

# LEGISLATIVE COUNCIL

Thursday 28 October 2010

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**The President (The Hon. Amanda Ruth Fazio)** took the chair at 11.00 a.m.

**The President** read the Prayers.

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Annual Report of the Independent Commission Against Corruption for the year ended 30 June 2010", received and authorised to be made public this day.

**Ordered to be printed on motion by the Hon. Peter Primrose.**

## COMMISSION FOR CHILDREN AND YOUNG PEOPLE

### Report

**The President** tabled, pursuant to the Commission for Children and Young People Act 1998, the annual report of the Commission for Children and Young People for the year ended 30 June 2010, received and authorised to be made public.

**Ordered to be printed on motion by the Hon. Peter Primrose.**

## CHILD DEATH REVIEW TEAM

### Report

**The President** tabled, pursuant to the Commission for Children and Young People Act 1998, the annual report of the New South Wales Child Death Review Team for 2009, Volume 1, "External Causes of Death", and Volume 2, "Diseases and Morbid Conditions", received and authorised to be made public this day.

**Ordered to be printed on motion by the Hon. Peter Primrose.**

## BUSINESS OF THE HOUSE

### Formal Business Notices of Motions

**Private Members' Business item Nos 175, 177 and 179 outside the Order of Precedence objected to as being taken as formal business.**

## COMMUNITY ECONOMIC DEVELOPMENT CONFERENCE

### Motion by the Hon. Tony Catanzariti agreed to:

That this House:

- (a) notes that the Community Economic Development Conference, hosted by Industry and Investment NSW, will be held in Broken Hill from 4 to 6 May 2010,
- (b) acknowledges the importance of consultation and engagement with the community on economic, social and environmental issues, challenges and opportunities,
- (c) acknowledges the efforts of communities to develop economic development solutions and investment strategies at a local level to secure regional prosperity, and
- (d) supports the theme of the Conference 'Communities in Transition'.

## NATIONAL LAW WEEK

### Motion by the Hon. Christine Robertson agreed to:

1. That this House notes that:
  - (a) National Law Week 2010 will take place between Sunday 16 May and Saturday 22 May 2010,
  - (b) the theme for this year is "Law and Justice in your Community", and this is being marked by events across New South Wales and Australia,
  - (c) there are more than 100 different Law Week events planned right across the State, including the Law Week Road Show, which was in Albury yesterday, is in Wagga Wagga today, and will travel through Narrandera, Leeton and Griffith throughout the rest of the week,
  - (d) the annual Walk for Justice took place on Monday 10 May 2010 to raise awareness of pro bono services and raise funds for the Public Interest Law Clearing House, and
  - (e) the Legal Information Day in Martin Place on Monday 10 May 2010 was a great success, and included stalls staffed by the New South Wales Department of Justice and Attorney General, Legal Aid NSW, NSW Police, the New South Wales Law Society, the New South Wales Bar Association, the Motor Accidents Authority, Young Lawyers, Alzheimer's NSW and the Red Cross Blood Service.
2. That this House notes the importance of Law Week in building connections between the legal system and the community, and in particular making legal advice and information accessible to people of limited means and in regional and rural New South Wales.

## NURSES

### Motion by the Hon. Christine Robertson agreed to:

That this House:

- (a) notes that Wednesday 12 May 2010 is International Nurses Day,
- (b) recognises the invaluable contribution that nurses make to New South Wales in hospitals, in the community and in aged care, and
- (c) wishes all nurses a happy International Nurses Day for 2010.

## SHANGHAI WORLD EXPO

### Motion by the Hon. Shaoquett Moselmane agreed to:

That this House:

- (a) notes the Shanghai World Expo 2010, the largest World Expo ever staged, will be held from 1 May to 31 October 2010,
- (b) supports the recruitment of 200 Australians to staff the Australia Pavilion, drawn from many professions and sectors, including 18 representing New South Wales,
- (c) notes that the presence of New South Wales at the Expo will be enhanced through a number of business events designed to highlight the State's strengths in key sectors, including sustainable design and building, business and financial services, tourism, education, mining and agriculture,
- (d) notes that China is New South Wales's largest trading partner with bilateral merchandise trade worth almost \$20.5 billion in 2008-09, and that bilateral trade has grown 138 percent over the past five years, and
- (e) acknowledges the Shanghai World Expo 2010 as an invaluable opportunity to further strengthen economic and diplomatic engagement within our region and beyond, and to promote New South Wales as a destination for international investment, trade, tourism, education, events and as a source of world-class products and services.

## MEN'S HEALTH

### Motion by the Hon. Tony Catanzariti agreed to:

That this House notes that:

- (a) National Men's Health Week will be held from 14 to 20 June 2010 this year,
- (b) Australian men are more likely to get sick from serious health problems, such as cancer, than Australian women,

- (c) the male mortality rate in Australia is also higher than that of women,
- (d) National Men's Health Week promotes awareness for important male specific health issues, whilst acknowledging and celebrating the contribution that men make at work, home and in the community, and
- (e) all men should be encouraged to make the right choices to improve their lifestyle, wellbeing and all areas of their physical, mental and emotional health and wellbeing.

### **SALVATION ARMY RED SHIELD APPEAL**

#### **Motion by the Hon. Shaoquett Moselmane agreed to:**

That this House notes that:

- (a) the weekend of 29 to 30 May 2010 marked the 2010 Salvation Army Red Shield Appeal,
- (b) much of the more than \$3.5 million raised in New South Wales was collected through the tireless efforts of many thousands of volunteers across the State, and
- (c) the Government acknowledges the hard work of volunteers everywhere, without whom activities such as fund raising for the Salvation Army would not be possible.

### **CROATIAN STATEHOOD DAY**

#### **Motion by the Hon. Shaoquett Moselmane agreed to:**

That this House:

- (a) notes that Friday 25 June 2010 marks Croatian Statehood Day, commemorating the day in 1991 when Croatia declared independence from Yugoslavia,
- (b) recognises the long-standing relationship Australia has with the people of Croatia,
- (c) acknowledges in particular the more than 100,000 Australians who claim Croatian heritage, and almost 60,000 people living in Australia who were born in Croatia, and
- (d) extends good wishes to all Australians who share a link with Croatia on this significant occasion.

### **TAMWORTH REGIONAL FOOD TOUR**

#### **Motion by the Hon. Christine Robertson agreed to:**

That this House notes that:

- (a) the Tamworth Regional Food Tour was held on Wednesday 16 and Thursday 17 June 2010,
- (b) similar tours will be held this year for various industries right across regional New South Wales,
- (c) these tours are connecting producers from regional New South Wales with potential buyers from metropolitan businesses, and
- (d) the Regional Business Development Tours are strengthening the regional economies of New South Wales.

### **FRUIT 'N' VEG MONTH**

#### **Motion by the Hon. Tony Catanzariti agreed to:**

1. That this House notes that:

- (a) Fruit 'n' Veg Month will take place between Monday 30 August 2010 and Friday 24 September 2010,
- (b) Fruit 'n' Veg Month is a whole of school strategy, based on the Health Promoting Schools, and
- (c) the objectives of the 2010 Fruit 'n' Veg month are to:
  - (i) increase the awareness of the need to eat more fruit and vegetables,
  - (ii) increase positive perceptions of fruit and vegetables by providing opportunities for children to taste unfamiliar fruit and vegetables in a meal or snack, and
  - (iii) support familiarity and behaviour change by incorporating nutrition into cross curriculum lesson plans, the school canteen and whole of school activities.

2. That this House congratulates schools involved in Fruit 'n' Veg month and wishes all students a happy Fruit 'n' Veg Month.

## YOUTH CONNECTIONS PROGRAM

### Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House commends children's education charity The Smith Family, the St George Illawarra Dragons, Wilson's Holden of Albion Park, Danics Auto and Tyre Service Centre of Albion Park, Uracoa Smash Repairs, and Streetwise Safety Specialists for their support of the Access Community Group's Youth Connections Program.
2. That this House notes that:
  - (a) this program will benefit six adolescents who will spend two hours each week learning the practicalities of overhauling a 1997 model V6 Commodore in preparation of the 2011 demolition derby,
  - (b) another six adolescents will be making a documentary about the project, aided by Australian actor and director David Field, and
  - (c) the Access project aims to teach young people at risk of leaving school early, practical skills that will keep them engaged in education.

## COUNTRY SUPPORT FORUMS

### Motion by the Hon. Christine Robertson agreed to:

That this House notes that:

- (a) Country Energy is hosting forums across regional New South Wales to provide a helping hand to energy customers in hardship,
- (b) Country Support Forums are designed to provide information on tools and assistance for reducing energy consumption to help reduce energy bills,
- (c) a Country Energy Country Support forum will be held in Tamworth on Thursday 2 September 2010 and in Wagga Wagga on Wednesday 15 September 2010, where a range of government and community sector speakers will present information, and
- (d) these forums are in addition to over \$800 million in assistance the New South Wales Government will provide to energy customers over five years to help pay their bills.

## CHILD PROTECTION

### Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House:
  - (a) notes that National Child Protection Week will take place from Sunday 5 September 2010 to Sunday 12 September 2010,
  - (b) notes that the theme for this year is "Protecting Children is Everyone's Business",
  - (c) reaffirms that anyone who suspects that a child is being seriously neglected or abused has the responsibility to act, by contacting the Department of Community Services or the NSW Police Force,
  - (d) notes the importance of listening to children, to parents, to families, and taking their concerns seriously, and
  - (e) notes that a simple helping hand from a neighbour or relative, reaching out in a time of need, can help change things for the better for a family in crisis.
2. That this House congratulates the National Association for the Prevention of Child Abuse and Neglect (NAPCAN) for its work in organising Child Protection Week.

## LITERACY

### Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
  - (a) Wednesday 8 September 2010 is United Nations International Literacy Day, and
  - (b) over 750 million people across the world lack basic literacy skills, two thirds of whom are women.
2. That this House supports the aims of International Literacy Day and the United Nations Educational, Scientific and Cultural Organisation's (UNESCO) Literacy Decade to promote universal literacy, and keep child and adult literacy high on the international agenda.

## PROSTATE CANCER

### **Motion by the Hon. Tony Catanzariti agreed to:**

That this House notes that:

- (a) September 2010 is Prostate Cancer Awareness month,
- (b) in 2010, almost 20,000 men will be diagnosed with prostate cancer across Australia,
- (c) prostate cancer is the most common cancer in New South Wales, and
- (d) over 80 per cent of new prostate cancer cases occur in men over 60 years of age, with 97 per cent of prostate cancer deaths occurring in this age group.

## ST GEORGE ILLAWARRA DRAGONS

### **Motion by the Hon. Shaoquett Moselmane agreed to:**

That this House:

- (a) congratulates the St George Illawarra Dragons on winning the 2010 NRL Minor Premiership,
- (b) notes that the Dragons have played five games in Illawarra this season, and
- (c) congratulates the Illawarra community for getting out and supporting their local team.

## CHILEAN NATIONAL DAY

### **Motion by the Hon. Shaoquett Moselmane agreed to:**

That this House:

- (a) notes that Saturday 18 September 2010 marks Chilean National Day, commemorating the day when Chile was proclaimed a republic,
- (b) acknowledges the important bond that Australians share with Chile, in particular through the contributions of Australians of Chilean heritage who have enriched the cultural life of New South Wales,
- (c) recognises that in New South Wales more than 12,000 people are Chilean born and almost 13,000 have Chilean heritage, and
- (d) wishes all Australians who share a connection with Chile well for this proud celebration.

## STANDING COMMITTEE ON LAW AND JUSTICE

### **Report: Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council: Tenth Report**

**The Hon. Christine Robertson**, as Chair, tabled report No. 43, entitled "Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council: Tenth Report", dated October 2010, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice.

**Report ordered to be printed on motion by the Hon. Christine Robertson.**

**The Hon. CHRISTINE ROBERTSON** [11.17 a.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. Christine Robertson and set down as an order of the day for a future day.**

## PETITIONS

### **Religious Education and School Ethics Classes**

Petition requesting that the House call on the Government to ensure that planned ethics classes are offered at a separate time from special religious education classes, received from **Reverend the Hon. Fred Nile**.

### **Bondi Road Summer Clearway**

Petition opposing the Government's decision to reintroduce a summer clearway on Bondi Road from 1 December 2010, and calling on the Government to work with the community to resolve local traffic congestion, received from the **Hon. Don Harwin**.

### **Planning and Development**

Petition requesting the House immediately repeal part 3A of the Environmental Planning and Assessment Act 1979 and establish an independent planning body to assess State infrastructure, received from **Mr David Shoebridge**.

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Private Members' Business item No. 1 in the Order of Precedence postponed on motion by the Hon. Charlie Lynn.**

**Private Members' Business item No. 6 in the Order of Precedence postponed on motion by the Hon. David Clarke.**

### **NATIONAL PARKS AND WILDLIFE ACT 1974: DISALLOWANCE OF NATIONAL PARKS AND WILDLIFE AMENDMENT (ABORIGINAL OBJECTS AND ABORIGINAL PLACES) REGULATION 2010**

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

**Question resolved in the affirmative.**

**Motion by the Hon. Ian Cohen agreed to:**

That the matter proceed forthwith.

**The Hon. IAN COHEN** [11.22 a.m.]: I move:

That, under section 41 of the Interpretation Act 1987, this House disallows Schedule 1 [4] in relation to clause 80B and clause 80C (9) of the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, published on the New South Wales Legislation Website on 24 September 2010 and tabled on 19 October 2010.

In June this year the New South Wales Parliament passed the National Parks and Wildlife Amendment Bill 2010. The bill made significant changes to the protection of Aboriginal heritage. It established a tiered offence approach to the harm and destruction of Aboriginal objects and places, which includes a strict liability offence. With the introduction of a strict liability offence for harm and destruction of Aboriginal objects the Government also sought to establish a range of defences. One could suggest that the expansive palate of defences almost renders the transition to strict liability offences as window-dressing rather than real enhanced protection for Aboriginal heritage.

The National Parks and Wildlife Amendment Bill 2010 deferred the full specification of defences to regulation. The regulations now specify due diligence standards in the form of multiple industry-specific codes and create a concept of "low-impact activity". While the industry-specific due diligence codes leave much to be desired to say the least, particularly the forestry ones, this disallowance motion is focused on the low-impact activity list included in clause 80B of the regulation. Clause 80B of the regulation provides a list of activities that are considered "low impact" for purposes of a defence of the section 86 (2) strict liability offence of harming or desecrating an Aboriginal object or place. This means that an individual could engage in activities identified as low impact without seeking a permit, complying with due diligence conditions or checking the Aboriginal Heritage Information Management System database. These activities are covered by a broad-based exemption from the Aboriginal heritage impact permit process on the basis that these activities occur on "disturbed land" and, as such, any Aboriginal object would have already been damaged or destroyed.

It is important to note that no other jurisdiction in Australia, with the exception of Queensland, adopts a concept of low impact. In the case of Queensland, the Queensland Duty of Care Guidelines do not provide a

blanket defence for a list of low-impact activities as the New South Wales regulation does. They require a consideration of whether activities that cause no additional surface disturbance of an area would likely harm Aboriginal cultural heritage or could cause additional harm to Aboriginal cultural heritage to that which has already occurred. They are rightly placed within a framework of due diligence, not an inappropriate list of activities authorising wanton disregard for Aboriginal heritage.

I draw the attention of the House to the submission of the New South Wales Aboriginal Land Council and the Native Title Service Corporation on the regulation because it gives real-life examples of how the activities on the low impact list, if undertaken, would lead to the destruction of identified and registered Aboriginal objects. For example, the public submission highlights a rock engraving on Old Northern Road, at Maroota, that could be destroyed with impunity as a result of a low-impact activity such as road maintenance identified in clause 80B (1) (a). In the Hawkesbury local government area, axe grooves, waterholes and a scarred tree could be destroyed by new and existing housing developments constructing new fences and irrigation infrastructure, which are considered as low-impact activities. There are more examples in the submission that outline how problematic the concept of low impact is.

The Minister should go back to the drawing board and look at implementing a similar approach to that of Queensland, where the issue of disturbance is considered in the due diligence guidelines, not an unworkable and unrealistic low-impact activity list that will see the level of destruction of Aboriginal heritage greatly escalate. In the lower House the Minister for Environment and Climate Change moved an amendment to the bill. Government amendment No. 12 inserted paragraph (g) in new section 90K of the bill. Paragraph (g) requires the director general when making a decision in relation to a permit to consider whether consultation on the permit application with Aboriginal people substantially complied with any requirements for consultation set out in the regulations. Although the amendment could have been expressed in stronger terms to guarantee the rights of heritage owners in a proponent-managed consultation process, I supported the amendment moved by the Minister. The amendment certainly demonstrated that the Minister had listened to feedback from key stakeholders.

In addition to Government amendment No. 12, I am informed the Minister made written representations to the Native Title Service Corporation and the New South Wales Aboriginal Land Council that he would ensure that court appeals would still be available if there was substantial non-compliance with the consultation process. It is important to note that those groups withdrew their opposition to the bill on the basis of this and other representations made by the Minister. It is against this backdrop that the insertion of clause 80C (9) is surprising. Clause 80C of the regulation sets out the consultation process to be followed by an applicant seeking an Aboriginal heritage impact permit. Clause 80C (9) states:

An application for an Aboriginal heritage impact permit is not invalid merely because the applicant for the permit failed to comply with any one or more of the requirements set out in this clause.

In their public submission to Department of Environment, Climate Change and Water on the regulation consultation process, the New South Wales Aboriginal Land Council and the Native Title Service Corporation pointed out that 80C (9) could:

... preclude an Aboriginal person from challenging the permit issued even if an applicant has failed to consult or has blatantly manipulated the consultation process, for example by holding consultations in locations where only some Aboriginal groups could attend, or selectively consulting with inappropriate Aboriginal groups who are not knowledge holders for the area.

The Chief Executive Officer of the Native Title Service Corporation, Warren Mundine, in a press release on the regulation states:

Aboriginal People have the cultural responsibility to protect their significant objects and places and the traditional right to speak for those places, but in New South Wales we still do not have the legal right to protect and speak for our own cultural heritage.

Consistent with section 90K (g), it is a matter for the director general to consider whether there has been substantial compliance with the consultation guidelines and regulatory requirements. There may be non-compliance with one of the processes set out in clause 80C that significantly disrupts and compromises the consultation process. In that context, the director general may form the opinion that a permit cannot be provided to an applicant that has not complied with the consultation requirement. However, clause 80C (9) makes it clear that Aboriginal communities cannot challenge the validity in our courts of a permit issued in a situation whereby a proponent has not complied with consultation requirements.

After this House spoke in strong support of constitutional recognition of Aboriginal people in New South Wales, I find it hard to understand how we could support a regulation that attempts to deny Aboriginal

people the right to protect their heritage and the right to be adequately consulted on management of their heritage. On the one hand we acknowledge the economic, social, cultural and spiritual connection between our First Nation and their land and heritage, yet on the other hand we are happy for proponent-led consultations to avoid discussions based on meaningful engagement and free and informed consent. For many Aboriginal communities that just reinforces the view that governments are more concerned with the symbolism of reconciliation than with upholding the rights of Aboriginal communities, their culture and their land. I commend the motion to the House.

**The Hon. CATHERINE CUSACK** [11.29 a.m.]: I lead on behalf of the Liberal and Nationals parties in the debate on the Greens motion for disallowance of the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010. In relation to clause 80B, the list of low impact activities includes fire hazard reduction, conservation works, farming and mining exploration. These are genuinely low impact activities. Relieving those industries and activities from the burden of strict liability was a precondition for obtaining important stakeholder support for the original bill. Accordingly, the Coalition does not support disallowance of this regulation.

In relation to clause 80C, the process of consulting Aboriginal people can be complex and difficult. Quite rightly, a detailed process to be followed is set out in the legislation and regulation. Because it is so prescriptive, it is in the interests of common sense for the director general to have some flexibility in the application of the regulation. Accordingly, the Coalition opposes the Greens motion to disallow the regulation.

**The Hon. TONY CATANZARITI** [11.31 a.m.]: I speak against the motion and the request made by the Hon. Ian Cohen that clause 80B and clause 80C (9) of the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 be disallowed. The National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 came into effect on 1 October 2010. It amends the National Parks and Wildlife Regulation 2009 to provide operational detail for recent, new Aboriginal cultural heritage provisions in the National Parks and Wildlife Act 1974.

The new Act provisions that also commenced on 1 October 2010 provide significantly increased protection for Aboriginal objects and Aboriginal places in New South Wales, such as new strict liability offences and increased penalties, and include defences to the new offence provisions and new procedures for Aboriginal heritage impact permits. The motion by the Hon. Ian Cohen seeks to disallow two aspects of the amending regulation, one of which is "Clause 80B, Defence of carrying out certain low impact activities". This clause contains a list of low impact activities that, if undertaken, provide a defence to the new strict liability offence for harm to Aboriginal objects in section 86 (2), which introduced a new strict liability offence of harm to Aboriginal objects. Section 86 (2) was a new provision inserted in the Act.

There was a good deal of consultation about appropriate defences to a strict liability offence. As members would expect there were some areas of contention. Specifically, farm dams and bulk sampling for mining exploration were issues of contention. The list of low impact activities was developed through the interagency group. The low impact activities listed in this clause are those considered to have the least likelihood of harming Aboriginal objects. The activities include certain maintenance work on disturbed land, certain farming and land management work on disturbed land, grazing of animals on any land, exempt and complying development work, certain mining and exploration work on disturbed land, certain work that relates to surveying on any land, and certain environmental rehabilitation work on any land.

The listed activities do not require due diligence procedures. However, if when undertaking a low impact activity Aboriginal objects are found to be harmed, the activity must cease and an Aboriginal heritage impact activity permit must be obtained before the activity can recommence. Removal of the entire list of activities by disallowance of clause 80B will mean that all the listed activities will require due diligence checks, if a person wishes to have a defence to the new strict liability offence. That will place unnecessary procedural requirements on farmers and land managers generally for a range of their activities that have little likelihood of harming Aboriginal objects. The low impact activities currently listed in this clause provide a workable and balanced solution to ensuring that Aboriginal heritage is properly protected, while allowing a range of farming and other land management activities to proceed unhindered by undue process.

**The Hon. KAYEE GRIFFIN** [11.35 a.m.]: I also speak against the motion and the request made by the Hon. Ian Cohen that clause 80B and 80C (9) of the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 be disallowed. The Government believes the regulation is appropriate because it balances the interest of Aboriginal groups and industry and farming. There is a distinction

between disturbed land and undisturbed land. Many of the defences in relation to dams and bulk sampling apply only on disturbed land. Disturbed land is defined in a common sense way. The idea is about the likelihood that Aboriginal objects would have been discovered, or already would have been disturbed. Clause 80C lists the consultation process that must be undertaken before applying for an Aboriginal heritage impact permit. A policy document underpins the permit. The salient parts are in the regulation as clause 80C. In relation to the policy document, wide consultation was undertaken with Aboriginal groups, developers, archaeologists, et cetera. In relation to the development of the consultation requirements policy, the Department of Environment, Climate Change and Water [DECCW] developed interim community consultation requirements for applicants to clarify consultation requirements. The interim requirements applied to all applications lodged from 1 January 2005.

The Department of Environment, Climate Change and Water undertook to review the interim requirements and released a discussion paper in December 2007. During March to May 2008, the Department of Environment, Climate Change and Water conducted 20 forums across New South Wales to seek input from interested stakeholders in the redevelopment of the requirements. More than 270 Aboriginal, heritage professional, and other Government stakeholders attended the forums. In addition, the Department of Environment, Climate Change and Water received 33 written submissions. The department heard from participants in the forums that there is a general acceptance about the use of traditional lore and custom as the foundation for new consultation policy.

Based on the feedback received from departmental staff, the Aboriginal community, applicants and proponents, agencies and consultants since 2005, and from statewide forums and written submissions received on the discussion paper, a draft "Aboriginal Cultural Heritage Community Consultation Requirements for Proponents", which otherwise is known as the community consultation requirements, was developed and placed on public exhibition from April to July 2009. Fifty public submissions were received on the draft community consultation requirements. Comments received during the public exhibition period were considered, and later the consultation requirements were finalised and released. The consultation requirements have applied to all Aboriginal heritage impact permit applications lodged from 12 April 2010.

Clause 80C (9) simply provides that a procedural irregularity in the application for an Aboriginal heritage impact permit will not necessarily invalidate the permit. If there is concern that people will put in sloppy applications that do not address relevant matters, the Department of Environment, Climate Change and Water, when it receives the application, will ensure that the appropriate process and steps have been followed. After reviewing the application, the department will require the applicant to remedy any defects in the application or the process.

Clause 80C (9) is also appropriate because section 90K of the Act, the decision as to whether to issue the Aboriginal Heritage Impact Permit, provides that the director general must consider a number of things, including that consultation requirements have been substantially complied with and if not he can refuse the application, notwithstanding clause 80C (9) in the regulation. Section 90K therefore provides a safeguard that the consultation requirements will be met because the director general's decision is subject to judicial review. It is important to stress that clause 80C (9) applies only to applications for permits and not to the issue of the permit itself.

If the clause is disallowed, it will mean that when the Department of Environment, Climate Change and Water receives an incomplete application in this regard it will be required to refuse the application, and the applicant will be required to restart the whole application process anew. This is likely to increase red tape and create procedural uncertainty and complexity for applications where there may have been inadvertent or otherwise defensible omissions by them of some of the required community consultation steps.

**The Hon. IAN COHEN** [11.40 a.m.], in reply: I thank members who have participated in this debate. I am concerned about matters raised in relation to the issue of disturbed land. In many circumstances there are varying degrees of disturbance which do not necessarily take away from the importance of a site to Aboriginal people. I know of many instances in which, during discussions, there has been a great deal of reticence by Aboriginal people to make public in any way sites that are important to them. So with various developments Aboriginal people keep quiet and heritage relics and sites are lost. I believe clause 80C (9) will increase that reticence and lower the enthusiasm of Aboriginal people to report relics and sites.

This is not a Greens motion as such; the Aboriginal peak organisations, the Native Title Service and the New South Wales Aboriginal Land Council, asked the Greens to move this disallowance motion. I listened to the debate about the overall impact of lowering the bar on this important issue. It is important to recognise that

during debates in this House the Government and the Opposition put forward symbolic goodwill gestures in this area but those gestures are tokenistic in many cases. It seems that there is a keenness to support Aboriginal heritage issues as long as it is not overly inconvenient. I commend the motion to the House.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 4**

Ms Faehrmann  
Dr Kaye

*Tellers,*  
Mr Cohen  
Mr Shoebridge

**Noes, 27**

Mr Ajaka  
Mr Borsak  
Mr Brown  
Mr Catanzariti  
Mr Colless  
Ms Cotsis  
Ms Cusack  
Ms Ficarra  
Mr Foley  
Miss Gardiner

Mr Gay  
Ms Griffin  
Mr Khan  
Mr Lynn  
Mr Mason-Cox  
Mr Moselmane  
Reverend Nile  
Ms Parker  
Mrs Pavey  
Ms Robertson

Ms Sharpe  
Mr Veitch  
Ms Voltz  
Mr West  
Ms Westwood

*Tellers,*  
Mr Donnelly  
Mr Harwin

**Question resolved in the negative.**

**Motion negatived.**

**OCCUPATIONAL LICENSING (ADOPTION OF NATIONAL LAW) BILL 2010**

**WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2010**

**HEALTH SERVICES AMENDMENT (LOCAL HEALTH NETWORKS) BILL 2010**

**Bills received from the Legislative Assembly.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. Michael Veitch agreed to:**

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills stand as orders of the day for a later hour of the sitting.

