cannot find a new job within three months he or she will be made redundant. As the member for Strathfield said, sometimes that can be a relief and a way to a new career and a new outlook on life. For public servants, this means termination under section 56 of the Public Sector Employment and Management Act 2002. Our new policy applies to those public sector agencies in the New South Wales Government service. Essential front-line employees working under separate industrial arrangements are not subject to the new policy. As the Premier said in his agreement in principle speech, the Government wants to help public servants who lose their jobs as a result of changing priorities or structural reforms, but employees who cannot be redeployed cannot be kept on the books indefinitely. That is unsustainable. It is irresponsible. It is not kind or constructive to them; nor is it financially prudent.

A new test proposed by the New South Wales Industrial Court in late 2011 required the checking of all work opportunities across the public service, including temporary and contract employment, before an excess employee's services can be terminated. That is an impossible test. The test effectively re-introduces the no forced redundancies policy. We believe that departments must be able to manage their workforces. We require people in the private sector to do that. People must be allowed to manage the businesses which they have been tasked to run, whether they are in the private sector or the public sector. The new test proposed by the court made it very hard for department heads to discharge their obligations under existing section 56.

The amendments to that section are required to return to the more reasonable requirement, which is to transfer a person to a permanent position in a department or to an ongoing position in another public sector agency. I commend those changes. Section 57 of the Act, covering public servants on excessive salaries relative to the position they currently occupy, will also be amended by the bill. It requires department heads to first investigate all employment opportunities—that is fair—appropriate to the salary of the employee before a salary reduction can be made. That change will facilitate the redeployment of excess employees to a wider range of vacant positions. This bill also clarifies that the Public Sector Employment and Management Act 2002 is the principal legislation governing the employment of public servants. It excludes the application of the unfair contracts provisions in division 2 of part 9 of chapter 2 of the Industrial Relations Act to arrangements for letting go of excess employees and will apply to the government service and to all other public sector agencies.

Proceedings under the unfair contracts provisions as they currently stand would prevent agencies from implementing reasonable changes to their excess employee policies that are consistent with the Act. They are rightly a matter for the Government to determine through its policy decisions. We have a mandate from the last

election. While these changes will mean that the Industrial Court cannot deal with these matters, individual excess employee disputes and unfair dismissal matters will still be determined by the Industrial Relations Commission. I strongly support the bill. It is the Government's fair and reasonable policy for managing excess employees. Most importantly, it empowers Government agencies to deliver public servants who will better match our community expectations. I commend the bill to the House.

Mr MARK COURE (Oatley) [12.24 p.m.]: I commend the Public Sector Employment and Management Amendment Bill 2012 to the House. Its provisions will drastically update the State's public sector employment and improve performance indicators. It will bring the public sector into line with twenty-first century practices. It is designed to ensure not only that the New South Wales public sector is the best in the country but also that the provisions relating to excess employees are clear and practical to implement. The bill is about the Government's new policy of managing excess employees in the Government service, with a particular focus on better performance in public sector agencies. As we pledged before the last election, the O'Farrell Government is determined to make this State number one again, and that includes having a number one world-class public service.

The people of New South Wales want a public service that is not a dumping ground for Australian Labor Party and union hacks or washed up former political staffers. If we applied the same standards of quality and efficiency to members opposite they would be left with as many members as the current Opposition in Queensland. Labor had 16 years to fix this problem. It had 16 years to save the public purse millions of dollars—money that could have been redirected into hiring additional nurses, police and teachers in many of our electorates, in Clarence, Rockdale, Wollondilly, Oatley, The Entrance and Vacluse, instead of paying millions to people who are not working each day.

The review undertaken last year found that 390 public servants had left their jobs but were still being paid. This included 56 who had not had a job for a year and 25 who had not had a job for five years. An article in the *Sydney Morning Herald* in June of last year cited four examples, including one TAFE worker who was declared an excess employee in 1995, another in 1999 and two Roads and Traffic Authority employees who had not had a job since 2001. The previous Government took taxpayers for granted. It took the people of my electorate for granted. Those taxpayers dollars could easily have been put back into my local schools, St George Hospital and the local police stations at Riverwood and Hurstville. The people of New South Wales want a public service that is customer focused and efficient, and that follows best practice business models. As the Premier said in this place last year:

Given global economic conditions, given the challenges facing all governments across the country, we cannot sit back and allow the inefficiencies in the public service to continue.

The so-called unattached list of some 390 public servants who remain on the public payroll but fulfil no permanent role was a legacy of the past Government. In no way does the unattached list conform to sound business practices. These reforms are necessary to support the policy that abolished the previous Government's longstanding practice of no forced redundancies. Employees who had no permanent position were able to remain in a system that paid without their having any meaningful employment. Recently the New South Wales Industrial Court significantly broadened the test in section 56 of the Act, which a department head must apply to establish that no useful work is available before terminating the position of an excess employee.

Previously the test of useful work had been limited to checking the availability of vacant permanent positions for redeployment. However, the broadened test would require department heads to check all work opportunities across the public sector, across temporary and contract employment. Clearly this represents inefficient, ineffective and unrealistic use of the time of department heads. It would make it virtually impossible to meet the test under section 56 to terminate the employment of an excess employee. Therefore, it is necessary to amend section 56 to return to a more sensible test, a commonsense solution, and allow departments to manage their workforces, implement organisational reforms and work towards making our State number one again.

Coupled with the amendment to section 56 is the amendment to section 57 to allow a department head to reduce the salary of an excess employee—and this is important—if the work that the employee is performing is of a lesser value than his or her salary. That is common sense. It demonstrates the incompetence of the previous Government, which wasted millions of dollars over the past 16 years. The department head is required to investigate employment opportunities as per section 56 to ensure consistency and fairness. Not surprisingly, the Australian Labor Party and unions have reacted hysterically to these reforms, which is ironic given that this

was the policy of the previous Government that it failed to implement. These changes have been welcomed by the New South Wales Business Chamber. Indeed, last year the Chief Executive Officer of the New South Wales Business Chamber said:

Paying people for not working is an insult to those public servants who work hard every day to deliver essential services for our community, and it is incredibly frustrating for the taxpayers of NSW when basic services are compromised by this misuse of their taxes.

Furthermore, the New South Wales Business Chamber said that the previous Government over a five-year period regularly promised the end of the unattached list. But like a cockroach after a nuclear blast, somehow the unattached list kept surviving and growing. According to the New South Wales Business Chamber, we have heard the rhetoric from previous Premiers Carr, Iemma, Rees and Keneally but it is good to see that Premier Barry O'Farrell has grasped the nettle and will finally end the unattached list, once and for all, so early in his first term in office.

The unattached list has sent the wrong message to more than 300,000 hardworking members of the public sector, and it is about time we got rid of it. The people of New South Wales expect quality services and these reforms allow the Government to invest taxpayers' money where it is needed most, especially in front-line services such as nurses, teachers, police and emergency services personnel in my electorate of Oatley. The other positive development in these reforms are amendments that require the Public Service Commissioner to develop guidelines and issue a direction concerning the implementation of performance management systems in agencies. This is standard practice in the private sector and will help make the public sector a more efficient and effective body, focused on customer service. The New South Wales public service should be an attractive and desirable employer, not a symbol of waste and mismanagement.

Mr CHRIS SPENCE (The Entrance) [12.33 p.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. The object of the bill is to revise the provisions of the Act relating to excess officers of public service departments and the circumstances in which the services of those officers may be dispensed with; to exclude the unfair contracts jurisdiction of the Industrial Relations Commission in connection with any such excess officers and any excess employees of other public sector agencies; and to require the heads of public sector agencies to develop and implement performance management systems for their staff and to require the Public Service Commissioner to issue guidelines for that purpose.

This bill is about fixing the unattached list, a legacy left by the previous Labor Government. It was interesting to note the contribution by the champion of middle management, the member for Maroubra, who criticised this Government's management. I refer to the history of the former Labor Government and the blowout of \$1.9 billion in the Solar Bonus Scheme, the \$500 million for the Rozelle Metro, \$100 million for the Tcard, \$300 million for Tillegra Dam, and \$60 million for the water board computer system. On the subject of job cuts, the Australian Labor Party purports to be the champion of workers, yet under Della Bosca the former Labor Government closed the central regional office of education on the Central Coast, resulting in job losses.

The Labor Government closed and shut down the regional health service, moving jobs from the Central Coast to Sydney, resulting in job losses. Labor privatised the electricity retailers; it walked away from public sector jobs and sent them to the private sector. Over a period of years Labor cut hundreds of jobs. For example, in 2008 more than 400 jobs went from RailCorp. I remember standing on the platform with RailCorp workers protesting against the then Labor Government, which claims to stand up for workers' rights yet. But even though the union was present, not a single Labor representative turned up. Indeed, Nick Lewocki, then Secretary of the Rail, Tram and Bus Union, was reported in the *Daily Telegraph* as saying:

More people are using the rail system, and we believe that taking out 417 jobs at this crucial period would significantly reduce customer service, and would not allow the major stations to operate at their peak efficiency ...

He described the plan as ill conceived, and continued:

This is just a cost-cutting exercise for the sake of it. RailCorp management is intimidated by (Treasurer) Michael Costa and Treasury and they have no idea how to make productivity gains other than to cut jobs.

The unions were telling the former Labor Government they did not want job cuts, yet Labor criticises this Government. The best example over the years is Kincumber police station on the Central Coast. In 1996 the Labor Party built a police station at a cost of \$1.4 million; we welcomed that police station and the 12 police that were promised for the station. However, when the police station was opened, only one police officer actually worked out of it. In addition, the police station was not open 24 hours a day as promised; it was only

open from 9.00 a.m. to 5.00 p.m. and was closed for an hour at lunchtime. The police station's official opening involved a marching band, horses, motorbikes—a full procession. However, in 2009—13 years later—instead of finally delivering the 12 police that the people of Kincumber had been promised, the former Labor Government not only closed the police station, which had cost \$1.4 million to build, but sold it for just over \$300,000. Labor cannot claim that it champions jobs.

With respect to rail, we lost jobs at Point Clare station, Tascott and Lisarow. In fact, the Leader of the Opposition was in my electorate last week trying to claim that Lisarow station should be manned. I find that odd because I called for that at one stage. When Labor cut 400 jobs it removed staff from Lisarow railway station, yet the Leader of the Opposition now visits my electorate and says Lisarow station should be manned. Why did Labor cut the jobs in the first place? Labor is certainly not the champion of workers' rights and of the public sector that it purports to be.

Mr Jai Rowell: They don't care.

Mr CHRIS SPENCE: They don't care, that is right. In introducing the bill, the Premier said:

... the Government is determined to make the New South Wales public sector the best in the nation and a leader in the world, with unambiguous goals, clear policy directions, transparent processes and consistent accountability. Establishing strong performance management systems is part of this task. Performance management systems should not focus solely on poor or unsatisfactory performance. The emphasis also should be on recognising achievements, providing training and, importantly, giving feedback on results.

The bill makes several changes to section 56 and section 57 of the Public Sector Employment and Management Act 2002, including: first, requiring the department head to take all practicable steps to find an ongoing position in the public sector for an excess officer rather than any employment in the public sector; secondly, enabling the department head to dispense with the services of an excess officer if such a position is not found rather than if useful work in the public sector cannot be found; and, thirdly, dealing with excess officers arising in connection with the functions and activities of a part of a department as well the whole of a department. In relation to section 56, the unions tried to take this matter to the Industrial Relations Commission and fight it in the Industrial Court. As the Premier said:

The Government's intention is to return the application of section 56 to the previous practice undertaken by departmental heads. The Government wants to retain the requirement that before terminating an excess employee a departmental head must be satisfied there is no vacant permanent position for that person, not only in his or her department but in all other departments and all other agencies of the public sector. This is a fair obligation which must be discharged before a decision is taken to make a person redundant, but it is only fair that the search for a job across the whole of the public sector is for an ongoing public sector position. For consistency, section 57 of the Act—covering public servants on excessive salaries relative to the position they are currently occupying—will be amended as well. This will ensure that the search for a job at the same salary level is limited to an ongoing public sector position and not just any type of work.

This bill is about fixing Labor's mess. It is about making sure that those on the public service unattached list can find other jobs and that the taxpayers of New South Wales get the best value for their dollar. As I said, those opposite are certainly not in a position to claim they are the champions of workers' rights and of the public sector. Over the years they have cost this State thousands of millions of dollars, leaving us with a \$5.7 billion black hole and cutting hundreds of jobs, not only on the Central Coast but across New South Wales. This is about getting the future of this State right and making New South Wales number one again. It is about returning accountability, transparency and honesty to government in New South Wales. I commend the bill to the House.

Ms MELANIE GIBBONS (Menai) [12.42 p.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. I think those who usually sit opposite—there are not many of them in the Chamber at present—have somehow pretended not to see the huge mess in which they left this State. For the past 12 months this Government, the O'Farrell Government, has been cleaning up their mess and it will continue to do so for some time yet. These amendments simply update our public sector employment legislation to make it work better for the sector and for the taxpayers of New South Wales. And yet we have heard those opposite telling us how awful these amendments are and how these changes will only be to the detriment of the public sector. So let us look at what this bill does, because I do not think it justifies the angst that the Labor Party is trying to create.

This bill stipulates two key changes vital to getting the public sector back on track. The first is that the bill requires the Public Service Commissioner to develop and issue guidelines to public sector agencies on the essential elements of performance management systems. Public sector agencies will also be required to develop and implement their own performance management systems for their staff. As the Premier has said, the emphasis should be on recognising achievements, providing training, and giving feedback on results. For too

long the focus has been on negative feedback and identifying poor performers—a little like what the voters have been saying about the Labor Party. These changes will shift the focus to encouraging and rewarding the good, solid and reliable employees currently working in the public sector. This Government is committed to providing a healthy and sustainable public sector workforce, and providing feedback on results and training is essential to a productive and positive workplace.

The second key aspect of this bill is the management of excess employees. Despite the repeated threats made by the Opposition and despite its trying to whip up a fear campaign, these changes do not apply to our ambulance officers, nurses, teachers or police officers. They operate under separate legislation. So again, despite the campaign to stir up fear and to try to make the Labor Party relevant, our ambulance officers, nurses, teachers and police officers will not be affected. As much as those opposite might like to say it, we are not getting rid of nurses. In my electorate I recently welcomed 132 new nurses in Liverpool—is that not brilliant?—and 42 in Sutherland. And there are still more to come. As opposed to taking those positions away, we are creating more opportunities for our front-line public service workers.

When we came to government 12 months ago more than 300 public sector employees were unallocated. This means they did not have an identified role but turned up every day and were paid even though they were not able to contribute properly. In the private sector this is simply unheard of. A private business in the same position could not afford to keep paying an employee for doing nothing. The bill ensures that provisions relating to excess employees are clear and practical to implement. Under Labor's previous policy, employees deemed as excess could float for up to 10 years without a role but still get paid day in, day out—10 years, a decade of not being able to contribute properly; a decade of not being able to build on their work experience—

Mr Kevin Conolly: A shame.

Ms MELANIE GIBBONS: It is a shame because it is a decade of floating in limbo and a decade without job satisfaction. On top of that, taxpayers have had to fund it. Instead, under this legislation excess employees will be given two options. The first is to take either a voluntary redundancy package or a three-month retention period to pursue further employment within the sector. If employees are unable to be redeployed, they will then be made redundant. But there is a safeguard. This Government wants to retain the requirement that before terminating an excess employee a departmental head must be satisfied that there is no vacant permanent position for that person, not only in his or her department but in all other departments and all other agencies of the public sector. This is about fairness. There is no denying that these are hard decisions to make. The people of New South Wales have given us the mandate to correct these issues and to get the State's finances back on track.

The bill is simply trying to let common sense prevail. The former policy was unsustainable and unfair to our public service workers and also to the taxpayers of this great State. There is no need for the hysteria that Labor is trying to create. We are trying to fix a system that is not working. This legislation will outline the arrangements for dispensing with excess employees. It will apply to all government service and to all other public sector agencies. It stipulates how and when a staff member becomes excess, issues concerning redeployment, the retention period, salary maintenance, redundancy payments and termination provisions. These decisions are working to rein in spiralling public sector costs and reduce the amount of waste in our public sector. In fact, this bill will save the Government \$16 million a year.

It is this Government's job to bring the New South Wales public sector in line with other businesses, with a redundancy system that is fair but sensible. You cannot spend what you do not have. These amendments show we are committed to stopping public sector waste. Ask the taxpayers, ask our constituents—those opposite should do the same. I am sure our constituents would prefer a cost-effective public sector and the ability to have new infrastructure instead of continual ongoing wastage. During the election campaign we made a commitment to create a government that was more efficient, more accountable and more transparent. We are often here amending legislation to deliver just that for the people of New South Wales. The taxpayers of New South Wales expect better management of their money. I commend the bill to the House.

Mr DARREN WEBBER (Wyong) [12.48 p.m.]: I commend the Public Sector Employment and Management Amendment Bill 2012 to the House. Its provisions will update the State's public sector employment and improve performance indicators. The bill will bring the public sector into line with twenty-first century business practices. It will revise the provisions of the Act relating to excess officers of public service departments and the circumstances under which the services of those officers may be dispensed with. It will exclude the unfair contract jurisdiction of the Industrial Relations Commission in connection with any such excess officers and any excess employees of other public sector agencies. It will abolish the previous Government's longstanding practice of no forced redundancies that allowed employees with no permanent position to remain in the system indefinitely.

Previous speakers have given many examples, but it is horrific for a person to be unattached for 10 years but able to rock up to work with no job description or somewhere to progress their employment and contribute to the State. That would never, ever happen in the private sector. Importantly, the new arrangements do not apply to State-owned corporations, the health service, teaching service, NSW Police Force, Fire and Rescue NSW, RailCorp, Sydney Ferries, the Country Rail Infrastructure Authority and the Transport Construction Authority. Last year, soon after being elected, this Government sought to fulfil a key election undertaking by initiating a review into the operations of the public sector. This Government wants a reinvigorated New South Wales public service.

The Government wants the public service to be recognised as the best in the country and we want it to become the employer of choice. I am sure all members in this Chamber would like that outcome, but it is only those on this side of the House who have the courage and determination to make it happen. The Premier has always defended the work performed by the New South Wales public service. This is not some attack on the public service, as the scaremongers opposite would have us believe. The Premier said that he wants our public service to be not only the best in Australia but also recognised as a world leader. The bill contains provisions to give the Public Service Commissioner the power to develop and issue guidelines to public sector agencies on the essential elements of performance management systems.

This is what chief executive officers do in publicly listed companies. Over the past year the O'Farrell-Stoner Coalition Government has made, and will continue to make, the tough but appropriate decisions for this State. That includes implementing a performance management system that is designed to encourage employees to reach their objectives and to perform to the highest standards in their job. This is about achieving goals and targets, and the beneficiaries will be the taxpayers of New South Wales. I acknowledge that such a provision will make it easier to manage those who do not perform. Is that not what we would expect if we were investing our own personal money? Is that not what occurs in private enterprise?

The public sector should not be populated with a protected species, and there is nothing wrong with this Government focusing on a better-performing public sector and ensuring consistency and fairness. All employees need to be accountable, just as we in this House are every four years, not just to one employer but to 40,000-odd employers who vote. Hardworking public service employees need to know that they are valued and have an incentive to strive for maximum efficiency in the workplace. The key features of this legislation are a clear choice between a generous voluntary redundancy package or a three-month retention period. Those who choose the retention period will be offered assistance in seeking redeployment. We want to ensure that a genuine effort is made to find new employment. The bill also provides for forced redundancy for employees who are not deployed at the end of the retention period and a reduced severance payment for forced redundancy compared with the voluntary redundancy package.

To be very clear, the new arrangements do not apply to State-owned corporations: the health sector, the NSW Police Force, the education sector, Fire and Rescue NSW, RailCorp, Sydney Ferries, the Country Rail Infrastructure Authority or the Transport Construction Authority. This is about excess employees. It is also important to note that individual excess employee disputes and unfair dismissal matters will still be able to be heard and determined by the Industrial Relations Commission. I commend the bill to the House, and condemn the fear tactics employed by those opposite.

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

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Extension of Reporting Date

ACTING-SPEAKER (Mr John Barilaro): Order! I report the receipt of the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution: That this House agrees to the request of the Legislative Assembly in its message dated 27 March 2012 that clause (3) of the resolution of 22 June 2011 appointing the Joint Standing Committee on Electoral Matters be amended to extend the reporting date on the 26 March 2011 State Election from 12 months to 18 months.

Legislative Council
28 March 2012

DON HARWIN
President

[Acting-Speaker (Mr John Barilaro) left the chair at 12.53 p.m. The House resumed at 2.15 p.m.]

CHARLES EDWARD MORRISON

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [2.17 p.m.]: I report that 2GB's political reporter Heidi Tiltins and 2UE's breakfast host Jason Morrison have welcomed their first child into the world this morning. Charles Edward Morrison, or "Charlie" as he will be known—I thought "Kyle" would be more appropriate—weighed in at eight pounds, or 3.6 kilograms; and 19.7 inches, or 50 centimetres long. I am told that he has the Prime Minister's hair colour. I am advised that both mother and child are doing well, but I have received no advice about Jason. On behalf of all members, I wish Jason and Heidi well as they start a new stage of their lives. At least Jason understands early mornings.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [2.18 p.m.]: Thank you Madam Speaker.

Mr Andrew Stoner: At least the baby has hair.

Mr JOHN ROBERTSON: They tell me he has a brain, too—unlike you, dopey.

The SPEAKER: Order! The Deputy Premier will refrain from making personal remarks.

Mr JOHN ROBERTSON: I also congratulate Jason and Heidi on the birth of their first child. It is undoubtedly a very exciting time for them and I wish them all the best. I also wish Jason all the best in coping with sleepless nights and still having to get up very early to do a morning radio show. I am sure that will be one of their biggest challenges. It is pleasing that mother and child are doing well.

BUSINESS OF THE HOUSE**Notices of Motions**

General Business Notices of Motions (General Notices) given.

QUESTION TIME

[Question time commenced at 2.22 p.m.]

**DIRECTOR GENERAL OF DEPARTMENT OF PREMIER AND CABINET
REPORT ON THE STAR CASINO**

Mr JOHN ROBERTSON: My question is directed to the Premier. Has Chris Eccles reported back to the Premier on his investigation into Peter Grimshaw's conduct and, if so, will he release the report publicly today?

Mr BARRY O'FARRELL: The answer to the last part of the question is no. The Director General of the Office of Premier and Cabinet completed his report last week. He circulated it to both the Independent Commission Against Corruption and the Independent Liquor and Gaming Authority and, on the basis of a response from one of those agencies, he is undertaking further work. The report will be released when it is finalised.

WORKERS COMPENSATION SCHEME

Mr MARK SPEAKMAN: My question is directed to the Premier. What is the latest information on the New South Wales Workers Compensation Scheme?

Mr BARRY O'FARRELL: I thank the member for Cronulla for his question. This is an important matter. WorkCover is a vital scheme for the State's three million workers. There are 270,000 WorkCover policies across the State. Earlier this month the New South Wales Government received an update on the New South Wales Workers Compensation Scheme from PricewaterhouseCoopers, and it made for alarming reading. By the end of last year the deficit was at \$4.1 billion—a deterioration of \$1.7 billion negative turnaround in just six months. That debt is the equivalent of \$15,000 for every employer in the State and just over \$1,300 for every employee. The scheme's deficit between June and December 2011 increased at an alarming rate of \$9 million a day.

Another alarming statistic is that the rate of serious workplace injury in New South Wales is higher than in the industrialised states of South Australia and Western Australia. New South Wales has a lower proportion of people engaged in blue collar or what is regarded as more risky industry than is the case in those two States. We need to do everything we can to drive down the rate of workplace injury in New South Wales. That is one of the reasons when we came to office that we sought to implement the Federal Government's proposal for harmonised occupational health and safety laws. It is estimated that if this State could reduce its rate of serious workplace injury to the rates that exist in Western Australia and South Australia, that is, by just one serious injury per 1,000 across the State, there would be 8,500 fewer WorkCover claims each year, and that would save in the order of \$230 million.

The fact is that WorkCover premiums are a handbrake on jobs in New South Wales. While this State has performed well over the past 12 months, creating an additional 20,000 jobs while other States and jurisdictions are losing jobs, we cannot rest on those laurels. I understand that families are concerned about their jobs. We want to do everything possible to encourage jobs growth in New South Wales. Just think about the costs of WorkCover. For a construction company with a wages bill of \$250,000, the annual WorkCover premium is currently \$12,600. If the scheme were to continue without change, that premium would increase by more than \$3,500 to \$16,000—six times higher than the equivalent premium in Victoria and twice as high as the premium for the same company in Queensland.

A small cafe or restaurant in western Sydney that employs 11 people pays a base premium of around \$8,600. If we were to do nothing, that premium would increase by more than \$2,400 a year to \$11,000—more than double its Queensland counterpart and more than five times what a similar Victorian cafe would pay. There was no leadership by the former Labor Government on this issue. It tossed it in the too hard basket. I simply refer to a report in the *Sun-Herald* on 19 February which reported the former Labor appointed Chairman of WorkCover Greg McCarthy as saying:

They just weren't interested and did not listen to my warnings. No one since John Della Bosca has pulled the levers at all.

Of course, after John Della Bosca there were three Ministers responsible for WorkCover: Eric Roozendaal, the much-missed Joe Tripodi, and the member for Maroubra, who for most of the time after John Della Bosca left was the Minister responsible for WorkCover. Labor's appointee as the Chairman of WorkCover said that they were not interested. It was simply put in the too hard basket. What is the result?

Mr Michael Daley: Point of order: The Premier should read the rest of the letter.

The SPEAKER: Order! That is not a point of order and the member knows it.

Mr Michael Daley: And detail what his Minister Greg Pearce did.

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

Mr Michael Daley: He refused to meet with Greg McCarthy as well.

The SPEAKER: Order! The member will resume his seat. I call the member for Maroubra to order.

Mr Michael Daley: If the Premier can produce one piece of paper with Greg McCarthy's advice on it—

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

Mr Michael Daley: —I would like to see it.

The SPEAKER: Order! I call the member for Maroubra to order for the third time. I asked him to resume his seat and he refused. The Premier has the call.

