

LEGISLATIVE COUNCIL

Wednesday 4 May 2011

The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Presentation to the Governor

The PRESIDENT: I have to report that yesterday I informed the Governor that, following a vacancy in the office of President, the Legislative Council, in the exercise of its lawful right, had proceeded to the election of its President and that the choice had fallen upon me as its independent and impartial representative. I presented myself to Her Excellency as your President, and Her Excellency was pleased to offer to me her congratulations.

I further report that, in the name and on behalf of the House, I laid claim to all its undoubted rights and privileges, particularly to freedom of speech in debate, to free access to Her Excellency when occasion should require, and asked that the most favourable construction should, on all occasions, be put upon its language and proceedings; to all of which the Governor readily assented.

ASSENT TO BILLS

Assent to the following bills reported:

Contract Cleaning Industry (Portable Long Service Leave Scheme) Bill 2010
 Long Service Corporation Bill 2010
 Education Amendment (Ethics) Bill 2010
 Local Government (Confiscation of Alcohol) Bill 2010
 Parliamentary Electorates and Elections Further Amendment Bill 2010
 Public Health Bill 2010
 Public Sector Employment and Management Bill 2010
 Road Transport (Driver Licensing) Amendment Bill 2010
 Rural Fires Amendment Bill 2010
 Vocational Education and Training (Commonwealth Powers) Bill 2010
 Wagering Legislation Amendment Bill 2010
 Water Management Amendment Bill 2010
 Workers Compensation (Dust Diseases) Amendment Bill 2010
 Courts and Crimes Legislation Further Amendment Bill 2010
 Crimes (Sentencing Procedure) Amendment Bill 2010
 Crimes (Serious Sex Offenders) Amendment Bill 2010

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
 Sydney 2000

Marie Bashir
 GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State at 7.35 p.m. on 6 December 2010.

6 December 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Lieutenant-Governor:

Office of the Governor
Sydney 2000

J J Spigelman
LIEUTENANT-GOVERNOR

The Honourable Chief Justice James Spigelman, Lieutenant-Governor of New South Wales, has the honour to inform the Legislative Council that, as a consequence of the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has this day assumed the administration of the government of the State.

22 February 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Administrator of the State of New South Wales:

Office of the Governor
Sydney 2000

J Allsop
ADMINISTRATOR

The Honourable Justice James Allsop, Administrator of the State of New South Wales, has the honour to inform the Legislative Council that, as a consequence of the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has this day assumed the administration of the government of the State.

23 February 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Lieutenant-Governor:

Office of the Governor
Sydney 2000

J J Spigelman
LIEUTENANT-GOVERNOR

The Honourable Chief Justice James Spigelman, Lieutenant-Governor of New South Wales, has the honour to inform the Legislative Council that, as a consequence of the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has this day assumed the administration of the government of the State.

26 February 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she has this day re-assumed the administration of the government of the State.

28 February 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Lieutenant-Governor:

Office of the Governor
Sydney 2000

J J Spigelman
LIEUTENANT-GOVERNOR

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has this day at 5.40 a.m. assumed the administration of the government of the State.

18 March 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she has this day re-assumed the administration of the government of the State at 6.20 p.m. on 18 March 2011.

18 March 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Lieutenant-Governor:

Office of the Governor
Sydney 2000

J J Spigelman
LIEUTENANT-GOVERNOR

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, being absent from the State, he has this day at 4.50 p.m. assumed the administration of the government of the State.

29 March 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the government of the State at 5.10 a.m. on 13 April 2011.

18 March 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Administrator of the State of New South Wales:

Office of the Governor
Sydney 2000

J Allsop
ADMINISTRATOR

The Honourable Justice Margaret Beazley, Administrator of the State of New South Wales, has the honour to inform the Legislative Council that, as a consequence of the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, she has this day assumed the administration of the government of the State.

22 April 2011

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the government of the State at 5.30 p.m. on 2 May 2011.

2 May 2011

RESIGNATION OF THE HONOURABLE JOHN CAMERON ROBERTSON

The PRESIDENT: I report the receipt of the following communication from Her Excellency the Governor addressed to the former President:

Office of the Governor
Sydney 2000

3 March 2011

The Honourable Amanda Fazio MLC
President of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear President

I have the honour to inform you that I have received a letter, dated 2 March 2011, from the Honourable John Robertson MLC tendering his resignation as a Member of the Legislative Council of New South Wales.