**Bills read a first time and ordered to be printed.**

**Second readings set down as an order of the day for a future day.**

## **BUSINESS OF THE HOUSE**

**Suspension of Standing and Sessional Orders: Order of Business**

**The Hon. HELEN WESTWOOD** [11.51 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business Item No. 260 outside the Order of Precedence, relating to Carers Week, be called on forthwith.

This matter is urgent because this is Carers Week and it is an opportunity for this House to acknowledge the great contribution of carers to our society. This issue is urgent because carers need to know that they have the support of legislators in this House for their wonderful contribution to our society. It is urgent because we need to recognise that without carers many people in our community could not continue living at home and would not have the quality of life that they need. For that reason, I ask all members to support urgency.

**The Hon. MELINDA PAVEY** [11.52 a.m.]: Carers Week is vital to the community. It is important to bring this issue forward and it deserves bipartisan support from both sides of the Chamber so that we can discuss Carers Weeks and support carers throughout New South Wales.

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

**Motion agreed to.**

### **Order of Business**

**Motion by the Hon. Helen Westwood agreed to:**

That Private Members' Business item No. 260 outside the Order of Precedence be called on forthwith.

### **CARERS**

**The Hon. HELEN WESTWOOD** [11.54 a.m.]: I move:

That this House:

- (a) acknowledges that Sunday 17 October 2010 to Saturday 23 October 2010 is Carers Week,
- (b) recognises and congratulates carers in New South Wales for the significant contribution they make to supporting people to live at home and participate in the community, and
- (c) congratulates Carers NSW, the peak organisation for carers in New South Wales, for the role they have played in this year's Carers Week and throughout the year.

Carers Week, an initiative of Carers Australia, is celebrated across Australia in October each year. Carers Week was established 17 years ago to promote and raise awareness of the valuable role that carers play in our community and to generate discussion about the issues faced by carers. It continues to be of vital importance that we recognise the significant role that carers play in our communities. The theme for Carers Week 2010 was "Anyone, Anytime", a theme that was used in 2009 and has deliberately been chosen to reaffirm the message that anyone, anytime, can become a carer. The Keneally Government acknowledges the amazing contribution of the many carers in New South Wales who provide care to family members, friends or others in the community.

Funding to Carers New South Wales comes from the Department of Ageing, Disability and Home Care each year for the Carers Week Grants Program to support local activities during Carers Week. Organisations and carer support groups across the State can apply for a grant of up to \$250 each to organise an event or activity that acknowledges carers and gives them something back. Each year Carers NSW publishes on its web site a list of activities across the State. Throughout New South Wales, Carers Week events were held in local communities to recognise carers and honour their tireless efforts.

For 2010 and 2011, the Government has provided \$175,000 to the peak body for carers, Carers NSW, for the promotion of Carers Week activities and the National Carers Day Out activities and to support local carers events across the State. This funding will also be used to target promotion towards young carers and Aboriginal Carers support groups. This grant is in addition to the recurrent funding of more than \$0.5 million from the Government through Ageing, Disability and Home Care to Carers NSW through the Home and Community Care Program. This funding supports the organisation in its role as the peak body to represent the State's carers. Carers Day Out is held on the Tuesday of Carers Week each week. Carers Day Out is a national event that has been celebrated since 2009.

Last year, Carers Day Out was held at Sydney Square next to the Sydney Town Hall and was a huge success. Babina Aboriginal Mens Group, City of Sydney, Eastern Sydney, and City of Sydney Dementia Advisory Services and Carers NSW partnered to host the day of events which included information and

entertainment, including a performance by the award-winning band the Donovans. Some members of the Donovan family hail from the Bankstown local government area and the fine singer Casey Donovan is a member of that band. The Donovans are a very talented family.

This year I am pleased to announce that the Carers Day collaboration between Babina Aboriginal Mens Group, City of Sydney, Centrelink and Carers NSW made possible the day-long event, from 9.00 a.m. at Martin Place, Sydney. Carers and the general public had access to information, performances and special guests, including Ms Tansy Mayhew who attended the Carers Day Out to share her story with the audience. Premier Kristina Keneally conducted the welcoming speech. Also during Carers Week on Friday 22 October, the Australian Foundation of Disability [AFOD] organised a Carer Recognition Ball at the Bankstown Sports Club. The Minister for Ageing, and Minister for Disability Services, the Hon. Peter Primrose, attended and heard the stories of carers and official guests.

The event was intended to recognise the valuable and vital work that carers undertake on a daily basis. During Carers Week carers have the opportunity to make some time to attend a local event. There were almost 200 events planned for Carers Week this year.

**Pursuant to sessional orders business interrupted at 12 noon for questions.**

#### **RETIREMENT OF HELEN MANTAS FROM PARLIAMENTARY FACILITIES**

**The PRESIDENT:** I announce the retirement of a long-serving staff member of the Parliament, Helen Mantas, a cleaner from Parliamentary Facilities. I take this opportunity to thank Helen for nearly 15 years of dedication and hard work in maintaining this Chamber and other public areas of the Legislative Council. I know members and Helen's colleagues will join me in warmly wishing Helen and her family all the very best for the future.

#### **QUESTIONS WITHOUT NOTICE**

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#### **MINISTER FOR THE HUNTER**

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Treasurer. In his capacity as Minister for State and Regional Development, is the Treasurer aware of a number of recent public clashes between the Minister for the Hunter and prominent Hunter business leaders that have denigrated into personal attacks, including calling the chief executive officer of the Knights rugby league club a bully, overseeing the removal of the head of the Hunter Development Corporation after reportedly he gave her some frank advice, and also removing the Lord Mayor of Newcastle from the Hunter Development Corporation after he announced his intention to stand against her at the next State election? Is the Treasurer aware that increasingly concerns are being raised in the Hunter regarding the Minister's ability to continue in her role as a leader of the Hunter? Given the importance of development in the Hunter and the pressing attraction of soccer games to the region, including LA Galaxy and the Soccer World Cup, will he take control of the future of the Hunter Development Corporation and repairs to the Energy Australia stadium before the Minister for the Hunter does irreparable damage to the Hunter and its international reputation?

**The Hon. ERIC ROOZENDAAL:** My experience in this place has taught me that one should be very guarded in taking the commentary of the honourable member at anything more than face value. He has been known to gild the lily a little bit, to colour the views, to over-exaggerate, to emphasise incorrectly, and some might even say—I would not—to mislead. In the context of that knowledge, and indeed as an avid reader of the Newcastle *Herald* amongst many other great publications, I am aware that there are certain issues developing. What I can say, however—and the honourable member did touch on this—is that we look forward to LA Galaxy football team coming to the Hunter. That event was arranged on the basis of some decisions taken locally and support from the New South Wales Government. I am confident that LA Galaxy will be playing there, I am confident that it will be a very successful event and I am confident that the Hunter will continue to make a major contribution in terms of the economy of New South Wales.

#### **PUBLIC TRANSPORT PREPARATIONS FOR HOT WEATHER**

**The Hon. PENNY SHARPE:** My question is addressed to the Minister for Transport. What is the Government doing to help prepare Sydney's public transport network for hot weather over summer?

**The Hon. JOHN ROBERTSON:** I thank the honourable member for her question. The beautiful weather we are experiencing in Sydney today is a timely reminder that summer is just around the corner.

*[Interruption]*

It is beautiful; it is not cold. Unlike the members opposite, who will no doubt just transfer from lying on the couch—

**The Hon. Michael Gallacher:** It is always sunny at Quakers Hill—we know that—but it is cold here.

**The Hon. JOHN ROBERTSON:** When I arrived at Parliament House at 6.30 this morning it was lovely. The members opposite might have arrived later; I got here at 6.30 a.m. Unlike the members opposite, who will no doubt leave the couch they have been lying on over winter to sprawl on a sun lounge somewhere on the leafy North Shore, the New South Wales Government and transport agencies, such as RailCorp, State Transit and Sydney Ferries, will be working hard to keep public transport moving throughout the hot months. Considerable preparation work has gone into readying the transport network for summer, including a huge investment in preparing CityRail lines for the higher temperatures. On the rail network, this has included upgrading rail lines and extensive re-sleeper work. In fact, since 2002 RailCorp has laid almost one million new concrete sleepers across the network, and they have a significant impact in reducing incidents of track buckling in extreme heat. In the past, timber sleepers on the main CityRail network have reduced on-time running with trains having to slow down when temperatures reached the mid-30s. This problem has been overcome with the re-sleeper work undertaken across the network. More than 80 per cent of the RailCorp network has now been renewed with concrete sleepers.

Last summer, rail line buckling was an issue for train services in other States, particularly Victoria and Queensland, with dozens of incidents holding up and delaying services. I am pleased to say that last summer, as a result of the extensive investment in re-sleeper work, there was not one single incident in New South Wales of extreme heat causing track to buckle. In fact I am advised that Queensland and Victoria rail bosses were calling RailCorp to find out how New South Wales managed to do this. I can tell you the answer: It is because this Government has invested hundreds of millions of dollars over a number of years to upgrade the rail network. Every time there is a short possession on a line where buses replace trains so that trackwork upgrades can occur—

**The Hon. Robyn Parker:** Like every weekend in the Hunter.

**The Hon. JOHN ROBERTSON:** These kinds of improvements are being implemented to ensure we have good on-time running all year round. Every time members opposite like the Hon. Robyn Parker whinge about buses replacing train services on the weekends—they pretend that they understand how public transport works—they do not acknowledge that the reason for it is that the Government is upgrading rail lines or making other improvements to the network. Over recent months, RailCorp has been carrying out pre-summer track stability inspections to assess the potential for buckling and to identify any required work. Over the same period since 2002 the New South Wales Government has replaced nearly 800 kilometres of old rail with head-hardened rail and reconstructed over 435 kilometres of track to improve conditions during extreme heat.

Extensive work has also been undertaken to upgrade overhead wiring across the network. High temperatures can cause overhead wiring to sag and become tangled in pantographs. To deal with this, the New South Wales Government has invested in replacing overhead wiring with new, higher tension wiring. In fact 97 per cent of the main line network has been replaced—that is 167 kilometres of overhead wiring upgraded. All this work puts the network in a good position when temperatures heat up. The warmer months bring with them the bushfire season, and RailCorp has been working hard to clear vegetation in bushfire-prone areas and to review all sector-based bushfire contingency plans to ensure content is up to date and relevant. RailCorp is also undertaking exercises with the Rural Fire Service and other— *[Time expired.]*

#### **PARKES AND FORBES HOSPITAL REDEVELOPMENT**

**The Hon. DUNCAN GAY:** My question without notice is directed to the Treasurer. Does the Treasurer recall that the day after the State Budget his Government made a special announcement of \$150,000 for planning works for the Parkes and Forbes hospitals? Is the Minister aware that a request I made through New South Wales Treasury for government information on this funding announcement failed to return any information whatsoever? Given this, how is the community meant to believe that the Government is committed

to the long overdue redevelopment of these hospitals? Can the Minister explain to the House why New South Wales Treasury appears not to have been consulted on this funding decision and why the funding was not included in the budget papers?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his question and take this opportunity to reflect on the support the New South Wales Government is providing to rural communities to ensure that they have the best possible health services. In fact this financial year we are channelling over \$4.4 billion into health care in rural and regional areas. That is an increase of \$400 million on the previous year. The New South Wales Government has built or rebuilt virtually every major hospital and emergency department in the State. This includes major redevelopment in rural and regional hospitals across New South Wales. Capital works that will commence or continue in 2010 and 2011 include: the Narrabri and Orange base hospitals redevelopment; multipurpose services at Balranald, Manila, Werris Creek and Gundagai; the completion of the redevelopment of the Grafton hospital operating theatres and emergency department; the upgrade of emergency departments at Maitland and Manning hospitals; works on the heritage building to accommodate ambulance care at Bathurst hospital; the completion of the integrated cancer care and cardiac catheter unit at Lismore; the upgrade of ambulance stations at Cessnock, Murwillumbah, Byron Bay, Batemans Bay and Nelson Bay; and a new mental health facility at Shellharbour.

Rural and regional New South Wales will also benefit from additional capital funding works that will be provided under the national health reform agreement reached with the Commonwealth, which was negotiated by Premier Keneally with the former Prime Minister, as well as the Commonwealth Health and Hospitals Fund's regional cancer centres initiatives.

**The Hon. Duncan Gay:** Point of order: Not surprisingly, my point of order relates to relevance. The question was discrete and specifically about the Parkes and Forbes hospitals and the lack of information from Treasury. I request that you draw the Treasurer back to the leave of the question. As interesting as his trip across New South Wales is, he has not even been close to Parkes or Forbes.

**The PRESIDENT:** Order! The Deputy Leader of the Opposition is now debating the issue. The Treasurer should continue to be generally relevant in his answer.

**The Hon. ERIC ROOZENDAAL:** In addition to expanded cancer services in Lismore and Port Macquarie, funds have been allocated in 2010-11 to progress planning for projects such as the multipurpose service unit at Lockhart hospital and relocating the women's and children's services at Tamworth, integrated elective surgery activity across the Illawarra, a special elective surgery unit at Wollongong Hospital, and stage 1 of the Wagga Wagga and Dubbo Base Hospital redevelopments. The New South Wales Government is committed to continuing to improve rural and regional health right across the State.

## AUSTRALIAN STOCK EXCHANGE

**Reverend the Hon. FRED NILE:** My question without notice is addressed to the Treasurer. Is it a fact that the Singapore stock exchange, which is 25 per cent owned by the Singapore Government, has made an offer of \$8.4 billion to purchase the Australian Stock Exchange, which is based in Sydney? What impact will this possible change of ownership have on the independence of the Australian Stock Exchange, the New South Wales economy and the New South Wales budget? What recommendations, if any, has the Treasurer made to the Federal Treasurer, Mr Swan?

**The Hon. ERIC ROOZENDAAL:** I take this opportunity to express my admiration for the fantastic inaugural speech made by the Hon Sophie Cotsis. I welcome the great energy and ambition that she brings to this place. I draw a contrast between the Hon. Sophie Cotsis—who is raring to go—and members on the Opposition side of the House.

On 25 October the Singapore Exchange and the Australian Stock Exchange announced a merger implementation agreement to combine the exchanges under one parent entity. It is expected the merger will give listed ASX companies exposure to an increased pool of worldwide investor funds that a larger exchange will attract. It will also provide greater access to Asian capital markets for Australian companies to raise funds and additional investment opportunities for investors both in Australia and greater Asia. The new entity will become the second largest listing venue in the Asia-Pacific—Tokyo is the largest—and have over 2,700 listed companies, including 200 from greater China.

The finance and insurance sectors make a significant contribution to New South Wales and some of the broader benefits of the merger could include increased capital flow to Australian companies. That has the effect of reducing capital costs and encouraging investment and providing support for local stocks and superannuation funds as international investors seek the strength of the Australian economy. Other effects include the returns gained by local firms through ease of access to investment in Asia and lower fees as a result of synergies of the merger, which are currently estimated to be around US\$30 million annually.

### **TOMAGO GAS STORAGE FACILITY**

**The Hon. SOPHIE COTSIS:** My question is addressed to the Minister for Planning. Will the Minister update the House on the planning process for the first gas storage facility proposed for New South Wales?

**The Hon. TONY KELLY:** I acknowledge that this is the member's inaugural question in this House. It is a really important and interesting question for the people of the Hunter. What a great member she will be. The New South Wales Government is committed to ensuring a full suite of investment opportunities in gas supply and storage technologies to help secure gas supply for New South Wales. We are also committed to ensuring that the State gas market remains competitive and supports the New South Wales Greenhouse Plan by providing improved availability of gas as an alternative fuel to coal and diesel. I have today declared AGL's proposed gas storage facility at Tomago, near Newcastle, to be critical infrastructure under part 3A of the Environmental Planning and Assessment Act 1979 on the basis that it is essential to the State for economic, environmental and social reasons. The proposed gas storage facility would have the capacity to store approximately 30,000 tonnes of liquefied natural gas, with the capacity to supply the New South Wales gas market with up to 120 terajoules per day. It would create up to 300 jobs in the Newcastle area during the construction period and 15 direct jobs once operational, if approved.

The proposed gas storage facility would be a first for New South Wales and would help to meet gas supply and demand shortfalls. This is important because New South Wales currently relies on gas sources from other States and is vulnerable to gas supply interruptions in those States. It is also important because the Australian Energy Market Operator predicts that midwinter peak gas demand for the New South Wales-Australian Capital Territory market will exceed supply in 2014.

The benefits of this project to the State, if approved, include: assisting in the provision of a reliable and stable gas supply for new and existing gas-reliant industries and the community of New South Wales; a reduction in New South Wales's current reliance on interstate gas suppliers and risk to supply interruptions, either along the pipeline or at the source; helping to provide a competitively priced gas market with improved availability of gas as an alternative fuel; and facilitating the displacement of older, less efficient power generators with newer, more efficient and less carbon intensive power generating facilities.

The declaration of this project as critical infrastructure ensures that, if approved, it will not be held up by legal challenges, but rather can be constructed in time to meet the rapidly approaching deadline. The Department of Planning is still required to undertake a thorough and transparent environmental assessment to ensure a sustainable outcome in both the short and long term. The critical infrastructure declaration will also not affect the duration of the public exhibition and participation period nor the requirement to invite and consider public submissions.

The director general's requirements for the environmental assessment have recently been issued to the proponent to prepare the environmental assessment. The Department of Planning is now awaiting the lodgement of the proponent's environmental assessment prior to this significant infrastructure proposal proceeding to the public exhibition phase of the planning process.

### **CESSNOCK CITY COUNCIL**

**Mr DAVID SHOEBRIDGE:** My question is directed to the Minister for Planning. The recent New South Wales Ombudsman's report records that in the last year Newcastle City Council received 20 complaints and Port Stephens Council received 18 complaints, while Cessnock City Council received only six complaints. In light of these facts does the Minister now accept that there is no basis in reality to his repeated statements as to the high level of complaints made regarding Cessnock council? Therefore, will he now take immediate steps to return to this democratically elected council its full suite of statutory planning powers?

**The Hon. TONY KELLY:** My answers are no and no.

## WOLLONGONG AND SHELLHARBOUR LOCAL GOVERNMENT ELECTIONS

**The Hon. GREG PEARCE:** My question is directed to the Treasurer, Minister for other things, and Minister for the Illawarra. Given that the member for Shellharbour has now supported the plan of the Liberals and The Nationals to restore democracy to the Illawarra by having local government elections on 3 September 2011, will the Treasurer confirm that his Government will cooperate in returning democracy to the Illawarra as quickly as possible by having local government elections in both Wollongong and Shellharbour on 3 September 2011?

[Interruption]

**The PRESIDENT:** Order! I place the Hon. Robert Brown on a call to order for failing to set his mobile phone to silent mode.

**The Hon. Greg Donnelly:** Point of order: It is very straightforward. We do not have a Minister for the portfolio identified by the member in his question. Accordingly, the question must be out of order.

[Interruption]

**The PRESIDENT:** Order! There will be no discussion across the Chamber while the Chair is attempting to rule on the point of order. Although there was a flippant reference in the question to the Minister's correct title, the content of the question was in order. The Minister may answer the question.

**The Hon. ERIC ROOZENDAAL:** I thank the flippant member for his question and for his interest in this matter. I am deeply impressed that an article that appeared in the papers a week ago finally made it to the attention of the Hon. Greg Pearce. It takes the shadow Minister with responsibility for the Illawarra a while to look at these papers. Clearly he does not pay much attention to the *Illawarra Mercury* or take the time to follow up any issues. However, he finally got around to a story that is at least a week old, and maybe even older. I am advised that, following a serious breakdown in the relationship—

**The Hon. Duncan Gay:** You would not have a good answer even if it was given to you.

**The Hon. ERIC ROOZENDAAL:** Listen to the Deputy Leader of the Opposition, the gummy shark of the Opposition, having a little go! Give me a break!

**The Hon. Duncan Gay:** You would not have an answer even if you had the question.

**The Hon. ERIC ROOZENDAAL:** The Deputy Leader of the Opposition is having another go. He is still going. He is going to gum me to death today. What am I going to do? I am advised that, following a serious breakdown in the relationship between the council and council staff, Shellharbour City Council was placed in administration in July 2008. Administration was a necessary step as proper structures to govern these relationships had not been put in place by council, and sensitive personal information about employers was being made public by councillors. The administrator at Shellharbour continues to advise the Government on the progress that is being made in establishing these structures. However, more work needs to be done. Accordingly, the timetable for fresh elections remains at 2012. I think that is the appropriate way to manage the challenging issues that are confronting this council.

## ILLAWARRA ECONOMY AND JOBS

**The Hon. SHAOQUETT MOSELMANE:** My question is addressed to the Treasurer. Would the Treasurer update the House on the latest on the Illawarra economy and jobs in the region?

**The Hon. ERIC ROOZENDAAL:** The Hon. Greg Pearce, the flippant member to whom I referred earlier, should pay attention and catch up a bit more on what has been happening in the Illawarra, because a lot is going on. I give my usual warning to Opposition members that there is more good news for the New South Wales economy and especially great news for the Illawarra. I am pleased to advise the House of the latest investment in the Illawarra or, as reported on the front page of the *Illawarra Mercury*, the jobs coup for the Illawarra. On Saturday I officially announced that Mphasis, a leading Indian information and communications technology company had chosen the University of Wollongong for a new integrated development and delivery centre in Australia.

Mphasis's decision to establish in New South Wales reflects the fact that our State leads the nation in information and communications technology. But this is also great news for the Illawarra because the centre is expected to create at least 265 jobs over the next five years in that region. These will be highly skilled jobs, with many of the new employees likely to be graduates of the university. This is the Illawarra's largest job-generating project in recent years and, of course, it is natural that New South Wales is the place where this project is happening. Our State is the hub of sophisticated and innovative global businesses operating in a strong and diverse economy. It might interest members to know that 43 per cent of Australia's information and communications technology businesses are based right here in New South Wales. We have around 37 per cent of Australian information and communications technology industry employment. We dominate Australia's telecommunication, computer and information services exports.

In 2008-09 these services were valued at almost \$1.1 billion, which is more than half the national total. That is why the New South Wales Government is supporting the development and growth of information and communications technology. We are working with industry, research institutions and universities, such as the University of Wollongong, to support research information and communications technology centres of excellence and to encourage the next generation to take up information and communications technology courses at an undergraduate level. We are driving a strong and innovative economy in New South Wales to transform existing industries, to boost efficiency in productivity, and to create new opportunities for New South Wales businesses right across the global stage. Our strong focus on innovation is being stimulated by the National Broadband Network and will grow jobs and investment across the \$400 billion State economy.

I congratulate Mphasis on recognising that Wollongong is well-placed for investment in financial services. Wollongong offers collaborative research opportunities with the university as well as world-class business facilities. That is why the New South Wales Government is developing the city as a major financial centre. The State Government supported the establishment of the Innovation Campus at Wollongong by providing seed funding and ongoing support to drive collaboration and partnerships between research and business communities. The New South Wales Government supported Mphasis setting up in the region through financial support. I congratulate Mphasis on its decision to base its operations in New South Wales, and specifically at the University of Wollongong Innovation Campus. I am pleased that the New South Wales Government could play an important role in bringing Mphasis to our State and to the Illawarra. I look forward to updating members in future as this centre is established.

### **ROYAL NATIONAL PARK DEER REMOVAL**

**The Hon. ROBERT BROWN:** Humbled, I direct my question to the Minister for Transport, and Minister for the Central Coast, representing the Minister for Climate Change and Environment. How many wild deer has the National Parks and Wildlife Service removed from Department of Environment, Climate Change and Water managed parks or reserves in the Royal National Park region in each year since July 2002? What was the total cost each financial year since then, including all staff salaries, on-costs, administration, support and any other costs related to the removal of these wild deer? Does the number of deer removed from the Royal National Park each year since 2002 equal the reproductive rate of the deer as per the scientific studies upon which the removal programs supposedly are based and, if not, why not? What is the ongoing environmental impact of this failure? How many deer from the Royal National Park have been hit by motor vehicles or motorbikes each year since 2002 and what is the economic cost of those collisions?

**The Hon. Matthew Mason-Cox:** The buck stops with you, Robbo.

**The Hon. JOHN ROBERTSON:** That is very funny. I will refer the member's detailed and lengthy question to the Minister for Environment and Climate Change and undertake to obtain an appropriately detailed response.

### **SOLAR BONUS SCHEME**

**The Hon. DUNCAN GAY:** My question is directed to the Treasurer. Can the Treasurer inform the House when he was first advised that the Solar Bonus Scheme looked set to exceed the rate of take-up that would push it above the \$200 that was allocated for the scheme?

**The Hon. ERIC ROOZENDAAL:** I do not discuss in-Cabinet discussions.

**The Hon. DUNCAN GAY:** I ask a supplementary question.

**The PRESIDENT:** Order! I rule the supplementary question out of order and in doing so refer to rulings by former Presidents that when a formal answer is given such as, "I will refer it to another Minister" or in the form of the answer just given by the Minister, supplementary questions are not in order.

### EMERGING COMMUNITIES ASSISTANCE

**The Hon. HELEN WESTWOOD:** My question is addressed to the Attorney General, and Minister for Citizenship. What is the latest information on what the Government is doing to explain the law to emerging communities?

**The Hon. JOHN HATZISTERGOS:** The Government recognises that emerging communities face significant challenges when it comes to settling into their new lives in Australia. Migrants and refugees from African countries in particular must overcome challenges such as learning to speak English, finding somewhere to live and finding gainful employment. In this regard the Government is committed to ensuring that people from these communities are given assistance to help them start anew. For example, the Community Relations Commission administers a multicultural policies and services program that provides a framework with which government agencies can address special needs and service delivery. Moreover, the Government provides grants through local councils.

Earlier this year I awarded Auburn City Council \$129,000 to engage with the local Somali community by employing a part-time community development officer. Grants have been given also to sporting clubs to pay for registration and uniforms for young refugee children. The star players of a soccer club I recently visited on a trip to Lismore, who were Sudanese, were able to participate and to form community ties because of the grant that the Government made available. The Government has a role to play also in making sure people from emerging countries understand the law in New South Wales. Our legal system is new to many people arriving here from African countries where the people often practice customary law and do not enjoy the same rights as the citizens of Australia.

To that end, today I will launch a new DVD to help African communities understand the law and how it can assist them. The DVD, entitled *The Law and You: Legal Information for African Communities in NSW*, explains a range of court and other legal processes, including how to obtain an apprehended violence order; what to do if one is a victim of racism or discrimination; services available for victims of crime; and options for addressing money or debt issues. The Department of Justice and Attorney General developed the DVD in consultation with African communities. The consultations revealed that many people from African communities were unsure of their rights and did not know how to get legal assistance. I believe that this DVD will go some way towards demystifying the law for African communities, reducing their sense of alienation, and creating a more harmonious community.

The DVD is available in English and seven emerging African languages, including classic Arabic, Amharic, Dinka, Juba, Arabic, Kiswahili, Krio and Somali. Further to the release of DVD, the Government is providing other forms of support and funding for a number of other initiatives aimed at African communities. One initiative involves law students from the University of Western Sydney who are operating a new court support program for the Sudanese community at Blacktown courthouse.

The Department of Justice and Attorney General also employs an emerging communities liaison officer and runs a free legal information service, LawAccess. Calls to LawAccess from multicultural community members increased by 34 per cent last year alone. People can talk to LawAccess with the assistance of an interpreter by dialling 131450. In the meantime, the DVD can be accessed by going to the Lawlink website at [www.lawlink.nsw.gov.au/diversityservices](http://www.lawlink.nsw.gov.au/diversityservices).