Mr BARRY O'FARRELL: If the member for Maroubra has a problem with the former Chairman of WorkCover, he should take it up with him. The fact is that Labor saw WorkCover as a cash cow. We are going to get on with the job. We are going to tackle this problem. We will have proposals within the month, because we know we need to ensure that injured workers get the best possible and most timely result in returning to a productive and appropriate working life, and make sure that individuals with catastrophic injury are looked after in the way that any of us would want to see our loved ones cared for in that situation. We will fix this mess as we will fix so many other messes left to us by those opposite.

**DIRECTOR GENERAL OF DEPARTMENT OF PREMIER AND CABINET
REPORT ON THE STAR CASINO**

Mr JOHN ROBERTSON: My question is directed to the Premier, and I refer to the answer he gave to my previous question. Is the Premier prepared to detail to the House the nature of the further work that the Director General of the Department of Premier and Cabinet, Mr Chris Eccles, was requested to carry out?

Mr BARRY O'FARRELL: No, for this reason alone: That advice came from one of the two agencies, the Independent Liquor and Gaming Authority or the Independent Commission Against Corruption, both of which are undertaking independent investigations and one of which last week rejected the reference to it by the Leader of the Opposition in relation to this matter—an issue about which the Leader of the Opposition did not bother to put out a press release—and the other inquiry is ongoing. As I said at the time I referred this matter to my director general, when the report is finalised it will be released. My handling of this issue is vastly different from the way in which those opposite used to handle these matters.

It is not as if they did not have practice, but all the way through, from the moment the first claims were made, we contacted the head of the Independent Liquor and Gaming Authority, who said publicly—and repeated yesterday or Monday at his press conference—that he could categorically rule out the suggestion that there was any political interference from a Minister or his staff. Interestingly, on the day on which the Leader of the Opposition referred a number of staffers to the Independent Commission Against Corruption about this matter he could not answer any questions from the media about what he was actually referring. The Leader of the Opposition could not detail what was allegedly done wrong. No wonder the commission rejected that hearing.

The SPEAKER: Order! I call the Leader of the Opposition to order. He will cease interjecting.

Mr BARRY O'FARRELL: The Government has sought to do the right thing all the way through. It has sought to engage the head of the Department of Premier and Cabinet—

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

Mr BARRY O'FARRELL: Why has the Government been so upfront and honest? It is not just because the Government is committed to a different level and standard of transparency and probity from that adopted by those opposite; it is because the Government has nothing to hide. Everything has been properly handled, as the Minister for Tourism, Major Events, Hospitality and Racing has said.

The SPEAKER: Order! Opposition members will come to order. I call the member for Toongabbie to order.

Mr BARRY O'FARRELL: Turning to the substance of the issue in question, the only decision the Government has made about the casino in the year it has been in office is whether or not I would attend its opening. I am absolutely sorry that some egos and sensitivities were apparently broken when I preferred to go the ABC Local Radio Awards, the national local radio awards—

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

Mr BARRY O'FARRELL: —in order to present an award to those hard-working people who spend taxpayer dollars broadcasting to the nation and this State. I am sad, but that is the case. Inquiries are presently underway and, as the Government has said from day one, it will fully cooperate with those inquiries. Unlike the Leader of the Opposition, who did not trust the Independent Liquor and Gaming Authority inquiry—that was clear from his questions two weeks ago—the Government has always expressed confidence in that authority and the fact that the inquirer has all the powers of a royal commissioner.

The SPEAKER: Order! I remind the member for Maroubra that he is already on three calls to order.

Mr BARRY O'FARRELL: The only regret I have in relation to the inquiry is, as we have seen, that emails and texts were leaked from the casino. As I have said before, I did not know technology enabled one to do that. Clearly the casino has that technology, because of appropriate concerns that I presume it has about crime and corruption around its operations. The question I would like the inquiry to ask—but I do not think it is

relevant to the terms of reference that have been issued—is why the casino has not used that very same technology to see who leaked those emails and texts to the media. I would like to know whether the chairman or the chief executive officer of the casino have asked for that information.

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

Mr BARRY O'FARRELL: I would like to know whether the chairman or the chief executive officer of the casino have asked to use that technology to try to source what is alleged to be a leak. I would be interested to know if anyone other than the public affairs company it employed had access to those texts and emails. If those questions have not been asked—and I suspect they have not been asked by the chairman or the chief executive officer—it goes to the credibility of the organisation concerned. The report will be released when it is finalised. I do not intend to interfere with the Department of Premier and Cabinet inquiry, any more than I intend to interfere with the Independent Liquor and Gaming Authority inquiry or any more than I was prepared to try to interfere in the failed attempt by the Leader of the Opposition to have the Independent Commission Against Corruption look at this matter.

REGIONAL HEALTH

Mr ANDREW GEE: My question is addressed to the Deputy Premier. How is the Government delivering better health infrastructure for patients across a regional New South Wales?

Mr ANDREW STONER: Last week I was pleased to join the member for Orange at Wellington Hospital to announce that the emergency unit and ambulance entry will be relocated closer to other acute clinical services on site to improve safety and services for the local community. Nurses have told the Government that the current emergency department is far too isolated, especially at night, from the main acute services. This investment is a major win for nurses, patients and the local community, as well as the member for Orange. This investment in Wellington is part of an \$11 million funding package recently announced by the Minister for Health and me for 21 health infrastructure projects to improve rural and regional health services over the next three years. During the long, hard years in opposition, and now in government, the Minister for Health has dedicated herself to rebuilding our crumbling health services and infrastructure, particularly in regional New South Wales. There is no doubt that Jillian Skinner is the most effective Minister for Health that New South Wales has seen for decades.

As members on this side of the House are acutely aware, health services are vitally important in attracting people to regional communities. Recruiting and retaining health professionals in rural and remote areas is also a significant challenge. That is why the Government continues to allocate significant funds to the upgrade of health services in those regions. From Bellingen to Wellington, the Government will build, expand, improve, reconfigure, refurbish and upgrade more than 20 existing health and medical facilities. I also visited the electorate of Monaro last week. At that time, with the member for Monaro, I announced that Braidwood Multi Purpose Service will receive \$450,000 in capital funding. Upgrades to the Braidwood Day Centre and clinic will help to attract much-needed additional visiting specialists and service providers to Braidwood, and upgrades to the multipurpose service will help to maintain and greatly improve the working environment and comfort of patients. This is clear evidence of the commitment by the Liberal-Nationals Coalition Government to delivering quality health care as close and as safely as possible to where people live.

[Interruption]

One has to say that the member for Keira has delusions of adequacy.

The SPEAKER: Order! I ask the member not to incite the member for Keira.

Mr ANDREW STONER: In the electorate of Murray-Darling the Government is refurbishing the staff quarters at Broken Hill hospital, relocating the maternity services to the main building at Deniliquin Hospital, providing a new emergency service facility linked to the existing Ivanhoe Hospital and, at Tocumwal, it is making capital improvements to patient amenities, as well as building a covered secure link to the adjacent Tocumwal Lions Community Hostel. But wait, there is more. The Government will also deliver improvements over the next three years in Bellingen, Boggabri, Condobolin, Dorrig, Glenn Innes, Goulburn, Griffith, Gunnedah, Kempsey, Menindee, Milton, Ulladulla, Murwillumbah, Shoalhaven, Singleton, Wauchope and Wilcannia.

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

Mr ANDREW STONER: I am going to have to tell Alex at Cafe Quorum to stop putting triple shots in his coffee.

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

Mr ANDREW STONER: One would have thought those opposite would be happy about these announcements.

The SPEAKER: Order! Opposition members are getting very excited about the announcements. Opposition members will come to order.

Mr ANDREW STONER: As that noted electoral analyst Antony Green recently reported, members opposite failed to win one seat in country New South Wales 12 months ago. After 16 years of neglect by those opposite this funding will follow other significant regional health initiatives, including starting the planning for stage three at Lismore hospital, the first concrete pour at the Tamworth Cancer Centre, approval of the development application for Raymond Terrace HealthOne, awarding the tender for the Illawarra Cancer Centre, starting the planning for the much-needed Cooma dialysis unit, and awarding the redevelopment tender at Port Macquarie Base Hospital. What a great government for regional New South Wales.

The SPEAKER: Order! Members will come to order before I call the next member. Members will cease engaging in private conversations, which are occurring all too frequently during question time. I call the member for Kiama to order for the second time. I call the member for Bankstown to order.

PUBLIC TRANSPORT

Mr GUY ZANGARI: My question is addressed to the Minister for Transport. Given that the Government increased transport fares by 5.4 per cent, despite worsening on-time running figures, does the Minister's comment when in Opposition that "only in New South Wales would commuters be asked to pay more for services that are getting worse" now apply to her?

Ms GLADYS BEREJIKLIAN: After Labor's record in public transport members opposite are shameless in asking that question. Let us look at Labor's record. In 2005 Labor cut 416 daily rail services.

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

Ms GLADYS BEREJIKLIAN: The year after, in 2006, Labor cut 1,500 weekly bus services.

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

Ms GLADYS BEREJIKLIAN: In 2010 the former Leader of the Opposition, when he was the Minister for Transport, with his own hand slashed 233 weekly ferry services.

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

Mr Michael Daley: We can't hear.

The SPEAKER: Order! Opposition members would hear the Minister if they ceased their chatter and interjection, in particular the member for Maroubra.

Ms GLADYS BEREJIKLIAN: If Opposition members ask such a question they deserve to have their record repeated in this place.

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

Ms GLADYS BEREJIKLIAN: Guess what Labor was doing?

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

Ms GLADYS BEREJIKLIAN: While Labor was slashing services it was putting up fares, and by how much?

Mr Guy Zangari: Point of order: Under Standing Order 129, relevance. So far the Minister has not referred to the quote "only in New South Wales" would this be applied.

The SPEAKER: Order! There is no point of order. The Minister is being relevant to the question.

Ms GLADYS BEREJIKLIAN: I do not know what that was but it was not a point of order.

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

Ms GLADYS BEREJIKLIAN: While Labor cut services it asked commuters to dig deeper into their pockets. For example, at the same time Labor increased fares by 59.8 per cent—nearly 60 per cent—over 16 years the consumer price index was only 36 per cent. The consumer price index was 36 per cent while Labor was in Government, yet it increased fares by nearly double that amount.

The SPEAKER: Order! The member for Fairfield has had his opportunity and asked his question. I call the member for Fairfield to order.

Ms GLADYS BEREJIKLIAN: That is Labor's record. I have talked about Labor's record ad nauseam in this place, and I am happy to do so again. Labor slashed services and nearly doubled fares compared to the consumer price index.

Ms Anna Watson: Point of order—

The SPEAKER: Order! The Minister will resume her seat. Members will come to order so that I can hear the point of order.

Ms Anna Watson: My point of order is Standing Order 129, relevance. The Minister has spoken for three minutes and she is nowhere near answering the question.

The SPEAKER: Order! That is not a point order. The Minister is being relevant. The member for Shellharbour will resume her seat. I call the member for Shellharbour to order. When I ask members to resume their seats, I expect them to do so.

Ms GLADYS BEREJIKLIAN: Members opposite do not like to hear this, but let me get on with what this Government has done in public transport. We have added more than 61 weekly rail services, 15 of them in western Sydney. We have added eight additional services on the Blue Mountains line. We have added 42 additional services a week for Schofields customers. We have added 91 additional NightRide services.

Mr Nathan Rees: This has been a help.

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

Ms GLADYS BEREJIKLIAN: On 5 March this year I was pleased to announce that 41 services from Newcastle and the Central Coast would have an additional 33,000 weekly seats. I know the member for Gosford and members representing Hunter electorates appreciate that.

The SPEAKER: Order! All members who have been placed on one or two calls to order are now on three calls to order due to the disorderly nature of question time in the past five minutes or so. Several members who were on one call to order, are now deemed to be on three calls to order. I will have no hesitation in removing members from the Chamber this afternoon.

[Interruption]

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Toongabbie from the Chamber.

[The member for Toongabbie left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]

The SPEAKER: Order! The Minister will resume her answer.

Ms GLADYS BEREJIKLIAN: The member for Toongabbie should be ashamed of his record in public transport. While Labor slashed services and asked commuters to dig deeper, we are about bringing back services. We brought back services that the member for Toongabbie slashed when he was the Minister for Transport, including 165 additional weekly ferry services. We will not put the commuters last, as Labor did. We are about bringing back services, giving customers value for money and putting customers first, not last, as Labor did.

SYDNEY LIGHT RAIL AND MONORAIL

Mr JOHN SIDOTI: My question is directed to the Minister for Transport. How will the decision to purchase Sydney's light rail and monorail benefit Sydneysiders?

The SPEAKER: Order! I remind members that many of them are on three calls to order.

Ms GLADYS BEREJIKLIAN: That is a real transport question and I thank the member for Drummoyne for it and for his contribution to the public transport debate. I am pleased to inform the House that the New South Wales Government has bought the company that owns the light rail and the monorail—a great decision. This offers a once-in-a-generation opportunity to get public transport in the central business district [CBD] right. Our city needs a modern, integrated transport system that meets the needs of the travelling public. I do not think anyone would disagree with that. This purchase allows the removal of the outdated monorail and increases options for the new convention centre at Darling Harbour. The purchase also enables the efficient delivery of future light rail extensions in Sydney. I cannot help but think that the monorail has more than a few things in common with the Labor Party, and I will tell the House why. Certainly, its patronage is about as low as the Labor Party vote. Like the Labor Party, the monorail is outdated. Its best days are behind it, it goes around in circles day after day—

Ms Sonia Hornery: Point of order: My point of order is Standing Order 129, relevance.

The SPEAKER: Order! I am sure the Minister is being relevant. She is just making some unsavoury comparisons. I ask her to return to the leave of the question.

Ms GLADYS BEREJIKLIAN: Like the Labor Party—this is an important comparison—the public has to pay an awful lot for access. Like the Labor Party, the monorail has been known to crash and break down. I have a confession to make: I am a bit nostalgic about the monorail. I rode on it quite a bit in its early days, and whenever relatives or friends came from overseas to visit our great city I have often taken them for a ride.

The SPEAKER: Order! The Minister should not incite the Opposition any further.

Ms GLADYS BEREJIKLIAN: It is good to know that members opposite are listening. No doubt the monorail has reached the end of its economic and social life. The monorail cannot provide any sort of reasonable public transport service because it is not integrated with anything else. Like the Labor Party, it does not actually go anywhere that people want to go. Today I was interested to hear that Hobart might be considering taking the monorail. I am happy to say that we are open to offers. Whatever happens to the monorail, the clear message since we announced the decision to knock it down is that it was the right decision for our great city. The Executive Director of the Sydney Business Chamber, Patricia Forsythe, said that the decision "demonstrates the bold vision the NSW Government is developing for Sydney" and "is a sensible approach that would provide taxpayers with the best and most cost-effective options to expand the light rail network".

The Chief Executive of Infrastructure Partnerships Australia, Brendan Lyon, similarly said that the decision "represents a good acquisition for taxpayers because it allows a wider range of options to be considered to fix the CBD". I thank the member for Sydney for her support on this issue. She applauded the removal of what she described as "the ugly and intrusive monorail". The member rightly supports an integrated transport system in Sydney. Under the deal the Government has purchased Metro Transport Sydney for \$19.8 million.

The SPEAKER: Order! I ask members to cease their conversations across the table. The Minister has the call.

Ms GLADYS BEREJIKLIAN: The operation of light rail and monorail services will continue as usual as part of the contract with Veolia. The removal of the monorail will occur as soon as feasible after

obtaining the necessary approvals and consulting with stakeholders. This decision reaffirms the Government's commitment to expanding light rail, including extending the inner west light rail to Dulwich Hill. The Labor Government talked about doing that but it never delivered. Members opposite should be ashamed of themselves.

It is much more efficient for the New South Wales Liberals and Nationals Government to manage the construction of the inner west extension itself, rather than to continue with the terrible deal the former Labor Government signed up to in its dying days. This is another reason why what we have done here is a good deal for New South Wales taxpayers. As with the former Labor Government's failed Tcard, its bungled deal over Waratah carriages, its failure to deliver the North West Rail Link, amongst many other bumbles—normally the member for Balmain jumps in here and talks about the CBD-Rozelle metro bungle, and there are more on the list. [*Extension of time granted.*]

This is another example of the Government cleaning up the mess left by the former Government, and what a huge mess it was. The purchase of Metro Transport Sydney will give the Government more certainty and flexibility to develop the long-term transport options for Sydney that are so critical. Specifically, it will assist us in the development, maintenance and operations of the existing light rail network and any possible extensions of the light rail network. This builds on the work we have already done in opening up the light rail network to pensioners, families and MyZone ticket holders, again something the previous hopeless Government said could not be done. This is yet another move by the Government to improve access to public transport services and to provide the vision for public transport that our great city needs so desperately.

NSW TRADE AND INVESTMENT REGIONAL OFFICE CLOSURES

Ms NOREEN HAY: My question is directed to the Minister for Small Business. In light of the Minister's promise to create more jobs in regional New South Wales why has she closed regional trade and investment small business offices in Tweed Heads, Broken Hill, Coffs Harbour and Goulburn?

The SPEAKER: Order! The Premier will come to order.

Ms KATRINA HODGKINSON: I am delighted to get this question from the member for Wollongong. The New South Wales Liberal-Nationals Government is delivering responsible and stable government after many years of reckless financial management in New South Wales. We are taking the hard decisions; they are the right decisions to get New South Wales back on track after so long so that we can build the much-needed infrastructure and improve front-line services for our business community. Under Labor the New South Wales economy performed right at the back of the pack; that is no secret.

The SPEAKER: Order! The member for Wollongong has had her opportunity and asked her question.

Ms KATRINA HODGKINSON: Jobs growth was the lowest of any State over the past decade, according to the Australian Bureau of Statistics, and economic growth was the slowest of any State over the past decade.

The SPEAKER: Order! I remind Opposition members that several of them are on three calls to order.

Ms KATRINA HODGKINSON: That is another statistic from the Australian Bureau of Statistics. The Sensis Business Index shows that confidence was the lowest of any State for most of the past five years under Labor. The New South Wales Government is committed to backing small business and to growing regional communities. We want to restore business confidence in this State and make sure that businesses in New South Wales are given the best opportunity to thrive and grow in today's highly competitive and versatile marketplace. Upon coming to government last year the Government appointed the very first ever Small Business Commissioner, Yasmin King, an independent voice and advocate for small businesses in this State.

Ms King has already conducted regional tours of this State and she found the business support system left by the former Labor Government was full of gaps. It overlooked some small businesses and left businesses in important economic regions of New South Wales with very limited or no access to local support services. In an effort to correct these issues and better support small businesses across the State, the New South Wales Government is replacing the Business Advisory Service and other small business support programs with Smallbiz Connect, a single new small business support and advisory program.

I have spoken in this place about Smallbiz Connect. It will introduce a new approach to the delivery of advisory and support services to small businesses in New South Wales. It provides simple, user friendly access

for clients and access to a statewide network of skilled advisers. This is a very exciting program and will be terrific for businesses right across New South Wales. It will be a contemporary business advisory program targeted at addressing the needs of small business and focused on achieving strong outcomes for small business. Under this \$5 million Smallbiz Connect program every region in regional New South Wales will see an expansion of small business service delivery at a grassroots level.

As part of our reforms to streamline and improve small business service delivery a restructure is occurring within NSW Trade and Investment. In some locations the Department of Trade and Investment, Regional Infrastructure and Services has multiple offices and a streamlining of those will occur; but it will retain a very strong presence across New South Wales, with a total of 12 enterprise, small business and regional development offices continuing to operate throughout the State. This Government is committed to backing small business and we will ensure that we give them the very best levels of support in the fairest and most equitable business environment possible. I am very proud to say that these reforms have been welcomed by industry, including the Executive Director of the Council of Small Business of Australia, who said:

It's really good. Rather than having events where they've got to wait for small business people to turn up somewhere advisers are now going to go and visit the small business operators.

How great is that? Finally, we have practical business service delivery in New South Wales; we have been waiting 16 years for this. The executive director went on to say:

We're all so busy that getting to small business events is hard yakka. It's a really good change and it's something we've been asking for.

What a great endorsement from the Council of Small Business of Australia. These changes have been well thought out. We assessed all of the former programs and we decided to roll out this brand new package of reforms in New South Wales. This is great news for small business right across the State. Existing intellectual property will be available under the new Smallbiz Connect program in regions where that is wanted. This is great news for small business in New South Wales.

PUBLIC HOLIDAY RETAIL TRADING

Mr MARK COURE: My question is addressed to the Minister for Primary Industries, and Minister for Small Business. What action is the Government taking to boost retail trading to respond to community expectations about retail hours?

Ms KATRINA HODGKINSON: I thank the member for Oatley for his timely question. As a former small business owner, the member for Oatley has seen up close the challenges facing businesses in New South Wales. The member is doing an extraordinary job championing the needs of businesses and residents in his electorate to deliver better outcomes. Since this Government was elected in March last year many retailers have expressed their concerns to me about the overregulation of shops in New South Wales. I am proud to say that the Government has listened to the concerns of retailers, representatives and consumers and today we are delivering retail trading laws that better reflect community expectations of a twenty-first century economy.

As part of the New South Wales Government's update of the State's retail trading laws, we are lifting the restrictions on retail trading and maximising the productivity of the sector by allowing New South Wales retailers, including supermarkets, electrical and furniture shops, department stores and hardware stores, to open on Boxing Day. We are lifting the constraints that prevent shops from being ready to serve customers as soon as they open; releasing small- to medium-sized shops from the trading restrictions on any other day; revoking the decade old patchwork of regional exemptions that distort the marketplace; and providing for new, discrete trading zones whereby local communities, with the support of tourism authorities—I know the member for Coffs Harbour will be pleased about this—can provide shopping services to holidaymakers and tourists during holiday times.

Boxing Day will still be a public holiday; no-one can be forced to work and penalty rates will be unaffected. Equally retailers, particularly small businesses, cannot be forced to open under the terms of the leasing arrangement especially if they do not think it will be financially viable for them. I stress that point. These changes will provide a more appropriate balance between the commercial interests of retailers seeking to maximise the potential of their investment on the one hand and the family interests of retail workers on the other hand. The decision to lift trading restrictions on the retail industry has already been welcomed by our State's retailers, and the Australian National Retailers Association [ANRA] says that the changes will allow retailers to deliver what the shopping public wants.

The lifting of restrictions on Boxing Day will provide shopping services to local communities and support the shops, restaurants, cinemas and other businesses that are already able to trade on that day. This change will provide opportunities for thousands of small business employees right across the State who want a bit more in their pay packet, so there is something in it for everyone. This Government is obviously about delivering positive and practical plans for the people of New South Wales and for our State's small business operators. In less than 12 months this Government has delivered a suite of measures to improve small business confidence, which dropped to an all-time low under Labor. As I mentioned earlier, we have already appointed a Small Business Commissioner.

We also have implemented a 30-day payment policy to ensure government agencies pay their bills to small business operators on time. We are also investing, as I just mentioned, \$5 million into Smallbiz Connect, which will expand small business support services across the State. So what are today's changes going to deliver? They will free up shop trading restrictions, reduce the compliance burden for business, and provide extra opportunities for more jobs and greater earnings for shop employees. Since the global financial crisis began in 2008 the retail industry has indeed been struggling. Against what has been a very painful economic backdrop, the Productivity Commission recently completed its inquiry into the economic structure and performance of the retail industry.

The final report of that inquiry was released in December last year. Its recommendations included that retail trading hours should be fully deregulated across the entire country. In New South Wales, a review of the shop trading provisions of the Retail Trading Act 2008 was also recently completed. New South Wales has performed poorly when compared with most of the other States. While Western Australia, Victoria and Queensland all rose, albeit by small amounts, in trend terms, retail turnover in New South Wales actually went backwards. It is therefore vital that this Government assists the retail industry to maximise its full potential. The retail sector is an extremely important contributor to the overall performance of the New South Wales economy. The new laws will not interfere with the current exemption from all restricted trading days for retail businesses with fewer than five employees. [*Extension of time granted.*]

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

Ms KATRINA HODGKINSON: Members opposite do not care about regional New South Wales. That much has been demonstrated for many years. On this side we are very concerned for the future of regional New South Wales. The opportunity to trade on Boxing Day in regional areas is crucial for local economies. The lifting of retail trading restrictions on Boxing Day will deliver a significant injection of income to local economies.

Mr John Robertson: Point of order: The Minister is clearly misleading the House because anyone who knows anything about retail trading would know—

The SPEAKER: Order! That is not a point of order. The Leader of the Opposition will resume his seat.

Ms KATRINA HODGKINSON: As I was saying before I was so rudely interrupted, it is vital for regional areas that this goes through. As Minister for Small Business I believe it is very important the Government does everything it possibly can to support small business and to ease the pressure in this tough economic environment. To provide balance to the trading preferences of retailers, these arrangements will only be available on the condition that the staff in the shop have freely elected to work on that day without any coercion, harassment, threat or intimidation by or on behalf of the occupier of the shop.

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

Ms KATRINA HODGKINSON: Allowing a conditional exemption to trade on Boxing Day is another positive and practical way in which we are assisting retailers and giving a much-needed boost to the retail sector of the New South Wales economy. This is a boost for New South Wales retailers and a win for shoppers, and it is good for the New South Wales economy. I strongly commend this wonderful announcement we have made today.

PUBLIC HOUSING MAINTENANCE

Mr JAMIE PARKER: My question is to the Minister for Family and Community Services. What steps will the Government take to address the urgent \$300 million backlog in public housing maintenance?

Ms PRU GOWARD: I thank the member for Balmain for his question and his interest in the outcomes for social housing tenants. I remind members that housing maintenance is the responsibility of the Minister for

Finance and Services. When we came to office we transferred Housing NSW's asset management functions to the Department of Finance and Services under Minister Pearce and we have certainly gone much further and much faster than the previous Government. As the member's question clearly implies, since coming to office there can be nobody on our side of Parliament who has not been shocked by the number of complaints we have received about maintenance from tenants living in social housing. Labor left the social housing maintenance backlog at \$300 million. As the Premier has already said, you do not build up a backlog of \$300 million in a year; you have to work very hard at it. One of the things that Labor achieved was to work very hard over 16 long and miserable years to build up a backlog of \$300 million. It took Labor 16 years—

Mr Guy Zangari: Point of order: It is relevance. Why did the Minister cut the budget by \$17 million—

The SPEAKER: Order! That is not a point of order. I am growing a bit tired of members taking points of order when they are clearly not points of order. That is disorderly behaviour. I place the member for Fairfield on three calls to order.