I have acknowledged receipt of the letter from Mr Robertson and have informed him that you have been advised of his resignation.

Yours sincerely
Professor Marie Bashir AC CVO
Governor of New South Wales

I have acknowledged Her Excellency's communication and the resignation has been entered in the Register of Members of the Legislative Council.

DEATH OF THE HONOURABLE ANDREW FRANCESCO CALABRO, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce the death on 13 January 2011 of the Honourable Francesco "Frank" Calabro, aged 85 years, a member of this House from 1970 to 1988. On behalf of the House I have extended to the family the deep sympathy of the Legislative Council in the loss sustained.

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

ROYAL MARRIAGE

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales a message of congratulation was sent by the former President to His Royal Highness Prince William of Wales, KG, on his marriage to Miss Catherine Middleton on 29 April 2011.

MESSAGES OF CONDOLENCE**Queensland Floods**

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales, a message of condolence has been sent to the Premier of Queensland expressing sympathy to the relatives and friends of the people of Queensland who suffered the loss of loved ones during the floods.

Moscow Airport Bombing

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales, a message of condolence has been sent to the Ambassador of Russia expressing sympathy to the relatives and friends of the people of Russia who were killed or injured by the bombing at Moscow's airport on Monday 24 January 2011.

Indonesia Attack

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales, a message of condolence has been sent to the Consul-General of Indonesia expressing sympathy to the relatives and friends of the people of Ahmadiyya Muslim Jamaat community who were killed or injured in an attack at Cikeusik on Sunday 6 February 2011.

New Zealand Earthquake

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales, a message of condolence has been sent to the Speaker of the New Zealand Parliament expressing sympathy to the relatives and friends of people who were killed, injured or displaced in the earthquake in Christchurch on Tuesday 22 February 2011.

Japan Earthquake

The PRESIDENT: I inform the House that on behalf of the members of the Legislative Council and the people of New South Wales, a message of condolence has been sent to the Consul-General of Japan expressing sympathy to the relatives and friends of people who were killed, injured or displaced in the earthquake and subsequent tsunami in Japan on Friday 11 March 2011.

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

QUEENSLAND FLOODS

The PRESIDENT: I report the receipt of the following communication from the Premier of Queensland addressed to the former President:

28 February 2011

The Honourable Amanda Fazio MLC
President
Legislative Council of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Fazio

Thank you for your recent letter of support during the recent devastating natural disasters in Queensland.

I have been overwhelmed by such messages of support and I want to thank you so much for thinking of us.

I am humbled by the depth and breadth of people's warmth and generosity of spirit as Queensland has been devastated by the disasters.

There were horrific losses of life and people's homes and livelihoods have been washed away in the floods and towns were flattened by Tropical Cyclone Yasi, but the strength and resilience of Queenslanders has been nothing short of amazing. Through it all, Queenslanders and I have drawn strength from the moving messages of support we have received.

The scars are going to take a long time to heal for many of us, and the road to recovery will be a long one. But while these disasters broke our hearts, not once did it break our fighting Queensland spirit.

And from the devastation, stories of this amazing spirit emerge—from armies of volunteers taking to the streets and offers of help from strangers, to stories of bravery and self-sacrifice. And as we have grieved for what we have lost, fellow Queenslanders, Australians and people the world over have wrapped their arms around us.

Your words of comfort and compassion are greatly appreciated.

Yours sincerely
Anna Bligh MP
Premier of Queensland

NEW ZEALAND EARTHQUAKE

The PRESIDENT: I report the receipt of the following communication from the Speaker of the New Zealand House of Representatives addressed to the former President:

15 March 2011

Hon Amanda Fazio
President
New South Wales Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000
AUSTRALIA

Dear President Fazio,

On behalf of the New Zealand House of Representatives, I wish to thank you for your kind letter of 1 March expressing your condolences to the people of Christchurch for the devastating earthquake of 22 February. This earthquake has claimed many lives, including two of your own nationals, and affected many more.

New Zealand is deeply grateful for the support and offers of assistance we have received from the Australian Government and its citizens, such as those from New South Wales who have helped in the search and rescue efforts. Members of the New South Wales police, in particular, have played a vital part in assisting the rescue and recovery operation in Christchurch in the aftermath of the quake. Our gratitude for your goodwill and generosity goes beyond words.