### WOLLEMI NATIONAL PARK BUSHWALKING EVENT

**The Hon. ROBERT BORSAK:** My question is directed to the Minister for Transport, representing the Minister for Climate Change and the Environment. Is the Minister aware of the National Parks Association's online *National Parks Journal*, February-March 2009 edition, featuring a report on a joint National Parks Association and Bush Club organised bushwalking event at Deep Pass Canyon in Wollemi National Park on 11 and 12 October 2008, which confirms activities were undertaken that breach multiple regulations and codes? Can the Minister inform the House what investigations were undertaken, what measures have been put in place to ensure compliance in future, and what prosecutions were instigated by the NSW National Parks and Wildlife Service in this particular case? If none, is this because bushwalking clubs are deliberately protected by officers

of the National Parks and Wildlife Service? If the Minister is unable to obtain a copy of that particular article, as it has mysteriously disappeared from the association's website, I have one and I will give it to the Minister if he would like to see it.

**The Hon. JOHN ROBERTSON:** I will refer the matter to the Minister for Environment and Climate Change, and undertake to obtain an answer for the member.

### **LINDBAR TOWERS DEVELOPMENT**

**The Hon. CHARLIE LYNN:** My question without notice is directed to the Minister for Planning. Is the Minister aware of a development in Fairfield known as Lindbar Towers? Is he aware that Fairfield council officers originally approved the development for construction with six storeys, and that this decision was subsequently reviewed and the developer was allowed to construct the building with seven storeys? Contrary to that approval, was the project constructed with eight storeys? Is the Minister aware also that, although a council report recommended demolishing the unauthorised eighth-floor concrete slab, the Fairfield mayor, Councillor Lalich, stated that he did not want the slab demolished as it would place "financial hardship" on the developer? Is one of the directors of the Lindbar Towers development Charlie Chiha? Is this the same Charlie Chiha who was involved in the trial of Phuong Ngo for the assassination of the State member for Cabramatta, John Newman?

**The Hon. TONY KELLY:** Obviously, that particular development application was one that was within the council's purview, not mine.

### **COAL INDUSTRY STRATEGIC PLANNING**

**The Hon. LUKE FOLEY:** My question is addressed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. Will the Minister update the House on the importance of strategic planning with respect to the coal industry?

**The Hon. TONY KELLY:** Yesterday's report of the Planning Assessment Commission recommendations about the Bulli coal seam demonstrates that the transparent checks and balances put in place by the Keneally Government are effective. The commission panel carefully examined the potential impacts of the mine, held public hearings, and then provided its report, with more than 136 detailed recommendations. The result is that the scope of Illawarra Coal's project will be substantially reduced, removing the risks associated with longwall mining from parts of the original application area. The revised proposal still generates more than 2,600 jobs in the region, with \$200 million worth of wages injected into the local economy. This is the Planning Assessment Commission's job. It has the independence and expertise to weigh the importance of the environmental and social impacts alongside the economic benefits to find the right balance. The commission's report is available online at the website of the Department of Planning, and anybody can read it and make a judgement for themselves.

The Government recognises the importance of the coalmining industry. It also recognises the need for balance. But let us not forget that mining is a major contributor to the State's economy, employing around 13,500 people directly at this stage, although that is likely to increase to something like 20,000—and that does not take account of the multiplier factor with flow-on jobs. Even the farming industry benefits from mining and the economic benefits. That is why the Government rejected the recent call by NSW Farmers for a moratorium on mining in New South Wales. So I was shocked when I saw the Opposition spokesman's response in the media, "We are not ruling it out ... Parts of our policy hang off this moratorium and were things we actually developed." But I was relieved to hear in the next media cycle that the Opposition spokesman had decided that the moratorium request "hasn't been helpful" and that it had been a setback for "our strategic plan". But, before the media could put that to print, the Opposition spokesman was muddying the waters again with his reassurances, "I'm not ruling it out, nor am I ruling it in." I thought that would get the shadow Minister's attention.

**The Hon. Duncan Gay:** Just listen. It's out.

**The Hon. TONY KELLY:** I acknowledge the shadow Minister's statement: "It's out." The mining industry contributes billions of dollars to the New South Wales economy, close to 25 per cent of the State's export income. The threat to remove part 3A from the planning system is of great concern. The Opposition spokesman, Mr Hazzard, spoke at the local government conference in Albury this week.

**The Hon. Matthew Mason-Cox:** No he didn't. He wasn't there.

**The Hon. Eric Roozendaal:** He was in the bar, was he?

**The Hon. John Robertson:** Shooting pool somewhere, I think.

**The Hon. TONY KELLY:** No, everybody else was in the bar. There, Mr Hazzard said that the Opposition, on coming to government next year, will immediately throw out part 3A. Then it will undertake a two-year review of what to replace it with. That will mean that for those two years there will be a hiatus in New South Wales such that the State's economy grinds to a halt and no major developments will be approved. That would have a massive effect on jobs, on investment in this State and on our economy.

**The Hon. LUKE FOLEY:** I ask a supplementary question. Will the Minister elucidate his answer with respect to part 3A planning?

**The Hon. TONY KELLY:** Without part 3A, these critical planning decisions on major projects would be thrown back to local councils, which do not have the time, the resources or the strategic perspective to get the balance right. The Opposition thinks it can get away with playing these cheap populist lines. These recent comments demonstrate that it is unwilling to take responsibility and make the big, tough calls that come with running an economy and underpinning jobs and investment in New South Wales. The other day I mused what would happen if councils in this State had returned to them powers to approve development of something like the Sydney Harbour Bridge. On one side of the harbour Clover Moore would be designing part of the Sydney Harbour Bridge for transport, and Genia McCaffery would be designing it from the other side. You would probably end up with a bridge going halfway across the harbour, with a tunnel coming across from the other side, and maybe a lift in the middle to join the two.

#### HILLTOP SHOOTING RANGE

**The Hon. IAN COHEN:** My question is directed to the Minister for Planning. Will the Minister advise why the environmental management plan for the Hilltop Shooting Range has not been published and is not available to the public for inspection?

**The Hon. TONY KELLY:** Assuming it is correct that the environmental management plan has not been published, no, I have not been advised.

#### ELECTRICITY INDUSTRY PRIVATISATION

**The Hon. MATTHEW MASON-COX:** My question is directed to the Treasurer. Will he confirm to the House that unconditional bids are now not required for his Government's power sell-off? If so, is that further proof that this transaction is being done with haste and without due consideration of the interests of New South Wales taxpayers?

**The PRESIDENT:** Order! While interjections may be entertaining, they are disorderly and must cease.

**The Hon. ERIC ROOZENDAAL:** In the best interests of the State, the energy reform transaction is continuing on schedule. Indeed there will be bids that are required to be submitted by mid November. The process is continuing on course.

#### INNER WEST LIGHT RAIL

**The Hon. LYNDIA VOLTZ:** My question is addressed to the Minister for Transport. Will he update the House on progress of the Inner West Light Rail extension?

**The Hon. JOHN ROBERTSON:** I thank the Hon. Lynda Voltz for her question and acknowledge her ongoing interest in this rail project. The New South Wales Government's 10-year \$50.2 billion Metropolitan Transport Plan is a comprehensive strategy for Sydney that supports the urban growth of Australia's only global city. Part of the plan, which is underway right now, is a key project involving the extension of Sydney's light rail network between Lilyfield and Dulwich Hill. The 5.6 kilometre extension will significantly improve transport for the local community and provide new connections with the central business district, Pyrmont and Darling Harbour as well as important recreational, retail and employment destinations. It also will provide new transport links with the Inner West and Bankstown CityRail lines.

With strong support and interest from the community, the Government is getting on with the job. Consultation with the community has been ongoing since the preliminary study was released in May. This attracted more than 400 submissions from the community. The preliminary environmental assessment was released in August, and community information sessions were held at that time to provide updates on the new extension, explain the stages in the planning process, answer questions and listen to feedback. The light rail project team reports ongoing interest in the new service and incorporated GreenWay, which features a shared pedestrian and cycle path together with bushcare sites.

A full environmental assessment has been prepared and is on public exhibition between now and 15 November 2010. Transport NSW is holding local community information sessions during the environmental assessment exhibition period. More than 80 people attended the forum at Dulwich Hill last Saturday, and approximately 40 people attended the Haberfield session last Monday. Another session will be held in Leichardt next Saturday. I encourage everyone who wants to have their say to go along. The Inner West Light Rail extension continues to receive very strong support from local communities, including the Leichardt, Ashfield and Marrickville councils.

At the community information sessions in August and September, which were attended by more than 320 people, 91 per cent of respondents who completed a feedback form supported the light rail extension. Of the 390 people who provided submissions to the draft inner west extension study earlier in the year, 97 per cent supported the project. There has been particularly strong support for the Government's GreenWay, which will bring a new recreational and mixed-use area to the Lilyfield to Dulwich Hill extension. It will run next to the light rail extension along the transport corridor. The GreenWay will incorporate important bushcare sites and will allow people to walk or cycle from the Cooks River to Iron Cove—a key link in Sydney's cycle network.

While the formal environmental assessment process is being undertaken, work along the rail corridor is underway right now to refurbish rail tracks, install drainage, and replace sleepers and ballast on the rail line between Lilyfield and Dulwich Hill. This work will mean that construction will be able to commence quickly after the Department of Planning has completed the assessment of the project. Once the Department of Planning has given the extension formal approval, construction will commence and will include building the stops, upgrading the power supplies, installing lifts, modifying pedestrian and traffic access and, of course, creating the GreenWay. We expect construction to commence early next year, with services operating on the line in 2012. This is great news for communities in the inner west who are looking forward to having access to a brand-new transport option.

### **BULLI COAL SEAM PROJECT**

**Ms CATE FAEHRMANN:** In addressing my question to the Minister for Planning, I refer to recent findings of the Planning Assessment Commission in relation to BHP Billiton's Bulli seam operations. Given that recommendation 13 states that at this time neither approval conditions nor extraction plans should rely on remediation as a means of maintaining or restoring functionality of water-dependent natural features that are potentially exposed to subsidence-related impact, what action will the Minister take to ensure that all mining projects, which claim in their applications that they will remediate any rivers, creeks and aquifers that are damaged as a result of subsidence caused by their mining activities, now will be reassessed by reference to recommendation 13 of the Planning Assessment Commission?

**The Hon. TONY KELLY:** I thank Ms Cate Faehrmann for her question. The Department of Planning undertakes a rigorous assessment of every application that comes before it. Obviously the department refers a number of those to the Planning Assessment Commission, depending on the individual application, and will continue to do so. The department will continue to determine each and every application on the merits of each individual application and the location of the project.

### **THORNTON RAIL BRIDGE**

**The Hon. ROBYN PARKER:** My question is directed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. Given that the future release of land at Chisholm in Maitland is dependent on construction of a new bridge over the rail line at Thornton, will he explain what he is doing in his capacity as the Minister for Planning to ensure that that land is released? Will he also explain whether the future of the Chisholm land development project, which currently is the biggest in the Hunter, will be jeopardised if the Thornton rail bridge is not built immediately? Why is his Government taking so long to build the bridge?

**The Hon. TONY KELLY:** I thank the member for her question although, obviously, part of it should have been referred to the Minister for Roads. Nevertheless, I will undertake to obtain a detailed answer to the question.

**The Hon. Robyn Parker:** When?

**The Hon. TONY KELLY:** At the appropriate time.

#### **MAGISTRATES EARLY REFERRAL INTO TREATMENT PROGRAM**

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Attorney General. With respect to the Magistrates Early Referral Into Treatment [MERIT] Program, how many offenders are presently in the program? What proportion is being treated for alcohol, and what proportion is being treated for drugs? How much does the program cost per offender?

**The Hon. JOHN HATZISTERGOS:** I thank the Hon. Christine Robertson for this question because it is a question that I know the Hon. Don Harwin had an interest in asking me last week, according to the schedule of Opposition questions, but he never got to it. I did not want to disappoint the House by leaving the question unanswered. I know how much enthusiasm members opposite have for asking me questions about this program. It was unfortunate that it was de-prioritised by members opposite. I will answer the question for the benefit not only of the Hon. Christine Robertson but also of the Hon. Don Harwin, who I know has been frothing at the mouth and salivating all week while he awaits the opportunity of receiving this very important information that I am about to pass on to him on behalf of the House. Therefore, I take the opportunity of commencing my answer by thanking not only the Hon. Christine Robertson but also the Hon. Don Harwin, who is the one who originally took an interest in this matter.

The Magistrates Early Referral Into Treatment [MERIT] Program enables magistrates to refer offenders who have drug problems into treatment prior to sentencing. It is an important program and one of the most successful ever undertaken in terms of getting people who have drug and alcohol issues into treatment. I am advised that as at 31 March 2010, 8,458 defendants had successfully completed the program. Services that are provided as part of the program may include withdrawal management, residential rehabilitation, mental health services, family support, and individual and group counselling. An evaluation by the New South Wales Bureau of Crime Statistics and Research found that completing the MERIT program significantly reduced the likelihood of a defendant being reconvicted of a further offence. In the light of those positive results, the Government recently introduced Alcohol MERIT to a number of local courts. I previously provided information to the House about the number of courts in which Alcohol MERIT currently operates.

In response to the honourable member's specific question, I am advised that as at 30 June 2010—the most recently compiled statistics—there were 406 active defendants on MERIT. In response to the second part of the question, while I am not aware of the precise breakdown of offenders currently completing Drug versus Alcohol MERIT—indeed, some have both drug and alcohol issues—I can advise that Drug MERIT operates in 64 local courts across New South Wales, providing access to the program for more than 80 per cent of offenders coming before magistrates. MERIT for those with primary alcohol problems now operates in a number of local courts: Manly, Broken Hill, Wilcannia, Wellington, Dubbo, Bathurst, Wollongong and Orange.

In relation to the third part of the question, I am advised that MERIT has an annual budget of \$12,917,585 plus indexation across all agencies. In the 12-month period to 30 June 2010, 1,787 defendants were accepted into the program and 943 completed it successfully. I do not want members to think MERIT is the only program in the department that provides opportunities for people to address drug and alcohol issues. As I have indicated on a number of occasions, there are other programs, including the Drug Court, the Youth Drug and Alcohol Court and the compulsory drug treatment centre. Additionally, since 1 October this year, intensive corrections orders offer opportunities for people to address their offending behaviour through a community-based scheme. I hope that provides the information the honourable member was seeking.

**The Hon. Don Harwin:** Madam President—

**The PRESIDENT:** Order! Was the Hon. Christine Robertson seeking the call to ask a supplementary question?

**The Hon. Christine Robertson:** Thank you, no.

**The PRESIDENT:** Order! Supplementary questions can only be asked by the member who asked the original question.

### **DARLING HARBOUR PROPERTY ASSETS**

**Dr JOHN KAYE:** My question is directed to the Minister for Lands. Will the Minister confirm that the Harbourside car park at Darling Harbour does not meet building code requirements and requires up to \$100 million of urgent repairs before it can be sold? Does that problem, and similar problems with other prestige property assets around Darling Harbour and The Rocks, explain why the privatisation process collapsed?

**The Hon. TONY KELLY:** During the global financial crisis the Government put out to tender a number of properties in Darling Harbour. The member's question is about alleged deficiencies with a specific building. I will find out whether his allegations are correct, and undertake to give him an answer.

### **TRANSIT OFFICERS**

**The Hon. DON HARWIN:** My question without notice is directed to the Minister for Transport. Why has the Government cut almost 90 transit officers patrolling CityRail trains over the past two years? How does the Minister justify these cuts at a time when crime on Sydney's rail network is rising? How can the Government encourage more people to catch public transport when cuts like this make the network less safe?

**The Hon. JOHN ROBERTSON:** Today the real story about public transport is the one from the Opposition. Members opposite will not support the construction of one of the most significant enhancements to the CityRail network, the Western Express-City Relief Line. They do not want an answer.

**The Hon. Don Harwin:** Point of order: My point of order is relevance. The question was about transit officers. It had nothing to do with the Western Express. I ask you to call the Minister to order.

**The PRESIDENT:** Order! The question related to transit officers. The Minister should be generally relevant in his answer to that question.

**The Hon. JOHN ROBERTSON:** When we build the Western Express Line we will put transit officers on it. We will have 10 train carriages on that line and they will have transit officers on them. We will run Guardian services along those lines, and they will also have transit officers on them. The problem is that members opposite want to distract people from their position—that is, a Coalition Government would not build the western express-city relief line. They supposedly care about commuters in western Sydney but they will not support a rail project that will slash travel times for the people of Springwood by 17 minutes and from places such as Penrith and Richmond by 10 minutes.

**The Hon. Marie Ficarra:** What about Riverstone?

**The Hon. JOHN ROBERTSON:** If the Hon. Marie Ficarra knew anything about western Sydney she would know that Riverstone is on the Richmond line. Once again, the member has revealed her ignorance about public transport. The people of Riverstone will benefit from the Western Express Line, as will the people of Richmond and Penrith. Members opposite are not prepared to commit to building the Western Express-City Relief Line. Indeed, Barry O'Farrell has nothing to say on that. He will not support construction of the Parramatta to Epping rail link. The Government is investing more than \$7 billion in public transport. That is \$7 billion to benefit the people of western Sydney and south-west Sydney.

*[Interruption]*

The Hon. Charlie Lynn supposedly cares about south-western Sydney. The Parramatta to Epping rail link will provide—

**The Hon. Charlie Lynn:** Point of order: Ten years ago it took 45 minutes to travel from Campbelltown to the city; now it takes 1¼ hours.

**The PRESIDENT:** Order! The member is making a debating point. He will be placed on a call to order if he again attempts to make a debating point under the guise of taking a point of order.

**The Hon. JOHN ROBERTSON:** The Parramatta to Epping rail link will give people in south-western Sydney the opportunity to access by rail employment in places such as Macquarie Park, Macquarie University and other high-tech areas of North Ryde. Members opposite do not care about public transport or the people of western and south-western Sydney. They care only about themselves; they sit on their hands and do nothing for the people of western Sydney. They have no transport policies. They will not support projects that will make a difference to people's commute times. This Government is delivering now a fully funded \$50.2 billion Metropolitan Transport Plan. The South West Rail Link is being built as we speak, duplicating rail lines and providing additional services for people. Members opposite have nothing when it comes to transport. [*Time expired.*]

## NEWCASTLE PORT DEVELOPMENT

**The Hon. MICHAEL VEITCH:** My question is addressed to the Treasurer. Will the Treasurer update the House on the New South Wales Government's commitment to the growth of the Port of Newcastle?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his interest in this matter. I am sure members will be aware that the Port of Newcastle lies at the heart of the Hunter Valley's economy and is a key source of jobs and investment for the Hunter region. Last financial year the port set a major trade record, with more than 100 million tonnes of trade passing through its gates. This included a record 97 million tonnes of coal exports with a total export value of \$10 billion, making Newcastle one of the world's largest coal export ports. We are continuing this record growth, with more record trade figures. For the first quarter of this financial year coal exports have grown to 26.5 million tonnes, up from 24 million tonnes for the same quarter last year. That is an increase of just over 10 per cent. These record results have been achieved because of the New South Wales Government's commitment to work closely with industry to build a framework to grow exports.

That framework is the Hunter Valley Coal Export Framework. This landmark agreement came into force on 1 January this year and is helping to increase the port's export capacity to benefit all players in the industry. The agreement the New South Wales Government reached with industry last year is helping clear bottlenecks in the supply chain and allowing the Hunter Valley to reach its economic potential. The industry now has the certainty to be able to invest in infrastructure. Producers are able to ramp up production, knowing they will have a clear path to the steel mills of Asia. The port's expansion plans over the next five years will see \$5 billion worth of new port and rail infrastructure, coal export capacity doubled, export revenue boosted by \$6.5 billion each year, and up to 125,000 direct and indirect jobs delivered in the Hunter region. Despite only coming into effect at the start of this year, Newcastle port's trade figures and portside activity shows we are already seeing the benefits and reaping the rewards. Both coal loaders at Newcastle port are undertaking massive expansion projects.

[*Interruption*]

I take the growth of the economy in the Hunter and the improvement in trade figures very seriously. It is one of the major gateways to our economy in New South Wales. The flippant and degrading remarks by Opposition members reflect their contempt for the Hunter. The Opposition does not care about it. Opposition members make snide and flippant remarks because they do not care—whether it is the Illawarra or the Hunter, they are frauds about the regions.

We have seen another coal terminal open at the Port of Newcastle this year—a \$1 billion investment. On top of that, almost \$1.6 billion worth of projects are being undertaken at the port to further boost our coal export capacity. We are also diversifying operations by bringing new trade opportunities and investment to Newcastle. More trade means more jobs for the people of the Hunter. We have invested to upgrade cruise facilities at Newcastle—meaning more cruise ship visits to the Hunter. This cruise season has seen Carnival Australia home port of the *Pacific Sun* at Newcastle. We have developed the \$25 million Mayfield No. 4 berth as part out of our commitment to developing the Mayfield site. This new general cargo berth is supporting the diversification. And we are already seeing the benefits—Newcastle Port Corporation reported 27.98 million tonnes of imports and exports for the July to September quarter.

**The Hon. John Hatzistergos:** I suggest that if members have further questions, they place them on notice.

### **TAMWORTH HOSPITAL REDEVELOPMENT**

**The Hon. JOHN HATZISTERGOS:** On 23 June the Hon. Rick Colless asked a question of the Treasurer about the Tamworth Hospital redevelopment, which he directed to the Minister for Health. The Minister for Health has provided the following answer:

The NSW Government will invest \$4.6 million in 2010-11. Phase 1 of the redevelopment of Tamworth Health Service. The service procurement plan and project definition plan for this project have been completed.

### **INNER WEST LIGHT RAIL**

**The Hon. JOHN ROBERTSON:** Earlier today in my response to a question from the Hon. Lynda Voltz I stated that the preliminary environment assessment on the Lilyfield to Dulwich Hill light rail extension was released in August. I am advised that the assessment was released in July.

### **TINGIRA HEIGHTS PUBLIC HOUSING DEVELOPMENT**

**The Hon. TONY KELLY:** On 23 September the Leader of the Opposition asked me a question in relation to Tingira Heights. I am advised that the land listed as 3 to 5 James Street, Tingira Heights, was purchased by the New South Wales Department of Housing. I will refer the question to the Minister for Housing for a response.

### **HILLTOP SHOOTING RANGE**

**The Hon. TONY KELLY:** Earlier today the Hon. Ian Cohen asked me a question about the Hilltop Shooting Range environmental management plan. I am advised that the approval required a construction environmental management plan and an ecological management plan to be submitted and approved by the department prior to clearing for construction of the new ranges at Hilltop. They have both been approved and are available to be viewed on the website. No document called simply the "environmental management plan" has been submitted.

### **DEFERRED ANSWERS**

The following answer to a question without notice was received by the Clerk during the adjournment of the House:

#### **DUBBO COLLEGE**

On 22 September 2010 the Hon. Duncan Gay asked the Attorney General, representing the Minister for Education and Training, a question without notice regarding Dubbo College. The Minister for Education and Training provided the following response:

An announcement regarding the future of public secondary education in Dubbo was made on 26 October 2010.

**Questions without notice concluded.**

### **COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2010**

**Message received from the Legislative Assembly returning the bill without amendment.**

### **PARLIAMENTARY BUDGET OFFICER BILL 2010**

### **ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (WRITTEN-OFF VEHICLES) BILL 2010**

**Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.**

*[The President left the chair at 1.05 p.m. The House resumed at 2.35 p.m.]*

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Precedence of Business****Motion by the Hon. Tony Kelly agreed to:**

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House.

**Precedence of Business****Motion by the Hon. Tony Kelly agreed to:**

That, notwithstanding standing and sessional orders, for today only:

- (a) proceedings be interrupted at 3.30 p.m.; and
- (b) Government Business take precedence after 3.30 p.m.

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business****The Hon. HELEN WESTWOOD [2.36 p.m.]: I move:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 260 outside the Order of Precedence, relating to Carers Week, be called on forthwith.

I urge honourable members to support urgency because Carers Week has just passed and this is an opportunity for members of this House to show support for carers. It is urgent because carers need to know that we value the work that they do on behalf of the people of New South Wales to ensure that the people in their care can remain living at home and have the care they need to live a quality life. The House has already agreed that this is a matter of urgency and again I urge members to support urgency.

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

**Motion agreed to.**

**Order of Business****Motion by the Hon. Helen Westwood agreed to:**

That Private Members' Business item No. 260 outside the Order of Precedence be called on forthwith.

**CARERS****Debate resumed from an earlier hour.**

**The Hon. HELEN WESTWOOD [2.38 p.m.]:** When I was last speaking on this very important issue I was talking about some of the events that took place during Carers Week to show community support and acknowledgement of the great contribution that carers make to our society. Over 200 events had been planned during Carers Week. Some of the events on offer this year included pamper days, high tea, wellbeing lunches and barbecues; for artistic carers, a creative expression day, creative carers art exhibition and a visit to a gallery; and, for the more adventurous, there were active options such as a family train day, cruises and a range of mystery bus outings.

I have been involved in pamper days myself. I remember when they were quite a new initiative, perhaps maybe a decade or so ago. I know that the carers themselves really appreciated the opportunity to be pampered and to be cared for instead of doing the caring. It often made such a difference for them and allowed them to be regenerated and re-energised to continue to do the great work that they do caring for their loved ones on behalf of the community. I think the range of mystery bus outings must have been some fun during that week.

To ensure that carers are able to attend an event during Carers Week, many of the organisers are funded to provide respite and transport to facilitate carers' attendance. Many Carers Week events are free of charge for

carers. I am sure we all would acknowledge that it is most important that these events be affordable because carers are often amongst our lowest income earners and may be quite dependent on Centrelink or on fixed incomes. That is a very important element in these events. Carers Week also provides an opportunity for carers to obtain information about caring and advice about how to meet and manage the care and support needs of their family member. Carers Week 2010 was a celebration of the incredible and tireless effort of all carers. To all carers I say thank you—a very big thank you.

Carers come from all walks of Australian society and can come into their caring role at any stage throughout their life. Indeed, we know that in New South Wales there are approximately 750,000 carers or about 10 per cent of our population. Carers may be young or of working age, or they can be older; they can be Aboriginal and Torres Strait Islanders; they live in major cities and regional, and in rural and remote areas. Many of them may have been born outside Australia. In some cases carers have been identified as being as young as eight years of age. I know that can be hard to believe, but there certainly are very young people in our community—children—who often end up providing care, and it is usually to their parent, but it can also be a sibling. I have certainly known of children who have provided care to a parent who has a disability or an illness, including mental illness.

Those children need special support. Carers provide help and support for family members, relatives or friends with a disability, mental illness, terminal illness or chronic condition or who are frail aged. In many cases carers find themselves caring for more than one person from more than one generation. It is increasingly common to find carers providing support to a frail parent and a partner with a disability or chronic condition or a child with a disability. Every carer's story is unique but equally important. The social and economic value of carers cannot be overstated. They are the unpaid support system for the family member or other significant person in their life.

Carers Week provided local opportunities for carers to come together, take a short break, get pampered, celebrate achievements and seek information. The week also provided an opportunity to further promote recognition of the incredible work that carers perform every day. Raising the profile of carers not only helps the Government to better understand the needs of carers and the people they care for, it also ensures the community becomes more aware of who carers are and what they do. The New South Wales Government has formally acknowledged the vital role of carers through the Carers Recognition Act 2010, which was assented to on 19 May 2010. The Act, which received bipartisan support, provides clear and strong legislative recognition of carers in New South Wales. The Act establishes a carers charter containing 13 principles for recognising and supporting carers. The Act requires that public sector agencies ensure staff gain awareness and understanding of the charter. Public sector agencies are also required to consult with carers and bodies representing carers when developing policies that significantly impact upon them.