Ms PRU GOWARD: One might wonder how a government ends up with a \$300 million backlog. Maybe it was something to do with the six Ministers Labor had in 16 years. I remind members of who they were: our favourite, Carl Scully, another favourite, Joe Tripodi, Cherie Burton, Matt Brown, David Borger and Frank Terenzini. Each member was working so hard on their own scandals they did not have time to do the work.

Ms Noreen Hay: Point of order: It is standing order 129, relevance. I draw your attention to the fact that not for the first time there is an attempt in a response to a question to impugn the reputations of members on this side of the House.

The SPEAKER: Order! The Minister is being relevant but I ask her not to impute improper motives to former or current members of the House.

Ms PRU GOWARD: Of course we now have a Department of Finance and Services providing maintenance services for more than 127,000 social housing properties. It is working towards reducing the overall maintenance liability, left by our predecessors through three means: an annual maintenance spend that is actually spent; an asset renewal program; and action to better understand and project the future needs of the portfolio. I can advise the member for Balmain that \$398 million is planned to be spent on maintenance and upgrading in this financial year; \$95 million of that is for responsive maintenance, with approximately \$303 million for planned maintenance and upgrading. Together they work to assist in maintaining the condition of the portfolio. It is important that we distinguish between the two kinds of maintenance. This makes the budget allocation for maintenance under this Government more than \$1 million a day. Asset renewal will also act as a lever to improve the overall reduction in maintenance spend by developing and maintaining the condition of the portfolio.

Significant renewal programs are underway, which members may be aware of, for example, Airs-Bradbury with more than 1,400 dwellings and Macquarie Park with almost 300 new dwellings. To better understand the future maintenance needs of the portfolio, again something that does not appear to have happened under the previous Government, the NSW Land and Housing Corporation is about to commence a comprehensive property assessment of the portfolio, not before time. Improved systems and innovative technology are being used to inform the corporation's forward maintenance program. Responsive maintenance work continues to be managed through the Housing NSW Housing Contact Centre, which provides services 24 hours a day, seven days a week. We need to use our finance more effectively through a combination of strategies to reduce this disgraceful backlog. [*Extension of time granted.*]

I thank you, Madam Speaker, for the extension of time. The three strategies are asset renewal; a sensible provision for maintenance that distinguishes between responsive maintenance, which is actually very expensive per dollar spent, and ongoing planned maintenance, which is the more effective way to maintain the value of the portfolio; and planned maintenance through an inspection and a projection of the future needs of the housing portfolio. The majority of our maintenance is planned and scheduled, which is the cost-effective way to do it. It is important to stick to that plan because responsive maintenance is much more expensive. I am pleased to have this great opportunity to advise the House and the member for Balmain in particular that the split of responsibilities has certainly provided for improved management of the Government's existing asset base because it is able to distinguish the importance of maintaining the asset, and the need to service our clients in public housing.

WESTERN SYDNEY HOUSING INFRASTRUCTURE

Mr CHRIS PATTERSON: My question is addressed to the Minister for Planning and Infrastructure. How is the Government getting on with the job of delivering housing and employment in Sydney's west?

Mr BRAD HAZZARD: I thank the great member for Camden for his question. He is a great member because he understands what the people of western Sydney want and need, whereas the Labor Party forgot about them, which is why there are so few Labor members in this Chamber. That is why the Coalition has members representing the electorates of Baulkham Hills, Blue Mountains, Campbelltown, East Hills, Granville, Hawkesbury, Londonderry and Menai. Labor members do not want to hear this because all of those were Labor electorates.

Mr John Robertson: Point of order: My point of order is repetition. The one thing about the Minister for Planning and Infrastructure is that he always starts with the same old, well-worn routine, and it is starting to get rather boring.

The SPEAKER: Order! It may be repetition but it is not quite tedious repetition.

Mr BRAD HAZZARD: It could be worse: they could have been in the Queensland Parliament. They should be grateful they have a few more members. I want to acknowledge the magnificent members we have representing the great people of the western suburbs in the electorates of Mulgoa, Parramatta, Penrith, Riverstone, Smithfield, Wollondilly—

Dr Andrew McDonald: Point of order—

Mr BRAD HAZZARD: Do you also want to join the Liberal Party? Okay.

Dr Andrew McDonald: Is it tedious repetition yet?

The SPEAKER: Order! I will let the member know when it is tedious repetition; that is for me to judge.

Mr BRAD HAZZARD: Madam Speaker, can I take a point of order on their tedious repetition, taking the same one each time?

The SPEAKER: Order! The member can take such a point of order, but I will be the judge of whether it is tedious repetition.

Ms Noreen Hay: To the point of order: The standing orders state that when a point of order is taken the Minister answering the question should resume his or her seat. With the last two points of order the Minister did not resume his seat.

The SPEAKER: Order! I was not aware that the Minister had not resumed his seat; I was not being as observant as I should have been. The Minister should resume his seat when a point of order is taken. The Minister has the call.

Mr BRAD HAZZARD: It is actually opportune that the Leader of the Opposition took a point of order and said that it is tedious repetition, because that is what the people of western Sydney told me about what he said last Monday afternoon at Casula Powerhouse. This is fantastic. Who gave us the lowest housing starts in 50 years?

Government members: Labor.

Mr BRAD HAZZARD: Actually, there is one up the back there who is very special. Who took us to the rock bottom of 29,600—

Mr Michael Daley: Point of order—

Mr BRAD HAZZARD: I was just getting to her. I will come back.

The SPEAKER: Order! The Minister will resume his seat.

Mr Michael Daley: This answer is wayward enough without the Minister having to transgress Standing Order 73 and lower himself with another undignified attack on a Premier of this State.

The SPEAKER: Order! I ask the Minister to—

Mr BRAD HAZZARD: I am sorry, it was an undignified attack on a former Premier.

The SPEAKER: Order! I uphold the point of order. The Minister will return to the leave of the question.

Mr BRAD HAZZARD: I think some of my colleagues might know who it is. It is the same member—

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

Mr John Robertson: Point of order: The Minister is flouting your ruling. You have ruled on this point and the Minister has specifically gone back to the very point that you asked him to move away from.

The SPEAKER: Order! I understand the point of order. I will make a judgement on that. The Minister will answer the question or resume his seat.

Mr BRAD HAZZARD: It is very important that I point out that the positive steps that this Government is taking to provide housing and job opportunities come off the back of the rock bottom number of housing starts delivered by the former Leader of the Labor Party, the member for Heffron, who managed to take us to 29,600 houses a year.

Government members: Shame.

Mr BRAD HAZZARD: It is a shame—nearly 20,000 fewer than we need. With great energy, last week the Premier, the great member for Camden and I went up Peter Brock Drive and arrived at the centre of Oran Park town and announced that there will be the latest township—providing 5,000 jobs, 3,000 apartments, 8,500 homes in the wider Oran Park area. The first stage of the development will provide 50,000 square metres of retail space and more than 4,000 square metres of commercial space. We are doing so much in western Sydney and the Labor Party did so little: absolutely zilch. [*Extension of time granted.*]

Thank you, Madam Speaker, for your enthusiastic support. It is interesting also that on Monday the topic at the Casula conference was housing affordability. We do congratulate people of other political persuasions, and I congratulate Alison McLaren, President of the Western Sydney Regional Organisation of Councils on capably bringing forward a number of issues about the necessity to get employment lands operational and extra housing in western Sydney. Each speaker highlighted that the former Labor Government did absolutely nothing to support housing or employment opportunities in western Sydney. The Leader of the Opposition arrived at about 4 o'clock in the afternoon—I am told he does not like early morning starts. At about 8 o'clock that morning the rest of us were out there having tea and coffee and enjoying western Sydney. The Leader of the Opposition denied in his point of order that he or the member for Heffron delivered the lowest housing starts but what did the Housing Industry Association say about the former Government, particularly the current Leader of the Opposition? It said:

Through policy failure after policy failure we effectively killed off housing in this State and the economy has been under-performing year in, year out as a result.

They were not the words of the Liberal-Nationals; they were the words of the Housing Industry Association. This Government is providing jobs and employment land and it is doing everything it can to support western Sydney.

Question time concluded at 3.19 p.m.

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**.

Ebor Public School

Petition requesting support for the retention of Ebor Public School, received from **Mr Richard Torbay**.

Road Safety

Petition requesting the enactment of legislation requiring all major roads, highways and freeways to have breakdown lanes or shoulders that meet Austroads standard and further legislation requiring drivers to slow down and move over when they observe flashing hazard lights on roadside vehicles, received from **Ms Linda Burney**.

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**.

Pets on Public Transport

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

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**.

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

Pittwater Fishing

Petition requesting the Government buy out commercial fishing operators within the Pittwater to help to ensure a sustainable future for this invaluable natural asset, received from **Mr Rob Stokes**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Pacific Highway Upgrade**

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.22 p.m.]: I request that members accord priority to my motion, which asks the House to condemn the Federal Government for its attempts to cut funding for the Pacific Highway upgrade by \$2.3 billion, which will further delay the 2016 projected completion date and continue to put lives at risk. Even though I have raised this issue four or five times in this House this year and even though I raised it as a matter of public importance last night, it is obvious from the response of the member for Lakemba and the media release put out by the Leader of the Opposition yesterday that we as a Parliament must send a message to the Federal Government reiterating the need for an 80:20 funding split. I do not believe that either the Leader of the Opposition or the member for Lakemba have travelled that highway. If they have I would like to know when.

Mr John Robertson: I am happy to accommodate the member for Coffs Harbour. I travelled the highway in January.

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

Mr John Robertson: Before that I travelled it in October.

The SPEAKER: Order! The Leader of the Opposition is on shaky ground.

Mr ANDREW FRASER: It sounds as though the Leader of the Opposition is giving a personal explanation. He should be going to his Federal colleagues hand in hand with this Government to ask them to continue the funding arrangement that was in place prior to the Coalition winning government on 26 March last year. That arrangement involved an 86 per cent funding contribution from the Federal Government and 14 per cent from the State Government. This Government's first budget increased funding for the upgrade of the Pacific Highway by \$468 million, which represents an 80:20 funding split.

This House should send a very strong message of support for the Premier's letter to the Prime Minister requesting that the Federal Government agree to an 80:20 funding arrangement after 2014, when the current arrangement expires. As I said in this House last night, Carl Scully promised that the highway duplication would be completed by 2006. He failed to deliver and we must now rely on the Federal Government to provide funding so that people living on the North Coast and in the electorates of members opposite are not killed and maimed on the Pacific Highway. The only way that the Government can meet the 2016 deadline is by ensuring that the Federal Government continues to provide appropriate funding according to the arrangement in place prior to the election. I ask the House to accord my motion priority.

Government Performance

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.25 p.m.]: My motion should be accorded priority because things are getting worse under the O'Farrell Government.

The SPEAKER: Order! The Leader of the Opposition can quote from the document he has in his hand, but he cannot wave it around and use it as a prop. I warned him about that yesterday.

Mr JOHN ROBERTSON: Things are getting worse for the people of New South Wales under the O'Farrell Government. Electricity bills have increased by 18 per cent since this Government took office. That is the performance of a Government that said it would drive down the cost of living. The Treasurer has stood in this House on many occasions and said that he would reduce the cost of living, but unfortunately the opposite has happened. Energy prices have increased by 18 per cent and public transport fares have increased by 5.4 per cent in this Government's first year in office. That is almost double the rate of inflation. Commuters from Penrith, Parramatta and Gosford will be paying an extra \$156 a year for their transport.

This Government has also introduced public preschool fees for the first time in New South Wales. That means families will be required to pay up to \$200 extra each week for each child they have at preschool. This Government has also abolished the stamp duty exemption for first home buyers and public housing tenants have had their rent increased. The Treasurer has turned a \$1.3-billion surplus into deficits as far as the eye can see. I can hear members opposite laughing. The Treasurer should give his colleagues a copy of the speech in which he said that the budget was in surplus to the tune of \$1.3 billion.

The SPEAKER: Order! Government members will cease interjecting.

Mr JOHN ROBERTSON: Economic growth has slowed from 1.6 per cent to 0.9 per cent since March 2011.

The SPEAKER: Order! I have warned Government members about interjecting.

Mr JOHN ROBERTSON: It gets worse. Today we discovered that things are getting much worse for anyone working in the retail sector in New South Wales. We have a Minister for Small Business who does not understand the trading hours legislation. Workers will now be forced to work not only on Boxing Day and Easter Sunday but also on Christmas Day. The Government is setting up a framework that will allow workers to be compelled to work in retail stores on Christmas Day to set up for the Boxing Day sales. The Minister does not understand the concept of tourism zones and that they are already exempt.

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

The House divided.

Ayes, 63

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

Noes, 22

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

Question resolved in the affirmative.

PACIFIC HIGHWAY UPGRADE**Motion Accorded Priority**

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.38 p.m.]: I move:

That this House condemns the Federal Government's attempt to cut its funding of the Pacific Highway upgrade by around \$2.3 billion, which further delays the 2016 completion date and continues to put lives at risk.

Last night in this House I detailed on a percentage basis the contribution of the Federal Government from 2008 to 2010-11. Today I put it in dollar terms. In 2009 the Federal Government committed \$2.451 billion and the State Government committed \$500 million. In the previous year the State Labor Government cut the funding by \$300 million. In 2009-10 the Federal Government committed \$2.499 billion and the State Government committed \$500 million. In May 2009 there was \$3.117 billion from the Federal Government and \$500 million from the State. In 2010 there was \$3.152 billion from the Federal Government and \$500 million from the State. On average, State funding went from 17 per cent to 14 per cent—in fact 14 per cent from 2009 to the end of the 2010-11 year.

The first budget brought down by Treasurer Baird, in a deal with the Federal Government, increased the proportion of government funding to \$968 million—an increase of \$468 million—or an 80 per cent to 20 per cent funding split between the Federal and New South Wales governments. That is what it should have been prior to that, but the former State Labor Government did not put in its full 20 per cent and the Federal

Labor Government said very little about that. In February 2011 it was estimated that an average of 2,250 heavy vehicles traversed the Pacific Highway daily—about 22 per cent of total vehicle carriage at that time—and more recently it was estimated that about 15,000 vehicles traverse the Pacific Highway every day.

I repeat: From 1997 to 8 January 2012 some 555 lives were lost on the Pacific Highway. Who knows how many people have been maimed or injured in that time? No doubt it is far more than 555. The headline on page five of today's *Coffs Coast Advocate* states, "Albanese hits out on funding". But when one reads the article one learns that it does not amount to the Federal Government insisting on 50:50 funding. In fact, judging from history, I suggest that the Federal Government is endeavouring to put forward a case to reduce funding levels. The funding agreement runs out in 2014: it needs to be renegotiated. I am more than happy to sit down with Treasurer Baird, the Minister for Roads and Ports, the Prime Minister and Minister Albanese to work out a funding split that will see the construction of the Pacific Highway finished by 2016.

Frankly, the people of New South Wales have had a gutful of empty promises—which started back in 1996—that the highway would be finished when it has always been on the never-never. Work was to be completed by 2011, then 2014 and now it is 2016. Considering the number of road sections that are still incomplete, I very much doubt that it will be finished by 2016. Those opposite and the Federal Government should acknowledge that since the last budget revenue to New South Wales from GST alone has fallen by \$1.6 billion. The Federal Government wants the O'Farrell Government to put in an extra \$2.31 billion to maintain services. The Premier wrote to the Prime Minister about this issue. In that letter the Premier said:

The New South Wales Government has made renovating infrastructure a central focus, to restore economic growth, improve quality of life. Although New South Wales is Australia's largest economy and accounts for around 31 per cent of gross domestic product, New South Wales' share of national infrastructure funding is forecast to fall to around 15 per cent, as existing funding projects are completed without new commitments from the Commonwealth—

Mr ROBERT FUROLO (Lakemba) [3.43 p.m.]: I move:

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

- (1) condemns the New South Wales Government for its attempts to re-write the history of the Federal/State funding ratios on the Pacific Highway; and
- (2) calls on the New South Wales Government to fund the Pacific Highway on the 50:50 basis established under former Prime Minister John Howard's AusLink agreements.

I welcome the opportunity to once again set the record straight on the issue of funding for the Pacific Highway. Despite the views of those opposite, I am convinced that members on both sides of the Chamber agree that the completion of the Pacific Highway should be a high priority. The difference is that those on the other side have the capacity to make it happen.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Tweed will have an opportunity to make a contribution to debate shortly.

Mr ROBERT FUROLO: Members representing the electorates of Tweed, Ballina, Clarence, Coffs Harbour, Oxley, Port Macquarie and Myall Lakes represent communities that are situated along the Pacific Highway. What are those members doing to convince the Premier and the Treasurer to fund this project? Let us be clear about the history of this matter. Between 1996 and 2007 the Howard Liberal Government committed \$1.5 billion in funding for this project. During the same period the New South Wales Labor Government committed \$2.5 billion in funding. My maths may not be perfect, but that equates roughly to a 33 per cent contribution by the Federal Government and a 66 per cent contribution by the New South Wales Labor Government. It was not until 2004 that John Howard, in the AusLink White Paper, proposed to change the funding model to 50:50.

Mr Andrew Fraser: Did you sign it?

Mr ROBERT FUROLO: Those opposite said we should have. Not only that, they said:

"... only [the Coalition] are committed to completing the upgrade of the Pacific Highway by 2016 ..."

Mr Stephen Bromhead: Let's get the road done. Stop playing politics.

Mr ROBERT FUROLO: This is not a political issue unless you make it one. If you were committed to making this happen you would be talking to people on your side of the Chamber.

Mr Stephen Bromhead: There is blood on your hands.

Mr ROBERT FUROLO: You are in government, mate: you guys can make the decision.

Mr Stephen Bromhead: They have got the money, not us.

The DEPUTY-SPEAKER (Mr Thomas George): Order! When the member for Lakemba directs his comments through the Chair I will call Government members to order. The member for Lakemba will cease directing his comments across the table.

Mr ROBERT FUROLO: It is clear that the O'Farrell Government has broken its commitment to fund the construction and completion of the Pacific Highway by 2016. It is in black and white. In fact, the member for Coffs Harbour said:

The Federal Government ... have been contributing the lion's share of the upgrade and it is high time the State Government ... poured the resources into this highway, which takes in excess of 50 lives each year.

Not only did the member for Coffs Harbour say that, but I repeat that the Leader of The Nationals said:

Only the NSW Liberals and Nationals are committed to completing the upgrade of the Pacific Highway by 2016 ...

Why is the Government not delivering on its promises? Why has the Government walked away from that commitment? Why is the Government walking away from the seven electorates it represents on the North Coast and the mid North Coast of New South Wales? Why is the Government allowing this project to remain unfunded despite its promise to have it completed by 2016? Why on earth would those opposite continue to raise this issue when they have done nothing to solve the problem?

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Myall Lakes will come to order.

Mr ROBERT FUROLO: The funding model made available by the Federal Government for the completion of this project by 2016 was introduced by John Howard. It is the Coalition's initiative and program. It is the Coalition's funding ratio of 50:50. Those opposite said that they would have the highway finished by 2016. Why has the Government walked away from its commitment to complete it?

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Coffs Harbour will resume his seat.

Mr ROBERT FUROLO: Why have Government members walked away from their constituents? Why has the Government broken its promise and left the Federal Government to pick up the tab?

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [3.48 p.m.]: I proudly support the motion moved by the member for Coffs Harbour. I understand the pain and suffering he has endured when, time and again, fatalities have occurred on sections of the Pacific Highway in his electorate. No-one wants to see people die on our roads because of a lack of funding. Sadly, many sections of the Pacific Highway are badly in need of an upgrade and, unfortunately, no doubt there will be further deaths in the future.

Mr Robert Furolo: You are in government: you fund it. Where's your commitment?

Mr GEOFF PROVEST: You can talk all you like about it, but people are dying. This matter is serious, and the member for Lakemba should not try to politicise it.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Tweed will direct his comments through the Chair, and the member for Lakemba will listen to his comments.

Mr GEOFF PROVEST: Anthony Albanese is right: Funding for the upgrade should be above all politics. Unfortunately, our State Labor colleagues do not believe that. The New South Wales Government supports the Prime Minister's goal of completing the duplication of the highway by 2016. Under this Federal Government the funding between the Federal and New South Wales governments has always been an 80:20 split. Mr Albanese is now seeking to reduce his Government's funding and force the New South Wales Government into a 50:50 share of the cost of upgrade. This is a complete shift from the current funding

agreement. It is also manifestly unfair. Considering the Commonwealth's large revenue base and its expenditure on projects such as the National Broadband Network, an estimated \$36 billion, and the Building the Education Revolution, \$16 billion, surely the Federal Government can find \$2.3 billion to upgrade the highway.

It is not right. My electorate is represented by a Labor member federally. We are about to finish the final section of the Pacific Highway. The total cost of that is \$359 million and the Federal Government provided \$349 million. So members opposite are talking rubbish. They should step up to the plate. The Commonwealth should provide funding for major infrastructure projects. The current situation is clearly unsatisfactory. Delivering on our commitment to deliver the Pacific Highway upgrade by 2016 is not only in the interests of improving freight productivity but also critical to reducing the number of fatalities and injuries on that road. That is a direct quote from the Premier's letter to the Prime Minister. It is about saving lives. Recently in Queensland the Labor Party was held to account for its lies and broken promises, and it was obliterated. It is only a matter of time before the same thing happens to the Federal Government, because once again Labor is lying and reneging on agreements. People's lives are much more important than Labor's politics.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Before I call the next speaker I remind all members that I have a list that is nearly two pages long of names of members who are on three calls to order, and which still stands.

Mr CLAYTON BARR (Cessnock) [3.52 p.m.]: I support the amendment moved by the member for Lakemba to the motion about this important road. The reality is this is about who makes commitments and promises and who can and cannot fulfil them. Frankly, members opposite are clutching at straws in order to run some cover for a budget that will clearly not allocate funding to fulfil the Government's commitment. When I was a schoolteacher and a staff manager I always ensured that the people around me understood one important point about the commitments and promises that they had the capacity and willingness to deliver. Whenever they brought me a promise, a commitment or a suggestion that they planned to deliver with the assistance of someone else I would never accept it because they could not make a commitment or deliver on a promise unless they could control the outcome.

Government members went to the election with commitments and promises but they did not mention that they required assistance, support, teamwork or other funding sources. They simply said, "We will deliver". However, members opposite are now saying that they cannot deliver because of X, Y or Z. The problem is that they were deceitful and misled the general public in order to get themselves elected, and now they are crying and moaning that they cannot deliver. Let me tell the House some things. The Government will get \$500 million more from royalties this year than any previous Government received, and it will get \$1.7 billion more from GST revenue this year than any previous Government received.

Members opposite need to understand that if they make commitments and they have the bank account, they need to deliver. But, clearly, they cannot. That speaks volumes about members opposite who live along the Pacific Highway. They have been unable to convince the Treasury, the Premier and the Treasurer to commit to funding the upgrade of the Pacific Highway. That shows that either they are too incompetent to make a good argument and get what they need from the Government, or their Treasurer and Premier are much more concerned about something like the North West Rail Link than they are about 55 lives being lost on the Pacific Highway every year. The Government has a responsibility to build the road. Members opposite need to stop blaming others: they need to stop ducking and diving. [*Time expired.*]

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.55 p.m.], in reply: It is obvious that members opposite did not read the budget papers prior to coming into the Chamber. My copy of the budget papers, which I am happy to make available to them, clearly shows 83:17, 83:17, 86:14, 86:14 and back up to 80:20 under this Government. Those figures are the percentages of funding under the Labor Government. It was not 50:50.

Mr Robert Furolo: On what road?

Mr ANDREW FRASER: The Pacific Highway, dopey. I point out to members opposite that when Bob Carr was Premier of New South Wales and Carl Scully stood in this House in 1996 and promised to have the upgrade finished by 2006 the road was classified as a State road—much to the chagrin of everyone living along that road. What happened then was that Howard came into the equation and said, "We will start funding it"—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Lakemba that all members are on three calls to order.

Mr ANDREW FRASER: Howard may have said 50:50—

Mr Robert Furolo: He did.

Mr ANDREW FRASER: Labor put in 80:17; it was not 50:50. Go back and look at the budget papers.

Mr Robert Furolo: We put in \$2.5 billion and \$1.3 billion.

Mr ANDREW FRASER: Yes, when it was a fully funded State road. It is now a jointly funded road. All other highways are funded on an 80:20 basis in the Federal budget or on a 100 per cent basis federally. Across the border in Queensland the upgrade from Tweed Heads to Brisbane was funded by the Federal Government. This is an extension of the Pacific Highway. That shows the stupidity of members opposite, who refuse to acknowledge that during every Christmas and Easter holiday period people are killed and maimed on that road. And those people come from the Sydney area and from Gosford and Wyong, when Wyong was in Labor hands.

In one incident two young children from Wyong were killed at Bonville. At that time I had support, both privately and publicly, from the Labor member to seek more Federal funding for the Pacific Highway upgrade. This Government is asking for the same deal that the Federal Labor Government gave to the State Labor Government. In terms of the funding referred to by the member for Cessnock, obviously he was not a maths teacher. New South Wales has had a \$1.6 billion reduction in GST. We are asking the Federal Government to continue the commitment it made to the State Labor Government.

Mr Clayton Barr: Come upstairs and I'll show you the budget papers.

Mr ANDREW FRASER: I will not go to your office.

Question—That the words stand—put.

The House divided.

Ayes, 62

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

Noes, 21

Mr Barr	Mr Lalich	Ms Tebbutt
Ms Burney	Mr Lynch	Ms Watson
Ms Burton	Dr McDonald	Mr Zangari
Mr Daley	Ms Mihailuk	
Mr Furolo	Ms Moore	
Ms Hay	Mr Parker	<i>Tellers,</i>
Ms Hornery	Mrs Perry	Mr Amery
Ms Keneally	Mr Robertson	Mr Park

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 62

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

Noes, 21

Mr Barr	Mr Lalich	Ms Tebbutt
Ms Burney	Mr Lynch	Ms Watson
Ms Burton	Dr McDonald	Mr Zangari
Mr Daley	Ms Mihailuk	
Mr Furolo	Ms Moore	
Ms Hay	Mr Parker	<i>Tellers,</i>
Ms Hornery	Mrs Perry	Mr Amery
Ms Keneally	Mr Robertson	Mr Park

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.15 p.m.]: I move:

That standing and sessional orders be suspended to permit the passage through all stages at this or any subsequent sitting of the Retail Trading Amendment Bill, notice of which was given this day.