I am assured that the New Zealand Government will do everything it can to assist those families affected by the earthquake.

Please convey my best wishes to your colleagues in the Legislative Council.

Yours sincerely,
Dr The Rt Hon Lockwood Smith
Speaker

JAPAN EARTHQUAKE

The PRESIDENT: I report the receipt of the following communication from the Consul-General of Japan addressed to the former President:

24 March 2011

The Hon Amanda Fazio, MLC
President
Legislative Council
NSW Parliament House
Parliament House Macquarie Street
SYDNEY NSW 2000

Dear Madam President,

On behalf of the people of Japan, I write to extend my appreciation for your sympathies to those who were affected by the devastating earthquake and subsequent tsunamis which struck Japan on the 11 March 2011.

It truly saddens me to see such a tragedy unfold as the number of lives lost gradually rises. However, since the occurrence of this terrible disaster, our Consulate-General in Sydney has received innumerable condolence messages, prayers and offers to help from the Australian community.

I am deeply thankful for these acts of kindness and generosity and I strongly believe that with the support from caring people like you, the people of Japan will not only overcome their difficult set of circumstances, they will move toward the future with even stronger relationships with their great friends and neighbours here in Australia.

Warmest regards,
Masahiro Kohara, PhD
Consul-General of Japan

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, the following reports:

1. Report entitled "Investigation into the Submission of False Claims for Sitting Day Relief Entitlement by Angela D'Amore MP and some Members of her Staff", dated December 2010, received out of session and authorised to be made public on 7 December 2010.
2. Report entitled "Investigation into the Acceptance of Corrupt Benefits by a City of Canada Bay Council Employee", dated December 2010, received out of session and authorised to be made public on 15 December 2010.
3. Report entitled "Investigation into Corrupt Conduct of Sydney Water Employees and Others" dated March 2011, received out of session and authorised to be made public on 22 March 2011.
4. Report entitled "Investigation into Alleged Corrupt Conduct Involving Burwood Council's General Manager and Others", dated April 2011, received out of session and authorised to be made public on 20 April 2011.

OMBUDSMAN**Report**

The President tabled, pursuant to the Ombudsman Act 1974, the following reports:

1. Special report of the Ombudsman entitled "Inquiry into Service Provision to the Bourke and Brewarrina Communities", dated December 2010, received out of session and authorised to be made public on 15 December 2010.
2. Special report of the Ombudsman entitled "Improving Probity Standards for Funded Organisations", dated December 2010, received out of session and authorised to be made public on 15 December 2010.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION**Report**

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, a report entitled "Report of an Audit of Applications for and Execution of Search Warrants by the Independent Commission Against Corruption", dated December 2010, received out of session and authorised to be made public on 15 December 2010.

Ordered to be printed on motion by the Hon. Michael Gallacher.

LAW OF EVIDENCE BILL (PRO FORMA)

Bill presented and read a first time on motion by the Hon. Michael Gallacher.

UNPROCLAIMED LEGISLATION

The Hon. Greg Pearce tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 3 May 2011.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. Greg Pearce tabled, pursuant to Standing Order 59, a list of all papers tabled and not ordered to be printed since 1 December 2010.

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following papers:

1. Health Services Act 1997—Report of Area Health Advisory Councils including Greater Southern, Greater Western, Hunter New England, Northern Sydney Central Coast, North Coast, South Eastern Sydney Illawarra, Sydney South West and Sydney West, for the year ended 30 June 2010.
2. State Emergency and Rescue Management Act 1989—Reports for the year ended 30 June 2010:
State Emergency Management Committee
State Rescue Board

Ordered to be printed on motion by the Hon. Greg Pearce.

AUDITOR-GENERAL'S REPORTS

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following reports:

1. Financial Audits report, Volume Ten 2010, Focusing on Education and Communities, dated December 2010, received out of session and authorised to be printed on 7 December 2010.
2. Performance Audit report of the Auditor-General entitled "Sick Leave: Department of Premier and Cabinet", dated December 2010, received out of session and authorised to be printed on 8 December 2010.
3. Financial Audits report, Volume Eleven 2010, Focusing on Health and Ports, dated December 2010, received out of session and authorised to be printed on 15 December 2010.