Further, the Act establishes the Carers Advisory Council to provide the Government with direct access to advice from carers and other experts with relevant understanding of carer issues. The majority of members appointed to the council will be primary carers, recognising the important contribution they make to society and drawing on their wealth of practical knowledge and experience, which will be invaluable when we are making policies, laws and regulations that affect carers. Applications for membership of the Carers Advisory Council closed on 13 September. I am particularly pleased to advise that the response from carers has been overwhelming, with more than 400 inquiries from carers requesting information packages and nearly 200 formal applications received. Applicants all demonstrated a wealth of primary caring experience and expertise and a very strong commitment to give generously of their time to advance the interests of carers across New South Wales. This response will enable the broad range of carers and caring experiences to be represented by those appointed to the council. The first meeting of the council is scheduled for December.

The New South Wales Government's commitment to carers is also demonstrated in the New South Wales Carers Action Plan 2007-12. This five-year plan for supporting carers acknowledges that caring crosses a range of policy areas, including ageing, community support, health, education, transport, and employment and industrial relations. In addition to directly increasing support for carers, for example through increasing the number of respite places available, the Carers Action Plan also commits agencies to developing innovative policy solutions.

Particular consideration should be given to the needs of young carers. Of the 750,000 carers in New South Wales, 90,000 are young carers, that is, children and young people under the age of 25 who provide care for a family member or a friend. Ageing, Disability and Home Care is leading the development of initiatives to support young carers in a cross-agency approach. This initiative is focused on improving the ability of front-line

staff in human service agencies to identify young carers and appropriately refer them and their families to information and support. Again, that is a very important support service that carers need. Often, accessing information and knowing what is available, particularly if someone is new to a location or is a new carer, can be a problem. It is important for carers to know what support services are available to them in their local community and beyond. It is also important for them to know that that support is there—being able to talk to other carers and share experiences is something that carers certainly value.

The New South Wales Government also funds the Young Carer project through Carers NSW. This project provides information, counselling, advice, peer support and social activities for some of the State's most vulnerable young carers. Carers improve the quality of life of the person they care for and enable them to remain in the community. As well as the enormous social contribution, the economic value of caring has increasingly been recognised. While caring can be a positive experience and provide a sense of satisfaction, it is well established that caring can have a negative impact on a carer's physical health, emotional wellbeing and, not surprisingly, financial security. The impact increases as the intensity of caring increases.

An important element of the New South Wales Carers Action Plan 2007-12 is the New South Wales Carers Program. The focus of this program is to enhance the practical and personal support available for carers in this State who care for children and adults with disabilities and chronic health conditions, and people who are frail and elderly. The statewide carers grants are a key component of the New South Wales Carers Program. In 2010-11 the total ongoing funding for these organisations is over \$1.3 million. A total of 14 non-government organisations are in receipt of 15 grants. Autism Spectrum Australia receives two grants. The grants provide statewide support to specific carer groups. This includes two grants to Aboriginal-specific, non-government organisations and three grants to culturally and linguistically diverse-specific non-government organisations to further support Aboriginal and cultural and linguistic diversity [CALD] carers.

I am pleased that the Local Carer Awards program has been introduced this year to further recognise the outstanding contribution of individual local carers and organisations in providing care to family members, supporting carers or raising awareness of the needs of carers. The award consists of a certificate of appreciation and a small cash prize. This is one way the New South Wales Government acknowledges the vital social and economic contribution that carers make to both their local communities and the broader New South Wales society. Without these carers and organisations, many individuals would no longer be able to continue living in the community close to their family and friends.

I am pleased to announce that the Minister for Disability Services, the Hon. Peter Primrose, will be visiting a number of electorates to assist members of Parliament to present the certificate of appreciation to local carer award recipients. Awards will be presented to more than 100 individuals across the State in the categories of primary carer, older carer, caring family, local carer support group or school, caring workplace and caring volunteer. The reward recipients are a small sample of the wonderful group of people living in our communities who give so generously of their time to care for a significant person in their lives. I say thank you to each and every carer. I am sure that other members will also thank our carers when they speak in debate on this important motion.

As I said earlier, Carers Week was celebrated right across the country last week. During that week I raised awareness—and I want to continue to raise such an awareness—of the tremendous job being done day in and day out by the 750,000 carers in New South Wales so that those for whom they care are able to remain living at home close to their families and friends. Our carers are caring for frail older people, people with a disability, people with mental health disorders, people with alcohol or drug dependency, people with dementia, people with a terminal illness, people living with HIV-AIDS, and people with chronic illnesses. On 19 May this year the Government enacted the Carers Recognition Act 2010 to provide strong and clear legislative recognition of carers in New South Wales. That Act will establish a Carers Charter containing 13 principles for recognising and supporting carers.

The Act requires public sector agencies to ensure that members of staff gain an awareness and understanding of that charter, and public sector agencies are required also to consult with carer bodies representing carers when developing policies that impact significantly on them. As I have already mentioned, the Act will establish the Carers Advisory Council. I look forward to receiving a report from that council after its first meeting in December. The New South Wales Government's commitment to carers is demonstrated also by the New South Wales Carers Action Plan 2007 to 2012. This five-year plan for supporting carers acknowledges that caring crosses a range of policy areas—the policy areas to which I referred earlier. This plan directly increases support for carers by increasing the number of respite places available.

I think all members appreciate just how important respite is to carers. Carers must be given an opportunity—a day, a week, or longer—to conduct the business that they need to conduct in the local community; to have some time for themselves; to watch a movie; to share some time with friends; or even to participate in sport. It has been acknowledged that caring can be demanding on people's physical wellbeing. We must ensure that carers have time to take care of themselves and their health—whether it is going to the gym, playing a game of tennis, or simply walking or swimming. It is important for carers to have some time to care for themselves, which means many of them would require respite placement. It is not always possible for carers to get someone else to do the caring for them. Carers who have access to flexible and appropriate services are more likely to find their caring experience to be positive, and that is why the Government is increasing the number of flexible and centre-based respite places.

Every day many carers help a family member or friend to get out of bed, shower, dress, eat meals, take the correct medications, enjoy social activities, attend appointments, fill in forms, and so on. For many carers the help that they provide occurs throughout the day and night. They have no sick leave or holiday leave and they do this willingly to improve the quality of life of those for whom they care. Other carers might need to help out only once a twice or week with things such as gardening, housework or grocery shopping. Irrespective of the amount of care being provided, these carers deserve to have recognised the amazing job that they are doing. Without the tireless dedication of carers to improve the lives of their families and friends, many of these care recipients would not maintain contact with their community or have any control over their own lives. Care recipients are appreciative of that fact and I know that they, and I am sure all members, thank these carers.

Carers unselfishly give of their time and energy, often putting the needs of those for whom they care ahead of their own. Many carers juggle caring with employment or study. Some carers are caring full time because of the significant care needs of their family members. Conservative estimates suggest that in New South Wales about 90,000 children and young people under the age of 25 provide care to a family member or friend. We know that these young people provide the same type of care as older carers. In addition to helping with bathing, dressing, shopping, cooking, getting around and managing finances, young carers listen and provide emotional support, often to a parent. Young carers may be required to grow up earlier than their peers and to be more responsible. They find it difficult to socialise with their peers and spontaneously make plans, for example, during school holidays. We have all been through adolescence—for some that occurred quite some time ago and for others it occurred not so long ago—

**The Hon. Ian Cohen:** Some of us never escape adolescence.

**The Hon. HELEN WESTWOOD:** The Hon. Ian Cohen is quite right; some people do not escape adolescence. I am sure all members would be aware of how much more difficult adolescence would have been if they had not been able to make spontaneous plans to go to the movies with their mates, to go to a party, to do some shopping or to go to the beach. Young carers make a huge sacrifice during their adolescence—an important aspect that must be acknowledged. We must support them in their role. For this reason the New South Wales Government funds the Young Carer Project through Carers NSW. This project provides information, counselling, advice, peer support and social activities in the form of camps and retreats for some of the State's most vulnerable young carers. Young carers can meet one another online or face to face, talk about things that they worry about, and know that, above all else, those other young carers understand them.

The Young Carer Project enables these young people to be themselves. Sometimes this service helps young people to understand that they are carers. It gives them a name for the things that they do and it makes them feel normal. However, we need to do more, and that is why the New South Wales Government, through Ageing, Disability and Home Care, is leading the development of initiatives to support young carers in a cross-agency approach. This initiative has focused on improving the ability of front-line staff in human service agencies to identify young carers and, appropriately, refer them and their families to information and support.

Last week, during Carers Week, carers were able to participate in the many events and activities organised to acknowledge them personally and the work they do. Ageing, Disability and Home Care provides funding to Carers NSW each year for the grants program. Many organisations have taken up those grants and thereby been able to provide some of the activities and services that I have already mentioned. Each year, Carers NSW publishes on its website the list of activities undertaken across the State. Carers Day Out, celebrated on the Tuesday of Carers Week each year, is another event supported by the New South Wales Government.

This year, in Martin Place, carers and the general public heard from Premier Christina Kenneally. The choir, band and special guests entertained the crowd of carers and general public. This year the New South

Wales Government introduced the Local Carer Awards Program, to recognise carers to an even greater extent than has occurred in the past. More than 100 awards, comprising a Certificate of Appreciation and a cash prize, began to be awarded at local ceremonies across the State last week. I thank each and every carer for their ongoing contribution to supporting their family member or friend. It is important they know that their work is noticed and greatly appreciated.

**The Hon. MELINDA PAVEY** [3.01 p.m.]: I support the motion moved by my colleague the Hon. Helen Westwood as it acknowledges and recognises the work done by carers throughout New South Wales. Her detailed speech highlighted the many wonderful things that carers do every day across this State and Australia generally. The Carers NSW chapter has provided very interesting data and statistics related to the contributions that carers make across the State. It is important to understand that a carer is any individual who provides unpaid care and support to a family member or friend who has a disability, mental illness, drug and alcohol dependency, chronic condition, terminal illness or who is frail. The latest information from the Australian Bureau of Statistics is that 10 per cent of the population of New South Wales is supporting somebody with one of those conditions. Interestingly, about 90,000 carers are under 24 years of age, demonstrating that carers and helpers come from the whole spectrum of our society.

In many cases, caring is a lonely pursuit. As a representative of The Nationals, I highlight the fact that being a carer in a regional community or on an isolated farm is challenging, particularly when it comes to transporting a frail close relative. The carer can in essence be a taxi driver, because there are no public transport options in many parts of regional New South Wales. Therefore, assisting someone to go shopping, or to go to town for a doctor's appointment or with a number of other day-to-day functions places a large responsibility on many, whether they are a close family member, family friend or neighbour acting out of friendship, which so often happens in country areas. It is a great service.

In the community where I live, Coffs Harbour, my auntie Elaine does an amazing job every week going round visiting and helping members of the community through a program organised by the council. She is one of the carers who go into the homes of people who do not have family members or good networks, as is often the case, particularly in North Coast communities. People move to the North Coast to be near the beach and enjoy the climate and lifestyle that it offers and promotes, but some find themselves isolated when a partner passes on, leaving them alone. Carers within those communities are providing a way of life and support that is appreciated by all involved, and they are to be highly commended.

It is appropriate that we have one week each year not only to talk about the wonderful work that carers do but also to provide mentorship, support and recognition, and from time to time give them a break from their caring role. I understand that some programs undertaken during Carers Week provide that very opportunity—a break from the activities involved with caring. The statistics provided by Carers NSW show that if government were to pick up the tab for caring, the cost nationally would be around \$30 billion, or nearly \$10 billion for New South Wales. That information came from Access Economics in 2005. So, if government were to fund what these carers do, it would place a great burden on the financial resources of New South Wales as well as on its people. It is much appreciated that these people and communities are out there supporting others in a true and genuine way.

However, for many carers, caring does come at a price. The future of caring is an issue that we as a community must be very much aware of. Our population is ageing. The proportion of the Australian population aged over 85 will increase from 1.5 per cent to 5 per cent of the total population by 2044. My mother, in the latter stages of my grandmother's life, experienced the stresses of caring. It is a stress on the family environment as well as on family relationships. So it is important to understand that people are going through stresses. Talking about this recognition week in Chambers such as our own as well as at functions and community events held throughout New South Wales is a good way to move forward.

I will highlight the work of the Carers Alliance in New South Wales and its president, Marylou Carter, whom I have had the opportunity to meet on a number of occasions. She does an amazing job for her organisation and was instrumental in working with the shadow Minister for Ageing and Disability Services, Andrew Constance, in developing the carers bill put forward by the Coalition. The Government reaction to that bill was to put forward another bill, which was exactly the same legislation with a name change.

The good news is that this year the Parliament passed a bill dealing with carers, the Carers (Recognition) Bill 2010. That puts carers at the table with the Minister in coming up with plans, appropriate government responses and important policy decisions, to improve the outcomes for carers throughout New

South Wales. That was a worthy thing that this Parliament has done this year for carers in New South Wales, and it is appropriate to acknowledge at the conclusion of Carers Week that that is a step forward. Everyone involved in that process ought to be congratulated. I acknowledge the work of Carers NSW and the programs that it has developed and put in place throughout this State. I implore carers across the community to reach out if they need help and support. Please let us know, so that we can give you appropriate support to enable you to do your amazing work.

**The Hon. MARIE FICARRA** [3.08 p.m.]: It is a great pleasure to speak on the motion moved by the Hon. Helen Westwood, whom I commend for her dedication to community service over many, many years. This morning we were doing our pollicie paddling at Pyrmont in Blackwattle Bay, at the ungodly hour of 6 o'clock, after less than three hours sleep, but I congratulate the Hon. Helen Westwood and the Hon. Melinda Pavey on organising such a very good show of bipartisan support to raise money for research into breast cancer. Goodness knows we all need to become fitter, especially me, so I quite enjoyed it. The Hon. Helen Westwood has maintained her longstanding involvement in community service throughout her career. This morning we were discussing our backgrounds in local government and how we first met through the Australian Local Government Women's Association. The Hon. Helen Westwood's reputation for being dedicated to causes, such as representing New South Wales carers, precedes her.

It gives me great pleasure to acknowledge the great work of Carers NSW, which is the peak organisation for carers in New South Wales, and its involvement in organising Carers Week, from 17 to 23 October. Certainly there has been increased focus on carers this year. It was a great pleasure to see the Carers (Recognition) Bill 2010 passed by both Houses and enacted. It was long overdue. In that regard I pay particular tribute to the work of the shadow Minister for Ageing and Disabilities, Andrew Constance, and the shadow Minister for Healthy Lifestyles, and shadow Minister for Indigenous Affairs, Kevin Humphries, who travelled throughout New South Wales. Members of the Coalition have heard lots of feedback from meetings they have had with carers throughout New South Wales who often are very much forgotten.

Information on the Carers NSW website estimates that carers save New South Wales taxpayers approximately \$10 billion annually, and \$30 billion throughout the nation. Carers contribute to public savings by assisting people to remain living independently and longer in the community. A value can never be placed on how important it is to people as they age to be able to live independently in their own homes. My mother-in-law, Alice Carless, lives in Waterbrook and is 94 years old. Waterbrook is not referred to as a retirement village; everyone refers to it as a lifestyle resort. People get into trouble if they call it a retirement village because all its residents are so active.

Alice tells me she is the oldest person living at Waterbrook and that all the residents are encouraged to be quite socially active and participate in outings. They are allowed to have small pets, and Alice has her miniature schnauzer. The residents of Waterbrook are very active and participate regularly in morning teas, charitable fundraising events, trivia nights and cinema excursions. I speak to Alice at least five times a week and she is always going on an outing. It is wonderful that family members and friends support their elderly loved ones. We must remember that not only the aged but disabled people are living healthier and longer lives because of the changes that have taken place in medical technology. Whatever the Government invests in supporting carers is a great investment, which will be returned tenfold. Of that I have no doubt.

Caring responsibilities adversely affect many carers' financial situations. Often they forgo their weekly earning capacity to look after their loved ones. As a result, they receive decreased incomes, no superannuation and are unable to accumulate savings. It is estimated that the gross household weekly income of 41 per cent of all carers is less than \$453 and that the average income for carers is more than 25 per cent lower than for non-carers. It is estimated that carers lose earnings in excess of \$4.9 billion a year. The Deakin national survey of carers' health and wellbeing shows that carers often have the lowest level of wellbeing of any Australian group. The current Government and successive governments must pay more attention to supporting carers.

Often carers are reluctant to ask for help from their family members and friends. Sometimes it is culturally unacceptable for them to reach out and ask for help. In some cultures, it is expected that people look after their loved ones without seeking assistance or support from anyone else, especially from the Government. We have to change that mindset and make carers proud of being carers, and we must be proud of giving them more support in the form of resources and services. More than half of our carers report some level of depression, and more than one-third of carers have experienced severe or extreme stress.

We all know that our population is ageing. I am one of the baby boomers. People mention the baby boomer tsunami and baby boomers' expectations that they will be provided with increasingly improved services.

We have become a bit spoilt and we realise that people are now living longer than previously. Whether or not they have accumulated enough savings to look after themselves is another matter. It is suggested that the baby boomers have not done so, and many people suggest that they will be a burden on successive governments. Certainly challenges exist for governments at Federal, State and local levels.

The percentage of the Australian population aged over 85 will increase from 1.5 per cent to 5 per cent of the total population by 2044. Technological advancement is contributing to increased longevity of people with disabilities, which subsequently increases the number and length of informal care relationships. A dramatic decrease is projected in the ratio of carers to older people who will be needing care over the next 30 years, from 57 primary carers per 100 people needing care in 2001 to just 35 primary carers per 100 people by 2031. Over the next 30 years the number of carers is projected to increase by 57 per cent whereas the number of aged people needing care will rise by 160 per cent.

It is estimated that one person in 10 in New South Wales is a carer. New South Wales has at least 748,000 carers that we know of, but I would say there are many more we do not know of. Carers are parents, grandparents, daughters, sons, nieces and nephews, aunts, uncles and cousins, and carers are often good friends. Certainly I am proud to be a member of Carers NSW. I regularly read the brochures and monthly magazines that Carers NSW sends me, so I know about all the good activities that are being conducted throughout the State as well as the very effective lobbying that is undertaken at Federal, State and local levels. I congratulate Laraine Toms and Elena Katrakis from Carers NSW on their professionalism. They worked very hard in conjunction with the Government, the crossbenchers and the Opposition to ensure that the Carers (Recognition) Bill was passed by Parliament earlier this year.

Last year the New South Wales Liberal Party and The Nationals worked on preparing the Carers Recognition Bill and undertook widespread consultation throughout the State. The Coalition's legislation was introduced in the lower House in March this year. I believe the pressure applied by the New South Wales Liberal-Nationals forced the Government to introduce its own bill, which received bipartisan support. The carers recognition legislation will give a powerful voice to some of our most vulnerable, under-recognised and overlooked hardworking members of the community. Carers continue to struggle to cope in silence as sole full-time carers of their loved ones, including elderly relatives or chronically ill relatives, spouses or friends.

The New South Wales Carers Charter has been formulated, which is a very good thing, and the New South Wales Ministerial Advisory Council for Carers will be co-chaired by the relevant Minister. The council will report regularly at the beginning of each year on audited performance reports relating to compliance and non-compliance by New South Wales agencies in relation to their responsibilities under the Act. That will be good. As part of the Carers (Recognition) Bill 2010, the charter stipulates that carers must be treated with respect and dignity by all government agencies, be recognised as having their own unique and individual needs, have their health and wellbeing considered, and have their needs assessed in terms of receiving timely and appropriate support and assistance. On behalf of the New South Wales Liberal-Nationals I congratulate the Hon. Helen Westwood on bringing forward this motion, and I commend its sentiments to the House.

**The Hon. IAN COHEN** [3.20 p.m.]: On behalf of the Greens I support the motion moved by the Hon. Helen Westwood, which acknowledges Carers Week. I congratulate Carers NSW, the peak organisation for carers, on the role it has played throughout the year, and especially during Carers Week. It is important to recognise carers, as we have done in the Carers (Recognition) Bill, which came before the House earlier this year, and the cross-party acknowledgement of the importance of carers in our society. As an institution we need to do what we can to assist carers, who give up so much in their lives and devote their hearts and strength to helping family members, friends and others for whom they are responsible.

I acknowledge the monumental contribution that carers make to New South Wales. I celebrate their dedication, strength and commitment in undertaking their caring role in our society. The raw dollar savings in terms of what carers deliver to New South Wales is in the magnitude of some \$10 billion in unpaid care. That is just one element of their contribution to the broader society. In many ways we have created a situation, through policies and the law, wherein carers are at the coalface of human service delivery in New South Wales. Other jurisdictions—notably the United Kingdom—have done much more for carers. The United Kingdom's Carers (Recognition and Services) Act 1995 showed that that country was a world leader. In that respect, New South Wales is playing catch-up on this vital issue.

This issue affects people at various times in their lives. I spend a fair bit of time working with my elderly father on the many decisions that have to be made and on getting appropriate support. It certainly

focuses one's attention on the amount of activity that is done, often behind the scenes, by people who take on huge responsibilities in terms of caring for their loved ones. Also, in the context of my disability portfolio responsibilities I have witnessed the wonderful care that is extended to the most vulnerable people in our society. Carers do a fantastic job. Only in recent years have I fully recognised the type of work undertaken and the amount of love and support provided by carers.

In terms of the proposed Carers Advisory Council, the Greens support the establishment of a body representing carers that has direct dialogue with the Government. That is a significant step forward. As I said, I appreciate the bipartisan support in this House for carers. Acknowledgement of carers is non-negotiable for any society that professes to be modern, inclusive, caring and forward thinking. The motion moved by the Hon. Helen Westwood is timely and appropriate. We cannot say too much about the good work undertaken by carers. I hope that the establishment of the council will pave the way for better conditions, rights and support for carers. I commend the motion to the House.

**The Hon. MATTHEW MASON-COX** [3.24 p.m.]: I am pleased to support the motion moved by the Hon. Helen Westwood, which acknowledges Carers Week, from Sunday 17 October 2010 to Saturday 23 October 2010. I recognise and congratulate carers of New South Wales, together with Carers NSW, the peak organisation for carers, on the role they play throughout the year and during Carers Week in particular. As members have noted, carers make an enormous contribution to our community. It is estimated that their contribution to New South Wales is \$10 billion annually, which reflects the cost of replacing carers providing informal care with paid care workers, not to mention the savings realised as a consequence of people with a disability living in the community for longer than would otherwise be the case.

Many carers experience poor health and social disadvantage as a result of the work they undertake, yet too often their contribution goes unrecognised by governments, both State and Federal. I refer to the large unmet need of carers, particularly in terms of supported accommodation and respite care. Last year about 1,700 requests for respite and supported accommodation were received but only 60-odd requests were met. That indicates the enormous unmet need in this area. It is tragic that only 3 per cent of requests for respite and supported accommodation were met; it points to the hopeless situation that many people are faced with when they need this important service and support from the community. I note the ongoing debate about the national disability insurance scheme. That debate is headed by a former member of this place, John Della Bosca. I encourage and support him in that endeavour, as I am sure many other members do. The report on a national disability insurance scheme is still being considered by the Productivity Commission. I look forward to its release shortly so that we may reconsider the issue and dedicate the necessary funds to provide carers and families with the support they deserve.

**The Hon. HELEN WESTWOOD** [3.26 p.m.], in reply: I thank members for their contributions to the debate, which reflect the value we place on the work undertaken by carers. We acknowledge the great contribution that carers make to our society and the people of New South Wales, and we thank them for it. I also acknowledge the great work of Carers NSW, which provides support, information and counselling services and organises events. Its advice to government has been important in making sure that policies, legislation and programs meet the needs of carers and enable them to continue the great work they do in our community by ensuring that those they care for remain at home, close to their family and friends in the community. I commend the motion to the House.

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

**Motion agreed to.**

**Pursuant to resolution Government Business proceeded with.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Government Business Notice of Motion No. 1 and Government Business Order of the Day No. 1 postponed on motion by the Hon. Penny Sharpe.**

**CENTRAL COAST WATER CORPORATION AMENDMENT BILL 2010****Second Reading**

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [3.29 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

**Leave granted.**

I am pleased to present the Central Coast Water Corporation Amendment Bill 2010 to the House.

The bill clears the way for Gosford and Wyong councils to establish the Central Coast Water Corporation to manage the region's water and sewerage services.

The creation of the corporation will see local water and sewerage services delivered by a single provider.

The region's water system is currently jointly managed by the Gosford-Wyong Councils' Water Supply Authority, with individual councils providing on-the-ground water and sewerage services.

Bringing these services under the control of a single council-owned provider will enable the councils to better manage the Central Coast's water system in the face of challenges such as drought, climate change, rising infrastructure costs and population growth.

The Central Coast has the State's third largest water system and it currently services an urban population of 285,000 people. This figure is tipped to increase to 350,000 by 2020.

The Central Coast Water Corporation will:

- provide a single focus for the strategic direction of water services on the Central Coast;
- better utilise the region's assets and water resources;
- provide stronger bargaining power in the procurement of materials, assets and finance; and
- finally engender a business-focused culture that will improve financial performance and service delivery capability.

Ensuring that the business of water and sewerage management is operated effectively, it will benefit local households, businesses and industries by keeping water and sewerage bills affordable and ensuring good quality, reliable services long into the future.

In 2006 the New South Wales Government passed the Central Coast Water Corporation Act to provide a framework for the creation and operation of the Central Coast Water Corporation.

Since then, the New South Wales Government has been working with Gosford and Wyong councils to develop a smooth and effective transition to the new arrangements.

The changes proposed in the Central Coast Water Corporation Amendment Bill clear the way for the corporation to be established.

The bill amends the Central Coast Water Corporation Act 2006, with some minor amendments also to the Energy and Utilities Administration Act 1987.

The proposed amendments empower Gosford and Wyong councils to:

- control the transfer of water supply and sewerage-related functions, staff, assets, rights and liabilities to the Central Coast Water Corporation;
- determine the transfer timing, specifically when councils will cease to be recognised as "water supply authorities" under New South Wales water management legislation; and
- determine the value of councils' assets upon transferral, in agreement with the Central Coast Water Corporation.

The Minister for Water has been working with the councils to ensure that the Government is empowering them to control this process.

The Government supports local councils and water authorities managing local water and sewerage services.

The creation of the Central Coast Water Corporation is a local, council-driven solution to local challenges.

Gosford and Wyong councils have the local expertise and experience needed to create the corporation and transition to the new arrangements in a timely, effective manner.

It makes sense that we empower Gosford and Wyong councils to control the transition process, with appropriate oversight from the New South Wales Government.

Together with Mayors Chris Holstein and Bob Graham, the Minister for Water recently signed a memorandum of understanding between Gosford and Wyong councils and the New South Wales Government on the creation of the Central Coast Water Corporation. The Government appreciates the mayors' support in this exercise.

The MOU outlines a five-phase process for the transferral of functions, staff, assets, rights and liabilities to the corporation.

The Government is focused on ensuring that the transition is cost-effective and won't negatively impact on staff or customers.

Therefore each phase will be subject to a cost-benefit analysis prior to the commencement of the next phase.

Each phase has a maximum duration of 15 months and if all phases demonstrate net benefits, the transition process will be completed over a number of years. Of course, if councils wish, they can complete the process earlier.

If this bill is passed, the MOU requires Gosford and Wyong councils to take immediate action to approve the corporation's constitution, enter into a voting shareholders' agreement, and recommend that the corporation be established within 90 days.

Once established, the corporation will be required to report on the status of the transferral process in its annual report and the Auditor-General will scrutinise the process.

These requirements will ensure strong oversight by the New South Wales Government and are clearly spelt out in the MOU, the Central Coast Water Corporation Act 2006 and this amendment bill.

The five-phase council-controlled transition process will minimise impacts on water and sewerage staff and customers.

In fact, customers are only likely to notice a change in the final phase when they begin receiving water and sewerage bills from the corporation, rather than their local council, and this was an important part of the negotiations with the councils.

That is in the short-term. In the medium to long term the Government expects the creation of the corporation to improve Central Coast water security and help keep water and sewerage bills affordable by improving business efficiency.