Notice was given today by the Treasurer in relation to the Retail Trading Amendment Bill 2012 and the agreement in principle speech will be made tonight. However, in order that the matter be resolved prior to the Easter celebration and holiday period it is necessary that the bill be moved through the Legislative Assembly. I am sure we will get strong support from the Labor Party on this motion.

Mr MICHAEL DALEY (Maroubra) [4.16 p.m.]: We have just had an overt admission by the Leader of the House that this Government is unable to manage its own affairs. Ostensibly the bill will deal with two days of the year, one being Boxing Day, 26 December, which is a long way off, and the other being Easter Sunday. The justification for needing to ram this bill through all stages so as to deprive members of this House of the usual operation of the standing orders, which provide for a bill to lie on the table for five days after notice is given, is that this Government wants to amend trading hours or other matters relating to trading on Easter Sunday. The first question that comes to mind is: What is happening to the new neo-conservative faction led by the Minister, Lord Roberts of Baghdad, aided and abetted by the Attorney General, the member for Gosford, wherever he is, and the Hon. Mike Gallacher in the other place?

Another good Christian, the member for Oxley, is sitting over there. The bill proposes to amend trading hours and business activities on one of the most significant days in the Christian calendar and the neo-cons have been rolled. The real reason for the hurried introduction of this bill is that it is a sop to the business community that criticised this Government roundly on the weekend. All the commentary from the business community in the Saturday and Sunday papers and in other media on the weekend noted how this Government is standing still. What was the immediate reaction of the O'Farrell Government? On Monday it announced an amendment to further cut workers compensation payments to people who are injured in New South Wales.

In the afternoon the Premier addressed the NSW Business Chamber and said, "I've given all those government workers a terrifically good shake but there is a handful of them I cannot get my hands on—rail workers, port workers and electricity workers. If only I could shake them down I could save another \$326 million over the forward estimates." That is not all. The business community was not satisfied with that. So the Government is putting to us today that there has been a brain snap in the past two days. Some Minister has popped up around the Cabinet table and said, "Premier, why don't we allow further relaxation of trading laws on Easter Sunday and introduce it this year, not next year?"

The response was, "That's a terrific idea, Minister, why don't we rush that through Parliament?" It is an absolute joke to ram through all stages of this legislation. The Government should manage its own affairs better and stop sopping to the business community at the drop of hat. This is simply further evidence that there is no overarching or driving philosophy behind this Government. It is ad hoc. It stumbles along from day to day both within and outside this Parliament. The Opposition opposes this bill and it opposes the suspension of standing orders.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 61

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

Noes, 22

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

Question resolved in the affirmative.

Motion agreed to.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mrs ROZA SAGE (Blue Mountains) [4.38 p.m.]: I support the Public Sector Employment and Management Amendment Bill 2012. A few years ago when I first heard of the then Government's unattached list I could not believe what I was hearing. Excess public servants were being employed and paid despite the fact that they had no work to do and no job. That had to be the most demoralising experience for those who wanted to work—they would have had no direction, no goal and no future. The media told stories of public servants who had been in limbo for years, all at taxpayers' expense. It was all very well for the Labor Government to provide such largess, but it was the taxpayers who were footing the bill. That waste of taxpayers' money goes to the heart of the Labor Government's mismanagement of this State.

Members of that Government had no private business experience and they did not know how to manage money. The people of this State understood that, they had witnessed the waste and mismanagement and they responded accordingly by booting out the Labor Government. Coming from a small business professional background, I know that I could not afford to keep an employee who had no position or no work to do. Any business would soon find itself bankrupt if it applied the same principles that the former Government applied to the running of this State. It is important to emphasise that it is taxes that provide government services, and the taxpayers deserve to get value for their hard-earned money. The O'Farrell Government is sensibly committed to providing an efficient and accountable public service.

The proposed amendments to section 56 of the Act are required to support the Government's policy for managing excess employees. No person working in the private sector, be it a sales assistant, a motor mechanic or a bus driver, would contemplate being kept on if they had no work to do. Those workers know the realities of life. Section 56 provides that department heads can terminate the services of excess employees who no longer have a position. However, the recent decision of the New South Wales Industrial Court significantly broadens the test contained in that provision by determining that a department head must apply to establish that no useful work is available before terminating the services of excess employees.

That would require the checking of all work opportunities across the public sector, including temporary and contract work, before any employee's services could be terminated. It would be an onerous and almost impossible task to search for any type of employment across the entire public sector. Departments must have the flexibility to manage their workforce and to implement organisational reforms to become more responsive and cost effective in the face of change. One of the complaints I hear regularly from the community relates to the difficulty of dealing with a rigid public service bureaucracy. Accordingly, the Government has given a high priority to improving the performance and customer service delivery of government agencies.

That has been recognised by the establishment of the Public Service Commission to lead the strategic development and management of the public service workforce in relation to performance management and recognition. The O'Farrell Government introduced its new public service management policy on 1 August 2011 and in so doing provided excess employees with the option of taking a very generous redundancy package or a three-month retention period to pursue redeployment. As a result of the union challenge in the Industrial

Relations Court, the court made orders to reinstate the provisions of the 2008 Labor Government policy for 28 employees until 31 July 2014. This means that government agencies are prevented from implementing the new Government policy for this group of employees for another three years, even though they do not currently have a permanent position.

Some of this group have not had positions for a number of years and several have not been successful in finding redeployment, despite being provided with career transition assistance. It is the Government's view that redundancy provisions for public sector employees should not be unilaterally determined by the Industrial Court but rather be a balance between treating excess employees fairly and delivering efficient services to the community. The Government will assist those public servants who lose their jobs as a result of structural reforms or changing priorities but, if they are unable to be redeployed, they cannot be kept on indefinitely. It is economic madness to keep workers when there is no job and no work.

It needs to be emphasised that essential front-line staff employed under separate industrial arrangements will not be affected. It was to be expected that Labor and the union movement would do what they do best—scaremongering and disseminating misinformation, as they usually do on these sorts of issues. Our hardworking nurses, police officers, teachers, rail workers and firefighters will not be affected. It is also important to note that redundancy arrangements in existing industrial instruments will not be displaced. Importantly, the legislative amendments to the Public Sector Employment and Management Act 2002 do not have retrospective application.

To ensure that the Government can manage excess employees effectively and efficiently this bill proposes to exclude the application of the unfair contracts provisions of the Industrial Relations Act to the arrangement for dispensing with excess employees. The proposed amendments will clarify that the Industrial Court will no longer have the power under the unfair contracts provisions of the Industrial Relations Act to unilaterally determine the provisions that apply to excess employees in the public sector. Such an approach is consistent with arrangements for workers in the general community where access to rights under the unfair contracts provisions of the Industrial Relations Act are not widely available.

I stress that people in the private sector are people in the reality of employment. The amendments will provide clarity and certainty for public sector agencies as well as the employees affected directly. It puzzles me greatly that a provision existed that allowed employees to be retained without a position to go to and be paid. This is a luxury that governments cannot afford given the limited resources they are required to work with. It is a work practice that is archaic and out of touch with reality. The taxpayers of New South Wales are the ones that ultimately miss out. I strongly support this legislation and commend the bill to the House.

Mr MATT KEAN (Hornsby) [4.48 p.m.]: I am delighted to talk to the Public Sector Employment and Management Amendment Bill 2012 because I fundamentally believe that we need an efficient and effective public sector workforce. The bill proposes that the Public Sector Employment and Management Act 2002 be amended, in section 103A, to exclude the application of the unfair contracts provision in division 2 of part 9 of chapter 2 of the Industrial Relations Act from arrangements for dispensing with excess employees. The House should be very clear about the definition of "excess employees". The bill defines an "excess employee" as an excess public servant referred to in section 56 of the Act or any member of staff of a public sector agency who has been notified by the head of the agency that his or her position or work in the agency has been abolished or terminated, and that he or she is an excess or displaced employee.

Coming from the private sector, this does not seem to me to be the most outlandish proposal by the Government. If no work is available for an individual, why would we pay them to simply occupy a position? I am completely lost as to the reason for that. The public service is not the Labor patronage machine. Unlike when people are elected in the Labor caucus, public servants have to have skills and a job to do. You are not just filling a seat in the public service; you are there to serve the people of this great State of New South Wales. You are there to deliver better education, better health practices, better transport—better services right across the State. If people are being paid to do none of the above and their position is not required why would the position exist?

I think the use of the terms "displaced" and "excess" in the definition recognises that some public sector agencies have redundancy policies that use different terminology. Displaced employees are no different from excess employees. They are employees who have been notified that they no longer have a position or work in the agency. Labor Party members and their paymasters in the union movement jump up and down about the fact that these sinecures will no longer be available. This new Government is trying to create an efficient and

effective public sector workforce that focuses on its purpose: to serve the people of New South Wales, to serve our community and to make sure that better health care, education, public transport and a whole range of other services are available. I note that the member for Cessnock is complicit through his silence here today. He agrees that this is a good provision.

I welcome the member for Cessnock supporting a more efficient and effective public sector workforce. I am glad that he agrees with the amendments to the Act and I thank him for his support. I draw members' attention to why the amendments to section 56 are required. It is clearly to support the Government's policy for management of excess employees. This is the policy that abolished the previous Government's longstanding practice of no forced redundancies, which allowed employees with no permanent position to drift in the system indefinitely. The previous Government let a situation arise where someone who had no job, who had no permanent position, was able to drift in the system indefinitely. We would not allow a member of this Parliament to drift in his or her position indefinitely. The community would not allow that to happen, and nor should it.

Mr Anthony Roberts: Even for 16 years.

Mr MATT KEAN: Even for 16 years. The community finally stopped people drifting in the system and voted them out.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Minister will direct his comments through the Chair.

Mr Anthony Roberts: Through the Chair, for 16 years they drifted.

Mr MATT KEAN: I acknowledge the point made by the Minister. For 16 years employees with no permanent position drifted in the system. The community thought that was not good enough and was not acceptable. That is the standard that the community held the Labor Party to and it is the standard that the Labor Party should hold the public sector to. People should not be paid to fill a position if there is no position. They should be made accountable for their pay. That is what the bill seeks to do. New section 56 will allow departmental heads to terminate the services of excess employees who no longer have a position. A recent judgement of the New South Wales Industrial Court significantly broadened the test contained in section 56 that a departmental head must apply to establish that no "useful work" is available before terminating the service of an excess employee.

Previously the test for "useful work" had been limited to checking the availability of vacant permanent positions for redeployment. The new test proposed by the court requires checking of all work opportunities across the public sector, including temporary and contract employment, before an excess employee's services can be terminated. It is not realistic to expect departmental heads to search for any type of work—even short-term work—for excess employees across the public sector. In practice, this would make it virtually impossible for a departmental head to demonstrate that their obligations under section 56 had been met and for them to terminate the employment of an excess employee.

The former Government tried to build a huge bureaucracy that was completely unaccountable to the people of this State and this Parliament. The former Government was happy to waste taxpayers' dollars. It was happy not to use taxpayers' dollars for front-line services. The O'Farrell Government will put more money, more resources and more energy into ensuring that this State has the best teachers, nurses, healthcare professionals and the best workers in our public transport agencies in the Commonwealth. The O'Farrell Government is of the view that government departments must be able to manage their staff and implement organisational reforms in order to achieve more responsive and cost-effective service delivery to the people of this State.

I will always stand up for the public service. My grandfather was a public servant and my father and I are both public servants. I am proud of the contribution public servants make to this State. But when hard work, effort and innovation are not rewarded and only those who do nothing but collect their pay cheques are rewarded, the people of this State will be failed day in, day out—as they were under Labor. For the past 16 years people were not able to get to work on time, they had to pay exorbitant prices to use a failed public transport system and our health system was a debacle. I have read the Gonski report. During the administration of the former Labor Government our education standards slipped compared with those of other OECD countries. Why? Because Labor was not interested in getting the fundamentals right or in ensuring that the public service was focused on serving the public.

The member for Cessnock was complicit in this behaviour. In fact, he liked it so much that he thought he would join the same discredited organisation that let this rot happen. I see that my good friend the member for Strathfield is nodding in agreement. No longer will the people of New South Wales have to put up with a government willing to let people drift idly in the public service without being accountable. I am delighted to be part of a Government that is focused on the needs of the people of New South Wales.

I am delighted to be part of a Government that will make New South Wales number one again and improve opportunities for people across the State. The Government is putting in place Local Schools, Local Decisions, which is aimed at giving students the opportunity to meet their potential to ensure they will be the best they possibly can. I am delighted to be part of a Government that is implementing health reforms to ensure that resources and funding are directed to front-line services and a better quality of health care, not to those bureaucrats sitting in head offices at North Sydney, unaccountable and faceless to the community, who are not doing anything to improve the lives of the people of this State.

Last Monday I chaired the Joint Committee on the Office of the Valuer General, a committee to oversee the role and functions of the Valuer General in this State. What did the committee see? It saw that the New South Wales public service is out of control. It saw that the New South Wales public service is making decisions that will affect the livelihoods of residents across the State with no regard to any consequences flowing from those decisions. But the O'Farrell Government is prepared to make the public service accountable to the people of New South Wales and to the Parliament. That is what this bill and that committee are all about. The Government will ensure that the key performance indicators in this State are aligned to the interests of the people of this State to ensure better health care, education, public transport and so forth.

The member for Cessnock is also a member of the Joint Committee on the Office of the Valuer General. I thank him for taking a stand for the residents of New South Wales whose land is being ripped out from under them by an opaque, unclear and inequitable valuation system. The member for Port Macquarie is also a member of that committee and he also stood in support. The Government will continue to make the public service accountable and efficient. It will also ensure that money and resources will be pumped into front-line services to deliver better outcomes for the people of this State. As a member of the Liberal Party I am proud to stand up for those qualities, and I will always stand up for them. The Liberal Party is the party of opportunity. The Liberal Party believes in freedom of enterprise and all the great things that have made Australia the wonderful country it is.

Mr Clayton Barr: Labor made this country what it is.

Mr MATT KEAN: I acknowledge the contribution of the member for Cessnock. Labor has run this country and this State into the ground.

Mr CLAYTON BARR (Cessnock) [4.58 p.m.]: The member for Hornsby certainly had an extension of mythical reality in his contribution to this debate.

Mr Matt Kean: Point of order: Mythical reality does not even make sense.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr CLAYTON BARR: It is sometimes referred to as a paradox. It needs to be acknowledged that the Public Sector Employment and Management Amendment Bill 2012 is about what the Government is not willing to do. Earlier today I spoke about the responsibility of people following through with their actions and the commitments they make. Government members made certain commitments, promises and inclinations that they will make certain achievements, particularly with regard to the Pacific Highway. They made those commitments unconditionally, with no reference to any other funding source. Then when it comes to the crunch, they cannot deliver. Yet in this bill the Government is most certainly asking the public sector to do just that.

I will give another example. The Government has put together two enormous ministries relating to roads, ports and rail. The Government held onto two Ministers while it asked a single bureaucrat to manage the process. I will tell the House about some of those who have been referred to as "sponges", "cockroaches" and other terms by Government members. I can say with certainty that some unattached employees have been allocated different tasks within the public sector. The reality is that at least two Ministers have approached some of these unattached people, who were working on special projects and tasks, to seek their advice on decisions made by this Government. So those sponges and cockroaches, as members opposite referred to them, have been an important source of information, feedback and guidance for current Ministers.

The advice and expertise of those unattached people, who have moved on to different roles, were sought. Members opposite need to recognise that when they call these people sponges and cockroaches. The fact is that unattached employees have been engaged in work: they have been turning up and doing their hours, for which they have been paid. They have contributed to this State, and some of them continued to contribute to this State as recently as three weeks ago. We need to recognise that. The offer that was put to them by the Government to take voluntary redundancy or a payout of \$10,000, which is a carrot, meant that they would have to sign off and they would not be eligible for employment in the public sector for two years. That would prevent them from going through an employment, recruitment or application process for two years in the exact area and field for which they are perfectly qualified.

Why would a person accept that poisoned carrot? There is no incentive for people to have their career stripped away, put on pause or unattainable for a period of two years. Perhaps that is what the Government needs to think about when it is offering voluntary redundancies. Another issue the Government needs to think about during this process is that the public sector is an enormous cohort of employees. Yes, there will be structural changes: different governments will have different priorities and there will be different funding models. But, importantly, one great benefit about working in New South Wales and in Australia is long service leave. To achieve that, people must work for 10 years for the same employer. If people change jobs and move to a different employer they lose recognition of their years of service.

It might seem like a small thing, but everyone I know who has achieved that milestone has been quite chuffed and happy to receive that little incentive, that little piece of cream on the cake that recognises that employment history. Yet, at times, people in the public sector are unable to control the destiny of their jobs, the decisions and deliberations of the government of the day or the amount of funding allocated to their department by Treasury. However, they are determined. These good workers are worthy of some basic entitlements that the rest of us take for granted. We need to take that into consideration when people become unattached through no fault of their own. We need to talk about that as well.

We can also talk about the decision by the Industrial Relations Commission—a decision, frankly, that the Premier did not enjoy. The Industrial Relations Commission has been making such decisions for more than 100 years. Suddenly, when the Premier does not like a decision by the independent umpire he introduces legislation such that he can control the decision. Frankly, that is a slap in the face for the Industrial Relations Commission and for all public sector workers in this great State. Those public sector workers offer so much and serve their community, just as we in this House serve the community. Members who have been in this House much longer than I have will enjoy outstanding benefits when they leave this place, through the superannuation model previously set up. Yet now they will use the leverage of dollars, numbers and figures to recognise that public sector workers who do not serve in this place should have their legs cut out from under them at the earliest possible moment.

I wonder too about the need to performance manage and how that will be productive for this State. Performance management is an essential part of the role of any staff supervisor. I relished, appreciated and supported that role during my career. If the Government is increasing the emphasis on performance management, if it suddenly becomes the be-all and end-all of the future of public sector workers at short notice—by short notice, I mean three months—it will have to invest a lot more time and energy into that area. On the one hand, the Government wants to reduce red tape; on the other, it cannot define red tape or tell us how to measure red tape. The Government cannot put a definitive measure on the level of red tape that existed, but it puts a definitive number on the amount of red tape—20 per cent—that it will apparently remove.

When we remove 20 per cent of red tape that is undefined and, therefore, do not know when we reach that figure, then that is red tape. If we increase red tape through performance management of staff—again I emphasise that performance management of staff is not red tape when it is done properly, effectively and well—and if it is to be the be-all and end-all of the future of our public sector workers, we need to take into account that the red tape, the workload, the crossing of t's and the dotting of i's that will be required by public sector workers will undoubtedly increase. For those who manage the net result will be less productivity while at the same time trying to find a means, a ground, a reason to remove some of those underneath them, who will lose their jobs, entitlements, service records and careers—the careers on which their families rely to bring money home.

In commenting on this bill I refer again to the member for Hornsby, who derided the performance of the education department in New South Wales, which is the number one education department in Australia, and the health system in New South Wales, which is the number one health system in Australia. New South Wales is going great. We have done fantastic things. We live in a country where we have outstanding opportunities for life and future prosperity, but members sitting in this Chamber would not know that. Referring to public sector

workers as "cockroaches" and "sponges" in this House is the greatest insult to them. It is absurd that members opposite speak about public sector workers in that way. Frankly, public sector workers are owed an apology by the members who used those terms and phrases. Make no mistake: those terms and phrases will appear in the media in coming days. The Labor Party is opposed to this bill, and as the member for Cessnock I proudly add my leverage to that.

Mr GREG APLIN (Albury) [5.08 p.m.]: I have worked in the public sector and the private sector, and I encourage and endeavour to attain excellence both in the achievement of undertakings and in assisting employees to work to that end. I find it particularly strange that we must introduce a bill that deals with excess employees because, in itself, the statement implies that if one is excess there is no work to perform. Clearly, that was at the heart of the bill when it was introduced. I applaud the Premier who, in his agreement in principle speech, stated:

... the Government is determined to make the New South Wales public sector the best in the nation and a leader in the world, with unambiguous goals, clear policy directions, transparent processes and consistent accountability.

That should be the focus of the public service and any organisation involved in customer relations. Unfortunately, difficulties arise if people do not have tasks to perform and as an employer in the private sector, I have had to deal with such situations. One tries to build up the organisation to achieve the very best so that people have a worthwhile occupation and can follow their dreams in a particular vocation. Sometimes this means moving on and employers may have a role to play in that progression by looking to the future. When faced with changes that inevitably occur in life—whether they are business amalgamations, loss of contracts or centralisation, which happens so frequently in regional areas—there comes a time when it is necessary to downsize. This is unpalatable for employers who have built up organisations but it has been faced by many in the private sector, and indeed it will be faced by those in the public sector also. Transfers can be arranged, if possible, but if redeployment is not available then inevitably redundancy will be offered.

Unfortunately, if relocation is not possible one may come to the realisation that a department's closure could well mean the abolition of one's role. It is a very difficult situation but it is a fact of life, and it is the reason underlying the Public Sector Employment and Management Amendment Bill 2012. The objects of the bill are: to revise the provisions of the Act relating to excess officers of public service departments and the circumstances in which the services of those officers may be dispensed with; to exclude the unfair contracts jurisdiction of the Industrial Relations Commission in connection with any such excess officers and any excess employees of other public sector agencies; and to require the heads of public sector agencies to develop and implement performance management systems for their staff and to require the Public Service Commissioner to issue guidelines for that purpose.

Amendments to section 56 of the Public Sector Employment and Management Act 2002 are required to support the Government's policy for management of excess employees. This is the policy that abolished the previous Government's longstanding practice of no forced redundancies that allowed employees with no permanent position to drift in the system indefinitely. I was reminded of that particular practice when last week a constituent assisting a recently bereaved friend who had problems with a government department came to visit me. I was reminded that I first met that constituent back in 2003, when she had been placed on the displaced list. She had come to me in consternation because her life was going nowhere; she was reporting to a government department on a daily basis but performing no practical work. She was suffering as a result and heading towards some sort of a breakdown. Clearly, it would have been better if her employment had been terminated and she had been given an opportunity to find gainful employment in a new location. She was suffering as a displaced employee. I was quite surprised to hear about her case, having not been involved with that category of displaced employees before.

Section 56 allows department heads to terminate the services of excess employees who no longer have a position. A recent judgement of the New South Wales Industrial Court significantly broadened the test contained in section 56, stating that a department head must apply to establish that no useful work is available before terminating an excess employee. Previously the test for useful work had been limited to checking the availability of vacant permanent positions for redeployment. The new test proposed by the court requires the checking of all work opportunities across the public sector, including temporary and contract employment, before an excess employee's services can be terminated. It is not realistic to expect department heads to search for any type of work, even short-term work, for excess employees across the whole of the public sector. In practice, this will make it virtually impossible for department heads to demonstrate that their obligations under section 56 have been met and to terminate the employment of an excess employee.

Amendments to section 56 are therefore necessary to return to the more reasonable requirement to transfer a person either to an officer position—that means a permanent position in the department—or to an ongoing position in another public sector agency. The Government believes departments must be able to manage their workforces and implement organisational reforms in order to achieve more responsive and cost-effective service delivery for the people of New South Wales. That point was outlined by the Premier in his agreement in principle speech. Section 57 also requires amendment. Section 57 of the Public Sector Employment and Management Act 2002 allows a department head to reduce the salary of an excess employee if the work that the employee is performing is of lesser value than his or her salary. Like section 56, it places an obligation on department heads to first investigate all employment opportunities appropriate to the salary of the employee before any such reduction can be made.

In view of the proposed amendments to section 56, section 57 is amended to ensure consistency and fairness—that is, to provide for a more reasonable test for department heads to meet before an employee's salary is reduced under this provision. This will ensure that the search for a job at the same salary level continues to occur across the whole of the public sector but is limited to a vacant position and not just any type of work before a salary reduction can be made. This is of course a sensible, practical change that will help redeploy excess employees to a wider range of vacant positions. Common sense dictates that the Public Sector Employment and Management Amendment Bill 2012 should be commended to the House, and I do so.

Mr BRUCE NOTLEY-SMITH (Coogee) [5.17 p.m.]: I speak in support of the Public Sector Employment and Management Amendment Bill 2012. These reforms seek to make New South Wales number one again. The role of the State Government is not to be an employment agency but to employ staff to deliver the services that the people of New South Wales expect, want and deserve in the most cost-effective and efficient manner. These amendments, which provide for excess employees to be made redundant and encourage them to seek new opportunities where their skills will be better utilised in the future rather than leave them sitting idle within the public service, are necessary to ensure that the taxpayers of New South Wales have a public service that delivers the best outcomes possible.

Why are these amendments necessary? As stated earlier, the amendments to section 56 of the Public Sector Employment and Management Act 2002 are required to support the new policy for the management of excess employees. This policy abolishes the previous Labor Government's longstanding practice of no forced redundancies—a shameful practice that has seen some people remain on the excess employees list since 2005, or for seven years. Unfortunately, offers of retraining were unsuccessful. We want to put a stop to this practice. We cannot allow employees who do not have a permanent position in the public service to continue to linger on in the service. It does not do the public service any good, it does not do those employees any good and it certainly does not do any good for the residents and taxpayers of New South Wales. Section 56 allows department heads to terminate the services of excess employees who no longer have a position.

A recent judgement of the New South Wales Industrial Court significantly broadened the test contained in section 56 that a department head must apply to establish that no useful work is available before terminating an excess employee. Previously the test for useful work had been limited to checking the availability of permanent vacant positions for redeployment. The new test proposed by the court requires checking of all work opportunities across the entire New South Wales public sector—an enormous public sector—including temporary and contract employment, before an excess employee's services can be terminated. It is unworkable and it is not realistic to expect department heads, who are busy getting on with the job of making New South Wales number one again, to search across the public service for any type of work, even very short-term work, for excess employees. In practice, this would make it virtually impossible for a department head to demonstrate that their obligations under section 56 had been met to terminate the employment of an excess employee.

The amendments to section 56 are absolutely necessary to return to the much more reasonable, workable and realistic requirement to transfer a person either to an officer position—a permanent position in a department—or to an ongoing position in another public sector agency. This Government believes departments must be able to manage their workforces and implement organisational reforms in order to achieve a more responsive, cost-effective and excellent service delivery across the public service for the people of New South Wales. Section 57 of the Public Sector Employment and Management Act 2002 allows a department head to reduce the salary of an excess employee if the work the employee is performing is of a lesser value than their salary. It places similar obligations on department heads to those in section 56 to first investigate all employment opportunities appropriate to the salary of the employee before any such reduction can be made.