4. Performance Audit report of the Auditor-General entitled "Mental Health Workforce: NSW Health", dated December 2010, received out of session and authorised to be printed on 16 December 2010.
5. Financial Audits report, Volume One 2011, dated February 2011, received out of session and authorised to be printed on 22 February 2011.
6. Performance Audit report entitled "The Effectiveness of Cautioning for Minor Cannabis Offences: NSW Police Force, NSW Health", dated April 2011, received out of session and authorised to be printed on 7 April 2011.

SELECT COMMITTEE ON RECREATIONAL FISHING

Report: Recreational Fishing in New South Wales

The Clerk announced the receipt of a report entitled "Recreational Fishing in New South Wales", dated December 2010, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 10 December 2010.

The Hon. ROBERT BROWN [11.20 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Robert Brown and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report

The Clerk announced the receipt, pursuant to standing orders, of report No. 35, entitled "Budget Estimates 2010-2011", dated December 2010, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 17 December 2010.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report

The Clerk announced the receipt, pursuant to standing orders, of report No. 24, entitled "Budget Estimates 2010-2011", dated December 2010, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 17 December 2010.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report

The Clerk announced the receipt, pursuant to standing orders, of report No. 36, entitled "The Gentrader Transactions", dated February 2011, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 23 February 2011.

Reverend the Hon. FRED NILE [11.22 a.m.]: I move:

That the House take note of the report.

As members know, this upper House inquiry became involved in unprecedented controversy when the Government sought to restrict the inquiry by proroguing Parliament without notice. As members also know, the inquiry did proceed, according to the Clerk's advice and additional legal advice, and that report can now be considered by this House.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

STANDING COMMITTEE ON LAW AND JUSTICE**Government Responses to Reports**

The Clerk announced the receipt, pursuant to standing orders, of the Government's responses to the following reports:

1. Report No. 44, entitled "Inquiry into judge alone trials under s.132 of the Criminal Procedure Act 1986", tabled on 8 November 2010, received out of session and authorised to be printed on 4 February 2011.
2. Report No. 46, entitled "Inquiry into the Eligibility of Members of Parliament to Serve on Juries", tabled on 24 November 2010, received out of session and authorised to be printed on 8 February 2011.

GENERAL PURPOSE STANDING COMMITTEE NO. 2**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 34, entitled "The Provision of Education to Students with a Disability or Special Needs", tabled on 16 July 2010, received out of session and authorised to be printed on 7 February 2011.

STANDING COMMITTEE ON SOCIAL ISSUES**Government Response to Report**

The Clerk announced the receipt, pursuant to standing orders, of the Government's response to report No. 43, entitled "Substitute Decision-making for People Lacking Capacity", tabled on 25 February 2010, received out of session and authorised to be printed on 7 March 2011.

BIRDON MARINE PTY LTD**Return to Address**

The Clerk tabled, pursuant to resolution of 25 November 2010, correspondence from the Official Secretary to Her Excellency the Governor regarding an Address to the Governor for papers relating to Birdon Marine Pty Ltd received on 17 December 2010.

The Clerk informed the House that the correspondence stated that the matter was considered by the Executive Council on 15 December 2010 and, on the advice of the Executive Council, the Governor refused the request on grounds outlined in the letter.

SECURITY INDUSTRY REVIEW**Production of Documents: Return to Order**

The Clerk, pursuant to resolution of 25 November 2010, tabled documents relating to a review of the security industry received on 9 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

ALCOHOL LICENSING ENFORCEMENT COMMAND**Production of Documents: Further Return to Order**

The Clerk tabled, pursuant to resolution of 25 November 2010, documents relating to a further order for papers regarding Alcohol Licensing Enforcement Command received on 9 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

REVISED HEZ DESKTOP BIOBANK ASSESSMENT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of December 2010, documents relating to revised HEZ Desktop Biobank Assessment received on 9 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

LOCAL HEALTH NETWORKS**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 25 November 2010, documents relating to local health networks received on 13 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

CESSNOCK COUNCIL**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 19 May 2010, additional documents relating to Cessnock Council received on 15 December 2010 from the Director General of the Department of Premier and Cabinet.