Water and sewerage prices will continue to be determined by the Independent Pricing and Regulatory Tribunal.

In regards to staff, their jobs and working conditions are secure.

There will be no forced redundancies for transferred staff for three years, during which time they can apply for a job back at the council if they wish.

The Minister for Water will also be seeking Commonwealth approval to continue to protect these staff under the New South Wales industrial relations system.

Gosford and Wyong councils and the New South Wales Government all agree that establishing a single council-owned water corporation is the best solution to the challenges facing water and sewerage service provision on the Central Coast.

While the Central Coast Water Corporation Act 2006 provides an effective framework for the creation and operation of the corporation, it is necessary to make some minor amendments to give Gosford and Wyong councils greater control over the transition process.

The corporation is a local, council-driven solution and it makes sense that local councils manage its creation, with appropriate oversight from the New South Wales Government.

The Central Coast Water Corporation Amendment bill clears the way for the corporation to be established and deliver much-needed reform to local water and sewerage services.

I commend the bill to the House.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.30 p.m.]: From the outset I want to declare an interest in this issue. I am a resident of the Central Coast and, more particularly, a resident of the valley within the water catchment of Mangrove Dam, although I am not a customer of the Central Coast Water Corporation as I rely on tank water, not mains water. It is important for me to put on the record in this House that I live in the area that is affected by this legislation. Within weeks of my entering Parliament in 1996 a committee instituted by this Government reviewed Central Coast water services. The aim of the Government at the time was to amalgamate Central Coast water services with Sydney Water.

The Central Coast Water Corporation covers the local government areas of Gosford and Wyong. The corporation is owned by and accountable to both of those councils. The sovereignty of the Gosford-Wyong Council Water Supply Authority, now Central Coast Water Corporation, has been in jeopardy on a virtually

continuous basis throughout the entire term of the current Labor Government. Water supply security on the Central Coast is an issue regularly raised by members from both sides of this Chamber over many years. Review after review had shown that Central Coast water was operated efficiently and sustainably. Yet the Labor Government has sought on more than one occasion to take away its sovereignty—despite the very vocal protestations of Central Coast residents and members of Parliament from the Central Coast. This bill will establish the Central Coast Water Corporation as a water supply authority under New South Wales water management legislation.

Amending the Central Coast Water Corporation Act 2006 will allow Gosford and Wyong councils to control the transfer of all water and sewerage assets, functions, and staff rights and liabilities to the new corporation; determine the timing of the above transfers including when councils will cease to be water supply authorities; determine the value of the assets being transferred, and require the corporation to be established by the end of 2010. This bill arises from concerns raised by Gosford and Wyong councils following the passage of the original bill in 2006. It is strongly supported by both councils. In doing so, they are seeking to streamline management of water and sewerage services to serve the rapidly growing population of the coast. If members are not aware, according to the Government, the Central Coast is projected to grow to 350,000 residents by 2020. In 1996, there were just 263,050 residents. This population growth has naturally put a strain on the water supply, let alone every other aspect of government infrastructure, of the region and its ability to dispose of the waste that comes with an increasing population.

The construction of the Mardi to Mangrove Link is key to securing our water supply. It will link Ourimbah Creek and Wyong River to Mardi Dam and then onto the Mangrove Creek Dam. One of the important issues the coast has had to deal with for many years is Mardi Dam being full but Mangrove Creek Dam remaining worryingly low. The construction of this linking pipeline will allow excess water from Mardi Dam to be pumped up to Mangrove Creek to boost water storage levels. Like many regions, the Central Coast has suffered under water restrictions during droughts. This project, due to be completed by June next year, will bring invaluable water security to the region. Prior to the last election this side of the House promised to commit \$80 million to commence construction of this project. It was quite a detailed response by members of the Opposition to a concern that most certainly existed because of drought conditions at the time. We called the policy drought proofing the Central Coast, which was drawn together using the existing expertise on the Central Coast in relation to the water needs of residents on the Central Coast.

It was about putting together a reasonable water grid. It recognised the need for infrastructure and a fund and the increase in the rainwater tank rebate. Councillors and many who saw water as a key issue for the Central Coast welcomed all of those policy initiatives. The Opposition has gone much further by recognising that there needs to be protection of catchment areas on the Central Coast, and more particularly where I live, to ensure that that water supply will continue, which the Mardi to Mangrove Creek Dam project addresses. I am proud as a member of a coalition that put the issue on the agenda four years ago that the Government recognised the need to make sure the necessary infrastructure is in place to enable this project to come to fruition. It is now in its final stages. There has been difficulty for the people in the Yarramalong Valley, in particular, with the installation of these massive pipes but this project is vital for all coast residents.

When one considers the infrastructure that is already in place between the Central Coast and the Hunter Water supply, it is not surprising that this project is equally important to the people of the Hunter who are very mindful of their future ability to be drought-proofed in the event of future difficulties. Whilst this project is about the Central Coast, it has a very strong relationship to water supply in the Hunter Valley. I hope that it will bring to an end the continuing debate by former members of the Labor Government who pushed the agenda to get their hands on Central Coast water. But they have now moved on to other careers and I hope that commonsense has finally prevailed with members of the Government and that the message that the Opposition has been putting forward since 1996 of a Central Coast Water Authority to protect that sovereignty is, in fact, the right thing for the Central Coast. We are now seeing it in the form of this legislation.

I congratulate all those people who have maintained the rage, so to speak, since 1996; members of the unions who I met in 1996 worked for the local councils and were protecting their jobs, the water supply and the sovereignty of this project. They have fought a long battle and they are to be remembered in relation to this debate. I hope this is the end of the matter. The Greens have foreshadowed three amendments to this bill. I have looked at the submissions of the Acting General Manager, Mr Terry Thirwell, Gosford City Council, and the General Manager, Michael Whittaker, Wyong Shire Council and the Government's understanding of the impact and quite simply the Opposition will not support those amendments. I thank the Hon. Dr John Kaye for giving the Opposition the opportunity to look at the amendments and consult with people on the ground who have an understanding of the details in relation to this matter.

**Dr JOHN KAYE** [3.37 p.m.]: On behalf of the Greens, I speak on the Central Coast Water Corporation Amendment Bill 2010. This is the final stage in the creation and giving life of the Central Coast Water Authority. The legislation before us creates a five-stage process in which to transfer the water and sewerage staff, assets, liabilities and functions of Gosford and Wyong councils to the Central Coast Water Corporation. It amends the Central Coast Water Corporation Act 2006. Before I begin my substantive remarks, I acknowledge the work of the two councils, the Minister, ministerial staff and the public servants in negotiating an acceptable outcome. It has been a difficult task. Looking back over the past four years since the principal Act was introduced, there has been a lot of to-ing and fro-ing, definitely with good intent on all sides, and with some history in the area of water corporations and water corporatisation, it gives good reason for concern on behalf of all parties. The process has enabled progress towards addressing a number of those concerns. The two councils and residents of the Central Coast community have overwhelmingly expressed concern about the Minister having the final say about many aspects of the corporation and corporatisation.

An independent survey of Wyong shire residents in January 2008 showed that 91.3 per cent of them did not want their local water and sewerage services to be corporatised, 87.5 per cent said that they were concerned that the creation of a separate bureaucracy on the Central Coast would make it easier for the State Government to ultimately obtain dividends from water and sewerage services on the Central Coast, 94.7 per cent said that they believed corporatisation would lead to higher costs, and 93.4 per cent believed that control of the water supply and sewerage assets should remain with the local community and not be transferred to a State Minister. What that shows on the ground is that—hardly surprisingly—there is grave concern about corporatisation. Some of it may be well founded; some of it may not. Nonetheless, the community is deeply concerned about corporatisation and, in particular, about the capacity of the State Government to seize control of the dividends from those assets and to seize control of where those assets go.

The amending bill does recognise a number of those concerns. While we are not opposing the bill itself, we recognise that there is a need for a Central Coast water authority or some centralised body that has control of water. Having the two councils running the water and sewerage services separately has a number of problems. It is a block on quality planning where a central authority—one single authority—will be able to respond to the needs of both areas in a more efficient fashion. A central authority will be able to build up the supply infrastructure and to have a more progressive implementation of demand management and demand reduction. One single authority will create greater purchasing power and one single authority will allow for the realisation of economies of scale.

However, a number of questions remain about whether the proposed corporate structure to be implemented by this legislation is the most appropriate for the task of joining together the water and sewerage provisions. There are key fears that came out of the survey. The first focuses on the commercial objective of a corporation. Where a corporation pursues a commercial objective to the exclusion of serving the needs of the community environment there is always a problem. When money comes ahead of the need to provide water and sewerage services, basic survival services, problems arise, particularly where there are significant costs in providing those services.

The second problem is that of control over the assets. You might call it an urban myth or you might call it an open secret, but Hunter Water has had its eyes on the Central Coast water supply for decades, probably since 1980, if not before. I am not old enough to really have much memory before 1980, but Reverend the Hon. Dr Gordon Moyes would have detailed memory going back to the very history of this.

*[Interruption]*

**The Hon. Michael Gallacher:** Interjections are unparliamentary, so you get the last word.

**Dr JOHN KAYE:** I acknowledge the interjection of the Opposition Leader. I am looking forward to hearing about the history prior to that. This is a serious issue about what happens to those assets. Hunter Water has its eyes on the franchise area and the assets of the Central Coast. It is certainly a fear that has been expressed to me by residents of the Central Coast on a number of occasions and it is something which is probably real.

The third concern we have has to do with accountability. Once a sewerage and water supply is corporatised, its accountability back to the local community is a concern. If one looks at the behaviour of Hunter Water Corporation, particularly over the last four years, many of those concerns are clearly justified. We will therefore move amendments in the committee stage to address each of those. We will move an amendment to address the issue of the commercial objective taking priority or at least being, according to the legislation,

co-equal with the social and environmental objectives. We will move an amendment to make it very clear that assets cannot be sold or transferred to Hunter Water or anywhere else—indeed to Sydney Water—without the approval of both Houses of Parliament. We will also move a very simple amendment for accountability. Each of these amendments goes some way towards addressing the community's concerns about corporatisation.

I conclude my remarks by reiterating my congratulations to the Greens and to those members of local government authorities and the local community who have worked hard to achieve what should be, particularly if the Greens' amendments are passed, a better outcome for the people of the Central Coast.

**The Hon. SOPHIE COTSIS** [3.45 p.m.]: I support the Central Coast Water Corporation Amendment Bill. The bill clears the way for the Central Coast Water Corporation to be established as soon as possible. Bringing all water supply, sewerage and drainage services on the Central Coast under the control of a single council-owned corporation would benefit the 125,000 households and businesses that currently rely on these services. This growing region needs a water supply authority that can act strategically and, if necessary, swiftly to overcome key challenges. These challenges include rising infrastructure costs, skills shortages, drought, climate change and population growth. With rising costs, it is important that any new management arrangements deliver value for money and help keep water and sewerage bills low.

Gosford and Wyong councils and the New South Wales Government all agree that a council-owned water corporation is the best governance model for the Central Coast. This is not in question. What is in question is the best way to transition to the new governance arrangements in a way that is cost effective and would not negatively impact on council staff and customers. However, these matters were dealt with in negotiations and all parties agreed on a solution with the signing of a memorandum of understanding on 9 August 2010.

This amendment bill puts forward the minor changes needed to enact the terms of the memorandum of understanding and ensure a smooth transition to the water corporation model. The bill empowers Gosford and Wyong councils to control the transfer of functions, staff, assets, rights and liabilities to the Central Coast Water Corporation. The councils have developed a five-phase transferral process that aims to ensure the process is cost-effective and delivers a net benefit to customers, and that the corporation is ready to take on more assets, staff and responsibility before each phase begins.

The best interests of water and sewerage staff and customers on the Central Coast lie at the heart of the new governance arrangements and proposed transferral process. A cost-benefit analysis would be completed within 15 months of commencing each phase before the next phase can begin. While the entire transferral process is expected to be completed within a few years, no arbitrary deadline has been imposed. Decisions on when to proceed to the next phase will be based on the readiness of the corporation and the benefits to customers and staff. In regards to customers, there should be no disruption to services and they should not notice any change until the corporation assumes responsibility for customer service. This would occur in the final phase and the only immediate change would be that water and sewerage bills would be issued by the Central Coast Water Corporation rather than Gosford and Wyong councils. It is over the medium to long term that Central Coast ratepayers would reap the benefits of moving to the new governance model.

The Central Coast Water Corporation would provide a single focus for the strategic direction of water services on the Central Coast; better utilise the region's assets and water resources; provide stronger bargaining power in the procurement of materials, assets and finance; and engender a business-focused culture that will improve financial performance and service delivery capability. This means that the business of water, sewerage and drainage service delivery will be managed more efficiently, helping to keep customer bills low, maintaining high quality services, enabling better planning for the future and ensuring that important decisions do not become fodder for local government politics.

More importantly, the jobs and working conditions of staff are protected under the Central Coast Water Corporation Act 2006. Staff will be gradually transferred from Gosford and Wyong councils to the corporation in line with the transfer of functions. The existing entitlements of staff affected by the establishment of the corporation will be preserved. Transferred staff will retain all rights to annual leave, extended service leave, sick leave and other forms of leave. Existing entitlements and conditions of service, including the length of service for transferred and non-transferred staff, will be preserved until a new award is negotiated. More importantly, there will be no forced redundancies of transferred staff for three years, and transferred staff have a three-year right to apply for a job back at Gosford or Wyong councils and be treated as if they were an internal applicant.

The Act requires that regulations be made that must provide for equal opportunity and merit-based appointment in accordance with the Local Government Act 1993. Furthermore, under the terms of the memorandum of understanding, the Government will make an order under section 9A of the Industrial Relations Act 1996 to declare the Central Coast Water Corporation not to be a national system employer. Once the Commonwealth endorses the declaration, the corporation's award employees will be covered by the New South Wales industrial relations system. These measures have the support of the United Services Union, the councils and affected employees.

As I have said, Gosford and Wyong councils have developed a sound transferral process that will minimise impacts on water and sewerage customers and staff. The New South Wales Government believes that in combination with the existing Central Coast Water Corporation Act 2006 and the memorandum of understanding signed on 9 August 2010, this amendment bill provides the councils with the appropriate powers to control the transferral process while ensuring that the proper checks, balances and protections are in place. That is in the best interests of all parties and, most importantly, the 285,000 residents of the Central Coast, who are best served by the timely, successful creation of the Central Coast Water Corporation. I support the bill.

**Reverend the Hon. Dr GORDON MOYES** [3.52 p.m.]: As a long-term resident of the Central Coast and as Parliamentary Leader of Family First, I am pleased to represent the region to discuss the Central Coast Water Corporation Amendment Bill 2010. I thank each of the previous speakers, whose insights I appreciate and agree with. The object of the bill is to amend the Central Coast Water Corporation Act 2006 to facilitate the establishment of the Central Coast Water Corporation as a water supply authority, to amend the Energy and Utilities Administration Act 1987 to provide for the corporation to be made a contributor to the Climate Change Fund, and for other purposes.

The proposed amendments will enable Gosford and Wyong councils to control the transfer of water supply and sewerage-related functions, staff, assets, rights and liabilities to the Central Coast Water Corporation, which will now be the sole body looking after dams, pipes and reticulation; to determine the transfer timing, specifically when councils will cease to be recognised as water supply authorities under New South Wales water management legislation; and to determine the value of councils' assets upon transfer, in agreement with the Central Coast Water Corporation.

Gosford City Council and Wyong Shire Council are each designated as a water supply authority under the Water Management Act 2000. These two councils have a longstanding agreement to construct, operate, maintain and share the cost of the headworks system components serving each council's water distribution system. The Leader of the Opposition in this House outlined in his speech some of the responsibilities relating to pipes and the dams involved. Currently Gosford City and Wyong Shire councils jointly manage the bulk supply of water for the region, sourced from rivers and elsewhere, stored in dams and treated ready for use. Each council then separately distributes treated water to our taps and also manages local sewerage and drainage services.

I manage my own water capture in three large tanks containing about 100,000 litres, recycle all run-off and grey water on my property to a dam and reticulate that through drippers throughout my garden. That also waters livestock and animals on the small acreage I have. I self-manage our own sewerage system. The self-managed sewerage system is another means of taxing residents for looking after their own waste and charging them for doing it most efficiently.

The joint water supply system serves a current urban population of 285,000 people and although I was compelled to join the system because a pipe was brought to our property, even though I did not need it, I am also regarded as a customer. Current population projections indicate that the 285,000 people mentioned by the previous speaker will grow to 350,000 by 2020. The water supply demand in 2001 was 33,270 megalitres, but based upon current growth projections, demand will be above 40,000 megalitres a year by 2020.

This bill establishes the Central Coast Water Corporation to manage the region's water and sewerage services. The establishment of the corporation will mean a single provider will deliver local water and sewerage services for the first time. As was mentioned by the Leader of the Opposition, this has been an issue that has raged for at least 30 years, to my knowledge. Wyong Shire and Gosford City councils have managed their own water supply, sewerage and drainage services for at least 30 years. While the two councils have had comprehensive debates on important water issues affecting the Central Coast, they have now succeeded in working together to make key decisions for the benefit of the whole community.

For at least 35 years, I have had properties in both the Gosford City and Wyong Shire council areas and I have benefited from both councils' supplies. However, the tensions between Gosford City Council and Wyong Shire Council have been real for a long time. The local paper has found this dispute capable of filling one front page after another. Personally, I believe the two councils should amalgamate and sell off their valuable central business district sites and build one new council centre on a greenfields site in Tuggerah, which is now the central business location for both areas. However, has any member ever heard of any council that has worked to put itself out of existence? It is like what happened in Verona, where members may recall there was a street brawl between the Montagues and the Capulets, or for members who are not familiar with Shakespeare, the New York City Sharks and Jets, from *West Side Story*.

Wyong council has openly expressed its concern over water corporatisation and the impact on local ratepayers. I am sure the reason the Greens have proposed amendments to the bill is because the council believes that corporatisation will lead to increased water rates, lower service levels, government takeover of water supply, sewerage and drainage services, water privatisation in the long term, the potential for dividend payment to the State Government, water ownership by an organisation outside the Central Coast, loss of \$1 billion of community-owned assets, and loss of local jobs.

If a local council of any political persuasion put that issue to the community, the community would be up in arms about what was happening to its community-owned assets. An independent survey commissioned by Wyong Shire Council found that 91 per cent of respondents said that they agreed that local water and sewerage services should not be corporatised; 94 per cent were concerned that corporatisation would force up the cost of water and sewerage services; 87 per cent agreed that corporatising the Central Coast's water and sewerage services might lead to the New South Wales Government privatising those services at some time in the future; 91 per cent agreed that water and sewerage services should be controlled by a local organisation in preference to a corporation located outside the area, specifically if it were headquartered in Sydney; and 84 per cent agreed that the creation of a third bureaucracy was undesirable. Initially, Wyong Shire Council supported its apprehension by stating:

Four years ago the Government said it would not merge the water, sewerage and drainage services of Wyong and Gosford Councils. Now it is demanding that these services are merged into a new and separate Corporation.

Several meetings were held between Gosford City Council, Wyong Shire Council and the Minister for Water, Mr Phillip Costa. In an unbelievable act that covers 35 years of conflict and dispute, all parties have now agreed on a memorandum of understanding that sets out the arrangements to provide councils with greater control over the transfer of assets and liabilities. I commend Minister Costa for bearding the lion in each den, for bringing them together and for bringing about this agreement. The memorandum outlines a five-year to six-year transition period, during which water, sewerage and drainage infrastructure will be transferred from the councils to the new corporation. Benefits to the community will be thoroughly assessed at each stage of the transition period, while existing jobs will be protected. Minister Costa said:

The corporation would streamline the delivery of essential water and sewerage services, resulting in better services for the 125,000 homes and businesses in the region ... and the memorandum of understanding guaranteed the corporation would be jointly owned by Gosford and Wyong councils once the final legislative amendments were in place.

Issues considered by the Legislation Review Committee included:

1. The Committee notes that the proposed Act is to commence on a day or days to be appointed by proclamation. This may delegate to the Government the power to commence the Act upon whatever day it chooses or not at all.
2. The Committee also notes that the Agreement in Principle speech indicated that the memorandum of understanding between the relevant Councils and the Government outlines a five-phase process for the transfer of functions, staff, assets, rights and liabilities to the Central Coast Corporation.
3. Therefore it will likely involve appropriate administrative and transitional arrangements to be made. The Committee is of the view that there may be good reasons why such discretion for the commencement by proclamation is required, and the Committee considers that, in these circumstances, this may not give rise to the appropriate delegation of legislative power.

In conclusion, as long as Wyong Shire Council and Gosford City Council have agreed on the pertinent issues surrounding the formation of a water corporation, and both are free from the predatory claims under the Hunter Water Corporation, they may form a water corporation that might be regarded as a 35-year miracle. They are pleased that the outcome will not adversely affect taxpayers, local assets or local jobs. On that basis I am

pleased to commend the bill to the House. However, I include a word of appreciation for Mr Phillip Costa, the Government Minister who worked so hard to bring about this agreement. Mr Phillip Costa worked a miracle in our time.

**Reverend the Hon. FRED NILE** [4.04 p.m.]: On behalf of the Christian Democratic Party I support the Central Coast Water Corporation Amendment Bill 2010, which will facilitate the establishment of the Central Coast Water Corporation by the end of 2010 and the phased transfer of water supply and sewerage functions to it from Gosford and Wyong councils. Over the years I have visited Gosford and Wyong regularly and have found them to be important population and industrial centres in our State. This process will assist in their further development for the benefit of residents on the Central Coast. Last week I visited the Salvation Army centre in Wyong for the launch of an important book written by Trudy Adams, who is only 23 years old. The book deals with the life of Megan, a 16-year-old girl, during the Depression.

I had an opportunity to see how the population in Wyong had grown and how housing and other industries had expanded in the area. The Central Coast Water Corporation will streamline the delivery of water and sewerage services, resulting in better services to the 125,000 homes and businesses in the Central Coast region. It will enable councils to better manage the Central Coast water system in the face of challenges such as drought, climate change, rising infrastructure costs and population growth. The bill provides for a locally driven consultative process for transfer of functions in five phases supported by regular, independent cost-benefit analysis. All this is based on the memorandum of understanding between the two councils that was negotiated by Mr Phillip Costa, the Minister for Water.

Phases one and two will involve the transfer of strategic planning functions; phase three will involve the transfer of bulk water supply assets, dams, pipelines and water treatment plants; phase four will involve sewerage treatment assets, pump stations, water and sewerage trunk mains; and phase five will involve the remaining water supply and sewerage assets, including all drainage assets. Each phase will be conducted over a period of not more than 15 months. The bill will ensure that the transition to a corporation will protect jobs and minimise disruption to customers. The transfer of assets will be made at fair value, backed by an independent valuation if necessary. The corporation will be accountable to its owners—the councils—who will continue to have a say in water supply and sewerage services. The establishment of the corporation will provide a single focus for the strategic direction of water services on the Central Coast; to better utilise assets and water resources; and to provide stronger bargaining power in the procurement of materials, assets and finance. I am pleased to support the bill.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [4.07 p.m.], in reply: I thank all members for their contributions to the debate on the Central Coast Water Corporation Amendment Bill 2010. I thank them also for their support for the bill. I indicate that the Government will not support the amendments that the Greens propose to move in Committee. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

**Clauses 1 and 2 agreed to.**

**Dr JOHN KAYE** [4.09 p.m.]: I move Greens amendment No. 1:

No. 1 Page 3, schedule 1. Insert after line 29:

[3] **Section 5 Principal objectives of the Corporation**

Omit section 5 (1) (c).

The intention of the amendment is to remove objective (3) from the principal Act of the corporation, which is:

To be a successful business and, to this end:

- (i) To operate at least as efficiently as any comparable business, and
- (ii) To maximise the net worth of the constituent councils' investment in the Corporation.

The principal Act prescribes a number of objectives for the water corporation. Among those are the efficient delivery of water supply, sewerage and draining services; maximising water conservation, demand management and the use of recycled water; exhibiting a sense of social responsibility; and the conduct of environmentally sustainable development within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991.

The problem arises from the fact that subsection (2) of section 5 of the principal Act requires that all of those objectives are to be accorded equal importance. That means that the corporation's objective that it be run as a successful business—that is, being as efficient as any comparable business, and maximising the net worth of constituent councils—rates alongside delivery of water supply, sewerage and drainage services, maximising water conservation, and exhibiting social responsibility and environmental sustainability. That is to say that the corporation, in its decision-making and in its operations, is to act like a successful business. There is nothing wrong with successful businesses, but this corporation is about service delivery. It is about serving the constituents of the two councils. It is about providing a service with a sense of environmental sustainability for those councils.

By providing for a business objective, the legislation creates a need for the corporation to cut costs, even though that may in some senses have environmental or social costs, and to maximise net worth at the expense of consumers and at the expense of the community. While there is nothing wrong with business, it is an inappropriate model that requires a water services authority to behave like a business. Therefore the Greens propose that that section be deleted, leaving the other objectives in place. The effect of the amendment will be to ensure that the principal focus of the corporation will be on the efficient delivery of conservation and demand management, social responsibility and the environment, without being constrained by the need to act as a business.

This is a long, ongoing debate about how it is appropriate to deliver public services. It has long been held by conservative economists that the best way to deliver services is through a business model, to emulate what happens in the private sector. The Greens do not subscribe to that model. There are other ways in which organisations can be formed to provide quality services and to protect the environment and the value of its assets without behaving as a business. They can easily behave as an authority. There is a long tradition of water authorities and other service authorities behaving in a way that serves the needs of the community. We therefore commend the amendment to the Committee.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [4.12 p.m.]: The Government does not support the amendment. The Act has five principal objectives, which I will not repeat, dealing with the key issues of efficient delivery of water supply, maximising water conservation, operating as a business, exhibiting a sense of social responsibility, and considering the impact of its activities on the environment. Each of the principal objectives of the corporation is of equal importance.

The Greens amendment would effectively remove the requirement for the corporation to adequately manage its assets, that is, the community's assets, in a responsible manner. In addition the amendment, if adopted, would not require the board to compare the corporation's performance with that of other similar businesses. Under the Greens proposal, there would be no measure for efficiency because quite clearly the amendment implies that efficiency is not important in the running of the organisation, and that to be a successful business is not important. Try telling that to the millions of Australians who invest in corporations, directly or indirectly, to provide for their superannuation.

The reality is that a business needs to operate efficiently to enable it to survive in the long term. In the private sector, competition drives efficiency. If a competitor is not efficient, it loses sales, market share, investor confidence and cash flow, and eventually goes out of business. Its shareholders lose too. If the corporation fails to operate efficiently, that will place a financial burden on its shareholders and ultimately the Central Coast community, who are its shareholders. In short, the proposed amendment introduces the risk that the shareholders—that is, the councils, and therefore the community—ultimately will end up subsidising an inefficient operation because the corporation's net worth will have declined; that is, its assets would be insufficient to maintain operations.

An efficient Central Coast Water Corporation will provide benefits to the shareholders and the community. The corporation can generate cash, which can be distributed to the councils as dividends for community services other than water and sewerage. Or the cash can be retained in the business to finance new investments, fund asset renewals, meet demands for new and renewed infrastructure investment, or to meet

other needs such as improving environmental outcomes. Even monopolies benchmark themselves against similar businesses in other markets to gauge how they are performing. So do their shareholders. This form of benchmarking is very important in encouraging improved performance by monopoly businesses such as the Central Coast Water Corporation. Performance is measured not only in terms of financial returns but factors such as service quality, customer hardship assistance schemes and dispute resolution policies. Under the Greens proposal, everyone loses. The Government does not support the amendment.