In view of the proposed amendments to section 56, section 57 needs to be amended to ensure that it is consistent and fair; that is, to provide a more reasonable test for department heads to meet before an employee's

salary is reduced under this provision. This will ensure that the search for a job at the same salary level continues to be across the whole of the public sector but is limited to a vacant position and not just any type of work before a salary reduction can be made. This is a sensible and practical change that will help redeploy excess employees to a wider range of vacant positions.

Let us consider the significance of the New South Wales Industrial Court's judgement last year when the Public Service Association and Unions NSW lodged an application in July 2011 opposing the Government's new Managing Excess Employees policy. The union application argued that the previous managing excess employees policy formed part of the contracts of employment for a small group of named employees and forced retrenchment could occur only if the useful work test was satisfied. The court's judgement was handed down on 11 November 2011 and orders were made on 5 December 2011. The court did not find that the previous managing excess employees policy formed part of the contracts of employment for the named employees. Disappointingly, the court found that for a small group of employees declared excess before 1 August 2011 the move to the new Managing Excess Employees policy was unfair. The court has ordered that the conditions of the earlier managing excess employees policy be reinstated for these employees until 31 July 2014.

The Crown has appealed against this decision and, importantly and contrary to some media reports, the integrity of the Government's new Managing Excess Employees policy has been maintained. Employees declared excess on or after 1 August 2011 can continue to be managed according to the new policy and departments may continue to declare employees to be excess. This legislation is about providing New South Wales residents and taxpayers with the most effective and efficient public service possible but also one that can hold its head high and take pride in its excellence. The bill goes some way towards helping us achieve that goal.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [5.26 p.m.]: It gives me great pleasure to support the Public Sector Employment and Management Amendment Bill 2012. Public sector workers do an excellent job not only in my electorate but in electorates across New South Wales, whether they are fireys, teachers or those working in the health profession. They do a fantastic job providing a wonderful service to many communities and their residents. This amendment bill is much needed and long overdue. Whilst this Government is trying to make efficiencies and savings where they are needed, the Labor Government knew about this problem for a long time but sat on its hands for more than 16 years and did nothing about it. This side of the House is being responsible by looking at ways to try to improve the public sector across the State.

The bill will amend the Public Sector Employment and Management Act 2002. It will support the Government's new policy for managing excess employees in the government service and emphasise the Government's focus on better performance in public sector agencies. We are making these changes because we are a responsible Government that wants to make New South Wales the number one State again. People across the State expect to have a public sector that is working to the best of its ability and that efficiencies are made in areas where they are required. Amendments have been made to section 56, which relates to excess officers of a department. These amendments are required to support the Government's policy for management of excess employees. This is the policy that abolished the previous Government's longstanding practice of no forced redundancies, which allowed employees with no permanent position to drift in the system indefinitely.

Section 56 allows department heads to terminate the services of excess employees who no longer have a position. A recent judgement of the New South Wales Industrial Court significantly broadened the test contained in section 56 that a department head must apply to establish that no "useful work" is available, before terminating an excess employee. Previously, that test was limited to checking the availability of vacant permanent positions for redeployment. The next test proposed by the court requires checking of all work opportunities across the public sector, including temporary and contract employment, before an excess employee's services can be terminated. The amendments to section 56 are also necessary to return to the more reasonable requirement to transfer a person either to an officer position—that means a permanent position in a department—or to an ongoing position in another public sector agency. This Government believes departments must be able to manage their workforces and implement organisational reforms in order to achieve more responsive and cost-effective service delivery for the people of New South Wales.

Section 57 of the Public Sector Employment and Management Act allows a department head to reduce the salary of an excess employee if the work the employee is performing is of a lesser value than their salary. It places a similar obligation on department heads as does section 56 to first investigate all employment opportunities appropriate to the salary of the employee before any such reduction can be made. In view of the amendments to section 56, section 57 will be amended to ensure consistency and fairness. Amendments are also being made regarding performance management. The Government has given a high priority to improving performance in public sector agencies.

This is reflected in the establishment of the Public Service Commission, which is to lead the strategic development and management of the public sector workforce in relation to performance management and recognition. Consistent with this, it is proposed that the Public Service and Management Act 2002 be amended to require the Public Service Commissioner to develop guidelines and issue a direction concerning the implementation of performance management systems in agencies. Given the great diversity of New South Wales public sector agencies, implementing a single, common performance management system would be neither practical nor effective.

I want to clarify some questions in relation to the role of the Industrial Relations Commission. The Industrial Relations Commission has a long history of assisting employers and employees in New South Wales in resolving industrial disputes, ensuring that employees are not dismissed unfairly and encouraging and facilitating co-operative workplace reform. The Government is not seeking to change the commission's role in relation to the management of excess employees. Excess employees and their unions will still be able to lodge claims for individual disputes and unfair dismissals, which will be able to be heard and determined by the Industrial Relations Commission. The Industrial Relations Commission will continue to play its very important role of ensuring that excess employees are treated fairly, receive their entitlements at law and under the excess employees policy have access to relief for unfair dismissal. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [5.35 p.m.]: I support the Public Sector Employment and Management Amendment Bill 2012 and endorse the comments of my colleague the member for Bathurst in relation to those fine public servants who do a great job in many different government departments across New South Wales, especially in regional areas and, more especially, within this Parliament. I compliment those members of Hansard who ensure that our speeches make sense and who include the right interjections. During 16 years of Labor we had many sinecures—

Mr Richard Amery: You were going good till then.

Mr ANDREW FRASER: I acknowledge the interjection by the member for Mount Druitt. A sinecure is an office requiring no work. How many officers of the public service were on the payroll but probably staying home, playing golf or doing whatever they wanted because they did not have a job to go to? Labor in government often forgets that they are spending money that belongs to the taxpayers of New South Wales. It is the taxpayers who must fund the expenditure in any New South Wales—or, for that matter, Federal—budget. Public servants who sit in an office, which nine times out of 10 has no window and perhaps no phone or any other means of communication, and collect a salary are a wasted resource and a waste of taxpayers' dollars. This bill allows for anyone who is surplus to requirements—excess to the needs of a department—to be transferred to another department. In fact, that is obligatory under new section 57 (1) (b) of the bill, which says that:

- (b) the Department Head has taken all practicable steps to secure the transfer of the officer to an on-going public sector position (within the meaning of section 56) that is appropriate to the salary of the officer.

In other words, it is not about slash and burn; the bill says that we want value for money for those who are not currently gainfully employed in government departments. I remember when Wayne Goss came to government in Queensland following the Bjelke-Petersen era. What did he do? Basically, he told every government department head, "Turn up on Monday and tell us why we should continue to employ you." This Government is not doing that, but we want to save money to make sure that workers such as police, nurses, emergency services personnel and those employed in primary industries and other vital government sectors have funds to continue to provide the services that the taxpayers of New South Wales expect.

That is what this legislation is about: returning accountability to government and making sure the public service provides a service to the public. If we go back many years and refer to books on protocol we will see that the Parliament, and the Premier especially, always signed correspondence "Your servant". That is because we, too, are public servants. We, too, have an obligation to ensure that we provide the appropriate service to our constituents. If we have not been doing our job as elected members of Parliament we learn about it at the ballot box every four years—as Labor members did on 26 March 2011.

Mr George Souris: Not to mention the other Labor up north.

Mr ANDREW FRASER: I acknowledge the interjection by the Minister for Tourism, Major Events, Hospitality and Racing. Last weekend Queensland Labor learnt a very hard lesson, with an election result similar to that in New South Wales—although through some quirk of fate the Queensland Coalition ended up with more seats in government than we did. One wonders sometimes whether that is good for democracy. The

people of New South Wales and Queensland spoke very firmly in a most committed way and delivered the message to Labor that they do not like waste and mismanagement. They want services delivered, especially in regional New South Wales. New section 101A states:

101A Performance management systems for public sector staff

- (1) The head of a public sector agency is to develop and implement a performance management system with respect to members of staff of the agency.
- (2) The Commissioner is to issue guidelines to public sector agencies on the essential elements of such a performance management system.

This will ensure that government employees are proud of the services they offer, which are paid for by New South Wales taxpayers, and that taxpayers are proud to accept services that are commensurate with their expectations of the public service. I commend the legislation as a step towards ensuring that our public service provides better services across the board. I reiterate that the vast majority of public servants in this State do a great job. In many cases they have to deal with difficult members of the public—as we do as members of Parliament. In four years the services we both provide will be the measure of this Government. I commend the bill to the House.

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

MINING LEGISLATION AMENDMENT (URANIUM EXPLORATION) BILL 2012

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

PRIMARY INDUSTRIES LEGISLATION AMENDMENT (BIOSECURITY) BILL 2012

Agreement in Principle

Debate resumed from 13 March 2012.

Mr RICHARD AMERY (Mount Druitt) [5.40 p.m.]: The Opposition supports the Primary Industries Legislation Amendment (Biosecurity) Bill 2012. The Hon. Steve Whan, the shadow Minister for Primary Industries, will respond to this bill in the Legislative Council as he is the shadow Minister responsible for this legislation, but I will lead for the Opposition in this House. The legislation states:

The object of this Bill is to amend the Animal Diseases (Emergency Outbreaks) Act 1991, the Fisheries Management Act 1994, the Noxious Weeds Act 1993 and the Plant Diseases Act 1924 as follows:

- (a) to provide for mechanisms to deal with emergency outbreaks of animal pests, such as the declaration of infested places, restricted areas and control areas and accompanying restrictions on movement, and orders relating to control and eradication of animal pests,
- (b) to prohibit interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds or plant diseases or pests,

That is an important aspect of the legislation because many emergency responses could be delayed by court action, thereby causing damaging consequences far beyond those posed by the immediate situation. The bill also amends the listed Acts as follows:

- (c) to provide for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation and to make other provision with respect to noxious fish and noxious marine vegetation,

This is the first time that any legislation has addressed the different aspects of disease management with regard to animal, plant and marine life. The objects continue:

- (d) to enable various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website,
- (e) to require the appropriate authorities to be notified by persons who, while acting in a professional capacity, become aware of the presence of an emergency animal disease or pest or a notifiable weed or a notifiable plant disease or pest,
- (f) to make other provision with respect to biosecurity measures under those Acts,
- (g) to enable regulations containing savings or transitional provisions to be made as a consequence of the enactment of the proposed Act.

Those objects clarify that the aim of this legislation is to introduce consistent movement and quarantine controls and consistent powers and procedures covering not only animals—which traditionally have been the subject of most headlines—but also noxious weeds and plant diseases, which are also covered by specific State legislation. As has been stated, this bill will have an impact on a number of pieces of legislation. Biosecurity is also covered by many pieces of both State and Federal legislation. Although the Department of Primary Industries is the lead agency, the NSW Food Authority, NSW Health, the Office of Environment and Heritage and the livestock health and pest authorities—which some long-term members would know as rural lands protection boards—all have a duty to address biosecurity issues. Livestock health and pest authorities have a particular role to play in addressing the physical aspects of enforcing quarantine orders, eradicating livestock and so on.

Together with the Department of Primary Industries, the State Emergency Service is at the front line in fighting the battles confronting our communities and agricultural industries from time to time. This bill is one component of a long history of governments, government agencies and communities addressing biosecurity. Federal legislation dealing with this issue goes back to the first decade of the twentieth century and State legislation dates back prior to that. The fact that Australia is an island with a vast shoreline has focused our attention on quarantine and protection of our industries, wildlife, livestock and even our people. Australia has always rigidly enforced its quarantine laws. Emotive stories about the military having to destroy horses that were taken to war overseas highlight to Australians how seriously the issue has been taken, even during the First World War.

Those brave animals could not be returned to Australia because that would have infringed on our very strict quarantine laws, which were introduced well over 100 years ago. The purpose of this bill, as outlined by the Minister, is to acknowledge that New South Wales is a signatory to many national agreements that involve all State governments and the Federal Government. I note that some Government members appear to be preparing to speak on this bill. They will no doubt use the mantra that we hear every time a piece of legislation is introduced; that is, that this is a great innovation that will make New South Wales number one again, that it will fulfil some mandate and so on. Of course, anyone following this issue knows that this bill would be before the House irrespective of who won the 2011 election.

Mr Andrew Cornwell: That is the old verbal.

Mr RICHARD AMERY: It happens to be true and I will prove it. To complement this bill and similar bills being introduced by other States, the Federal Government will introduce the Biosecurity Bill and the Inspector General of Biosecurity Bill in 2012, which will replace the 1908 Quarantine Act that I referred to earlier. All other States will introduce legislation virtually the same as this bill, and some may have already done so. While these bills will concentrate on national border issues, they will also complement the laws and roles of each State and Territory in Australia. The Minister made a number of references to various outbreaks and issues that will jog the public's memory of cases here and overseas that demonstrate the importance of laws such as this to our nation.

The Minister made reference to the Hendra virus that attacks horses and was first identified in Hendra in Queensland—hence its name. An outbreak only last year had a huge impact on our horseracing industry and various other associated industries and pastimes. That outbreak probably had a multimillion dollar impact on our economy. The Minister also referred to fire ants. On 6 March 2001, I advised the House of an outbreak of fire ants in Queensland. It is incredible to think that an ant population could not be eradicated very quickly. But here we are, 11 years later, through nobody's fault but just the fact that this particular pest is very difficult to control. It has resulted in the spending of millions of dollars and the contribution of all Australian governments to an eradication program to rid the country of that pest and contain its spread.

In the United States of America the fire ant is considered to be a significant economic agricultural pest due to its prevalence in orchards, crops and pastures. It can spread at the rate of between eight kilometres and 20 kilometres a year through the flight of queen ants. Fire ants can also travel long distances on machinery and in cars, trucks and trains. Many years ago the Labor Government met with the Federal Government of the day and other State governments and all the governments—whether they had the problem or not—contributed resources to control this particular pest. This is another example of why legislation and national strategy must be adopted. The largest disease outbreak for Australia—certainly New South Wales—was the Newcastle disease outbreak. It resulted in a number of farms being quarantined, movement controls being implemented, including roadblocks and checkpoints at various locations, millions of dollars of stock being destroyed and millions of dollars of lost economy to the tourism industry.

It was an issue of particular concern, and many members of this House, particularly past members, would acknowledge the program in relation to that. I pay credit to the then Department of Agriculture, the future Department of Primary Industries, the rural lands protection boards and the State Emergency Service people who were involved in that very difficult eradication program. Perhaps the best example of why bills like this will always have to be debated and amended, agreements signed and the public made aware of the potential impact of an exotic disease outbreak is the case of the foot and mouth disease outbreak in the United Kingdom. The issue justifiably received international attention. The graphic footage of entire herds in the United Kingdom being destroyed and animals being burnt in large fires shocked the world.

The House of Commons conducted a review and it is quite interesting to see how the issue affected the United Kingdom. In Australia, we were very concerned that we would be the next country to have such a disease outbreak. In 2002 the House of Commons Environment, Food and Rural Affairs released its report on its inquiry into the outbreak. The Government's interim reply to this report can be found in various government publications. The House of Commons inquiry was conducted at the same time as three independent national inquiries. The inquiry report summarised the outbreak and its impacts. If we ever think disease outbreak is something that can be managed quickly and will not have much impact, we only have to look at what happened in the United Kingdom with foot and mouth disease. The report states:

On 20 February 2001, foot and mouth disease was found in pigs at an abattoir near Brentwood in Essex. The case marked the beginning of the first major outbreak of the disease in this country since 1967. New cases continued to occur until 30 September 2001, when the last reported case of the disease was found on a farm near Appleby in Cumbria. Outbreaks of the disease were confirmed on 2,030 premises in the United Kingdom, and the livestock on those farms was destroyed. In addition the animals on more than 7,500 further farms contiguous to those where cases were found or where the disease was suspected were culled. In all four million animals have been slaughtered. A further two million animals were destroyed under the Welfare of Livestock (Disposal) Scheme, which was introduced to pay for transport, slaughter and disposal of animals to address serious welfare problems caused by the ban on the movement of livestock as a result of foot and mouth disease.

The impact of the disease has extended well beyond farms in those areas directly affected ...

The report was quite alarming. I will not read all of it because of time restrictions, but I will read parts regarding the impact on the economy:

The result was, the Government has estimated, that tourism spending in England alone fell by £3.3 billion, with the number of overseas visitors to the United Kingdom in the summer of 2001 falling by up to 11 per cent, and their spending by up to 16 per cent, though this may have been affected by the strength of sterling. The outbreak has cost the Government £2.7 billion in all, including £1.2 billion paid to farmers in compensation for culled livestock, and £700 million for cleaning premises and vehicles and hiring vets.

Australia braced itself. Would we have an outbreak? Many said that it was not a case of if but when this would happen. I recall hosting a day in this Parliament and asking were we ready, and were we doing enough to stop such an outbreak in Australia? Two veterinary officers from the department were sent to the United Kingdom, Dr Regina Fogarty and Mr Bruce Christie. Their roles were to assist British authorities and learn about organisation of the problem. No doubt the fingerprints taken from that disease outbreak were the reason a national strategy for quarantine, movement control, penalties and various other laws have been reviewed over the past 10 years. That case alone is why bills like this should always be high on the agenda.

This bill touches more than farm animal issues, important as they are. The Fisheries Management Act 1994 lists diseases affecting fish and marine vegetation and the Department of Primary Industries is currently involved with the Federal Government in the development of a national system for the management of marine pest incursions. Those pieces of legislation identify and list diseases and species. They also touch on issues such as the control of disease outbreaks. However, these areas of management, different in many ways from animals in paddocks and feedlots, still require practices that are common. The declarations process is a slow one. Obviously, when the legislation was passed in 1924 the technology of today was not available to get messages to electorates quickly, but common practices are still required.

The declarations process, the power of inspectors and the authority to destroy animals or plant species, the collation of information and the use of modern technology should all have a consistent flavour. That is why the process of involvement of all levels of government, State governments and the Federal Government, has brought us this bill today in New South Wales and similar bills in other States and national laws will be brought in. Some have been introduced already. We will have a coordinated approach in each State, Territory and government agency and consistent processes for declaring animal, plant, aquatic and other diseases, and government agencies will know that there is consistency across different industries when diseases are detected.

The Opposition has no problem supporting the legislation. We all know that it does not really matter who is in office at the time disease hits a State or our country, we have to work together to control it, ensure that the problem is resolved quickly and effectively, and that its spread is limited as much as possible. The provisions in this bill relating to the use of modern technology, for example, taking photographs, and bypassing the use of just the *Government Gazette* to announce issues, are welcome and realistic. With those comments, and noting the time of day, I am pleased to say that the Opposition supports this bill. The shadow Minister for Primary Industries will address it further when it is debated in the Legislative Council.

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

[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 5.59 p.m. The House resumed at 7.00 p.m.]

PRIVATE MEMBERS' STATEMENTS

VETERINARY PRACTITIONERS BOARD OF NEW SOUTH WALES AND DR KEVIN POLGLAZE

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [7.00 p.m.]: This evening I inform the House about an important issue for all veterinary practitioners in this country and around the world. A dangerous precedent has been set after adverse findings against Dr Kevin Polglaze, a veterinarian from Annangrove, which is in my electorate. A finding by the Veterinary Practitioners Board of New South Wales, amended by the Administrative Decisions Tribunal and upheld by the Supreme Court, found that Dr Polglaze was guilty of professional misconduct because he failed to constantly upgrade his estimated costs during the course of a euthanasia procedure of a dog. He appealed the finding.

Dr Polglaze was requested to euthanase a very sick dog after its owners had contacted their usual vet, who was unable to undertake the procedure and referred them to Dr Polglaze. After Dr Polglaze had examined the dog and assessed the disclosed history—which was apparently misstated by the owner—the dog was euthanased with a great deal of difficulty. The dog had been given some unauthorised medication by its owners, which was antagonistic to the procedure being undertaken. This caused substantial additional time and medications over and above what would normally be required to euthanase an animal, not to mention additional suffering to the animal. The owners of the dog consequently complained to the Veterinary Practitioners Board of New South Wales.

The board raised the notion that clause 16 of the Act should be interpreted in such a way so that a veterinary practitioner must give updated estimates of costs at all times during a procedure. It was also found that anything not specified in the original estimate to the owner should itself be regarded as a separate additional service. The absurdity of this approach and the charges laid against Dr Polglaze are self-evident. It requires surgeons who encounter difficulties to stop what they are doing, produce a new estimate of costs and obtain approval from the owners prior to proceeding with a treatment or operation. It has never been suggested as a possible interpretation of this regulation that costs should continually be reassessed during the conduct of a medical procedure if difficulties are encountered.

This interpretation of the Act and the subsequent decision against Dr Polglaze are as absurd as a provision that would require a neurosurgeon to stop halfway through removing a tumour from a person's brain to ask the patient whether he or she would mind paying an additional cost to that originally quoted because of difficulties encountered in the operation. A doctor could not possibly operate under such ludicrous conditions. However, that is exactly how a veterinary practitioner is now supposed to undertake procedures when treating an animal. It is also unacceptable that the board would raise such a ridiculous proposition to secure a conviction against a veterinary practitioner whom that body is supposed to represent. But the board has never promulgated the decision to practising veterinary practitioners nor has it advised them of its consequences or that this decision is binding upon them, hence requiring them to comply. This again clearly indicates a lack of good faith on the part of the Veterinary Practitioners Board of New South Wales and clearly establishes the lack of bona fides of the original submission.

Dr Polglaze was obliged to pay costs awarded against him of \$82,000, plus his legal expenses. It became apparent that the matter had not been brought in good faith, as the board's bill of costs clearly indicated that its lawyers had been unable to find any precedent for the proposition. Dr Polglaze requested an appeal to the Court of Appeal. The Court of Appeal rejected his request because it was felt that the matter was frivolous. The

court was right; it was frivolous. However, the decision will have profound implications on veterinary practitioners around the world. The Court of Appeal should have done some homework and explored the problems with which veterinary practitioners now have to deal because of this ridiculous and frivolous charge.

Dr Polglaze acted in a proper manner as a veterinarian when he was requested to euthanase an animal that was suffering. If Dr Polglaze had turned his attention away from the animal he was treating to prepare a new estimate of costs to seek permission to continue, he could potentially have faced a loss of his licence to practise as well as a criminal charge of animal cruelty. There is nothing in the Act, the regulations or *Hansard* to indicate that this interpretation, or anything like it, was what was intended. Clearly, if it had the veterinary profession would have been very vocal about it at the time. The Act must immediately be clarified by amendment to avoid a recurrence of a similar situation.

Dr Polglaze has paid \$64,000 off his debt to the board. The balance is outstanding, and he is completely broke. He has also clocked up many thousands of dollars on a personal credit card. He requested a reduced payment plan from the board but that request was rejected; the outstanding amount is payable by the end of this month. Nothing will be achieved by his bankruptcy; it will preclude his ability to practise. A retired Supreme Court judge described the initial action as "absolutely ludicrous". A former magistrate who has closely followed these proceedings has described both the proceedings and outcome as outrageous and a travesty.

I have written to the Minister for Primary Industries seeking assistance in having Dr Polglaze's payment plan reduced to a satisfactory level and seeking an amendment to the Act to prevent another veterinarian from ever being subjected to such an absurd miscarriage of justice. Further, I have requested that a review be initiated immediately into the conduct of the members of the Veterinary Practitioners Board of New South Wales who undertook to pursue this most ludicrous action against a good veterinary practitioner who was undertaking a procedure to stop an animal from suffering.

BANKSTOWN SENIORS WEEK

Ms TANIA MIHAILUK (Bankstown) [7.05 p.m.]: Tonight I inform the House about Bankstown Seniors Week 2012. During Seniors Week we pay tribute to our seniors who make an enormous contribution to our community, such as providing care for our grandchildren and volunteering at local sporting and charitable organisations. The past few generations have helped to shape our great nation. From World War II onwards Australia's population growth and prosperity has dramatically increased. My parents were among the 6.5 million migrants who arrived in Australia after 1945. Many of those post-war era migrants have now retired. I hope they will have the opportunity to experience the rewards that should flow from many years of hard work. Our seniors have paved the way and it is fitting that we acknowledge their contributions.

This year's theme for Seniors Week 2012 was "Live Life". UnitingCare Ageing, Bankstown, held "Remarkable Lives", an event that paid homage to the 1950s and celebrated the lives of its residents. I was delighted to attend that event and to hear many stories of those times. Rex Stonehouse spoke about the 1950s and his experience in the Royal Australian Air Force. I was fascinated by his story, and his wife, Peggy, watched with pride as he spoke about those experiences. I also had the privilege of attending the Greenacre Area Neighbourhood Centre Seniors Week 2012 barbeque, where I spent time with many colourful characters. Bankstown City Council also organised a number of events for seniors to participate in during that week, including golf, tennis, exercise sessions and special movie screenings.

One of the most memorable events in Seniors Week 2012 was the Seniors Spectacular, sponsored by Bankstown Sports Club. Seniors were entertained by icon Judy Stone, a number of entertainment groups and a group from the Bankstown Talent Advancement Program, which comprised a number of teenagers from local schools who are fantastic vocalists and who did a fantastic job at the concert. Seniors were also treated to shows at Centro Bankstown, with stars from the television show *Dancing with the Stars* performing for them. After the show seniors were able to join the stars on the dance floor. It was great to see so many events for seniors in the Bankstown electorate. There is great respect and appreciation for seniors in our community.

It would be remiss of me not to mention that some lovely day trips to Kiama were organised for seniors. It is unfortunate that the member for Kiama is not in the Chamber to hear me mention this. A couple of busloads of Bankstownians visited Kiama, and all the reports back were that they greatly enjoyed their day trips to the region. I am grateful that I had the opportunity to hear firsthand many stories from an era of great development and to witness the happiness that events over the course of the week brought to the many seniors in the Bankstown community. I thank all the seniors, past and present, in Bankstown who have played an important role in our community.

NUNDLE RIVERSIDE PROJECT

Mr KEVIN ANDERSON (Tamworth) [7.10 p.m.]: Today I inform the House of an excellent project that has united a community in my electorate—the Nundle riverside project. A committee of dedicated volunteers have demonstrated what can be done when everyone pitches in and lends a hand. The community of Nundle has set a fine example. The riverside project was driven by Kayleen Deaves, Marcia Schofield and Claire Lennon, and I thank them for the invitation to attend the recent opening on Saturday 24 March. It was a pleasure to be there with my children, who invited their friends along as well. Nundle is a picturesque village just east of Tamworth. The historic township is located at the foot of the Great Dividing Range and has become a popular destination for tourists who love fossicking. One can try to find one's fortune by fossicking for gold, quartz, crystals and many other semi-precious stones.