**Question—That Greens amendment No. 1 be agreed to—put and resolved in the negative.**

**Greens amendment No. 1 negatived.**

**Dr JOHN KAYE** [4.16 p.m.], by leave: I move Greens amendments Nos 2 and 3 in globo:

No. 2 Page 3, schedule 1. Insert after line 32:

**[4] Section 25 Sale or disposal of main undertaking**

Omit section 25 (1). Insert instead:

(1) None of the main undertakings of the Corporation, and none of the main undertakings of any of its subsidiaries, may be sold or disposed of (including by way of transfer to the Sydney Water Corporation, the Hunter Water Corporation or any other state owned corporation) unless the sale or disposal is approved by:

- (a) the voting shareholders, and
- (b) a resolution of each House of Parliament.

No. 3 Page 6, schedule 1. Insert after line 30:

**[12] Schedule 3 Constitution and procedure of Board**

Insert after clause 14:

**15 Minutes of meetings to be made public**

A copy of the minutes of the meetings of the Board (other than any part of those minutes that reveals any commercial in confidence information) is to be made available by the Corporation for public inspection within 7 days of the meeting concerned.

Greens amendment No. 2 is an important amendment because it will prevent the main undertakings of the corporation or any of its subsidiaries from being transferred, sold or otherwise disposed of, including to the Sydney Water Corporation, the Hunter Water Corporation or any other state-owned corporation, or to any private sector organisation, unless the sale or disposal is approved by both the voting shareholders—that is, the two councils—and by a resolution of each House of Parliament. The reason for the amendment is precisely that outlined in my speech on the second reading. The Greens have grave concerns about not only Hunter Water but also Sydney Water having designs on the 280,000 customers on the Central Coast, projected to soon grow to 350,000 customers, and also on the highly valuable assets, including pipelines, two large dams and two or three desalination plants currently subject to approval. There is no question that those are desirable assets. Both the Sydney Water Corporation and the Hunter Water Corporation have for many years lusted after Central Coast assets. It is important that we ensure that an unfortunate outcome in any one election—or two elections on the Central Coast—does not leave the voting shareholders in favour of offloading those assets. This amendment is about securing those assets for the community of the Central Coast. It is about making sure that they are not privatised. It is about ensuring that they are not transferred to another corporation. Greens amendment No. 3 is about public accountability. It simply says:

A copy of the minutes of the meetings of the Board (other than any part of those minutes that reveals any commercial in confidence information) is to be made available by the Corporation for public inspection within 7 days of the meeting concerned.

This is about making sure that the decisions of the board are publicly accountable. It may well be that this is the intended practice of the board. However, it is important that public access to the decision-making of the board be enshrined within legislation.

**Mr David Shoebridge:** And not diminished.

**Dr JOHN KAYE:** Yes. It is very good to have a lawyer who can put those types of words together. I commend both amendments to the Committee.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [4.19 p.m.]: The Government will not support either Greens amendment. Greens amendment No. 2 deals with the sale or disposal of the main undertaking. The purpose of the bill is to establish the Central Coast Water Corporation. It is not about revising the areas of operation of neighbouring water authorities. There is no plan for an expansion. The councils support the bill in its current form. The Government has discussed the Greens amendments with the councils and they have indicated, in writing, that they do not support the amendments.

The water supply and sewerage functions of the Hunter Water Corporation and the Central Coast Water Corporation are confined to areas specified in their respective legislation. The areas do not overlap. The Central Coast Water Corporation will serve the Central Coast community. The corporation's area of operations will be confined to the local government areas of the Gosford City Council and the Wyong Shire Council.

In the event of an agreement between the Central Coast Water Corporation and another water authority to transfer the corporation's functions to that authority, the transfer of those functions cannot proceed without the consent of the Minister. However, if the Government decided to transfer the functions of the Central Coast Water Corporation to another water authority, then amendments to the Central Coast Water Corporation Act would be required.

As regards the member's specific concerns related to the amendment, I point out that these provisions already are stipulated under existing legislation. This is not an attempt by the Government or the Central Coast councils to vary the existing arrangements. Neither Hunter Water nor Sydney Water could take on the functions of the Central Coast Water Corporation without the approval of the Minister. The Government and the councils have negotiated in good faith to establish the Central Coast Water Corporation. The Government has no intention of taking over the functions and assets of the Central Coast Water Corporation.

The water supply, sewerage and drainage assets that currently belong to the councils will be vested progressively in the corporation. The corporation will be owned by the councils, which are the only two shareholders permitted under the Central Coast Water Corporation Act. This will prevent any other entity from controlling the corporation.

In relation to Greens amendment No. 3, which relates to the release of the board's papers, I point out that the Central Coast Water Corporation Act does not require the corporation to release its board's papers. The corporation will be a commercial operation. Its decisions often will be based on commercially sensitive information which, if released, could have detrimental financial impacts. The Government Information (Public Access) Act 2009 [GIPA] provides the appropriate process for releasing information to the public.

The Greens amendment places another administrative burden on the corporation. Merely providing an exception in the case of commercial-in-confidence documents is insufficient to give the board comfort that it can have candid discussions on issues affecting the corporation. The Greens proposal places an obligation on the Central Coast Water Corporation that does not extend to Sydney Water or to Hunter Water. The corporation will be accountable to its owners, which are the councils, through its constitution, statement of corporate intent and audited financial reports.

In addition, the corporation is required to prepare an annual report on its achievements with respect to the objectives and performance targets set out in its statement of corporate intent. These reports must be provided to the Minister. The Act requires the Minister to lodge with Parliament at regular intervals substantial information regarding the corporation, including the statement of corporate intent, modifications to the statement of corporate intent, half-yearly reports, annual reports, notice of dividend payments to shareholders, voting shareholders' approvals in relation to interests in other corporations as well as significant acquisitions and/or disposal of assets. Notwithstanding the processes I have mentioned, the Government believes that ultimately this is a matter for the Central Coast Water Corporation Board to decide. The Government will not support amendments Nos 2 and 3.

**Dr JOHN KAYE** [4.23 p.m.]: Before I deal in detail with the Government's attitude to the amendments, I thank the Parliamentary Secretary for her comments. The Parliamentary Secretary suggested that acceptance of Greens amendment No. 3 would impose an administrative burden on the corporation. I find it quite difficult to understand how taking the board's minutes and going through them to check that nothing is commercial in confidence and putting them on a website is an administrative burden. But if it is, it is a burden worth bearing for the sake of openness and accountability. It has been suggested that this requirement does not extend to Hunter Water or to the Sydney Water Corporation, and that is actually relevant. It behoves us to create a water corporation that is a world leader, or at least a statewide leader, in terms of openness and accountability.

An appeal based on the Government Information (Public Access) Act 2009 is not appropriate. This is not a matter that warrants a long process of filling in forms. As a matter of process, this is something that should be in the public domain. It is now in the public domain because many if not all of these decisions already are recorded in the minutes of the council, and they are now publicly available, except for those that relate to matters that are commercial in confidence.

In response to the Parliamentary Secretary's comments on Greens amendment No. 2, it seems to me that the Parliamentary Secretary's main defence is that neither the Minister nor the councils would do this, so we do not need that amendment. The Government's defence is that there is no intention to do this now, so we do not need to worry about it. Those comments echo claims made during a debate that occurred in this Chamber in 1996 at the time that the State Owned Corporations Act was passed by Parliament by which large parts of the State's public sector undertakings were converted to corporations.

It was basically a case of the Government saying, "Trust this Treasurer. He would never do that." That very Treasurer who had carriage of the State Owned Corporations Act proceeded to do exactly that in a number of cases, and every single one of his successors has tried to sell off something. Some tried to sell off a lot of public enterprises. It is not good enough to say, "Oh, it wouldn't happen because the shareholders wouldn't do it", or, "The Minister would not like it to happen." It can happen. We should plan for the worst. It is important that we have legislative protection to ensure that at least this corporation is not subject to the whims and fancies of its shareholders and the Minister, and thus is open to assets stripping or assets transfer to one of the larger water corporations to its north or to its south. I commend both amendments to the Committee.

**Question—That Greens amendments Nos 2 and 3 be agreed to—put.**

**The Committee divided.**

**Ayes, 5**

Mr Cohen  
Reverend Dr Moyes  
Mr Shoebridge

*Tellers,*  
Ms Faehrmann  
Dr Kaye

**Noes, 30**

Mr Ajaka  
Mr Borsak  
Mr Brown  
Mr Catanzariti  
Mr Clarke  
Ms Cotsis  
Ms Cusack  
Ms Fazio  
Ms Ficarra  
Mr Foley  
Mr Gallacher

Miss Gardiner  
Mr Kelly  
Mr Khan  
Mr Lynn  
Mr Mason-Cox  
Mr Moselmane  
Reverend Nile  
Ms Parker  
Mrs Pavey  
Mr Pearce  
Mr Primrose

Ms Robertson  
Ms Sharpe  
Mr Veitch  
Ms Voltz  
Mr West  
Ms Westwood

*Tellers,*  
Mr Colless  
Mr Donnelly

**Question resolved in the negative.**

**Greens amendments Nos 2 and 3 negatived.**

**Schedule 1 agreed to.**

**Schedule 2 agreed to.**

**Title agreed to.**

**Bill reported from Committee without amendment.**

**Adoption of Report****Motion by the Hon. Penny Sharpe agreed to:**

That the report be adopted.

**Report adopted.****Third Reading****Motion by the Hon. Penny Sharpe agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly without amendment.****TABLING OF PAPERS****The Hon. Penny Sharpe** tabled the following reports:

1. Report of the Game Council of New South Wales for the year ended 30 June 2010
2. Report of Riverina Citrus for the year ended 30 June 2010.

**Ordered to be printed on motion by the Hon. Penny Sharpe.****BUSINESS OF THE HOUSE****Postponement of Business****Government Business Order of the Day No. 3 postponed on motion by the Hon. Michael Veitch.****RADIATION CONTROL AMENDMENT BILL 2010****Second Reading**

**The Hon. MICHAEL VEITCH** (Parliamentary Secretary) [4.36 p.m.], on behalf of the Hon. John Robertson: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

**Leave granted.**

This bill is the first major review of the Radiation Control Act since the Radiation Control Amendment Act 2002 implemented the recommendations of the National Competition Policy Review of radiation protection legislation. Since that time, the significant issue of the security of radioactive sources has arisen—that is, the potential for their deliberate misuse in acts of terrorism, for example, a "dirty bomb".

The Radiation Control Act 1990 was originally drafted to ensure the safe storage, use and disposal of radioactive substances and radiation apparatus used in health care and by industry, and to minimise accidents associated with radioactive substances and radiation apparatus. This legislation does not address any part of the nuclear fuel cycle, as activities associated with nuclear reactors or mining for uranium continue to be banned in New South Wales.

The facility at Lucas Heights is run by the Australian Government, under the Australian Nuclear Science and Technology Organisation Act 1987. New South Wales is excluded from having any powers over such Commonwealth facilities and its activities, even those carried out by contractors or subcontractors in the territory of New South Wales.

This bill adds provisions relating to the security of radioactive sources to the Act, in addition to the protection of people and the environment from exposure to harmful radiation. It implements the radiological aspects of the COAG National Chemical, Biological, Radiological and Nuclear Security Strategy and progresses the legislative implementation of the Code of Practice for the Security of Radioactive Sources. These amendments are essential for safeguarding against the deliberate misuse of certain radioactive sources.

The small number of high activity or security enhanced radioactive sources are essential to many aspects of our lives. They are used to sterilise medical supplies, to irradiate donated blood for transfusion, in cancer research and treatment, and in non-destructive safely testing of engineered structures like aircraft wings and bridges.

But we have an obligation to ensure that they do not get into the wrong hands.

To safeguard against these radioactive sources falling into the wrong hands, a security background and identity checking scheme will be introduced, similar to those that are already in place for unsupervised access to explosives and precursor chemicals.

The Security Code requires that a "person responsible" for a security enhanced radioactive source take actions to ensure the source is secure.

The person responsible will be required to ensure that physical security measures are taken so that attempts to gain unauthorised access or remove a source are detected and responded to. They will be required to prepare and implement a security plan which demonstrates how the requirements of the security code are satisfied.

These plans must be approved by a Radiation Security Assessor who will be accredited by the Department of Environment, Climate Change and Water [DECCW] for this purpose.

Abandoning a dangerous radioactive source will also be made a specific offence for the first time.

Failure to comply with these security requirements will be an offence, as will be the provision of false or misleading information in relation to security plans and other matters, such as applications for licences and responding to notices.

Exemption provisions are included in the bill to make allowance for emergency and other situations. Exemptions granted in other circumstances will need to satisfy the EPA that this will not have a significant adverse effect on the safety of people, property or the environment. The exemptions have been included in the bill to also accommodate the emergence of rapidly changing technology and to deal with unforeseen circumstances.

The bill also allows the EPA to require a person responsible for a radioactive source to provide a financial assurance, so that the responsible person, not the community, pays for the clean-up or other costs arising from any harm to the environment.

The bill addresses the State Plan priority of cutting red tape with the introduction of a single company or organisation-based management licence issued by the EPA. Under the current system each item of radiation apparatus or sealed source device had to be managed separately.

The proposed changes to this system mean that a single instrument will cover all radioactive substances, radiation apparatus and sealed source devices in the possession of an organisation or company.

For example, the New South Wales Health Department holds approximately 1523 individual registrations with the EPA across the eight area health services. These will be reduced to a single management licence for each area health service [AHS] covering all of the items they own or possess. For example, the Sydney South West AHS currently holds 307 registrations, but will now be required to hold and process only one management licence covering all the items that they own or possess. Across the board, the proposed system reduces the number of regulatory instruments required by approximately 90 per cent.

These changes to the licensing system are modelled on similar changes enacted in Victoria in 2007 and care has been taken to leave safeguards in place to preserve the existing standards of radiation safety. The changes will also allow the EPA to apply more resources to compliance inspections and audits, and penalties will also apply to failure to fulfil the safety requirements.

Additional measures in the bill to improve the effectiveness of the licensing and accreditation system include:

- A list of grounds which the EPA may take into account when considering renewals, suspensions or cancellations of licences and accreditations.
- Provision of a 60 day period of grace after a licence or accreditation expires during which they can be renewed.
- Providing examples of matters that the EPA can take into account in deciding if a person is fit and proper to hold a radiation licence.

In 1999 the National Competition Policy Review of Radiation Protection Legislation, made recommendations regarding the issue of national uniformity of the legislation. The Australian Health Ministers' Conference agreed that national uniformity would be dealt with through a National Directory for Radiation Protection rather than through the less flexible means of model legislation. A key recommendation of the review was that "jurisdictions are to participate fully and unconditionally in the formulation and implementation of the National Directory for Radiation Protection". Major changes to implement these recommendations were made in New South Wales in 2002 and additional changes that are needed to better align the Act with the National Directory have been included in the bill.

These changes incorporate three important international radiation protection principles of justification of a practice, optimisation of protection, and dose and risk limitation. These principles are essential in minimising the risks of cancer development by applying clear guidance on the exposure of medical patients, medical staff, and members of the public to harmful ionising radiation.

These principles are being applied to radiation protection legislation throughout the world and this bill directly incorporates them into New South Wales legislation for the first time.

Further national alignment of radiation protection legislation is provided here with the inclusion of mining and minerals processing industries in the bill. This sector had until now been exempted from regulation, and these exemptions have now been removed, due to the amendments to the National Directory.

To avoid undue complexity for industry, the new requirements will be administered through the existing regulatory framework for mines, and the Director General of Industry and Investment New South Wales [DII] will become the responsible regulatory authority for the administration of radiation protection relating to radioactive ores on mine sites. The EPA will continue to have oversight of discrete radioactive sources and apparatus. DECCW and DII will ensure that the legislative framework clearly establishes the regulatory responsibilities of each agency in respect of New South Wales mining operations.

As a result of the shared arrangements between DII and the EPA, the section 38 provisions for ministerial consultation and cooperation in these matters across portfolios will be updated. The bill will also allow for the appointment of an additional member to the Radiation Advisory Council with expertise in mining and minerals processing, to ensure a permanent source of technical advice to the Government for policy development.

The bill also contains provision for improvements in the efficiency of administration of enforcement actions and a broadening of the ability of the EPA to take actions in situations involving danger to people or the environment.

The nature of radiation means that detection relies on specialist equipment or the effects of radiation may take many years to manifest. For these reasons, prosecutions will now be able to be commenced within 12 months of the date that officers of the EPA become aware of the offence, rather than within 12 months of the offence taking place, as is currently the case.

The methods of service of documents are also updated in the bill to better align with more contemporary methods of communication. The cost recovery process will be aligned with the Protection of the Environment Operations Act 1997 and will be subject to the same limitations.

The current Radiation Control Act allows notices to take action to be issued only where a breach is occurring or there is unnecessary exposure to, or contamination by, radiation. It does not allow the regulatory authority to issue a notice if it considers that harm is likely to occur. The bill provides for an authorised officer to issue a notice if they believe there is likely to be unnecessary exposure to or contamination by radiation or a contravention of a requirement under the legislation.

Notices will also be able to require a person to refrain from doing something, and will now also have extraterritorial effect in situations where the actions of a person outside New South Wales are causing harm in New South Wales. The bill also provides for several other administrative actions to improve the effectiveness of notices to take action and directions to deal with dangerous situations.

The proposed amendments to the Radiation Control Act in this bill were developed with the support of the New South Wales Radiation Advisory Council, which includes representatives from key professional radiation associations.

The council also includes representatives of other government departments including WorkCover and the Department of Health. The Department of Industry and Investment, the NSW Police Force and the Department of Premier and Cabinet were also consulted. Responses to a public discussion paper in 2009 showed that there is widespread stakeholder support for the proposals in the bill.

I commend the bill to the House.

**The Hon. CATHERINE CUSACK** [4.37 p.m.]: The object of the Radiation Control Act 1990 is to secure the protection of persons and the environment from harmful ionising and non-ionising radiation to the maximum extent that is reasonably practicable, taking into account social and economic factors and recognising the need for the use of radiation for beneficial purposes. The principal Act provides a system of licensing individuals to use, possess or sell radioactive materials; register sources and premises that contain such substances or apparatus; and accredit third parties who are competent to test and certify premises and radiation equipment for certification. The amending bill before the House adds to the objectives of the principal Act a new objective (b), to protect security-enhanced sources from misuse that may result in harm to people or the environment, and a new objective (c), to promote the radiation protection principles.

I will attempt as best I can to translate this into plain English. The principal Act is the instrument the State Government uses to regulate safety in the handling of radioactive substances. The changes before the House will expand these responsibilities to regulating security arrangements for higher-risk categories of radioactive substances and apparatus. I note that the Act does not extend to Commonwealth facilities, and thus does not apply to the Australian Nuclear Science and Technology Organisation facility at Lucas Heights. In New South Wales the main industry sectors using radioactive substances include health—for example, blood banks and major hospitals use irradiators, radiotherapy devices and a gamma knife, which is used in surgery to remove brain tumours. Heavy industry, especially the mining industry, relies on fixed gauges to measure metal thickness or fluid density in industrial plant. Other industrial uses include industrial radiography, such as pipeline testing, and research purposes generally undertaken within public universities.

There are 45 locations and a number of people in New South Wales registered as having a risk for misuse, rated category 1, 2 or 3. These categories are regarded as security-enhanced resources—I believe that

means there is a need to ensure that security is up to scratch. The need to regulate security arises from a decision by the Council of Australian Governments to establish a national register of all facilities, termed as "security enhanced" high-risk sources. A national radiation security code prepared by the Australian Radiation Protection and Nuclear Safety Authority requires all States and Territories to regulate security as well as safety. I thank the Minister's office for the briefing I have had on security needs and arrangements. I will not go into the details because it was suggested I should be discreet, but what struck me as a fairly complex systems approach that I do not fully follow is being taken to implement a plethora of security standards, protocols, accreditations, clearances and registrations.

An issue raised by the Liberal Party and The Nationals is why on earth is the New South Wales Department of Environment regulating this aspect of national security? The answer appears to be that the Commonwealth is reluctant to do the regulation because it does not wish to be responsible for compliance activities. Therefore, this Parliament and the Environment portfolio are forced to undertake legislative and regulatory responsibilities. I think all members are aware that the world of Commonwealth-State relations is less than perfect, and perhaps this is a good example of that. Other matters addressed by the bill include streamlining the licensing system by moving to organisation-based licences or registration. This makes a lot of sense. Finally, the bill harmonises aspects of the principal Act with the Protection of the Environment Operations Act.

In terms of stakeholder consultation, we have contacted the Australian Nuclear Science and Technology Organisation and received advice that the bill brings New South Wales into line with national and international best practice in terms of security, especially the introduction of a system of deposits to pay for the end-of-life management costs of radioactive substances and apparatus. It strengthens the powers of the regulator and enhances penalties for abandoning materials. The Australian Radiation Protection Society circulated the bill to members and reported that it wished to make no comments. On balance, the bill appears to meet community expectations in the management of radioactive materials and also reduces red tape for the regulated organisations. The Liberal Party and The Nationals do not oppose the legislation.

**The Hon. TONY CATANZARITI** [4.41 p.m.]: I support the Radiation Control Amendment Bill 2010. It makes outstanding contributions to the security of radioactive sources, the State Plan priority of cutting red tape, and to the national uniformity of radiation protection legislation. The serious danger of terrorists obtaining radioactive sources and dispersing their contents over an area of a city such as Sydney will be significantly reduced by the measures in the bill that aim to control who has access to those sources. These measures should be supported by all members of this House. No-one will now have access to security-enhanced radioactive sources unless they have been positively identified, and have passed criminal and security backgrounds checks and are assessed as being fit and proper. The amendments in the bill that address the regulatory burden on business in New South Wales by reducing registrations by 90 per cent are a very significant contribution to the State Plan priority of cutting red tape.

The amendments will substantially reduce the administrative overheads for all businesses that have multiple sources of radiation, such as X-ray machines. It is noteworthy that these improved efficiencies will especially benefit people in rural and remote areas of the State. The bill will make it much easier for organisations such as area health services across the State to apply for and maintain licences for the use of radiation in medicine. They will now be able to engage the services of a consulting radiation expert to examine and certify all the radiation equipment in their possession at a time that is most suitable and cost-effective for them and not, as is currently the case, on a number of occasions each year. New South Wales remains at the forefront of the national uniformity process through the inclusion in the bill of the three basic principles from the International Commission for Radiological Protection and through the incorporation of the mining and minerals processing industries in the radiation protection legislative framework. I am pleased to support the bill.

**Reverend the Hon. FRED NILE** [4.44 p.m.]: I support the Radiation Control Amendment Bill 2010, which will amend the Radiation Control Act 1990 to implement the Council of Australian Governments [COAG] national security requirements, streamline the system of radiation registrations in the interests of cutting red tape in line with the State Plan priority, progress national uniformity initiatives, and adopt contemporary radiation safety practices to reduce the risk of cancer in the community. I support all those objectives. In relation to national security requirements, individuals in our society are prepared to break the law and engage in terrorist activities. Recent court cases have involved people who planned attacks on various buildings or the Holsworthy Army camp, and strong controls must be put in place so that the materials listed in the legislation cannot be misused.

It is also important to ensure that we have the correct radiation safety practices to reduce the risk of cancer in the community. Recently I read some alarming reports about doctors who underestimate the impact of

X-rays, order unnecessary X-rays, or who are not aware of the number of X-rays a patient has undergone. Evidence suggests that excessive numbers of X-rays can trigger cancer in certain cells in the body, so this legislation is very important. The Radiation Control Act 1990 ensures that radiation is used safely in medical and industrial applications in Australia. It has a system for licensing individuals who use, possess or sell radioactive substances or radiation apparatus, the registration of radiation sources and premises, and the accreditation of third-party experts who test and certify premises and radiation equipment for registration.

As members know, my wife was diagnosed with cancer of the liver. I have accompanied her to the below-ground-level unit at St Vincent's Hospital where positron emission tomography [PET] scans are carried out. PET scans are very intense X-rays that identify cancer cells in the body. My wife has been subjected to three of those scans in the past two years. I have noticed the care the staff in the unit take. For example, they wear lead-lined aprons to give them additional protection from the radiation. I think they are very brave and conscientious people to work willingly in that environment every day, and I salute them. They are obviously aware of the dangers of misusing radiation.

In April 2007 the Council of Australian Governments adopted a new national chemical, biological, radiological and nuclear security strategy, and the bill will amend the principal 1990 Act to include those provisions. The second main objective, in line with the State Plan 2009, is to cut red tape by making changes to the registration system to reduce the number of registrations issued under the Act by approximately 90 per cent. That is a big improvement, but you must not then go to the other extreme where, by reducing red tape that is there for protective purposes, you compromise radiation safety. A careful balance must be maintained.

The bill will also improve and strengthen administrative and enforcement capability by better aligning the enforcement powers currently available under the Act to include the introduction of enforceable undertakings and financial assurances; strengthening powers relating to the issue and management of notices; the abandonment of sources; providing greater flexibility for commencing a prosecution under the Act; and establishing a public register of licensees. The bill will also remove the exemption applying to radioactive ores on mine sites from the provisions of the Radiation Control Act, and provides for a mechanism by which Industry and Investment NSW can be prescribed as the responsible authority for regulating this material under the Radiation Control Act. I am pleased to support the bill.

**The Hon. IAN COHEN** [4.50 p.m.]: I speak on behalf of the Greens in debate on the Radiation Control Amendment Bill 2010. The Greens do not oppose the changes proposed in the bill. The amendments proposed by the bill implement aspects of the National Code of Practice for Security of Radioactive Sources adopted by the Council of Australian Governments in 2007. Turning to the substantive elements of the bill, the bill inserts new objects into the Radiation Control Act, adding a new focus on the security of radioactive sources. It is important to acknowledge the insertion of the radiation protection principles, which focus on investigating the justification for practice. Having this principle at the front of our decision-making process is important. It means we weigh the benefits of use against the detriments from the outset rather than making irrational decisions about the use of radioactive material and leaving future generations with problematic waste management legacies.

Part 2 of the current Act is to be repealed and replaced with a new licensing and accreditation regime. We have heard that the new part 2 will introduce single management licences, removing the requirement of individual authorities or organisations to hold multiple licences for individual radioactive substances and radioactive apparatuses. The streamlining of licensing and compliance is evident. It will also harmonise the licence review date. Currently, individual radioactive apparatuses have different licence review dates depending on the year of manufacture. Licensing and accreditation under the new part 2 is further enhanced by an expanded "fit and proper persons" provision. While one can appreciate the benefits of regulatory management, I am slightly concerned about the transition to the single management licence. Some sources and apparatuses may unintentionally have a longer review period under a single management licence in a bid to harmonise licence review periods. I hope the Environment Protection Authority [EPA] can maintain a high level of regulatory and compliance supervision by putting in place appropriate safeguards to ensure that all sources and apparatuses are still examined.

New part 2A establishes security requirements for security-enhanced sources, which refer to sealed radioactive material. The new part 2 requires source and transport security plans to be reviewed by a radiation security assessor and implemented to prevent unauthorised access. Persons responsible for security-enhanced sources will be required to undergo identity and security checks. In addition to security plans, new part 2A also provides the Environment Protection Authority with powers to issue directions to avoid dangerous situations

involving material with excessive levels of radiation, to seek enforceable undertakings and to recover costs of monitoring directions. I am not convinced that enforceable undertakings are an appropriate instrument in the context of radioactive material. While I understand that the Environment Protection Authority might want a range of regulatory powers available to it, I cannot think of many circumstances where breaching the Radiation Control Act should only involve a contract promising future compliance. We need strong-arm regulatory action when we are talking about radioactive material.

New part 3A creates a provision that allows the Environment Protection Authority to require financial assurance as a condition of a radiation management licence. The Greens have consistently called for greater use of financial assurance mechanisms under the Protection of the Environment Operations Act. Management of radioactive material is an activity whereby the environmental and economic costs of contamination are substantial, to say the least, and financial assurance mechanisms are a sensible way for the State to protect itself from contamination cost blowouts.