Nundle also is famous for events such as the Nundle Go for Gold Chinese Festival, which this year will be held on Easter Saturday and Easter Sunday, 7 and 8 April. The Great Nundle Dog Race is coming up on Sunday 6 May. Other great attractions include the Nundle Woollen mill, the Mount Misery gold mine retreat and the dag sheep station. The Schofields' Peel Inn is always a great spot for a beverage and good food. Nundle is situated on the Peel River. This became the focus for the Nundle riverside project that began in 2008, with a plan to clear a section of the Peel River running through the Nundle village, replant the area with native trees, shrubs and rushes, and construct a one-kilometre scenic pathway. Claire Lennon told the large gathering at the gala opening:

Our aim was to create an attractive area along the river, give access to the river and construct a shared walkway/cycleway for the local community and visitors to Nundle to enjoy.

After walking the track, enjoying good company and the beautiful surrounds along the river, I can say that that is exactly what the committee has done. The committee worked hard and gained funding from a number of sources, including saltwater and freshwater fisheries and the New South Wales Government's Communities Building Partnerships Program. But the funding was only the start; it was the help and in-kind work of many volunteers that got the job done. Some of those included the Nundle branch of Tamworth Regional Council through Kay Burnes, the students, their parents, the parents and citizens association and the teachers of the Nundle Public School, Nundle Fishing Club, the Nundle Rural Fire Truck, the Forestry fire truck, the Namoi Catchment Management Authority, and many other clubs, groups, organisations, and community volunteers—all of whom engaged in different jobs, including clearing and planting trees.

On one occasion about 70 people turned up to plant 650 trees. That activity was followed by a barbecue lunch with a lamb on a spit donated by the Worley family, cooked by the Lions Club and served by the Country Women's Association. Now that is community spirit; that is country hospitality. Locals and visitors are now enjoying the walkway and the Peel River. Children are riding their bikes in safety and families are enjoying picnics, excellent fishing and bird watching. No doubt when the weather warms up they will enjoy swimming as well. This project is a great asset to both Nundle and Tamworth Regional Council. I congratulate everyone who has assisted, and I encourage all my colleagues far and wide to take a walk and enjoy the great outdoors in beautiful Nundle.

BUCCA GROUP HOME PROPOSAL

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.15 p.m.]: Tonight I raise an issue that is of extreme concern to a large number of residents in Bucca, which is a small community north-west of Coffs Harbour. The residents are upset about plans to build a \$7.5 million group home for people in drug and alcohol rehabilitation. Many of these residents have been living in Bucca for generations. Although there has been no real one-on-one type consultation with the community about the project, I acknowledge that there was consultation on the development application. Thankfully, the council has deferred the development application to construct this facility. I will read some of the concerns of local residents. One resident wrote:

I live at ... Gillards Road and have recently been told about a Development Application that has been submitted to council for a large-scale drug and alcohol rehabilitation centre at the end of Randalls Road.

They intend to spend \$7.5 million dollars on ...

- Multiple dwellings including a 2 storey 40 rooms with 2 beds total of 80+ bed accommodation, plus administration staff accommodation and visiting family accommodation
- 600 person stadium, rehabilitation facilities etc.

Further they estimate:

- 70-80 car movements a day
- The offenders are approx 25-27yrs old, male and could have spent a small period of time in jail.

As a resident of this wonderful rural community I thought I should bring it to your attention, as it seems very few people have been contacted ...

My initial concerns are about:

- Safety and security of my family
- Visibility of the structures
- Increased traffic
- The lack of notification from council to inform the residents
- Destroying the ambiance
- Inappropriate use of the rural land

In other correspondence people refer to the fact that this is a rural area. Indeed, if properties in the area are not rural residential, they are producing either livestock or horticulture for the local market. I have no problems with drug and alcohol rehabilitation centres being established in appropriate locations. I give great praise to Honi and John Reifler, who run Sherwood Cliffs, which is located further north on a road between Glenreagh and the Pacific Highway. That facility is isolated, and it is isolated for a purpose. They do not want their people interfering with other locals. They want to ensure that they are isolated in such a way that the users of the facility cannot "escape"—for want of a better word—and find their way to hotels or other places where they can get alcohol, cigarettes, marijuana or any other drug of choice. I understand that this will be a government-funded facility. I have written to the Minister for Family and Community Services and asked her to look into this matter. Governments should take into account the location of government-funded facilities and ensure that their presence does not devalue people's properties or put the safety of local residents at risk. One resident, Mrs Shirley Hall, said:

I have walked almost daily down Randalls Road between 6am and 7.30am for more than 15 years, and I am ever in fear of my safety and health with the vehicles which have been speeding down this terribly dusty road for 2-3 years now. I have objected to Council, but to no avail. To seal the road would only allow for more speed, and again change the aesthetics of our area.

How can anybody justify developing a property such as the above, knowing the added traffic which is anticipated?
Not just Randalls Road, but the Bucca Road.

Does Council not realise just how dangerous Bucca road is?

We have lived here for 40 years, and have seen very little change to the road, other than the increase in traffic, and the speeding vehicles which we encounter every day.

To the best of my memory there have been 3 fatalities in approx. 14 kms over these years, apart from the many other accidents.

We have in the past couple of years experienced break and entry to our homes—again—due to Government properties in the area – i.e.: Docs – yes their tenants were responsible.

It seems that Lower Bucca is destined to become "Redfern".

We know Housing and rehabilitation has to be found for these people, but why such prime rural land, when we have so much desolate country out west.

We are just average people trying to live our retired life in peace, but feel we must oppose this application for the reasons given.

I ask the Government to reconsider the application submitted by a privately funded organisation and to find a more suitable location for this facility.

MARINE RESCUE VESSEL *BOTANY 30*

Mr JOHN FLOWERS (Rockdale) [7.20 p.m.]: On Saturday morning 10 March 2012 I had the pleasure of attending the commissioning of the new \$280,000 rescue vessel *Botany 30* for Marine Rescue Botany Bay. The new eight-metre Kevlacat vessel was launched at the St George Motor Boat Club by Mrs Rae Taylor in front of Marine Rescue NSW volunteers, representatives of the NSW Police Force, members of the local community, as well as my colleagues the member for Cronulla and the member for Oatley. I acknowledge the outstanding work of Commissioner Stacey Tannos, ESM, and Mr Bob Wilson, Deputy Unit Commander Botany Bay—two men who make immeasurable contributions to Marine Rescue NSW.

Commissioner Tannos has outlined the valuable addition that *Botany 30* will make to the marine's search and rescue capability around Port Botany, one of Australia's busiest ports, and the surrounding region. In

particular, he has cited the increasing amount of traffic and the mix of large-scale commercial vessels and small recreational boats on Botany Bay, a large part of which is in my electorate of Rockdale. It is important to remember that although we focus on safety on our roads, water safety is also important to the lives of thousands across New South Wales and to those in my electorate of Rockdale who frequent Botany Bay on their vessels.

For members who are unaware, Marine Rescue NSW officially took to the water on New Year's Day 2010 after being established in July 2009. In one integrated service it brought together the former rescue organisations—the Australian Volunteer Coast Guard Association, the Royal Volunteer Coastal Patrol and the Volunteer Rescue Association marine fleet. The volunteers of Marine Rescue NSW deserve our thanks as they put in the time and effort to provide vital safety services to the boating community in New South Wales. These include a coordinated marine search and rescue emergency response; education in boating safety, including boat-personal watercraft [PWC] licence, radio and navigation courses; and continuous radio coverage across the New South Wales coastline. In the event of a boating emergency one can radio for help on channel 16 on very high frequency [VHF] channel 88 on a 27 megahertz radio or call 000.

Marine Rescue NSW is a not-for-profit organisation. It has over 3,000 members in 43 marine rescue units with a fleet of 73 rescue vessels. One particular service caught my attention. Boaties can log on to their nearest Marine Rescue NSW unit when heading out onto the water. This is done by a phone call to radio contact with the nearest unit to provide information such as name, contact telephone number, registration, description of vessel, the number of people aboard the vessel, time of departure and expected time of return. The value of this service cannot be underestimated because in the event of an emergency the information will be provided to local rescue crews, who can start the search. However, it is important that boaties remember to log off on return to alleviate any concerns.

I encourage all members whose electorates border waterways to look at the Marine Rescue NSW website. It provides quality information about the services that volunteers provide and informs boaties of up-to-date details on weather, local Marine Rescue units and safety tips to ensure safety on the water. I congratulate the commander and members of the Marine Rescue Botany Bay unit on the commissioning of *Botany 30*. Their work does not go unnoticed or unappreciated. They are a valuable part of our community and I regarded it as a pleasure to spend the morning with them at Sans Souci.

ST GEORGE WOMEN'S HOUSING

Ms CHERIE BURTON (Kogarah) [7.25 p.m.]: Tonight I draw the attention of the House to St George Women's Housing, which operates in my electorate of Kogarah. St George Women's Housing provides essential coordinated services to support victims of domestic violence. During this 12-month tenancy women are encouraged to develop support networks and attend regular counselling sessions to help them recover from the long-term fear, physical and/or psychological harm they have suffered. Living with domestic violence also has a profound effect on children, and St George Women's Housing supports their recovery.

Twelve months is not enough time to overcome years of abuse but it definitely helps to start the healing process and it encourages women victims of domestic violence to no longer feel like victims. After experiencing a year of nurturing they are on the road to recovery and they do not want to move away from all the support networks they have established or uproot their children's lives in the name of affordability. St George Women's Housing endeavours to place all its clients in the best possible position to find alternative permanent accommodation. However, Housing NSW waiting lists are long and availability is low. Therefore, the majority need to seek private rental accommodation. These rental market costs are very high and most of the applicants are on low fixed incomes.

An added disadvantage is that landlords are hesitant to lease to single mothers. There is also the other anomaly of mothers with one child being able to afford only a one-bedroom unit—a situation made all the more difficult when the child is a male and entering teenage years. St George Women's Housing informs me that this is a growing problem. Seventy-four per cent of women come from a non-Australian background, so they are at a constant disadvantage when visiting properties and dealing with real estate agents. St George Women's Housing provides support during this process but ultimately it does not decide who will be successful in leasing the properties. These abused women have experienced a 12-month haven and suddenly, because of affordability, are plunged once again into a living nightmare.

For 12 months they have been told they will be all right, that they are safe and can go forward and establish a life without violence. Instead they again face more financial and emotional stress that becomes

unbearable, and in some cases they even return to the perpetrator of the domestic violence. It has been suggested by St George Women's Housing that a system of zoning could alleviate the affordability issue faced by many of these abused women. In fact, the *St George and Sutherland Shire Leader* published a story about women in my electorate who were forced back into homes of abuse because they have been unable to access affordable housing in their local area where their doctors, schools and other family networks are located. St George Women's Housing has suggested that all States should have zones that reflect the different rental market rates.

Women at risk who desperately need to stay close to their established support services would be provided with higher rental subsidies as a result of the higher private rental costs of the metropolitan zone in which they live. Twelve months has been invested into securing a future for these abused women and their children, and ultimately our community will greatly benefit by assisting to establish domestic harmony for all those who have suffered domestic violence. I ask the Minister to support St George Women's Housing by supporting this initiative. I will contact the Minister and ask for her support in helping women who are victims of domestic violence in my local area to access affordable housing in the St George area.

Private members' statements concluded.

ASSENT TO BILL

Assent to the following bill reported:

Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012

PRIMARY INDUSTRIES LEGISLATION AMENDMENT (BIOSECURITY) BILL 2012

Agreement in Principle

Debate resumed from an earlier hour.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [7.29 p.m.]: I make a brief contribution to debate on the Primary Industries Legislation Amendment (Biosecurity) Bill 2012. I compliment the previous speaker, the member for Mount Druitt, on his excellent contribution—probably the best I have heard from the Labor benches in my five years in this place. I note the member was Minister for Agriculture from 1995 to 2003, a period of 7 years, 11 months and 30 days—one day short of eight years. One has to admire the sense of humour exhibited by those on the other side of this House. His contribution shows his thorough knowledge of the subject.

I cannot but reflect that if Labor had had more Ministers with that experience and understanding of their portfolios this State might not have fallen so low and there might be a few more than just 20 Labor members on the opposition benches. At the moment there is no-one on the opposition benches, so obviously Opposition members do not care about this legislation. When the member for Mount Druitt quotes 1924 legislation, and the general suspicion is that he was in this Chamber to formulate that legislation, one can only respect his contribution to this place. The object of this bill is to amend the Animal Diseases (Emergency Outbreaks) Act 1991, the Fisheries Management Act 1994, the Noxious Weeds Act 1993 and the Plant Diseases Act 1924 as follows:

- (a) to provide for mechanisms to deal with emergency outbreaks of animal pests, such as the declaration of infested places, restricted areas and control areas and accompanying restrictions on movement, and orders relating to control and eradication of animal pests,
- (b) to prohibit interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds or plant diseases or pests,
- (c) to provide for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation and to make other provision with respect to noxious fish and noxious marine vegetation,
- (d) to enable various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website,
- (e) to require the appropriate authorities to be notified by persons who, while acting in a professional capacity, become aware of the presence of an emergency animal disease or pest or a notifiable weed or a notifiable plant disease or pest,
- (f) to make other provision with respect to biosecurity measures under those Acts,
- (g) to enable regulations containing savings or transitional provisions to be made as a consequence of the enactment of the proposed Act.

As the Minister for Primary Industries has previously articulated in this House, the Primary Industries Legislation Amendment (Biosecurity) Bill 2012 aims to improve the capability of New South Wales to respond to a biosecurity emergency. First, the bill will address gaps and limitations in our legislation that may prevent an effective response to a biosecurity emergency; and, second, it will improve New South Wales compliance with the four national biosecurity agreements to which we are a signatory. The bill is important because it will provide a framework for better protecting not only our primary industries but also our natural environment and our lifestyle. Thankfully, Australia remains free from many pests, weeds and diseases that affect other parts of the world. This provides obvious economic, environmental and social benefits.

My electorate of Port Stephens is considered a paradise both for its natural flora and fauna and for its pristine waterways. It would indeed be a tragedy if we had unchecked introduced pests and diseases competing with our native flora, contaminating our grazing pastures and threatening our drinking water supplies. New South Wales also is free from many pests and diseases that plague other States, but we cannot remain complacent due to this good fortune. The risk and threats to the biosecurity status of New South Wales are becoming more complex. A changing climate, globalisation of trade and travel, and population increases are putting pressure on natural ecosystems and driving competition for resources.

Reviews of New South Wales biosecurity-related legislation, the equine influenza outbreak in 2007 and the recent outbreaks of Hendra virus and myrtle rust have revealed a number of limitations and gaps in our legislation. Limitations and gaps can mean longer response times and greater costs and risks to New South Wales. The bill seeks to address these gaps and limitations in the immediate term and to ensure that our systems are better aligned nationally. In the longer term the Government is looking to develop more streamlined and integrated biosecurity legislation and a new biosecurity strategy for New South Wales. However, this is a long-term project and the amendments proposed in the bill are necessary to ensure that we can respond appropriately to an emergency biosecurity incident.

The provisions in the bill can be divided into four categories—those that relate to pests and diseases of animals, plants and fish, and the threats posed by noxious weeds. Being able to declare emergency animal pests will greatly assist the capability of New South Wales to respond to animal pests that may have an impact on the environment, and community and business activity as well as primary production. The bill will introduce a new part to the Act that includes a mechanism to deal with emergency outbreaks of animal pests. The new part contains a duty to notify, powers to declare and regulate infested places, restricted areas and control areas, and provisions relating to permits to enter and exit these areas.

The new part does not introduce new eradication, control and management tools. These tools already exist in the Act in relation to animal diseases and are common to biosecurity legislation in general. This part will make these powers available in respect to outbreaks of emergency animal pests. To make sure all relevant powers in the Act are available to respond to such outbreaks, existing provisions relating to importation orders, destruction orders, quarantine orders and disinfection orders will be extended so that they also apply to emergency animal pests. There will be a new offence with a maximum penalty of \$110,000 or two years imprisonment for the intentional or reckless release of an emergency animal pest.

Finally, the bill proposes to allow the director general to delegate his or her functions under the Act. This will reduce red tape and unnecessary bureaucracy. I acknowledged the contribution of the member for Mount Druitt when I started. I will finish by congratulating the Minister for Primary Industries on this legislation. New South Wales is fortunate to have a Minister of her intellect, drive and ability to tackle the very tough issues associated with her portfolios. Of course, I also thank and congratulate her very experienced and hardworking staff. Fixing 16 years of neglect is never easy and they are doing a great job. I commend the bill to the House.

Ms ANNA WATSON (Shellharbour) [7.36 p.m.]: I support the Primary Industries Legislation Amendment (Biosecurity) Bill 2012, which provides for State departments and the Government to respond to a biosecurity emergency more effectively. Any bill that strengthens the regulatory powers to help minimise the risks of a biosecurity emergency is a positive outcome for our State. The outbreak of equine influenza in 2007 and the recent Hendra virus outbreak have revealed a number of limitations and gaps in our legislation that must be closed. It is appropriate that the Minister for Primary Industries is in a position to declare that an animal may be considered an emergency pest. Furthermore, the Minister should have the power to authorise inspectors to take specified measures in a restricted area or a control area for the purpose of controlling or preventing the spread of an emergency animal pest.

What stands out in this amending legislation is that the inspectors' powers will be extended to allow them to take photographs and/or videos when exercising their search and entry powers under section 45 of the Act. The noxious weeds amendments will ensure that the Minister is able to declare by order, which is appropriate, that a plant emergency exists and then proceed to take action to eradicate or prevent the spread of the disease or pest during a specified period, which is known as the emergency period. I commend the Government for strengthening and tightening the powers in yet another fantastic piece of Labor legislation.

Mr STEPHEN BROMHEAD (Myall Lakes) [7.40 p.m.]: I support the Primary Industries Legislation Amendment (Biosecurity) Bill 2012 and congratulate the Minister for Primary Industries. I am sure history will show that she is the best Minister for Primary Industries or Minister for Agriculture that this State has known—certainly in the past 16 years. The Minister is extremely hard working. On Saturday it was my duty to escort her on a tour and examination of Wallis Lakes in my electorate, which is one of the largest oyster growing areas in New South Wales. The lake produces 30 per cent of Australia's Sydney rock oyster, not to be confused with the inferior quality Pacific gigas oyster. The Minister wanted to look at what was happening in the lake, at its pristine waters, the need for dredging in that area and to examine what has been done by the local community in the past 12 years to improve the waterways.

The local council has been recognised not only in New South Wales but throughout Australia and internationally for its work since 1998 after a scare relating to oysters. Myall Lakes is about 3,770 square kilometres, stretching from the mountains to the sea, from rich productive grazing land to beaches, and it is really known as the number one electorate in Australia. It is the premier place to live, work and holiday. Only in that area is there that special aqua blue water, even when the sky is overcast and raining. It is a magnificent place. The area has it all in relation to primary industries—cattle, sheep, llamas, alpacas, pigs, horses, chickens, birds, racehorses, dogs, cats, crops, fishing and oysters. We have great interest in this legislation because of its impact on those industries, the area's pristine waters and its beautiful countryside.

Pests, weeds and animal and plant diseases always pose a threat to the New South Wales economy, to the environment and to the general community. Australia remains free from many harmful pests, weeds and diseases that affect other parts of the world. This provides significant economic, environmental and social benefits. Serious animal diseases such as foot and mouth disease and rabies are not present in Australia. New South Wales is also free from many pests and diseases that plague other States, such as red imported fire ants in Queensland, European house borer in Western Australia and chestnut blight in Victoria. We must always be vigilant and not become complacent.

The bill will amend the Animal Diseases (Emergency Outbreaks) Act 1991, the Fisheries Management Act 1994, the Noxious Weeds Act 1993 and the Plant Diseases Act 1924. I am pleased that this legislation has been introduced. It shows once again that the O'Farrell-Stoner Government is hardworking and doing things, not like the Labor Government in the past 16 years, and particularly the last four years when Labor suffered some form of paralysis and inertia and nothing was being done for New South Wales. So much needed doing but absolutely nothing was done. In fact the former Government did not have its eye on the ball. This bill is another example of our Government doing something for the benefit of New South Wales and the people in New South Wales.

This legislation will provide mechanisms to deal with emergency outbreaks of animal pests, such as the declaration of infested places, restricted areas and control areas and accompanying restrictions on movement, and orders relating to control and eradication of animal pests. It will prohibit interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds, plant diseases or pests. It provides for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation and it makes other provisions with respect to noxious fish and noxious marine vegetation. The bill enables various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website.

The legislation requires that appropriate authorities be notified by persons who, while acting in a professional capacity, become aware of the presence of an emergency animal disease or pest or a notifiable weed or a notifiable plant disease or pest. The legislation makes other provisions with respect to biosecurity measures under the earlier mentioned Acts and it enables regulations to be made. The bill attends to gaps and limitations in legislation that may prevent an effective response to a biosecurity emergency and improves the compliance of New South Wales with four national biosecurity agreements, as I have outlined. The risks and threats to the biosecurity status of New South Wales are becoming more complex.

In 2011 New South Wales became a signatory to the Intergovernmental Agreement on Biosecurity. The goal of that agreement is to minimise the impact of pests, weeds and diseases on the Australian economy, environment and community. The agreement sets out the goals, priorities, roles and responsibilities of jurisdictions in relation to biosecurity management. The agreement is supported by two response agreements and one response deed—for animal diseases, plant pests and diseases, and the environment. These agreements set out how responses to biosecurity emergencies will be managed and how costs will be shared between government and industry groups that are signatories. As a signatory, New South Wales has an obligation to ensure it has the appropriate legislation and systems in place to respond to emergency biosecurity incidents.

Reviews of biosecurity-related legislation in New South Wales, the equine influenza outbreak in 2007 and the recent outbreaks of Hendra virus and myrtle rust have revealed a number of issues in our legislation. The issues can mean longer response times and costs and greater risks to New South Wales. The bill seeks to address these issues and to ensure that our systems are better aligned nationally. In the longer term the Government is looking to develop more streamlined and integrated biosecurity legislation and a new biosecurity strategy. However, this is a long-term project, and the amendments proposed in this bill are necessary to ensure that we can respond appropriately to an emergency biosecurity incident.

This legislation has four categories—those that relate to pests and diseases of animals, plants and fish and the threats posed by noxious weeds. The first proposed amendment will broaden the scope and objectives of the Animal Diseases (Emergency Outbreaks) Act 1991 to apply to the control of emergency animal pests as well as animal diseases. Emergency animal pests are defined in the bill as animals that are not indigenous to a particular area and that are declared by the Minister to be an emergency animal pest. An example of an emergency animal pest that may be declared is the red imported fire ant, which is currently found in Brisbane. The bill will introduce a new part to the Act that includes a mechanism to deal with emergency outbreaks of animal pests. The new part contains a duty to notify; powers to declare and regulate infested places, restricted areas and control areas; and provisions relating to permits to enter and exit these areas.

The new part does not introduce new eradication, control and management tools. These tools already exist in the Act in relation to animal diseases and are common to biosecurity legislation in general. Provisions in the Act dealing with inspectors' powers will also be extended with respect to emergency animal pests, including powers relating to seizure and impounding, collecting verbal and documentary information, search and entry and requiring assistance. There will be a new offence with a maximum penalty of \$110,000 or two years imprisonment for the intentional or reckless release of an emergency animal pest. That penalty demonstrates the determination of this Government. I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [7.50 p.m.]: It is a pleasure and a privilege to support the Primary Industries Amendment (Biosecurity) Bill 2012, which provides an additional framework for biosecurity in Australia. I will briefly discuss some the mechanisms that will be implemented to achieve that security and then outline some of the diseases from which Australian farmers and our community must be protected. The objects of the bill are:

- (a) to provide for mechanisms to deal with emergency outbreaks of animal pests, such as the declaration of infested places, restricted areas and control areas and accompanying restrictions on movement, and orders relating to control and eradication of animal pests,
- (b) to prohibit interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds or plant diseases or pests,
- (c) to provide for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation and to make other provision with respect to noxious fish and noxious marine vegetation,
- (d) to enable various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website,
- (e) to require the appropriate authorities to be notified by persons who, while acting in a professional capacity, become aware of the presence of an emergency animal disease or pest or a notifiable weed or a notifiable plant disease or pest,
- (f) to make other provision with respect to biosecurity measures under those Acts,
- (g) to enable regulations containing savings or transitional provisions to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [23] imposes a duty to notify an inspector of an emergency animal pest or suspected pest on an owner of premises, a person who owns, possesses or controls or is in charge of a suspected emergency animal

pest and a person who is consulted in a professional capacity. That refers to circumstances in which a veterinarian is called out to attend a property and discovers evidence of an exotic or notifiable disease or symptoms that could replicate an exotic or notifiable disease. Although the veterinarian might not be sure that what he or she is seeing is evidence of an exotic or notifiable disease, it will need to be tested and it will be incumbent on the person involved to notify the relevant authorities.

The member for Mount Druitt referred to the foot and mouth outbreak in United Kingdom in 2001. Some of these diseases can spread incredibly quickly. Foot and mouth is an airborne virus and it can spread up to five kilometres. Consequently, these diseases can result in not only high mortality but also high morbidity if they escape from a controlled area. The faster they can be locked down the better it will be for the community. This legislation provides the authorities with the capacity they need to achieve that control.

Proposed schedule 1 [25] enables the Minister to issue an importation order prohibiting or imposing conditions on the entry or importation into the State of emergency animal pests, animals, animal products, fodder, fittings, soil, vehicles or other things if the Minister reasonably suspects that any premises, place or area outside the State is infested with an emergency animal pest. That relates to viruses that affect imported plants and animals. The canine parvovirus, which is now endemic, can be spread on car tyres or by hand and, like other viruses, it will survive in the environment for up to 12 months. Fortunately, because of the efficacy of modern vaccinations it is well and truly under control. However, once it has escaped it will survive in the community and the environment. This legislation is designed to assist in the control of those viruses which will survive in the environment and which do not need to be transmitted by person-to-person contact or by animals and plants.

Proposed schedule 1 [32] enables the Minister to issue an order requiring destruction of an emergency animal pest, or any premises or any animal, animal product, fodder, fittings or other thing the Minister reasonably suspects to be infested with an emergency animal pest and which cannot effectively be disinfected. The foot and mouth outbreak in the United Kingdom is a good example of the scenario envisaged. While not every animal will die as a result of contracting foot and mouth disease, their capacity to shed the virus in large amounts means that the destruction of affected animals and animals suspected of being affected is the only sensible course of action.