There is one aspect of this bill that I am concerned about. The bill, consistent with guidelines agreed upon by the Council of Australian Governments, repeals the exemption provided to radioactive ores on mine sites by the Radiation Control Act. The removal of the exemption is a positive step in terms of security and environmental management. What is disappointing is that Industry and Investment NSW has been assigned as the responsible regulatory authority regarding this material, not the Environment Protection Authority. Certainly someone with expertise in the use of radioactive material in the extractive industry should have a seat at the table on the Radiation Advisory Council, but I do not think there is sufficient justification to hand over the Environment Protection Authority's mandate to Industry and Investment.

I note that debate on this bill has triggered comments about the disposal of contaminated soil from the Nelson Parade, Hunters Hill, site. What is very disappointing is the way in which both major parties have used this issue as what I would term a "radioactive football". Disposal of this waste is highly problematic. General Purpose Standing Committee No. 5 has investigated the difficulties in disposal and transport options for the Hunters Hill waste. To my mind, we need to be guided by the true classification of the waste. I have called for public disclosure of the classification and for the New South Wales Government to reveal the classification documentation. If the contaminated soil has been inappropriately classified then the waste cannot be disposed of at Kemps Creek and the Government will have to look at other disposal options. Keeping in mind that the Australian Nuclear Science and Technology Organisation Lucas Heights facility is not permitted to store the waste, it would have to look at interstate or overseas disposal options.

However, in order to access interstate or overseas disposal options there would need to be a demonstration that there are no domestic disposal options. If the waste is classified as restricted solid waste and not radioactive waste, then we cannot legally dispose of the waste interstate or overseas. Either way, we are facing a real conundrum that a certain Penrith councillor is exploiting in a way that I think is extremely disappointing. How can the preselected Liberal candidate for Mulgoa talk about the dumping of potentially radioactive waste when members of the Liberal Party, such as Dennis Jensen and Mathias Cormann, have said things such as—

**The Hon. Catherine Cusack:** Point of order: I ask that the Hon. Ian Cohen be drawn back to the provisions of the bill before the House. I think he has strayed well and truly on to other matters.

**The Hon. IAN COHEN:** To the point of order: Everything I have said about particular issues is directly involved with radiation and disposal. I have brought into play the Australian Nuclear Science and Technology Organisation, Kemps Creek, and the radiation dumping issue, which is part of this debate. I do not see how that is straying from the confines of the bill. It is reasonable to raise these issues. They are all part of the radiation control debate in this State. I chaired a committee inquiry into this matter and I take very seriously the implications of radioactive material disposal. It is relevant to this debate, and I believe the attempt to dismiss these arguments owes more to the pursuit of certain political interests than the issues at hand.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! It has been the practice of Presidents and Deputy-Presidents to allow wide-ranging debate. There is no point of order. The Hon. Ian Cohen may continue.

**The Hon. IAN COHEN:** I appreciate the ruling. As I was saying, the Liberal candidate for Mulgoa is talking about dumping potentially radioactive waste when Liberal Party members like Dennis Jensen and Mathias Cormann have said things such as:

I think Australians are starting to realise nuclear is a clean, viable option. In terms of airborne emissions there are none ...

If we are serious about reducing greenhouse gas emissions and keeping our eye on energy security then we have to consider nuclear. The reality is nuclear is a proven reliable and secure low carbon technology.

Generations of pro-nuclear governments at both State and Federal levels have dodged this issue.

**The Hon. Catherine Cusack:** Point of order: I appreciate your earlier ruling that members are given wide-ranging latitude in the Legislative Council. I am happy to read out the overview of the bill, which limits the debate. The member is going beyond the terms of the legislation and you ought to draw him back to the leave of the Radiation Control Amendment Bill and its objects, and the issue of security of radioactive material and its licensing. These are important State regulatory issues. The issues before the House are very clear and I feel that the Hon. Ian Cohen should be limited in the matters he can raise.

**The Hon. Lynda Voltz:** To the point of order: The member must refer to the long title of the bill, which relates to radiation control. When this debate took place in the lower House, I understand Michael Richardson spent at least 20 minutes referring to exactly the same issue now referred to by the Hon. Ian Cohen. I think it is appropriate and within the leave of the bill and he should be allowed to continue.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! Former Presidents have ruled that the long title of a bill and its objectives allow for wide-ranging debate. Accordingly, when speaking in debate on the Radiation Control Amendment Bill members may refer to the issue of radiation. There is no point of order.

**Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.**

**The House continued to sit.**

### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Michael Veitch agreed to:**

That this House at its rising today do adjourn until Tuesday 9 November 2010 at 2.30 p.m.

### **RADIATION CONTROL AMENDMENT BILL 2010**

#### **Second Reading**

**Debate resumed from an earlier hour.**

**The Hon. IAN COHEN** [5.01 p.m.]: I fully appreciate the Hon. Catherine Cusack's exquisitely timed intervention approximately two and a half lines before the end of my speech on the Radiation Control Amendment Bill 2010. It is important when we are dealing with the many aspects of an issue such as nuclear materials to look also at the positive aspects of its use in medicine and industry. However, I will take every opportunity I have in my limited time in this House to recognise that we have a legacy in this country of dealing with radioactive waste. It is a vital part of any debate on radiation issues. In that regard I was a member of the inquiry into the transport of nuclear waste, which was chaired by the now Minister for Disability Services, the Hon. Peter Primrose. It was a very telling inquiry that looked at what State and Federal governments had done about this issue. They have dodged the issue and the inquiry into transport of nuclear waste supported that view.

No community in Australia wants to be the repository for radioactive waste. Kemps Creek residents do not want it and neither do the Aboriginal communities of Muckaty station. That is part of the problem. We have to be extremely responsible. A forensic investigation into issues surrounding the removal of radioactive material from the Hunters Hill site is also part of this issue. It is just as important as the medical use of radioactive isotopes and the many other positive aspects of their use in the community. I will not go into further detail about that, as much as I am tempted to, because I recognise that it has been a long week. The Greens do not oppose the changes proposed in the bill. We would like it to be recognised that this issue creates vast responsibilities for any government that is in power.

**The Hon. MICHAEL VEITCH** (Parliamentary Secretary) [5.04 p.m.], in reply: The Radiation Control Amendment Bill 2010 makes outstanding contributions to two issues that will be a major benefit to the people of New South Wales. The first is the set of amendments, included in the radiation safety legislation for the first time, addressing the security of dangerous radioactive sources. The bill places effective barriers to any person who would consider using radioactive sources for terrorism. Security authorities have been aware for some time that there is a potential for very serious consequences for our community if such sources were to fall into the wrong hands and be used to construct a simple radiological dispersal device, or "dirty bomb".

The bill requires people dealing with security-enhanced radioactive sources to be positively identified or, in some cases, pass criminal and security background checks as well. The Government is to be commended for having taken action to fulfil the Council of Australian Governments' counter-terrorism strategy and remove this serious risk to the public. The 90 per cent reduction in red tape provided for in the changes to the system of registrations for radiation equipment and radioactive sources contained in the bill has the overwhelming support of the regulated community. All businesses that use radioactive sources for health or industrial purposes will now find it much easier to meet their legal obligations.

As part of the safety provisions in the bill, the increased penalty already provided for in section 24 of the Radiation Control Act 1990 is also to be applied where a person abandons a radioactive substance knowing that it is likely to cause serious harm to a person, animal, thing, or the environment. Better alignment with the national process will be achieved through the incorporation of the mining and minerals processing industries into the radiation protection legislative framework. Industry and Investment NSW will be the relevant regulatory authority for radioactive ores on mine sites, whilst the Environment Protection Authority [EPA] will continue to have oversight of discrete radioactive sources, such as fixed radiation gauges.

In answer to the questions asked earlier in the other place by the member for Castle Hill, I can confirm that the bill provides a mechanism by which the Environment Protection Authority will be able to accredit third-party radiation security assessors as independent experts to check and certify source security and transport security plans for these security-enhanced radioactive sources. The Australian Radiation Protection and Nuclear Safety Agency is currently developing a national set of competencies that can be used as a basis for this accreditation. These competencies are being developed in consultation with Commonwealth security agencies, State police and radiation regulators. While the New South Wales Government obviously prefers a national accreditation scheme, if the Commonwealth is unwilling or unable to establish and administer such a scheme that responsibility will revert to the New South Wales radiation regulator, in this case the EPA, supported by New South Wales Police.

I want to respond to some comments made by the Hon. Ian Cohen regarding the classification of soil at Hunters Hill. The Radiation Control Act 1990 and the Radiation Control Regulation 2003 define what a radioactive substance is for the purposes of licensing and regulatory control. Radioactive materials that meet the definition of a radioactive substance are classified as hazardous waste and cannot be disposed of to landfill. The contaminated soil from the remediation of the Hunters Hill site does not contain sufficient radioactive residue to be classified as a radioactive substance under the legislation. As such, if it meets the contemporary guidelines, it can be safely disposed of to an appropriately licensed landfill.

Members will recall that in 2008 there was a parliamentary inquiry into the history and remediation proposal for Nelson Parade, Hunters Hill, which the Hon. Ian Cohen referred to during his contribution. The Government accepted the recommendations of the parliamentary inquiry and is progressing the remediation of this legacy site in a manner consistent with those recommendations. The Government has also committed to evaluate other treatment, disposal and storage options, both interstate and overseas, and will include these as part of the environmental assessment that will precede planning approval. The Government will be happy to provide information on the classification of the contaminated material as part of the environmental assessment that will go on public display as part of any necessary planning approval. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Leave granted to proceed to the third reading of the bill forthwith.**

### **Third Reading**

**Motion by the Hon. Michael Veitch agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly without amendment.**

**PLANTATIONS AND REAFFORESTATION AMENDMENT BILL 2010****Second Reading**

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.10 p.m.], on behalf of the Hon. Tony Kelly:  
I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

**Leave granted.**

The Plantations and Reafforestation Amendment Bill 2010 makes a number of necessary amendments to the Plantations and Reafforestation Act 1999. These amendments will clarify the operation of the Act. In particular, they will improve the process for authorising plantations.

The amendments will also improve the enforcement and compliance provisions of the Act.

The Plantations and Reafforestation Act 1999 and the Plantations and Reafforestation (Code) Regulation 2001 provide the regulatory framework for plantation operations in New South Wales.

The Act establishes a streamlined and integrated authorisation process for plantation operations.

The Code contains the detailed requirements for the establishment, management and harvesting of plantations. Importantly, it provides for the conservation and management of native vegetation, and the protection of Aboriginal places and objects. It also codifies environmental standards.

As the name suggests plantations are areas of land which have been planted with trees or shrubs for timber production. Plantation trees can be natives (such as eucalypts) or exotic species (such as radiata pine).

There are over 2 million hectares of plantations across Australia. New South Wales represents 19 per cent of this total, with a plantation estate of more than 450,000 hectares.

Forestry is worth around \$2 billion to the New South Wales economy, and plantations are a sizeable component of the forestry sector. The plantation timber industry is therefore a significant industry for this State, and an important source of employment in regional New South Wales.

Since the Act and Code came into force in 2001 over 181,500 hectares of plantation have been authorised under the Act. Most of these plantations are in the Northern Rivers, Murray and Murrumbidgee regions.

This includes over 70,500 hectares of softwood, over 93,600 hectares of hardwood and over 7,400 hectares of cabinet timber.

Plantations authorised under the forerunner to the Act, the Timber Plantations Harvest Guarantee Act 1995, are also regulated under the Plantations Act.

The environmental record of the industry is a sound one too. Over 35,000 hectares of retained native vegetation can be found within authorised plantation operations in New South Wales. In addition, more than 9,380 hectares have been authorised as "environmental plantings", for carbon sequestration and other purposes.

Before I go into the details of the bill I want to give the house some of the background to how the amendments were developed.

The amendments arise out of a statutory review of the Act and the Code which commenced in 2005.

The review recommended various changes to the Act and the Code to improve the operation of the legislation.

A comprehensive and lengthy consultation process with industry, councils and the community then followed.

A number of inter-agency working groups were established to develop the proposed changes to the Act and Code. This was important because the Act establishes an integrated regulatory framework which covers environmental, planning, heritage, soil conservation and bush fire matters.

An Industry Reference Group made up of major plantation companies and industry groups was also established to provide input on the proposed changes to the Act and the Code.

An exposure draft of the Plantations and Reafforestation Amendment bill and the Plantations and Reafforestation (Code) Amendment Regulation were then released for public consultation.

Submissions were received from a range of stakeholders including industry, local councils, non-Government organisations and the community.

The bill and the proposed amendments to the Code were then revised to take into account issues raised during the public consultation period.

The bill before the House is a result of this lengthy and comprehensive consultation process. It represents a sensible outcome; a reasonable balance between the needs of industry, communities and the environment.

I turn now to the amendments in the bill.

At present the Act is unclear about when a change in the ownership or management of a plantation affects the authorisation of that plantation. This is a problem from an administration and enforcement and compliance point of view.

The bill makes it clear when a change in the ownership or management of a plantation will affect an authorisation.

An authorisation will only be affected where both the ownership and the management of part of the plantation changes. In these circumstances, a new authorisation will be required for each part of the land on which plantation operations will continue.

This is to make sure the terms and conditions which are imposed under an authorisation remain appropriate for that part of the land and that compliance with those conditions only relates to that part of the land.

The Government will examine options to ensure that the process for obtaining new authorisations in these circumstances is not onerous. For example, consideration will be given to charging a flat fee for these authorisations.

The bill makes a number of amendments to the plantation authorisation process.

The bill clarifies what matters local councils and neighbours can address in submissions on non-complying plantation proposals. Sensibly the submissions will be restricted to the non-complying aspects of the proposal.

In addition, the bill extends the existing power in the Act to impose conditions on non-complying plantations to management and harvesting operations. Currently conditions can only be imposed in relation to establishment operations.

The bill also amends object (c) of the Act to insert a reference to "best practice" environmental standards. This will ensure the Act more accurately reflects the original intent of the Act, which was to maintain high environmental standards.

The bill makes some important changes to ensure the enforcement and compliance framework in the Act is effective.

Currently the powers of compliance officers to enter premises, and to issue stop work orders and remedial directions only apply to authorised plantations. They do not apply to plantations that are in breach of the requirement to be authorised. The bill extends these powers to those plantations as well.

The bill makes an important change to the Act to ensure compliance officers can effectively monitor suspected cases of environmental damage. In circumstances where a compliance officer considers there is a risk of significant harm to the environment, an attempt to contact a plantation owner or manager will constitute reasonable notice.

Compliance officers can currently only request information or documents from a plantation owner or manager when they are actually physically on the plantation. The amendments will allow compliance officers to issue a written request before or after a site inspection.

Compliance officers are referred to as "authorised officers" under the Act. The bill will make it an offence for a person to obstruct an authorised officer in the exercise of his or her functions, unless they have a reasonable excuse.

The bill also introduces a protection for authorised officers from personal liability in relation to actions done in good faith while exercising their functions under the Act.

Finally, the limitation period for bringing proceedings for an offence under the Act will be brought into line with other land management legislation.

The bill will enable proceedings for an offence to be brought within two years of the alleged offence or within two years of the date when evidence of the alleged offence first came to the attention of an authorised officer.

I would like to briefly mention something that will not go forward in this bill.

The exposure draft of the bill included a proposal for an alternative transport contribution system. The system required plantation owners to reimburse local councils for damage to roads caused by plantation harvesting trucks.

Industry, councils and members of the community all raised strong objections to the proposed system during the public consultation period.

Industry objected to the proposal on the basis that other agricultural industries are not subject to similar changes. They also objected to the fact that the proposal will duplicate charges to be imposed on heavy vehicles under the Commonwealth's Road Reform Plan.

Furthermore, Industry believed that the contribution requirements would make the New South Wales plantation industry uncompetitive with other States.

Council and community objections focused on the complexity of the proposed scheme. In addition, several councils raised concerns about whether the contributions justified the extra work involved in issuing and collecting them.

A new model for heavy vehicle charging is being developed under the COAG Road Reform Plan. Under this model, funds raised through heavy vehicle levies are expected to flow directly to State and local Governments. The new model is expected to be implemented from 2012.

Taking all these factors into account the Government has decided not to proceed with the alternative transport contribution scheme.

The Code will include a new suite of fire standards, which will provide a safer operating environment for fire fighters and plantation workers. These new requirements will be phased in for existing plantations. However, they will apply immediately to new plantations.

The soil and water protections in the Code will be updated to current best practice standards, and in some cases to clarify the original intent of the provisions.

The provisions relating to harvesting operations are not comprehensive and in some cases do not represent best environmental practice. Some new provisions are proposed, and some of the existing provisions will be strengthened.

The requirements for the management of retained native vegetation and habitat trees within plantations will also be strengthened.

It is also proposed to adopt the definition of regrowth vegetation in the Native Vegetation Act 2003 in place of the current definition in the Code, to achieve consistency between the two Acts.

Application fees will also be introduced to cover the costs of assessing and issuing plantation authorisations.

The amendments in this bill and the changes to the Regulation and Code have been developed in tandem. For this reason it is proposed to commence the amendments in the bill on proclamation. This will enable the amendments to the Regulation to commence at the same time.

The Plantations Act and Code play an important role in promoting and facilitating the development of timber plantations on essentially cleared land in New South Wales. These amendments will strengthen the regulatory framework for plantations and provide clarity for industry.

I commend the bill to the House.

**The Hon. RICK COLLESS** [5.10 p.m.]: The purpose of the Plantations and Reafforestation Amendment Bill 2010 is to amend the Plantations and Reafforestation Act 1999 and to provide the regulatory framework for plantation operations in New South Wales. More specifically, it will amend the Act to clarify the authorisation and ownership provisions for plantations and improve the enforcement provisions by expanding the powers of entry and inspection and the power to obtain information, and generally improve the overall operation of the Act. The legislation was developed to rectify anomalies identified during the 2005 statutory five-year review of the Plantations and Reafforestation Act 1999. That review made several recommendations that were not well received by forestry industry bodies, by local government and by the timber industry generally.

Those concerns related to water interception by plantations, some fire control issues, including management of fuel reduction buns, and regional infrastructure funding contributions by plantations for road construction and maintenance. Following significant negative comments on these issues, they were dropped. The dropping of those more controversial issues meant that the remaining legislation generally was uncontroversial. As such, the Coalition will not be opposing the bill. This legislation is necessary to streamline the process for approving and regulating plantation operations. The forestry industry expressed its overall support for this bill. It believes that the changes to be implemented by this legislation are necessary. The Opposition does not oppose the bill.

**Reverend the Hon. FRED NILE** [5.13 p.m.]: On behalf of the Christian Democratic Party, I support the Plantations and Reafforestation Amendment Bill 2010. The bill will amend the Plantations and Reafforestation Act 1999 to clarify the authorisation and ownership provisions with respect to plantations; to expand the powers of entry and inspection and the power to obtain information with respect to plantations; and to make a number of other minor amendments. Over the years, the forestry industry has moved away from old timber and focused on plantation timber, as happened in Tasmania with the historic agreement that has now been reached.

**The Hon. Ian Cohen:** Didn't the Greens do well for everybody? Wasn't that a great agreement?

**Reverend the Hon. FRED NILE:** That agreement in Tasmania was achieved with a great degree of cooperation and harmony. In future, plantations will play a major role in assisting timber mills and ensuring that employees who work in that industry are not out of work and are able to follow their trade. Plantation trees can be natives such as eucalypts, or exotic species such as radiata pine. There are more than two million hectares of plantations across Australia. New South Wales represents 19 per cent of that total, with a plantation in this State of more than 450,000 hectares. Forestry is worth approximately \$2 billion to the New South Wales economy

and plantations are a sizable component of the forestry sector. Over many years forestry operations have been moving into the plantation sector, which is apparent when one drives through country areas and through the mountains from Sydney to Bathurst.

Most of these plantations are in the Northern Rivers, Murray and Murrumbidgee regions. This includes more than 70,500 hectares of softwood, more than 93,600 hectares of hardwood and more than 7,400 hectares of cabinet timber. This is an important industry and this is an important bill. More than 35,000 hectares of retained native vegetation can be found within authorised plantations operations in New South Wales. In addition, more than 9,380 hectares have been authorised as environmental plantings for carbon sequestration and other purposes. The Government is not only encouraging plantations but it is doing what it can to maintain native vegetation and environmental plantings, which will provide a good balance for the people of New South Wales. I support the bill.

**The Hon. IAN COHEN** [5.16 p.m.]: On behalf of the Greens, I contribute to debate on the Plantations and Reafforestation Amendment Bill 2010. Before I consider the substantive bill, I would like to look at the broader context of plantations in the State and Federal policy frameworks, as considerable developments have occurred in relation to commercial plantation policy since the statutory review undertaken in 2005. The Plantations and Reafforestation Act has its roots in the Federal Government's Plantations 2020 vision, which aims to expand significantly the area of commercial tree crops to around three million hectares by 2020. The 2020 commitment at its core is said to build regional prosperity through the development of plantation industries and address environmental objectives relating to salinity management.

To achieve the Plantations 2020 vision the Federal Government sought to create financial incentives for plantation establishment through tax concessions and special rules for managed investment schemes involving plantation forestry. At State level, governments provided streamlined and integrated planning and assessment regulations to fast-track plantation establishment. The Plantations and Reafforestation Act 1999 remains New South Wales contribution to the Plantations 2020 vision. Over the past two years, Federal Government support for the Plantations 2020 vision has been placed under the microscope. While the New South Wales Department of Primary Industries has been struggling over road maintenance levies for plantation owners, the Federal Government has examined some of the adverse implications of its tax incentive measures on rural land use development and the collapse of agribusiness managed investment schemes.

In 2008, the Federal Standing Committee on Rural and Regional Affairs and Transport undertook an inquiry into carbon sink forests. The inquiry was tasked with considering specifically the tax deductibility status of carbon sink forests. Of relevance to our debate today is the committee's consideration of the environmental and natural resource management guidelines underpinning the eligibility for the carbon sink forest tax deduction. The committee's examination of the guidelines raised a number of concerns about water interception by plantations. It states:

... the NWI recognises that a number of water-using activities, such as farm dams, bores and plantation forests, have potentially significant water use. If this is not taken into account in the water planning process, there is a risk that the environment will get less water than intended and that the water access entitlement system will be eroded.

Unfortunately, the Government members of the inquiry appeared to overlook significantly much of the evidence on the environmental challenges presented by plantations. Many of these issues have been outlined in the dissenting inquiry report of Senators Milne, Joyce, Nash, Boswell and Heffernan, an eclectic group of Senators. I want to draw upon one point that the dissenting report makes about water interception by plantations.

There is no requirement that hydrological studies including interception, be completed before a planting occurs. All the National Water Initiative does is to commit states and territories to having in place by no later than 2011 arrangements to ensure that such water interception activities are considered in the planning process ... By 2011 many hectares of carbon sink forests will be in the ground with no guarantee of sustainability in the catchment. The majority report claim that this initiative 'will contribute to sustainable land management' is an unsubstantiated claim.

In 2004 the New South Wales Government committed to ensuring water interception activities including commercial plantations are considered in planning processes by 2011 as part of the National Water Initiative. Contrary to this commitment, section 52 of the Plantation and Reafforestation Act exempts plantation operations from having to obtain a controlled activity approval under the Water Management Act 2000 and precludes the issuance of stop-work orders, temporary water restrictions and general directions under chapter 7, part 1. Further, there is nothing in the Plantations Code to directly manage and address water interception.

If we accept that the National Water Initiative requires State governments to consider plantation water interception in the planning process, then section 52 of the Plantations Act directly contradicts the National

Water Initiative obligation. If we are to continue the exponential expansion of plantation forestry and plantation-based carbon sinks, catchment management implications must be considered. The 2008 CSIRO Murray-Darling Basin Sustainable Yields Report attempted to assess water interception by commercial plantations and found that plantations would use a small volume of water in a Murray-Darling Basin wide context, with the estimated average reduction in regional annual run-off being just under one per cent. However, the report estimates that by 2030 stream-flow impacts from commercial plantations would reach 28 gigalitres per year. One of the key findings of the report found that although basin-wide impacts may be minor, a high concentration of plantation developments in a localised catchment to sub-catchment area could have significant flow reduction impacts.

At the Thirteenth World Forestry Congress, Timothy McNaught, Infrastructure Manager for Forests NSW, and Daniel Connell, presented a paper titled "Plantation development, climate change and the great water debate—an Australian perspective". The paper makes the important point that many States, including New South Wales, have not invested any significant time or funding into assessing water use by commercial plantations compared with data collection on farm dams and bores. The risk in lack of monitoring and assessment means we remain in the dark about accurate calculations of water interception by plantations. McNaught and Connell are of the opinion that the manner in which New South Wales seeks to address water interception by commercial plantations will set an important precedent for other basin States. McNaught states in his paper presented to forestry managers from all over the world that:

For plantation development there is no doubt that water scarcity will change the regulatory landscape and promote stricter planning processes. In addition to further research the sustainability of the plantation industry will require plantation managers to develop strategies to deal not only with the political directives of the NWI and State reform but also climate change.

The South Australian Government responded to the CSIRO sustainable yields report and historical studies by developing a framework for integrating plantation forestry water interception into broader water catchment management plans and water sharing plans. The aim of the Natural Resources Management (Commercial Forests) Amendment Bill 2009, as explained by the then South Australian Environment Minister the Hon. Jay Weatherill, was to effectively and sustainably manage the water interception impacts of plantation forestry to ensure the continued integrity of water allocation plans. Managing and accounting for the water use of commercial plantations may increase establishment costs for plantations, however the requirement to equitably managing water resources must certainly override the internalisation of water use costs.

Similarly, in 2009 the Western Australian Government introduced Plantation Forestry and Water Management Guidelines that explicitly discuss the licensing of "plantation water use when a detrimental effect on other water users is expected". The guidelines indicate that the Western Australian Government will be introducing a water resource management bill to allow the Department of Water to license plantation water use. The guidelines make it clear that the provision for licensing water use of commercial plantations is consistent with the National Water Initiative.

The Plantations and Reafforestation Amendment Bill 2010 is a perfect opportunity to reconsider the regulatory environment and authorisation framework for commercial plantations in relation to water use. However, instead of the New South Wales Government recognising the importance of the various expert advice on water management in plantations and taking the lead from South Australia and Western Australia, it has come up with amendments to the Plantations and Reafforestation Act that are simply furthering the flawed policy of increasing the number of plantations without adequate consideration for water management.

I turn to the substantive elements of the bill. The proposed amendments make a number of changes to plantation authorisation, ownership and management. As I have already indicated, the changes to road user levies for plantation owners considered in the regulatory review documents does not make an appearance in this bill and has been deferred to the Council of Australian Governments to develop a new model for heavy vehicle charging. To this end, the bill removes references to financial contributions to transport infrastructure expenditure. Considering the real need of our local councils to secure funding for maintaining roads that have deteriorated as a result of use by log trucks, I do not think it is sensible to remove the ability of the Minister to specify conditions of authorisation relating to transport levies until the Council of Australian Governments has come to a final agreement.

The first amendment the bill makes is to the objects of the Act. Schedule 1 [1] makes it an object of the Act to codify "best practice" environmental standards. While this is a positive change, it is interesting in light of

the fact that a species impact statement has never been required under section 15 of the Act in the past 10 years of plantation establishment in New South Wales. To me, best environmental practice would be turning back on all of the environmental legislation turned off under part 6 of the Act.