We do not have rabies in Australia but it is on our doorstep and it always has the potential to enter this country. While it does not spread quickly geographically and because it has a high mortality rate animals are not carriers for a long time, if it were to become endemic in, for example, the Northern Territory, which has a large feral pig population that can carry rabies, once it entered the environment it would be very difficult to control. The only way to control an outbreak is for the Minister to have the power to issue a destruction order on all animals within a geographic area. If an outbreak is detected early the Minister will have the capacity to control it quickly.

I do not want to harp on about our poor British cousins' foot and mouth outbreak but once a disease such as that escapes an enormous number of animals over a large area must be destroyed to control it. Although the cost to the British economy was enormous, we must also consider the social cost. Many farmers had herds that had been developed by their grandfathers and fathers and they had an enormous emotional attachment to them. Although their herds may not have been affected, the authorities had to destroy them because they were in a control zone. Unfortunately, it was appropriate that those animals were destroyed to stop the outbreak spreading. The power to issue a destruction order allows the Minister to intervene early to limit the spread of an outbreak.

Proposed schedule 1 [42] enables an inspector to issue a quarantine order to prohibit or restrict the movement of any suspected emergency animal pest, animal pest, animal product, fodder, fitting, soil, vehicle or other thing onto, within or out of any premises or place if the inspector reasonably suspects that the premises or place is infested with an emergency animal pest or believes on reasonable grounds that it is necessary to make the order to prevent the spread of the pest. This provision is designed to stop vehicles and foot traffic moving in and out of restricted zones. Once again, the foot and mouth outbreak in the United Kingdom is a good case in point. Many Australian veterinarians were involved in the imposition of control areas. The member for Mount Druitt spoke about the government veterinarians who provided assistance. In fact, a couple of hundred Australian veterinarians were employed by the British Government to help control that outbreak.

One of the positives to emerge from that disaster is that the Australian veterinary community now has extensive corporate knowledge about controlling disease outbreaks and what can go wrong. In that case the military was brought in to enforce restricted zones. However, in true military style, people who were not

supposed to leave restricted areas were directed to leave and people who should not have entered them were allowed access because the checkpoints were facing in the wrong direction. That might sound like an amusing Sir Humphrey Appleby scenario but it was extremely serious. [*Extension of time agreed to.*]

The bill provides for quarantine areas relating to emergency animal pests and the time for which they are enforced. This gives the Minister some capacity and leeway relating to the time of enforcement, which is important because of the capacity of some viruses to survive within an environment for long periods. It also provides discretion where there is an outbreak of disease that may have a high mortality but low morbidity, where the virus effectively will burn itself out in an area, and there is capacity to reduce the impact on those communities. This again goes back to ministerial discretion. I notify the House of a particular pest that has not entered Australia—the varroa mite in bees. Whilst people might think a bee mite will not have major economic impact, it is an extremely serious threat.

The varroa mite has entered bee populations around the world and it causes high mortality amongst bees. Control requires the use of particular pesticides, which will kill the mite but not the bee. Honey producers would lose their organic status by using the pesticide but, more importantly, if this mite entered the Australian bee population it would have an enormous impact on agriculture throughout Australia, and particularly in New South Wales. Canola is a major crop in areas such as the Riverina and it requires a large bee population in order for the crop to be successful. Reduction in the bee population or the density of bees in such areas would result in enormous economic damage to those communities.

It is an important biosecurity issue for New South Wales and for Australia, and it poses an enormous threat. Bees may form a hive on a boat, which is not picked up in quarantine, and the next thing is that those bees are mixing with Australian bees. It could happen at any port in Australia. It poses an enormous threat and controlling it would be a nightmare. I thank you, Mr Acting-Speaker, for your indulgence and extension of time. I hope I have been able to provide some additional information on the value of this bill, and it is my great pleasure to support it.

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

STATE REVENUE LEGISLATION AMENDMENT BILL 2012

Bill introduced on motion by Mr Mike Baird.

Agreement in Principle

Mr MIKE BAIRD (Manly—Treasurer) [8.03 p.m.]: I move:

That this bill be now agreed to in principle.

The State Revenue Legislation Amendment Bill 2012 makes amendments to three State taxation Acts—the Duties Act 1997, the Land Tax Management Act 1956 and the Payroll Tax Act 2007. The primary purpose of this bill is to provide, extend and clarify various tax concessions and exemptions under those Acts. I will deal first with the amendments to the Duties Act. The main proposal is to extend and simplify the exemption from duty for the restructuring of corporate groups. Corporate groups may seek to change the structure of the group or change the holding of assets within the group for a variety of reasons, including to align business operations to the relevant legal entity, to improve the balance sheet of a subsidiary seeking finance, to respond to structural changes by a foreign parent, to remove expensive, antiquated structures in complex groups, and to merge business operations and legal entities following a takeover. In many cases the duty payable on these transactions would be prohibitive, requiring corporate groups to continue with a structure that is less than optimal. The exemption therefore removes an impediment to the efficient conduct of business operating in New South Wales.

The current exemption is limited by a number of requirements intended to act as revenue protection measures. The need for those measures has largely evaporated since the introduction of landholder duty in New South Wales, which ensures that interests in land acquired by the group, or sold out of the group, will be liable to duty. The abolition of duty on shares and other marketable securities, which is scheduled to take effect on 1 July 2012, further reduces the need for those limitations on the exemption. The new provisions accordingly do not contain requirements for the members of the groups to have been associated for a specified period before the

transaction, or to remain associated after the transaction. The provisions also extend the definition of a corporate group to include stapled entities, which are companies and unit trusts whose securities are "stapled" and traded as a single security.

A new exemption from landholder duty is also provided for corporate consolidations, which is the interposing of a new parent company or unit trust between an existing company or unit trust and its shareholders. The current provisions rely on guidelines approved by the Treasurer. The new exemption will be detailed in full in the Act, providing more certainty for taxpayers. The new provisions have been developed following consultation by the Office of State Revenue over a considerable period. The end result is, to a large extent, consistent with a model proposed by the Property Council of Australia. Most elements of the scheme are substantially the same as schemes operating in other States. The new provisions will reduce costs for businesses in complying with the requirements for exemption, but within a framework that protects the revenue from duty avoidance practices.

ACTING-SPEAKER (Mr Lee Evans): Order! I remind the Leader of the Opposition that he is on three calls to order. The Treasurer has the call.

Mr MIKE BAIRD: The bill contains a new duties concession for transfers that are partially in conformity with agreements. The Duties Act currently provides that double duty is not paid on the purchase of property comprising two dutiable transactions, being an agreement to transfer dutiable property and the subsequent transfer of that property. However, that provision effectively operates on an all-or-nothing basis, so that a transfer partially in conformity with the agreement will be liable to full double duty. The new provision allows a proportionate concession to the extent that the transfer is in conformity with the agreement.

The bill extends the duties exemption for a transfer of the family home between a husband and wife or de facto partners. Again, the provision currently operates on an all-or-nothing basis where the exemption might not apply if the land is used for purposes other than as the couple's principal place of residence. The extended concession will allow a proportionate exemption for the couple's home in cases where the property is also used for business purposes, such as a combined shop and dwelling or a farming property. The bill extends the duties exemption for property transfers as a consequence of the breakdown of a marriage or de facto relationship. Transfers of superannuation interests for the purpose of providing a retirement benefit to a party to the relationship will now be eligible for the exemption.

The bill also extends the duties exemption for transfer of primary production land between family members to allow transfer to a broader group of family members of the owner and the owner's spouse and to extend the definition of "related person" for the purpose of other concessions to include various relationships that arise because of marriage or a de facto relationship. The bill clarifies the duties concessions for transfers of property to self-managed superannuation funds to allow the concession to apply in respect of a fund that the Commonwealth has not yet confirmed is a complying superannuation fund. The amendment also allows the chief commissioner to reassess the liability to duty where the fund was not a complying superannuation fund as at the date of the transfer.

The bill includes two anti-avoidance measures for duties. The first is a clarification of the concession for transfers of property out of a deceased estate. The proposed amendment will ensure that the same duty is payable on similar transactions regardless of whether property is transferred to a beneficiary of the estate or the beneficiary makes a transmission application. The second is for landholder duty, which applies to the acquisition of a significant interest in a company or unit trust scheme that holds land valued at \$2 million or more. Duty is imposed at the same rate as applies to a direct transfer of land. No landholder duty is payable if the entity's total land value is below \$2 million. Cases have been identified where duty is avoidable by selling some of the land of a company or trust prior to the sale of the landholding entity to the purchaser, which reduces the entity's land value below the \$2 million threshold. The bill addresses this avoidance by effectively aggregating the acquisition of the landholder and direct land transfers that have occurred in the previous 12 months. A credit is provided for duty paid on the direct transfer to prevent double duty.

The final duties provision in the bill gives the Minister for Finance and Services authority to grant exemptions from duty in respect of government initiatives relating to the Sydney desalination plant. The Government announced last year that it is refinancing the desalination plant to free up essential funds for other much-needed infrastructure projects in New South Wales. It is common practice to exempt transactions relating to government-owned commercial entities from State taxes. The exemption has no net effect on the proceeds received by the State. If stamp duty applies to transactions, the price paid by the private sector would be reduced

by the amount of duty. The provision avoids costs to bidders of having to seek advice on whether duty is or is not payable. It also simplifies the process, as it is possible that duty will be levied at multiple points throughout the process. This approach is being adopted for the refinancing of the desalination plant.

This form of exemption, which operates by order of the Minister with the concurrence of the Treasurer, is consistent with exemptions granted in special purpose legislation to facilitate previous transactions, including the sale of NSW Lotteries and the sale of WSN Environmental Solutions. Exemptions from State tax have also been granted in previous transactions, including the TAB privatisation, the Freight Rail Corporation sale, the transfer of the Australian Rail Track Corporation to the Commonwealth, the merger of the Australian Jockey Club and Sydney Turf Club, and the AGL corporate conversion. This form of exemption is necessary to provide flexibility in the design of the commercial transactions to maximise benefit to the New South Wales taxpayer.

The bill also contains two minor amendments relating to land tax. The first amendment confirms the land tax threshold entitlement for complying self-managed superannuation funds. The second amendment extends the concessional treatment to special disability trusts under the Commonwealth Veterans' Entitlements Act 1986 to bring it in line with those currently available to the special disability trusts under the Commonwealth Social Security Act 1991. The concession exempts land from land tax if it is used and occupied as the principal place of residence of the beneficiary of such a trust. The concessions are provided because these trusts are established for the care and accommodation needs of persons with disabilities, usually under the control of family members.

Finally, the bill makes amendments to the Payroll Tax Act. A payroll tax exemption applies to wages paid to an employee while on maternity leave for up to 14 weeks pay. Full-time employees can choose to pro rata their maximum entitlement to maternity leave over more than 14 weeks. For example, the exemption will apply when employees take 28 weeks maternity leave at half their full-time salary. It was intended that the same pro rata entitlement would apply to part-time employees, and this amendment will clarify the legislation. All other States and Territories have agreed to these amendments to ensure payroll tax harmonisation is maintained. In summary, the State Revenue Legislation Amendment Bill 2012 will ensure that State tax concessions and exemptions apply fairly and equitably to taxpayers in circumstances where anomalies in the legislation might otherwise impose an unintended liability to tax. I commend the bill to the House.

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

RETAIL TRADING AMENDMENT BILL 2012

Bill introduced on motion by Mr Mike Baird.

Agreement in Principle

Mr MIKE BAIRD (Manly—Treasurer) [8.13 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Retail Trading Amendment Bill 2012. The purpose of this bill is to amend the Retail Trading Act 2008 to provide a new balance to trading restrictions, to allow families to go shopping when they want to and businesses to open when they have customers, and to provide opportunities for more jobs and more income for employees, including students, young people and casuals. The bill introduces amendments to liberalise the restrictions on retail trading and to maximise the productivity of the sector by allowing retail shops—including supermarkets, electrical and furniture shops, department and hardware stores—to open on Boxing Day when they believe they have customers; by releasing small to medium sized shops from the trading restrictions on any other day; by removing the constraints that prevent shops from being ready to serve customers as soon as they open; by revoking the decade-old patchwork of regional exemptions that distort the marketplace; and by providing for new, discrete trading zones whereby local communities, with the support of tourism authorities, can provide shopping services to holiday-makers and tourists during holiday times.

To provide an appropriate balance to the trading preferences of retailers, each of these liberalised arrangements will be available only on the condition that the staff in the shop have freely elected to work on that day, without any coercion, harassment, threat or intimidation by, or on behalf of, the occupier of the shop. A review of shop trading legislation by the Department of Finance and Services commenced on 13 September

2011. The terms of reference for the review focused on issues surrounding the mandatory closure of shops on the current 4½ specified days per year and the static patchwork of exemptions that operate based on location but take no account of changed circumstances over time.

The review elicited 26 submissions from organisations such as large corporate retailers and representative organisations of employers and employees, faith groups, an academic and more than 200 letters from individuals expressing their very personal and heartfelt views. While some organisations advocated for complete deregulation, a number of the larger retailers conceded that customer demand to open on an otherwise restricted day was largely confined to Boxing Day and Easter Sunday. The major retailers particularly referenced their previous experience with strong demand associated with the commencement of popular Boxing Day sales in current exempt locations.

However, the personal comments of shop assistants expressed concern about any reduction in family time that would result from the liberalisation of restricted trading day arrangements and the consequent need to staff shops on those days. In responding to the submissions of those who contributed to the review, the Government considers that the proposals in this bill represent an appropriate balance between the commercial interests of shop owners in a rapidly changing market, the demands of consumers who want to shop at times convenient to them and the work-life balance of employees. In particular, the liberalisation of restrictions on Boxing Day will free whole shopping centres and malls in every suburb, every city and every region across New South Wales to provide shopping services to their communities and support the shops, restaurants, cinema multiplexes and other businesses that are already permitted to trade on that day.

The bill will provide opportunities for thousands of shop employees across the State to maximise their earnings, particularly around holiday times, which are always a drain on tight household incomes. To make it abundantly clear, for the occupier of a shop to take advantage of the liberalisation of any of the restrictions contained in the bill before the House, they must use only staff who have freely elected to work without coercion, harassment, threat or intimidation. Importantly, Boxing Day, as with other restricted trading days, remains a named public holiday under the Public Holidays Act and therefore continues to be recognised as a public holiday for the purposes of employment entitlements under the relevant national employment standard in the Commonwealth Fair Work Act.

The bill does not interfere with the entitlements of employees under the national industrial relations system to paid time off, nor does it diminish any employer's responsibility to pay public holiday penalty rates in accordance with a relevant award or enterprise agreement. Many employers, including Coles and Kmart, have noted in their submissions that there is no shortage of staff willing to work on Boxing Day, and they support arrangements where staff have freely elected to work on those days without coercion or harassment. Indeed, Kmart's submission states that it is its experience that the demand for work on public holidays can outweigh available shifts.

The Government has listened to the concerns of retailers, representatives and individuals, and today presents a bill that will provide a more appropriate balance between the commercial interests of retailers seeking to maximise the potential of their investment on the one hand and the family interests of retail workers on the other. As I alluded to earlier, the Government's response to the review into the shop trading provisions of the New South Wales retail trading regime covers a number of issues of importance to retailers, consumers and employees. In the meantime, given that the next restricted trading days are fast approaching, it is essential that the bill is passed and legislation commences in time for retailers and employees to make suitable arrangements to facilitate the orderly opening of shops to provide full services to customers, particularly from 1.00 p.m. on Anzac Day. I now turn to the elements of the bill.

Relevantly, section 4 of the Retail Trading Act 2008 currently provides that all shops, except those that are otherwise exempt, must be closed 4½ days during the year: Good Friday, Easter Sunday, before 1.00 p.m. on Anzac Day, Christmas Day and presently Boxing Day. The bill would amend the Act at section 8B to exempt these shops from the requirement to remain closed on Boxing Day, 26 December. The exemption is subject to the shop occupier staffing the shop with persons who have freely elected to work on that day. The "freely elect to work" condition that is placed on retail shops seeking to trade on days when they would otherwise be restricted, has operated in respect of other exemption processes contained in this Act since 2008.

It remains an integral characteristic of the balance that is achieved in further liberalising trading restrictions contained in the bill. Given this commonality, the bill provides at new section 3A the full meaning of the short term "freely elect to work" as it is used throughout the Act. Section 4 (3) of the Act currently

exempts an area known as, and defined in the regulations as, the Sydney Trading Precinct from the requirement to keep shops closed on Boxing Day. Given the substantive proposal in the bill to bring uniformity to the exemption of shops around the State on Boxing Day, it is clear that the Sydney Trading Precinct is no longer required and the provision is therefore deleted.

Since this Government was elected by the people of New South Wales in March last year, a number of retail stakeholders have expressed concerns about the over-regulation of shops in this State. There was concern about subsection 18 (e) of the Act, which had the effect of preventing a retailer from even preparing their shop to be ready to serve customers with fresh goods immediately upon opening at 1.00 p.m. on Anzac Day. Supermarkets require time to bake bread, prepare salads, and display fruit and vegetables before receiving customers. Until 2010 the New South Wales evidentiary requirement that a shop is held not to be closed was relatively consistent with other jurisdictions. In practice, many retail stores commence operations several hours prior to opening a store for trade, and the 2010 amendments did not take this into account.

The bill amends the Act by inserting new section 8A, which provides that shop occupiers can undertake those essential preparatory tasks provided they do not trade and the work is undertaken by persons who freely elect to do so. To be clear, the task of stocktaking as identified in current section 18 (f) is not subject to this amendment. Stocktaking is not permitted in any circumstances when a shop is required to be closed at a restricted trading time. New section 8 deals with a new category of exempt shop based on the size of the retailer's workforce, as well as the simplification of the existing category of "small shop".

The new medium sized shop exemption is closely aligned with the model operating under the Victorian shop trading legislation and will bring benefits to those retail businesses operating in both States through common requirements. It will permit any shop to trade on any day where there are no more than 20 employees working on the day, and no more than 100 full-time equivalent employees within a seven-day period prior to that day. Consistent with the approach in Victoria, should the employees be employed by a body corporate then the last element would include those employees employed by that business and related entities working within a seven-day period prior to the restricted trading day.

The types of shops that may fall within this category of exemption include, amongst others, independent furniture, hardware or electrical retailers and liquor stores, as well as smaller fashion chains and supermarkets. Importantly, as with other categories of conditionally exempt shops in the legislation, reliance on this exemption will be predicated on the requirement that the shop is staffed by persons who have freely elected to work on the day in question. This medium sized shop category, as defined, will effectively subsume the longstanding category that was established under the previous legislation to allow very small, often family-run shops to open as they choose. We have decided, however, that, given the longstanding arrangement for these shops to open on restricted days and acknowledging that such businesses will have a very small roster of employees to call upon, small shops with fewer than five employees will not be compelled to comply with the freely elect to work condition.

Submitters to the inquiry also noted that the complexity of the "small shop" definition often created difficulties for these small businesses in assessing whether their business structure qualified for that exemption. We have therefore decided that the definition should be simplified and made consistent with the approach adopted for the definition of a medium sized shop. The category of "small shop" will retain its basic premise of fewer than five employees working in the shop on the restricted day but with the additional characteristic of fewer than five effective full-time employees in the previous seven days, in aggregate, across all aspects of the employer's businesses in New South Wales. The current "small shop" definition was largely directed at retail micro businesses with a particularly convoluted limitation on ownership arrangements and with four or fewer employees and no more than two natural persons as owners.

In effect, the experience of these micro businesses in expending scarce resources to establish their small shop, and thus exempt, status is largely diminished. The purpose of retaining the small shop category and not removing it altogether is simply to ensure that those micro businesses, with a very small roster of employees to call upon, are not burdened with the medium sized shop condition that persons working on a named restricted day have freely elected to work. It is expected that the above proposal will be relatively easy to understand for retailers and subsequently resolve much of the current confusion and potential problems associated with compliance. "Preserved exemptions under the current Act" is a generic term for exemptions in force immediately before the 2008 repeal of the former Shops and Industries Act 1962. They relate to some tourist areas or holiday resorts in regional New South Wales, as well as individual shops.

These exemptions largely allowed shops to trade at times when they would otherwise be restricted, predominantly around the Christmas and Easter periods. Under current arrangements, a shop relying on a

preserved exemption to open on a restricted day must be staffed by persons who have freely elected to work. Some of the preserved holiday resort exemptions extend back to 1972, with most covering all remaining restricted trading days. While these zones must have established their credentials as a holiday resort at the time of being granted exempt status, there is no process for ongoing assessment of the changing preferences of holiday-makers and other circumstances that have occurred over the ensuing decades. Although in 2008 the original section 10 exemption process was designed to accommodate a locality or precinct-based exemption, amendments commenced in 2009 quickly limited this opportunity by allowing applications from shop occupiers only.

There is now no opportunity for a representative community organisation, such as a local council, to build upon the efforts of businesses to attract tourism by obtaining an exemption to allow trading by shops to service tourist needs during peak periods such as the Christmas and Easter breaks. The current trading exemption zones and their geographical boundaries commonly raise issues about loss of trade for those shops not located within designated zones. Such arbitrary exemptions are perceived as discriminatory and confer a misplaced competitive advantage, leading to economic inefficiency. The bill provides for the phasing out of former regional holiday resort exemptions by way of a sunset clause on 30 June 2013. Individual shop exemptions under section 78A of the former Shops and Industries Act 1962 will continue to have effect.

Recognising that the remaining restricted days largely fall during peak holiday times when there are significant numbers of tourists holidaying away from home or attending major events, the bill inserts new section 10A, which provides for the establishment of tourist trading precincts. Local councils, in consultation with their communities and with the support of tourism and other relevant organisations, may seek exemption from the Director General of the Department of Finance and Services to allow all shops to open in a defined locale on Good Friday, Easter Sunday, Anzac Day morning and Christmas Day if there are likely to be tourism-related needs. The director general must not grant a tourist trading precinct exemption unless he or she is satisfied that the location is an area that during a particular period, or periods, of the year has a tourist population that is greater than its normal resident population.

If an exemption is granted by the director general it will apply to the relevant precinct for up to five years and a local council may apply in respect of one or all of the restricted trading days. To assist local councils when drafting their applications, regulations will be developed in consultation with other government agencies in order to provide guidance to the director general regarding the matters that may be considered relevant when deciding whether to grant an exemption. Consistent with the holiday resort exemptions, in order for a shop to rely on a tourist trading precinct exemption they must use staff who have freely elected to work on that occasion. Finally, the bill inserts new section 14CA, providing for bank branches to open on the August bank holiday without the need first to apply to the Director General of the Department of Finance and Services. Opening branches on that day will, however, also be conditional upon staff freely electing to work. I commend the bill to the House.

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

ROAD TRANSPORT (GENERAL) AMENDMENT (VEHICLE SANCTIONS) BILL 2012

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a future day.

ROAD TRANSPORT LEGISLATION AMENDMENT (OFFENDER NOMINATION) BILL 2012

Agreement in Principle

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [8.28 p.m.]: I move:

That this bill be now agreed to in principle.

I introduce the Road Transport Legislation Amendment (Offender Nomination) Bill 2012 in this place on behalf of the Minister for Roads and Ports in the other place. As members may be aware, the main purpose of the bill is to amend the road transport and fine enforcement legislation to provide for efficiencies in the process of the penalty notice life cycle. Other measures in the bill are directed at those corporations that do not do the right

thing and attempt to shield their drivers from the allocation of demerit points and possible licence suspension. The bill is a joint proposal by Roads and Maritime Services and the State Debt Recovery Office. In developing the measures, officers of the Department of Attorney General and Justice and the Ministry for Police and Emergency Services were consulted. On behalf of the Minister for Roads and Ports in the other place, I thank those agencies for their contributions.

As background, section 179 of the Road Transport (General) Act 2005 provides that when a camera-recorded public transport lane, traffic light or speeding offence is committed, the person responsible for the vehicle is taken to have committed the offence. The responsible person includes the registered operator of the vehicle. The provision is necessary because the actual offender is not spoken to or identified at the time these camera offences are committed. In the first instance, the penalty notice or court attendance notice for the offence is sent to the registered operator. If the registered operator was not the driver, the law requires the registered operator to nominate the person who was. If a nomination is made, the responsibility for the offence is transferred to the person nominated.

This not only provides protection for the registered operator who was not the driver but ensures that the driver at the time of the offence is held accountable. By the same token, if the registered operator fails to nominate a person when they should have, or falsely nominates a person as being in charge of the vehicle, it is an offence. Where the registered operator, who is a real person such as for privately registered vehicles, does not nominate another person as the offender there is generally no problem in assigning responsibility for the offence, including demerit points, to the registered operator. However, where the registered operator is a company, responsibility for the offence cannot be assigned to a real person unless the company actually nominates. This provides some scope for a company to shield the offender.

The incentive to do this is to avoid the allocation of demerit points and the possible loss of licence. Much work has been done in introducing measures to encourage a company to nominate the offending driver. Those measures that have previously been agreed to by this place include increasing the maximum court fine for a company that falsely nominates or fails to nominate an offender to 100 penalty units or \$11,000, extending the period of time in which a person may be prosecuted for falsely nominating a driver from six months to 12 months, and allowing drivers to be nominated by means other than by way of statutory declaration.

Whilst those measures have been successful in encouraging greater compliance, there still remain a number of companies that are prepared to shield drivers at the expense of incurring these additional fines in the company name. The proposals in this bill complement and strengthen those earlier measures. They provide for efficiencies in the process of the penalty notice life cycle and they also ensure that the nomination process keeps pace with the new technologies around camera enforcement. The measures also further target companies that fail to nominate. I will now explain those measures in more detail. The current provisions require a responsible person, when nominating the offender, to give the name and address of the person. This often results in insufficient information being given to the State Debt Recovery Office to enable it to issue a new penalty notice or court attendance notice to the nominated person.

The bill amends section 179 to provide that a person who nominates another person as the offending driver in a relevant nomination document, if directed, is to appear before an authorised person or prosecutor for the purposes of interview or to provide additional information that is in the person's power to give and that may lead to the identification of the driver. This includes providing a statement in writing. A similar requirement already exists in the Act with respect to the supply of additional information under the chain of responsibility provisions. The requirement to provide this additional information is not seen as onerous. Clause 90 of the Road Transport (Safety and Traffic Management) Regulation 1999 currently provides that the person responsible for or the person in charge of a motor vehicle must, before permitting any other person to drive the vehicle, cause the driver licence issued to the person to be produced to the responsible person or person in charge and inspect the licence.