Schedule 1[8] removes the existing section 12 (3) and replaces it with wording that still requires the Minister to provide notice to local councils of a decision to grant an application within 40 days of granting it. However, it adds that the Minister must also give notice to the Minister administering the Crown Lands Act 1989 when plantation operations will be undertaken on roads, as defined under the Crown Lands Act 1989, that are unformed. Both of these notification requirements are reactive rather than proactive, that is, they do not require the Minister to engage in consultation with local councils or the Minister administering the Crown Lands Act 1989 before a decision is made to grant an application.

Schedule 1 items [9] to [11] amend section 14 and also relate to consultation requirements. Currently the Minister is to provide a copy of the application to the council for the local government area within which the plantation is proposed, to the adjacent landowner or occupier, and any other person that the Minister considers appropriate. Comments are then sought by the Minister from these groups about the proposed plantation. The provisions that are proposed to be removed by the amendments relate to the requirement of the Minister to seek comments, meaning that there would still be an obligation to provide copies of the application to these groups but no need to ask for comment. Item [10] removes the current requirement of the Minister to post applications on the public register, and would mean that the new section 14 (3) note would now only require posting of authorisations.

Item [11] of schedule 1 inserts proposed section 14 (3A), which the Government might argue is a response to this as it tells us that the Minister is to invite any person or body provided with a copy of the application to comment on the application. However, it has been limited only to areas of the application that are not compliant with development standards in the code. That is particularly problematic for neighbours who may be concerned about aerial pesticide spraying regimes that are technically managed under the Pesticides Act.

With reference to ownership provisions, item [15] of schedule 1 inserts new sections relating to changes in ownership and management of a plantation that have already been established. New section 17A inserts notification requirements if there is a change in management or ownership of a plantation that had been authorised previously. New section 17B clarifies that changes in ownership or management would not affect the authorisation of a plantation, thereby removing the need to reapply each time there is a change.

New section 17C (1) outlines changes in ownership or management that would affect authorisation of a plantation because they are deemed to be a "significant change to an authorised plantation". That would include changes occurring to ownership or management at the same time, or that occurred subsequent to each other. Under new section 17C (2), a significant change as defined in new section 17C (1) would mean that a new application would need to be made by the owner if they wanted to continue plantation operations.

New section 17C (3) allows the Minister to waive or modify any requirements of the Act in relation to an application for authorisation as a plantation on any part of the original plantation. This gives the Minister wide discretion to authorise a plantation and calls into question the entire planning and authorisation process. It is not unforeseeable that the Minister may be subject to lobbying from new owners to bend the rules to allow authorisation of land that has previously been authorised, without due regard for adhering to any of the requirements of the Act.

Additionally, the proposed provisions under new section 17C (4) state that a Minister must authorise an application for part of the original plantation, but can impose conditions if he or she sees fit. In effect, this means that the Minister is not able to refuse an application on the basis of change of ownership or management, regardless of the ability, or lack thereof, of the new owners or managers to appropriately manage the plantation. This makes a joke of the whole authorisation process as it assumes that there are no circumstances in which refusal may be the best course of action. It is contradicted by new section 17C (5), which stipulates that an authorisation no longer has effect from the date on which a significant change occurs—although a 28-day extension is provided within new section 17C (6).

In terms of amendments to enforcement, items [24] to [27] of schedule 1 remove unnecessary restrictions on the ability to issue stop-work or remedial work orders to unauthorised plantations. Item [28] of schedule 1 clarifies and expands the ability of authorised officers to enter and inspect authorised plantations. In most cases the authorised officer will be required to give notice to the land or plantation owner. However, where

an officer considers there is a risk of significant harm to the environment occurring on the plantation land and the officer has attempted to contact the owner, an officer will be able to enter the land without reasonable notice. The use of the terminology of risk of significant harm is drawn from the Contaminated Land Management Act and is probably too high a threshold to be used in the plantations Act.

The investigation powers of authorised officers will be much clearer in the Act and will make the power of authorised officers consistent with other natural resource management and environmental compliance and investigation powers. Proposed section 61 (3) could be used to restrict the authorisation of officers to employees of Industry and Investment, thereby preventing the Department of Environment, Climate Change and Water officers playing a role in the administration of the Act, particularly the code. I encourage the Minister to appoint authorised officers drawn from within the Department of Environment, Climate Change and Water who have the relevant skills.

In summary, the bill does nothing to really enhance the environmental controls on plantations, but does slightly improve enforcement capacities—although I doubt the department would ever use such powers. While the Greens are disappointed with the bill and the lost opportunities it represents, we do not oppose the bill.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.31 p.m.], in reply: I have listened with interest to the debate and note that it has wide support across the Chamber. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

#### **Suspension of Standing Orders: Instruction to Committee of the Whole**

**The Hon. IAN COHEN** [5.35 p.m.]: I move:

That standing orders be suspended to allow a motion to be moved forthwith that it be an instruction to the Committee of the Whole that it has power to consider an amendment relating to plantation operations not subject to certain provisions of the Water Management Act 2000.

**The Hon. RICK COLLESS** [5.35 p.m.]: The Coalition does not support the motion because the amendment is well outside the leave of the bill and involves consideration of intricate matters that would need to be taken into account. That would put the amendment further away from the leave of the bill than it already is. For that reason, the Coalition will not support the motion.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.36 p.m.]: The Government also does not support the motion for an instruction to the Committee of the Whole. The amendment referred to in the motion is way outside the leave of the bill.

**The Hon. IAN COHEN** [5.36 p.m.]: I am disappointed that both the Government and the Opposition will not accede to consideration of something as vital as water in the context of establishing plantations. My comments will be brief because I believe the real objection to the motion is probably that members want to go home, and I well understand that at this stage of the week. However, I outlined the issue in considerable detail during my contribution to the second reading debate. The effect of the amendment would have been that a plantation owner may need to seek a controlled activity approval in addition to authorisation under the plantation Act. Additionally a plantation owner may be subject to directions or stop-work orders to which every other extractive water user potentially is subject.

It may be argued that plantation establishment costs will increase if plantation owners are required to apply for controlled activity approval. That may be the case. The alternative is that if we do not regulate water interception by plantations, essentially we will be robbing water from the environment and other extractive water users. This really is a question of equity between all water users and ensuring that the use of water is fully accounted for. I am disappointed that the Greens will not be given the opportunity to submit an amendment for consideration by the Committee of the Whole.

I must say I find it strange that The Nationals oppose the motion to allow the amendment given that their Federal counterparts, including New South Wales Senator Fiona Nash, delivered a dissenting report during

a Federal inquiry into plantations. In that dissenting report, Senator Nash, Senator Joyce and Senator Heffernan called for licensing the use of water in commercial plantations, yet The Nationals in New South Wales have rejected an amendment that will ensure a fairer and more equitable water management regime whereby all users will be required to account for their use of water.

During the second reading debate I cited evidence demonstrating that where there is a high concentration of plantations in a particular catchment, the water interception impacts could be significant enough to warrant regulation. Endorsement of section 52 of the plantations Act amounts to condoning the loss of water by all users to give more generous incentives to commercial plantations. I am surprised that the Opposition, particularly The Nationals, lack commitment to a matter that their Federal counterparts have so clearly indicated is an extremely important issue. This matter has been debated many times in different forums in terms of water regulation, plantation establishment and so on. So be it. It is a rather inadequate aspect of the debate on this legislation.

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

**Motion negatived.**

**Leave granted to proceed to the third reading of the bill forthwith.**

### **Third Reading**

**Motion by the Hon. Penny Sharpe agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly without amendment.**

### **FIREARMS LEGISLATION AMENDMENT BILL 2010**

**Message received from the Legislative Assembly returning the bill without amendment.**

### **ADJOURNMENT**

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.41 p.m.]: I move:

That this House do now adjourn.

### **AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION**

**Mr DAVID SHOEBRIDGE** [5.41 p.m.]: In October 2005 the Howard Government established the Australian Building and Construction Commission. Since that time workers in the construction industry have been the subject of a form of industrial apartheid; they have fewer rights and protections, and more to fear when at work than any other workers in the country. The Australian Building and Construction Commission has oppressive powers that have no place in a modern, open democracy, including powers to compel workers suspected of no wrongdoing and guilty of no offence compulsorily to provide information and answer questions under oath. Workers are compelled not only to incriminate themselves but also to do so on their mates and their union. The questioning process is undertaken in secret. Workers have no right to be represented by the lawyer of their choice, and they have no right to inform their spouse, partner, family members, fellow workers and fellow unionists of their secret interrogation by the Australian Building and Construction Commission.

If workers refuse a demand from the Australian Building and Construction Commission, they face a penalty in the order of \$20,000 from the Federal Court, as well as the potential of being imprisoned for a period of up to six months. Historically, the Australian Building and Construction Commission has used these powers as a political attack, and it is a political attack on the collective rights of union members: the right to belong to a strong union, the right to bargain, the right to take action collectively and the right to band together to ensure that workers have a safe workplace. The Howard Government introduced other laws to restrict construction workers and their right to take strike action, and increased a series of other fines against workers. It is accepted that Prime Minister Howard had an agenda, and part of that was seeking to make building workers second-class citizens.

A key promise of the Australian Labor Party in the 2007 Federal election was to abolish the Australian Building and Construction Commission. At the time the Australian Labor Party vowed to replace the Australian Building and Construction Commission with a more balanced building industry inspectorate, and promised that that would happen by 1 February 2010. However, it has fundamentally failed to deliver on that promise. Indeed, the Australian Building and Construction Commission lives on, and it continues to cost the Federal Government millions of dollars per annum. As recently as 28 September this year the Federal Government appointed a fresh commissioner to this interrogative body. As such, the Federal Government has failed the thousands of building and construction workers who have been singled out for punitive, unfair and unreasonable treatment. Clearly, the Commonwealth Government does not consider the unfair treatment of building industry workers to be a high priority. A major report by the International Labour Organisation released in March of this year found that the Australian Building and Construction Commission is in breach of a series of international laws and international labour standards. The committee found in part:

The Committee considers that the prosecution of workers does not constitute part of the primary duties of inspectors and may not only seriously interfere with the effective discharge of their primary duties—which should be centred on the protection of workers under Article 3 of the Convention—but also prejudice the authority and impartiality necessary in the relations between inspectors and employers and workers.

Indeed, since the Australian Building and Construction Commission came into effect there has been a substantial increase in the number of deaths and injuries in the building industry. Since 2005 the number of deaths has increased from 3.14 per 100,000 workers to 4.8 per 100,000 workers in 2007 and 4.27 in 2008. We are back to the shameful situation of one building worker dying at work every week. Threats of fines and interrogations by the Australian Building and Construction Commission and imprisonment of workers, such as we saw with the outrageous situation relating to Ark Tribe, have made it much harder for construction workers to take a stand over poor safety. The onus has been reversed; the union and workers must prove that they have a reasonable basis and imminent risk to their health and safety before they can take action on safety on sites. The Australian Building and Construction Commission has a track record of pursuing workers over occupational health and safety matters, but not once has it prosecuted an employer for a breach of occupational health and safety laws. It is a one-eyed, vicious, nasty, unreasonable institution that has no place in a modern democracy. I note that construction remains one of Australia's top four most dangerous industries, accounting for 24 per cent of all work-related fatalities—the highest number of work-related fatalities in 2008. It is a bad institution and it should be abolished. [*Time expired.*]

## LOCAL GOVERNMENT

**The Hon. SHAOQUETT MOSELMANE** [5.46 p.m.]: In April 2010 the Local Government and Shires Associations of New South Wales put together a discussion paper titled "Modernising Local Government". The key question in the paper is what reforms would assist New South Wales local government remain or become financially viable. This is an important question to which not only an ever-increasing number of people in local government but also many citizens will want an answer. So what are the problems? According to the Local Government and Shires Associations it is now clearly established that New South Wales councils are burdened with a huge infrastructure renewal backlog; struggling with a narrow and constrained revenue base, and that a large proportion is financially unviable or vulnerable in the long run under current policy settings and fiscal arrangements.

For local government to survive, the association argues that rate pegging must end; that significantly better Australian Government funding must be provided; that there must be mutually agreed charging regimes for co-regulatory roles; that greater use must be made of debt financing for the long term; and that there be better financial and asset management. If local government is to survive and fulfil its growing obligations and responsibilities to residents and rate payers, all options, including amalgamations, must be clearly laid on the table. The Sydney Business Chamber is one such supporter and has called for changes to local government in the greater Sydney area. One of its key recommendations is council amalgamations.

I understand that the issue of amalgamation has been the subject of an inquiry and a report by General Purpose Standing Committee No. 5. I note with interest that during debate on the report a number of members described amalgamation as a "vexing issue". I do not believe that it necessarily is, and I do not believe we should shy away from it. I do not believe that amalgamation is the monster that people make it out to be. Amalgamation does not mean the crushing of councils; it does not mean disregarding the affection many communities have for their local municipalities; it does not mean big government; and it does not mean disloyalty or lack of commitment and respect to the role, autonomy and value of local government. It does not

mean running roughshod over local democracy. It does however mean, amongst other things, addressing the falling revenue base and the weakening capacity of local authorities to bring deteriorating infrastructure back into working order.

I note that when discussing amalgamation one cannot, for instance, suggest or place inner Sydney council in the same category as regional or rural councils. Each has its own distinct issues and solutions, and issues will vary from one council to another. At all stages the public must be consulted and involved in the process so that a public debate can be held and an acceptable and workable solution found. Regional alliances, joint tenders and resource sharing have been effective tools to minimise costs and find solutions to some of the problems faced by local authorities, but in my view all such measures, great as they are, only help to delay the inevitable. Support for amalgamations is there from a number of quarters, but someone has to lead. In Victoria Jeff Kennett did and it worked. This is not a blanket endorsement of Mr Kennett's approach but, rather, an acknowledgement of the need for action. I note that Australian Local Government Association President Councillor Geoff Lake, who participated in 2009 panel discussion at the ninety-seventh Local Government Association of Tasmania Annual Conference, said amongst other things:

My main point of reference is the Victorian experience during the Kennett years in the mid-1990s when Victorian local government went from having more than 200 councils to a then 78 ... You can't find anyone involved in Victorian local government these days who would disagree that local government is much improved these days based upon current boundaries than it was on pre- Kennett boundaries.

Finally, I note that even the Leader of the Opposition, Barry O'Farrell, has raised the spectre of the possibility of amalgamations, even if voluntary. According to a *Daily Telegraph* article by Josephine Tovey on the 26 October 2010 Mr O'Farrell pledged during the recent Albury Local Government Association conference that he would "provide incentives to support voluntary council amalgamations". So, to be genuinely fair dinkum about improving local government, all options, including amalgamations, must be placed fairly and squarely on the table. We must come to terms with reality and make the necessary decisions to better the future of our generation and that of future generations.

## HOUSING AND PLANNING

**The Hon. GREG PEARCE** [5.51 p.m.]: The New South Wales Liberals and The Nationals regard housing strategy as a critical policy area. Housing construction, maintenance and refurbishment is a significant contributor to and driver of the State's economy, so there are significant economic reasons for stimulating housing as a driver of growth in the New South Wales economy. Our vision is for a New South Wales economy that is more productive, where everyone has the opportunity to rent or buy a decent home at a price they can afford, in a sustainable community and in a place where they want to live and work. The New South Wales Liberals and Nationals believe there is considerable scope to improve management and delivery of public housing to the most needy in our community and to address the dilapidated public housing stock in New South Wales. We are committed to restoring a service culture to the New South Wales Government's housing bureaucracy and giving dignity and choice to residents.

Housing supply and housing affordability are in crisis after 15 years of Labor Government in New South Wales. Over that period rates of home ownership in New South Wales have plummeted from 70 per cent in 2000 to 64 per cent in 2008. Sydney's housing affordability has reached close to a record low, rental rates have soared and homelessness has also grown. Latest population projections anticipate the population of New South Wales will grow to 9.07 million by 2036. Housing those people will require a 41 per cent increase in available dwellings, that is, another 1.08 million new dwellings—of which 740,000 will be needed in Sydney. They will need to be completed by 2036 if we are to meet the demand for housing in the State. However, the number of new completions has actually been falling, from approximately 34,000 in 2001-02 to just 25,000 in the last year.

Even those figures only tell half the story as they are inflated by completions as a result of the Federal and State governments' public housing stimulus packages. On those rates, the latest National Housing Supply Council report estimates that New South Wales will have a shortfall of approximately 261,800 dwellings over the period 2009 to 2029. Even the potentially positive effects of the Federal Government's recent stimulus funding have been stymied by the New South Wales Labor Government's heavy-handed approach. Initial claims by the then New South Wales Minister for Housing were that New South Wales would receive about \$2 billion from the Commonwealth, and that that funding, combined with the State's \$850 million housing funding, would build up to 9,000 new homes and new housing for more than 17,000 people—with 75 per cent of those to be built by December 2010.

The results of the Federal Government's National Building Package, with plans to roll out new social housing across New South Wales, and the New South Wales Government's own program, remain to be seen. The New South Wales Liberals and The Nationals are monitoring the outcome of the program to see whether the 6,000 new homes due by December will be completed and tenanted appropriately by that target date. The New South Wales Liberals and The Nationals have committed to a number of initiatives relevant to our overall housing strategy for New South Wales. Liberal Leader of the Opposition, Barry O'Farrell, in his budget reply speech on 10 June 2010 outlined some of those measures. They include: Kickstart, the New South Wales Infrastructure Fund, an empty nester's grant, rural and regional relocation grants; and 100,000 jobs growth through payroll tax rebate

The New South Wales Liberals and The Nationals have also announced a root and branch review of the planning system. If elected, we are committed to completely rewriting the State's planning Act to provide certainty, simplicity and guarantees that decisions will be made transparently, on the basis of merit and in a timely way. The New South Wales Liberals and The Nationals also have a three-point plan to accelerate land release and help reduce costs to home buyers. The plan will provide clearer information on Sydney, the Hunter and Illawarra's future housing needs; ensure communities are involved in local planning; promote growth in the regions and encourage decentralisation; and reduce housing costs by applying transparency to State levies and introducing the option of contestability in the provision of infrastructure. The New South Wales Liberals and The Nationals will also open the books on new dwelling needs by publishing the existing annual targets for new dwellings that underpin the Metropolitan Strategy. The New South Wales Liberals and The Nationals, in contrast to the Keneally Government, have a plan for the future of this State.

### ISLAMAPHOBIA AND ISLAMISATION

**Reverend the Hon. FRED NILE** [5.56 p.m.]: I wish to draw attention to, and contrast, two words that are being used regularly in our community: Islamaphobia and Islamisation. Some Australian citizens have been accused of Islamaphobia because they are critical of some aspects of Islam having read about a number of recent major court cases: one involving Muslims who have been charged with preparing terrorist suicidal attacks on buildings and on the Holsworthy Army Camp, and other events; another involving a Muslim woman who wanted to wear a burqa when driving a car; and another involving a Muslim woman who wanted to wear a burqa in court when giving evidence. They all generated considerable discussion in our society. When people, including me, expressed concern about some of those events they were accused of Islamaphobia. We reject that false accusation, because Islamaphobia means a fear of Islam.

We have also been accused of racism. That too in this situation is not possible, as Islam is not a race: it is a religious political movement. Its membership comprises people from many different races. I, along with the majority of Australians, am completely opposed to racism in any form. Racism occurs when someone attacks a person because of his or her race or the colour of his or her skin. Therefore one cannot be racist if one raises questions about Islam. Australians who are concerned about aspects of Islam do not fear Islam, although anyone in his or her right mind should be fearful of the potential threat of terrorism, especially given that more than 15,000 Islamic terrorist attacks have taken place since the 9/11 attack on the twin towers in New York. Dedicated Muslims carried out that attack, as well as the attack on the plane that finally crashed to the ground. Recordings prove that when passengers of one of the hijacked airplanes tried to retake the plane, and just prior to it crashing to the ground, Muslims terrorists were shouting "Allah is great! Allah is great!"

Another term that warrants critical evaluation is what is described as "the Islamisation of Australia". Australia has welcomed people from more than 150 nations, including members of various religions such as Buddhism, Judaism and Hinduism. To my knowledge people from those religions have never sought to impose their religion or culture on others in Australia; they have simply accepted their place in Australian society. It seems to me and to many others that Islamists are completely different; they believe that they have a right, indeed a direction from Allah through Mohamed, to impose their religious political system on all nations, including Australia. They have an evangelistic drive, as is evident at the moment in France, Holland, Germany and the United Kingdom, and it is causing a clash of cultures.

What are some issues of concern that people raise with me? One particular matter is the establishment of Muslim prayer rooms in our secular universities. There are no Baptist or Catholic prayer rooms, but there are Muslim prayer rooms. They are now being established in our public schools as well. I am sure the Teachers Federation would strongly oppose it if the Catholics or Baptists demanded the same right. Another development is the establishment of chairs of Islam in a number of universities. A further development is the issue of halal food—food dedicated to Allah. Many products, such as Cadbury chocolate and Bega cheese—apparently there

are more than 100 products—now have a halal label. Even McDonald's restaurants in the western suburbs sell halal hamburgers, with no bacon. In other words, we are adjusting our society to fit in with Muslim society. I call that Islamisation. Muslims are also demanding the opportunity to cease working and conduct their prayers five times a day in the workplace. This means that other employees will have to carry the extra workload. We have also debated the question of Bibles or Korans in hospitals and chapels. These are very important matters that we should consider— [Time expired.]

### LOCAL GOVERNMENT ASSOCIATION

**The Hon. HELEN WESTWOOD** [6.01 p.m.]: This week the Local Government Association held its annual conference in Albury. The conference is the policy-setting vehicle for local government, and this year had 360 voting delegates, including mayors and councillors from all over New South Wales representing their communities. First, I would like to acknowledge Councillor Genia McCaffery, Mayor of North Sydney, on her retirement from the presidency of the Local Government Association of New South Wales after six years of leadership. I have worked with Genia in my role as mayor of Bankstown and as a member of the Local Government Association Executive Committee. Genia has always been a solid voice for local government in New South Wales, and indeed in the national arena. I particularly congratulate her on being such a positive role model for women in local government. I also congratulate Councillor Keith Rhodes on his election to the presidency, Councillor Allan Smith on his election as country vice-president, Councillor Allan Ezzy on his re-election as city vice-president, and Councillor Schreiber on his election as Treasurer.

It is with great delight that I report that women councillors have increased their representation on the executive committee from 25 per cent to nearly 40 per cent. This is particularly good news as 2010 is the Year of Women in Local Government. I am also proud that this has been largely due to the increased representation of Labor women on the executive. This result is a major achievement in a sector that is renowned for its male domination. I single out for special mention councillors Darriea Turley from Broken Hill and Leigh Vaughan from Greater Lakes, who were elected to the executive for the country, and councillors Julie Griffiths and Karen McKeown, elected for the metropolitan area. They are western Sydney women and were elected to the executive for the first time. I know personally all these very talented women who work so hard on behalf of, and to further the goals of, women in local government. This hard work encompasses furthering the careers not only of elected representatives but also of women working in local government.

I must say that the Local Government Association elections were not without their controversy. I should explain for those who have not been involved in local government that it is usual practice for each party to distribute their how-to-vote tickets for the various vacancies. Why do I mention how-to-vote tickets? It is because for the election of executive members at the conference the Liberal Party had five. That is right, there were five different how-to-vote tickets. There was the official Liberal ticket and then there were the other four tickets distributed by individuals who did not like their placement on the official ticket. No wonder Liberal confusion reigns supreme!

Another interesting incident was the vote for the executive committee, when apparently 20 Liberal councillors were missing. But let me digress—I will get back to them. I am sure all members have seen today's article in the *Daily Telegraph* about the conference struggling to establish a quorum. I can confirm that the article got it wrong. It was not a matter of councillors being too busy at the pub—no, that is much too common for the silvertail Libs. The convoy of 20 were having a very civilised lunch at the Rutherglen winery. I believe that for those back at the conference it was panic stations all round. Mobile phones were buzzing, but alas it seems that there is very little or no mobile reception at Rutherglen winery. It was too late; the councillors missed the vote. Far be it from me to suggest any Liberal impropriety, or that the councillors became entangled in vines and could not escape. Perhaps the gathering was dissecting how the five voting tickets had come about. I believe many here have heard the Latin term "in vino veritas". The Australian translation would be: Liberal councillors who lunch a lot. I wonder what the collective noun is for lunch-a-lots. Perhaps it is a Liberal of lunch-a-lots!

But, seriously, when it gets widely reported in the media that the conference struggled to obtain a quorum of 180 delegates and the missing 20 became the joke of the conference, what does that say about the commitment of Liberal councillors? As local government councillors, they should be held accountable. It is well known that there has been a directive from Liberal Party headquarters to block Labor councillors, especially in the lead-up to March. That is why there were so few Labor delegates and so many Liberal delegates at the conference. We all know that this is a vindictive short-sighted view and this appalling behaviour does not give communities a representative voice or good outcomes. If this is how the Liberals govern in local government, they clearly cannot be trusted to govern the State.

**THE NATIONALS CESSNOCK ELECTORATE CANDIDATE**

**The Hon. TREVOR KHAN** [6.05 p.m.]: I congratulate Alison Davey, The Nationals candidate for Cessnock, who was selected unopposed by local members of The Nationals Cessnock electorate council last night. Alison was selected after Neil Gorman, the previous Cessnock candidate for The Nationals, had to step down in order to dedicate more time to caring for his wife. I place on record my thanks to Neil for his service to the people of Cessnock in his role as candidate. His decision to step aside is admirable and reflects well on his commitment to his family. The role of any candidate requires great dedication and commitment, and I am glad that someone of the stature of Alison Davey has decided to rise to the challenge.

As members from the Hunter area may know, Alison is the Mayor of Cessnock. She has lived in Cessnock since 1961 and has served on the council for 28 years—surely one of the longest-serving councillors in New South Wales. Alison has a deep connection and commitment to Cessnock. Her record on council shows that she has spent her life fighting for Cessnock's fair share and encouraging others to do their best for themselves and their community. Alison's deep roots in the Cessnock community extend beyond public service. She is a lifelong educator, culminating in 25 years as principal of Bellbird Public School. We often take for granted the work of teachers in imparting knowledge and influencing impressionable young minds. Teachers are invaluable and their ability to inspire and challenge our children must be remembered and appreciated.

This Government has been criticised for its failure to look after the interests of small business, and the resulting impact on jobs and people's way of life. The Nationals always look for candidates with a background that will add real value to the Parliament. Alison's current role as the owner and manager of a small business in Cessnock gives her a valuable insight into the policies needed to get this State back on the right track. When I spoke to Alison this afternoon she told me of her passion to work for the people in Cessnock and keep open the Kurri Kurri hospital emergency department. The shadow Minister for Health Jillian Skinner has given that commitment and I am sure that Alison's work as a candidate will help to deliver better health results for the people of Cessnock, which they need and deserve.

The other pressing issue in Cessnock is roads—one would think that is a basic government responsibility. Alison has told me about the dire condition of roads in Cessnock. Cessnock roads need attention, maintenance and further development. As mayor, Alison has tried to establish a partnership and greater communication between the local council and the State Government in order to fix Cessnock roads. She told me that this will be at the top of her list of priorities if she is elected to Parliament. For too long, Labor has taken Cessnock for granted, secure in the knowledge that the seat would be delivered to it. Cessnock's local government services and infrastructure have failed to keep pace with residents' expectations. Given the recent announcement by the current member for Cessnock, Kerry Hickey, that he will not re-contest the next election, this is a perfect opportunity for Cessnock electors to make a real change and vote for a candidate with the experience and dedication to see New South Wales become the premier State once again and ensure that Cessnock receives the services to which it is entitled. Alison Davey is a local champion and is committed to making sure that this time Cessnock gets the attention it deserves. On 26 March 2011 the people of the Cessnock electorate have an opportunity to make a real difference.

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

**Motion agreed to.**

**The House adjourned at 6.10 p.m. until Tuesday 9 November 2010 at 2.30 p.m.**

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