Further, it is not seen as an impost for a company to maintain a log of its vehicle's use. It is expected that a company would maintain the full identity and address details of its drivers and their licence information, which represents the person's authority and legitimacy to drive company vehicles. Similar requirements to maintain and keep records already exist with the heavy vehicle fatigue management provisions and the motor vehicle dismantler provisions. The benefit of such a provision is that, in the circumstance where the offender was correctly nominated but the offender subsequently falsely nominates another person, a stronger prosecution case can be made with the use of the additional information. Additionally, persons who may think about falsely nominating another person may reconsider doing so in the knowledge that they may be required to attend and give additional information above the name and address information that is asked for in the statutory declaration.

The bill proposes to reduce the time in which a penalty notice is deemed to be served when served by post from 21 days to seven days. Most penalty notices and penalty reminder notices for operator onus offences are served by post. To establish time frames for action by the responsible person—and by the authorised officer for the penalty notice—the legislation contains provisions that presume service to have occurred at a specified time after the notice was posted. Currently, a penalty reminder notice is presumed served after seven days but for the original penalty notice the period is 21 days. This creates an unnecessary delay in dealing with penalty notices and can reduce the number of subsequent penalty notices that can be sent where subsequent nominations are received before prosecution of the offence becomes statute barred. Evidence has shown that the 21-day period can assist unscrupulous persons to defeat prosecution of the real offender because the statutory time limit expires.

It is proposed to reduce the period for presumed service of a penalty notice from 21 days to seven days. The penalty notice recipient would still be entitled to establish that service did not occur within that seven-day period and would still have 21 days from the presumed service date in which to nominate or otherwise deal with the notice. New technologies have enabled cameras to be used to detect multiple driving offences from the single camera incident. As an example, cameras at intersections with traffic lights are capable of detecting in the one camera image evidence of the driver committing a traffic light offence, a speeding offence, an unregistered vehicle offence and an uninsured vehicle offence. The current operator onus provisions limit one statutory declaration being provided for a single offence. However, the provisions are impractical for cameras that are capable of detecting multiple offences with the one image. To illustrate this, the current provisions would require a registered operator to provide a statutory declaration for each offence to nominate the same offending driver.

This is onerous on the responsible operator who is trying to do the right thing. It also presents the illogical situation to exist for different persons to be nominated for each offence in the single camera incident. The current provisions also expose the registered operator to being prosecuted for failing to nominate where only one statutory declaration was received for multiple offences. The bill proposes to expand the current provisions to enable a single statutory declaration to be provided for all offences detected in a single camera incident. As I mentioned earlier, a penalty notice for a camera offence will, in the first instance, be sent to the registered operator, which can also be a company. Some companies are in the practice of simply paying the fine for the camera offence and not nominating the offender. To encourage companies to nominate offending drivers, the bill increases the monetary penalties applying to a camera-detected offence where the offence remains in the company name. An increased fine for companies is the practice of some other Australian jurisdictions.

Currently, a single maximum court fine exists irrespective of whether the offender is an individual or a corporation. For the majority of the camera-recorded offences, the maximum court fine is 20 penalty units or \$2,200. In the case of heavy vehicles speeding more than 45 kilometres an hour over the limit, the maximum court fine is 30 penalty units or \$3,300. The fines for individuals will remain at these current levels. However, the bill proposes that corporations face maximum court fines of five times these amounts—that is, in the case of heavy vehicles speeding more than 45 kilometres an hour over the limit, the maximum court fine applicable to a corporation will be 150 penalty units or \$16,500. For any other camera-detected offence, the maximum court fine will be 100 penalty units or \$11,000. The prospect of facing the increased maximum court fine will be a further deterrent for those remaining corporations that are prepared to incur the current fine levels but continue to fail to nominate the offending driver. It is proposed to make a corresponding increase in the penalty notice fines for offences that are not prosecuted through the courts. The vast majority of offences are dealt with by way of penalty notice.

Consistent with introducing an increased maximum court fine for a corporation, the bill also proposes to introduce increased penalty notice fines for a corporation for the camera-recorded offences, which will also be set five times higher than those that apply to an individual. As an example, an individual or corporation reported for a camera-recorded offence of speeding more than 20 kilometres an hour in a light motor vehicle currently faces a penalty notice fine of \$371. Under the proposed changes, where a penalty notice is issued in the name of a corporation the fine will increase to \$1,855. Increasing both the penalty notice fine and the maximum court fine will deter some registered operators from routinely electing the penalty notice in the hope of avoiding the higher penalty notice fine because they, in turn, run the risk of the increased court fine on conviction.

The increased monetary penalty for corporations introduces a substantial incentive to a corporation to nominate the offending driver. I point out that if the company does the right thing and nominates a real person as required it does not have to pay any fines. Instead, a new penalty notice is sent to the person nominated, which

will attract the current lower values. Parking offences are excluded because of the difficulties for enforcement officers at the roadside to determine whether a vehicle is registered in the name of a corporation and therefore which fine value to apply. The measures in the bill that I have just mentioned will provide for efficiencies in the management of penalty notices and ensure that the nomination process keeps pace with new technologies in camera enforcement. The increased monetary penalties in this bill will not apply to any individual or corporation that does the right thing and nominates the driver in a camera-recorded offence. However, the increased fines will send a clear message to a corporation that not nominating a driver will come at a substantial cost.

The opportunity is being taken with this bill to correct oversights from previous reforms. Section 41 of the Road Transport (Safety and Traffic Management) Act 1999 deals with burnout offences. Section 41 (1) provides for the offence of burnout and section 41 (2) provides for the more serious offence of aggravated burnout. The street racing provisions were amended in 2008 as part of a range of reforms. Prior to the 2008 amendments police were able to seize vehicles used in either form of burnout offence. It was the intention of the 2008 amendments that police could only seize vehicles involved in the more serious aggravated burnout offence. Amendments were made and the continued reference to the burnout offence is an oversight. The bill proposes to rectify the oversight by amending section 218 (1) (a) of the Road Transport (General) Act 2005 to remove the incorrect reference to the burnout offence.

Sections 8 and 14 of the Road Transport (Safety and Traffic Management) Act 1999 deal with drink- and drug-driving offences and prescribed concentration of alcohol for different categories of drivers. The provisions impose lower blood alcohol limits on novice drivers and unlicensed drivers. Novice drivers—that is, those with learner and provisional licences—have a blood alcohol limit of zero. Drivers who are unlicensed are classified as special category drivers and have a blood alcohol limit of 0.02. The legislation was amended in December 2009 to ensure that a novice driver who was disqualified or whose licence was expired was not subject to a blood alcohol limit of 0.02 but to a blood alcohol limit of zero, just the same as a novice driver with a current licence.

By oversight, the 2009 amendment was not replicated in the definition of "special category driver". This means that a novice driver with an expired licence cannot be charged with a special range alcohol offence—up to 0.05—even though novice drivers with current licences can. The bill rectifies the oversight by including in the definition of a special category driver, persons with expired licences. By oversight, section 14 (1) (a1) also was not amended. As a result, expired novice drivers who fail a roadside breath test cannot be arrested, undergo secondary testing or be charged if their roadside test indicates they have a blood alcohol reading in the novice range—up to 0.02—even though novice drivers with current licences can. The provision was amended in the other place to include a driver whose unrestricted licence has expired in the special category driver provisions.

A special category driver has a legal blood alcohol limit of 0.02. Currently, unauthorised drivers are special category drivers. Unauthorised drivers are those that are disqualified or who have had their licences cancelled, suspended or refused, or who have never held a licence. The only anomaly is a driver that is unlicensed because the licence has expired. In this case, the legal blood alcohol limit remains at less than 0.05, which is the same as when the licence is current. The amendment removed this anomaly and introduced consistency in the way all unauthorised drivers are treated in terms of their legal blood alcohol limit. It is acknowledged that a driver who is unaware that their licence has expired may unknowingly and unintentionally find themselves the subject of a serious alcohol offence even though their intention was to do the right thing and remain under the 0.05 limit.

Subsequently an amendment recognising this was made during debate in the upper House with the support of the Opposition. The amendment provides that the reduced blood alcohol limit of 0.02 will not apply from the day the licence expires but instead only after a period of six months from the expiry date. Roads and Maritime data shows that the vast majority of licences are renewed either before the expiry date or within one month after expiry. This change will ensure that only those persons who have not renewed their licence for a protracted period will be subject to the reduced legal blood alcohol level.

There is little justification why these unauthorised drivers should be treated any differently from the other unauthorised drivers, which is the intent of this proposal. The bill also rectifies the oversight by amending section 14 (1) (a1) to replace the reference to "the holder of a learner or provisional licence" with a reference to "a novice driver". The definition of a novice driver currently includes a novice driver with either a current or expired licence. This is an important piece of legislation because it puts companies on notice that if they do the wrong thing and fail to nominate a driver they will face increased fines.

If companies do the right thing and nominate the offending driver, they will avoid facing these additional measures. These measures are directed at those companies that do not do the right thing. These tough new penalties will make those who think they are above the law think twice. There is no excuse why a company cannot put in place measures to identify who was driving a company vehicle at any time. A company can avoid these penalties by simply maintaining a record of vehicle use that enables it to nominate the actual offender. The former Labor Government promised to introduce these laws but, like in so many instances, failed to deliver. I trust all members will lend their unreserved support to the Government's proposals. I commend the bill to the House.

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

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

AUTISM

Matter of Public Importance

Dr ANDREW McDONALD (Macquarie Fields) [8.43 p.m.]: Monday 2 April is Autism Awareness Day. This is a very important day because we are in the midst of a tsunami of diagnosis of autism spectrum disorder, or ASD. Autism spectrum disorder now affects about one in 100 children, making it more common than juvenile diabetes. Autistic disorder, known as autism, is characterised by significant impairments in three main areas: The first is communication, where speech development is delayed and disordered. The second is social interaction, where children have difficulty interacting with their peers and understanding other people's intentions and motivations. This impairment of social interaction is life-long. Finally, behaviour and play in Autism Spectrum Disorder sufferers is stereotyped and ritualistic. For instance, many children are fascinated by running water or spinning wheels. Every person with autism is different because the characteristics depend on the age of the person, the degree of autism and the level of intelligence.

Autism spectrum disorder now includes Asperger's disorder. People with Asperger's disorder have normal language development and intelligence but severe impairment in social interaction and conversation skills. They also have unusual repetitive behaviours and obsessions or passionate interests such as in trains, dinosaurs or even politics. The vast majority of children diagnosed with autism spectrum disorder will have no known identifiable cause. Autism is much more common in boys than in girls. Sadly, parents with one child with a diagnosis of autism have a 2 to 10 per cent chance of having another child with autism and it is not uncommon to see families with three children with autism. Everyone in the community now has personal experience of a friend, work colleague or family member whose child has been diagnosed with an autism spectrum disorder.

The diagnosis should be made by a multidisciplinary assessment team because, once made, the diagnosis of an autism spectrum disorder is usually life-long. The evaluation is time consuming and many hours per week are taken up with therapists who have specific training and expertise in the diagnosis of autism. The expense of these assessments means that this diagnostic phase is nearly always done at State Government expense. The Federal Government provides funding for early intervention through the Autism Advisor program but this funding cannot be accessed without a formal diagnosis. Unfortunately, the waiting list for diagnosis in the public health system is too long; it is well over six months in many areas in the State.

Now, more than ever, access to life-changing and necessary intervention is dependent on whether a family can pay for a private assessment and therapy. Many areas of the State, especially rural areas, do not even have access to these teams and the diagnoses are made by paediatricians supported in some cases by psychologist and allied health assessments funded by Medicare. This is well and truly a second best approach and falls well short of what the children of New South Wales deserve. One reason for the increased rate of diagnosis of autism is increasing research and understanding of early child development. Autism looks different in every child who has it—the severity of the autism, the child's IQ and temperament all change the appearance of autism in a child, but regardless of that every family of a child diagnosed with Autism Spectrum Disorder will be seriously impacted by the child's inability to relate, communicate and learn independence skills.

Early intervention is vital to provide specialised teaching and family support. It can improve communication and self-care skills and improves behaviour, such as reducing tantrums caused through anxiety

and frustration. Even more importantly, early intervention provides hope and support for families. Improvements can be anticipated, recognised and celebrated. At all stages of life, intervention is time consuming and means that parents are often unable to pursue their careers or relationships. The toll on families is enormous and under-appreciated in the wider community.

Intervention must continue through the school years and adult life. This intervention is a core responsibility of the State Government. Smaller specialised classes with regular routines and communication support enhance learning for children with autism and also mean less disruption for their peers. In adult life these people are facing supported employment and accommodation. Autism will not go away and it is now a core business of the State Government. All members need to be aware of autism and to advocate to improve services for children with autism.

Mr MARK COURE (Oatley) [8.48 p.m.]: Imagine life where you are faced with constant problems in interacting with others and have impaired communication and restricted interests as well as being daunted by the world because your senses are overloaded by ordinary sights and sounds. That is what life with autism spectrum disorder is like. It affects one in 100 children. Monday 2 April is the fifth annual World Autism Awareness Day. The day is the result of a resolution of the United Nations General Assembly on 18 December 2007. It is one of only three official United Nations health days. Approximately 160,000 Australians are affected by autism, which is a lifelong developmental disorder. Autism spectrum is a range of conditions including autism, Asperger's syndrome, Rett's syndrome and childhood disintegrative disorder. There are three main difficulties: impairment in interaction, impairment in communication, and repetitive interests and activities and associated behavioural issues.

There is no known cure for autism, but early intervention and ongoing support can help develop skills. Every individual who receives necessary assistance can make progress, can make a difference; however, this depends very much on an individual's condition, as well as the type and intensity of the intervention. Autism spectrum disorder affects more than 500,000 families across Australia and, unfortunately, often goes undiagnosed until the child is at school, which makes it more difficult to undertake early intervention. I applaud the work in my own electorate of Aspect South East Sydney School in Peakhurst which does some great work to address the challenges of early intervention. I regularly visit many of my local schools and one of the top five major issues raised is autism. Governments across the board must do more. Remarkable results for children who receive early intervention, especially at preschool, demonstrate that one in three children have a chance of entering mainstream schools and will not need ongoing support.

Over the past 12 months, since I have been the member for Oatley, I have met several families in my community who have children who are affected by autism. Families bear the bulk of the annual \$30,000 cost to access early intervention. Autism places a huge burden on the family, particularly when dealing with education and socialisation. In February 2006 the Australian Government committed \$190 million to support families and their children with autism spectrum disorder. The funding is provided through the Department of Families, Housing, Community Services and Indigenous Affairs, and the Department of Health and Ageing along with the Department of Education, Employment and Workplace Relations. The support is available to children who have a diagnosis of autistic disorder, Asperger's disorder and Rett's syndrome, but of course more must be done.

The colour of World Autism Awareness Day is blue, and part of the campaign is to "light it up blue", which aims to have iconic buildings lit up to help raise awareness of this disorder. A number of buildings across the country will be lit up blue, such as the AAMI Stadium, Crown Casino and Federation Square in Melbourne. The Presiding Officers of the Federal Parliament have also been approached to participate in the campaign. As part of the campaign, this week I wrote to the Speaker of the House and sought her approval to have the New South Wales Parliament lit up blue on the evening of 2 April 2012. I am pleased that she has lent her support to the campaign and that the New South Wales Parliament will be lit up blue to mark this occasion.

I also note the work of local groups in my electorate to raise awareness of this disorder, for example, Lugarno Lions led by David Flynn, who has done an outstanding job through international Lions to raise awareness of the issues associated with autism. I also commend the work of Minister Constance, particularly his empowering of individuals and families through providing individualised funding to enable them to maximise the outcomes of their care needs, and through investing in schools through the Minister for Education to promote early intervention. This initiative on 2 April is a great way to increase awareness of this disorder and I look forward to lighting up the Parliament next week.

Mrs BARBARA PERRY (Auburn) [8.53 p.m.]: I refer to Autism Awareness Day and note that April is designated Autism Awareness Month. I commend my colleague the member for Macquarie Fields for

bringing this matter to the House. In my role as shadow Minister for Disabilities I am acutely aware of the need to provide assistance for children who are diagnosed as having autism spectrum disorder. It is a diagnosis that is significantly on the rise, and currently affects around 1 in 100 children. Every child's experience of the disorder is different and early diagnosis is as difficult as it is important. The impact of having a child diagnosed in the autism spectrum can be substantial for families. Parents have to turn into advocates for their children and fight the system to get the right diagnosis and to receive the right support. There are huge implications for our school communities as well.

More than 8,000 students with autism attend New South Wales Government schools, up from 2,000 about a decade ago. Recently, Anthony Macris wrote a beautiful book called *When Horse Becomes Saw* about his family's journey with their son, Alex. His son's development was on par for children his age until he was 18 months old when his language became scrambled, his senses became confused and he could not cope with the world anymore. The book describes his parents' grief and excruciating uncertainty about what was happening to their son and their fears that they would never be able to connect with him again. The book documents the relief at the diagnosis and what seemed like a daily battle to get the support they needed for their family. What is beautiful is their description of coming to terms with a "new way of being normal".

As the member for Macquarie Fields pointed out, this issue must be above politics. We face the fact that support for children with autism at all levels of government is inadequate. I note that parents have expressed concern recently that proposed changes to the definition of "autism" internationally may limit who is able to receive support in Australia. We must focus on early intervention. I take this opportunity to urge the Government to think very carefully, especially about the level of support it provides for early intervention and the level of support it provides for schools. We must recognise that the costs of early intervention are definitely outweighed by the costs of doing too little, too late. I thank the member for Oatley for his contribution. I am pleased to know that as part of raising awareness of autism this Parliament will be lit up blue, which is wonderful. I congratulate him on organising that.

Dr ANDREW McDONALD (Macquarie Fields) [8.56 p.m.], in reply: I thank the member for Oatley and member for Auburn for their contributions to this matter of public importance. This autism tsunami will not go away. Currently New South Wales has an enormous number of children below the age of 5 years on the waiting list for multidisciplinary assessment. They will often wait between six and nine months simply for the necessary assessment to unlock the funding that they require before they can access early intervention. Even more worryingly, many families, especially in rural areas, will not have access to this necessary assessment and their child will either go undiagnosed or poorly diagnosed with a label such as autism spectrum disorder that remains for life. It is a diagnosis that is impossible to undo if it is made incorrectly.

The diagnosis is far too often delayed. As the member for Oatley said, in every school—private, public, religious—one of the first things that principals mention to members of Parliament is the increase in the number of children with diagnosed autism and Asperger's disorders in their school. Every school is having difficulty coping with the needs of these children who have a hidden handicap, but a handicap nonetheless. All politicians worth their salt will admit that governments of all persuasions have been slow to meet the increasing demands of autism. When I was doing research for my inaugural speech in 2007 only one member of Parliament in the previous four years had even mentioned it in State Parliament and that was John Ryan who now works for Ageing, Disability and Home Care.

Early intervention, albeit expensive, is extremely cost effective. This issue must be above politics because families whose children have been diagnosed with an autism spectrum disorder expect nothing less of their politicians and of this Parliament. Once again I thank all members who have contributed to this debate. I urge all members to become familiar with autism because I guarantee that not only will large numbers of their constituents be affected by a diagnosis of autism but also it will be a very common reason for the next generation of constituents to seek the help of members of Parliament.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

GRAFTON AGRICULTURAL RESEARCH AND ADVISORY STATION

Mr CHRISTOPHER GULAPTIS (Clarence) [9.00 p.m.]: I draw to the attention of the House the value of the Grafton Agricultural Research and Advisory Station to the Clarence Valley and surrounds. The Department of Primary Industries Grafton institute undertakes leading research in a number of areas, including

crop agronomy, soils, aquatic weeds, fisheries conservation, forestry and livestock. The institute, which has historical significance in the Clarence Valley, covers approximately 865 hectares and employs more than 30 research and advisory staff. It has been in existence for about 110 years and many of the local families have lived and worked there. Many of the buildings and other features are listed as being of heritage value to New South Wales.

Important environmental assets have also been identified on the station's land, including large wetland areas such as the Bunyip Swamp, which is a breeding ground for many native birds including the Jabiru, and a remnant of dry coastal rainforest in which endangered plant species have been discovered. In addition, the station has sites that are of indigenous cultural significance to the people of the Clarence Valley. A number of sporting shooters' associations lease land on the station to pursue their activities. The TAFE Trenayr campus has over the years developed some of its facilities on land leased from the station and has delivered seafood industry, marine, conservation and land management and horse industry courses. Weather radar, weather recording station and early storm warning facilities are also located on the station.

The Grafton Agricultural Research and Advisory Station is at the forefront of crop agronomy research. It is a key centre for soybean production and staff have developed new varieties of soybeans specific to the Northern Rivers region that have the potential to earn the local region millions of dollars in export income. In addition, the crop agronomy research team has improved crop varieties and cropping systems suited to the unique North Coast production region and provides up-to-date information on all aspects of crop agronomy and insect pest and disease management.

The weed research and extension unit assists the local farming communities and councils in managing weed problems by providing biological control programs to address weeds of national significance such as lantana, salvinia, bitou bush and so on. The National Aquatic Weeds Management Group coordinates the control of aquatic weeds of national significance and the pasture research unit also develops control methods for giant Parramatta grass, which is a major weed problem in New South Wales and eastern Australia. Waterwise on the Farm has been the flagship water efficiency program rolled out by Agriculture NSW and it has trained more than 600 irrigators on the North Coast.

The research station has played a pivotal role with State Forests through research into clonal propagation of Australian timber species and as a seedling nursery for Australian timber. The station has also been able to conduct research and extension on many aspects of commercial aquaculture and has used its expertise and the excellent facilities that have been built on the station to work on endangered native fish species of local significance. The station has made significant contributions to the management of acid sulphate soils both in the region and further afield. It is generally the first point of call for all inquiries from rural producers and community members on all aspects of agricultural production and the district agronomist and regulatory and veterinary officers are able to provide a range of advice on matters of concern.

A significantly high proportion of working people on the North Coast are employed in agriculture. For example, more than 1,000 people work in the North Coast's meat processing sector. Many more people work for rural suppliers, transporters, machinery centres and other agricultural enterprises. The annual farm gate value of agricultural production on the North Coast is in excess of \$1 billion per annum. When processing is included, particularly in the agricultural and forest industries, that amount increases to \$2 billion per annum. Clearly, agriculture is a significant industry on the North Coast. Our forefathers had the vision to select this site because it had features and soil types that made it ideal for conducting research on the many and varied issues in our unique and diverse coastal production region. They knew that food security was a matter of local, national and global importance. That is why I offer my unreserved support for the Grafton Agricultural Research and Advisory Station.

BATEAU BAY POLICE AND COMMUNITY YOUTH CLUB

Mr CHRIS SPENCE (The Entrance) [9.04 p.m.]: This year marks the seventy-fifth anniversary of Australia's leading youth development organisation—the Police and Community Youth Club [PCYC]. With 57 clubs across New South Wales and more than 85,000 members, police citizens youth clubs are all about helping young people. My first visit to the Bateau Bay Police and Community Youth Club was in December last year for the launch of the Kids for Christmas CD program. This was a fantastic initiative by the case managers at the Police and Community Youth Club —Senior Constable Kurt Webb and Senior Constable Racquel Hassett. Together they case manage about 16 young offenders and youths at risk within the Tuggerah Lakes Local Area Command.

The Kids for Christmas CD program involved a number of case-managed young offenders and youths at risk who undertook singing and music lessons at the Bateau Bay Police and Community Youth Club throughout terms three and four. Those lessons culminated in the young people recording their performances of some favourite Christmas carols. It was a great pleasure to attend the launch and to listen to the CD, which even featured a track by the volunteers and the police case managers. The young people involved in making the CD were immensely proud of their accomplishment. Given his busy schedule and the great work he does, I was pleased to see Superintendent David Swilks, the local area commander, at the launch.

This is just one example of the great work done by the Bateau Bay Police and Community Youth Club. A few weeks ago I visited the club on a Friday afternoon and saw firsthand a hive of activity as the facility ran its weekly drop-in centre. Attended by 35 to 55 young people each week, the drop-in centre provides circuit-style activities for kids of all ages. Volunteers encourage the kids to get active and to have fun in an easygoing environment. Seeing the facilities firsthand, I was encouraged to note how they utilise every resource to its capacity. From putting together a makeshift recording studio to installing a boxing training ring, I was amazed at how resourceful and creative they are with the limited funds at their disposal. The club runs like a charity and relies on donations and constant grant applications to keep going.

Those who run the police citizens youth club feel it is important to place a greater emphasis on encouraging young people to participate in their numerous programs, even if it means running them at little or no cost. They are running a free boxing program in terms one and two. Many of the young participants are from low socioeconomic backgrounds and would otherwise miss out if a fee were imposed. For caseworkers Senior Constable Webb and Senior Constable Hassett the important thing is to get the young people involved in a team environment and to encourage their participation in healthy activities. Young people who are considered at risk of offending or reoffending are regularly referred to the police citizens youth club by their schools or by the Tuggerah Local Area Command.

The police citizens youth club ran the highly successful youth program Learn for Life last year. That gave the young people an opportunity to study a TAFE course and to receive job skills assistance such as resume writing and job interview techniques to help them to get on track to a brighter future. Bateau Bay Police and Community Youth Club runs a monthly Blue Light disco, which is a fully supervised drug- and alcohol-free youth disco that is frequently attended by up to 800 young people. Not only does the club provide a haven for young people but the personnel are also available to provide advice and information about how to deal with violence and anger management, sexual health and relationships, drug and alcohol issues, self-esteem issues and training and employment. The Bateau Bay Police and Community Youth Club does great work on a shoestring budget. I thank the case managers, Senior Constable Kurt Webb and Senior Constable Racquel Hassett, Andrew Newman and all the volunteers for their exceptional work.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [9.07 p.m.]: On behalf of the Government I thank the member for The Entrance for raising the Bateau Bay Police and Community Youth Club. Police citizens youth clubs across the State do an amazing job for our young people. They often assist them during very difficult times in their lives, particularly those from challenging backgrounds. Young people from all backgrounds benefit from involvement in police citizens youth club activities. On behalf of the Government I thank Senior Constable Kurt Webb and Senior Constable Racquel Hassett. I assure the member that the Bateau Bay Police and Community Youth Club and other Police and Community Youth Clubs across the State will continue to receive the strong support of the O'Farrell Coalition Government.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 9.08 p.m. until
Thursday, 29 March 2012 at 10.00 a.m.**