BIRDON MARINE PTY LTD**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 25 November 2010, documents relating to Birdon Marine Pty Ltd received on 16 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

VARROVILLE REST AREA**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 1 December 2010, documents relating to a rest area at Varroville received on 21 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

THIRLMERE LAKES**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 1 December 2010, documents relating to Thirlmere Lakes received on 21 December 2010 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE COUNCIL

The Hon. MICHAEL GALLACHER: I advise honourable members that with respect to the representation of Government responsibilities in this Chamber I shall act in respect of my own portfolios and will represent the following Ministers in the other place:

The Hon. Barry O'Farrell, MP, Premier, and Minister for Western Sydney
The Hon. Greg Smith, MP, Attorney General, and Minister for Justice
The Hon. Chris Hartcher, MP, Minister for the Central Coast
The Hon. Jillian Skinner, MP, Minister for Health, and Minister for Medical Research
The Hon. Kevin Humphries, MP, Minister for Mental Health, Minister for Healthy Lifestyles
The Hon. Victor Dominello, MP, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs
The Hon. Graham Annesley, MP, Minister for Sports and Recreation
The Hon. George Souris, MP, Minister for Tourism Major Events Hospitality and Racing, and Minister for the Arts

The Hon. Duncan Gay, MLC, Minister for Roads and Ports, will act in respect of his own portfolio and will represent the following Ministers in the other House:

The Hon. Andrew Stoner, MP, Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services
The Hon. Gladys Berejiklian, MP, Minister for Transport
The Hon. Adrian Piccoli, MP, Minister for Education
The Hon. Chris Hartcher, MP, Minister for Resources and Energy
The Hon. Katrina Hodgkinson, MP, Minister for Primary Industries, and Minister for Small Business
The Hon. Kevin Humphries, MP, Minister for Western New South Wales

The Hon. Greg Pearce, MLC, Minister for Finance and Services, and Minister for the Illawarra, will act in respect of his own portfolios and will represent the following Ministers in the other House:

The Hon. Mike Baird, MP, Treasurer
The Hon. Anthony Roberts, MP, Minister for Fair Trading
The Hon. Brad Hazzard, MP, Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW
The Hon. Pru Goward, MP, Minister for Family and Community Services, and Minister for Women
The Hon. Andrew Constance, MP, Minister for Ageing, and Minister for Disability Services
The Hon. Robyn Parker, MP, Minister for the Environment, and Minister for Heritage
The Hon. Don Page, MP, Minister for Local Government, and Minister for the North Coast

PETITIONS

Euthanasia

Petition praying that the House will oppose any attempts to legalise or decriminalise the practice of euthanasia to ensure that the quality of life of the elderly, handicapped or terminally ill is not subject to these unjust or unethical procedures, received from **Reverend the Hon. Fred Nile**.

Religious Education and School Ethics Classes

Petition opposing the newly proposed secular humanist ethics course in public schools and calling on the Government to support the cancellation of the ethics course and express its support for scripture classes, received from **Reverend the Hon. Fred Nile**.

Identity Concealment

Petition opposing any face covering that conceals the identity of a person and prevents Australia from being an open society, and requesting that the House support the private member's bill of Reverend the Hon. Fred Nile that prohibits within all public areas the wearing of any article of clothing that conceals a person's identity, received from **Reverend the Hon. Fred Nile**.

NOTICES OF MOTIONS

The PRESIDENT: For the information of members, I advise that I intend to follow the established procedure when members seek the call for notices to allow only one general business notice of motion to be given by a member on each call from the Chair. This practice will not apply to Ministers or to members giving contingent notices of motion. The Chair will continue to recognise the Leader of the Opposition first after Ministers, but will then alternate the call between the Government, Opposition and crossbenches until all notices have been given.

I further advise members that there will be a minor change to the *Notice Paper*. During this session of Parliament, when a notice is given it will be assigned a unique number for publication in the *Notice Paper* and it will retain that number for the duration and until completed. There will be no reordering of notices following the disposal of any earlier notices.

ELECTION RESULT

Ministerial Statement

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.56 a.m.]: I take this opportunity to welcome all members, old and new, to the Fifty-fifth Parliament of New South Wales and congratulate them all on their election. Mr President, I congratulate you on your election to that position. I congratulate the Leader of the Opposition and the Deputy Leader of the Opposition on their election, and the shadow Ministers on their election and on their portfolios. I do not wish you a lot of luck, but I wish you great longevity in your roles; may your roles go on for years, and years and years.

The Hon. Luke Foley: We will be hard-pressed to match your record.

The Hon. DUNCAN GAY: We look forward to your matching our record.

The Hon. Michael Gallacher: And bettering it.

The Hon. DUNCAN GAY: And even bettering it. I know it is quite within your ability, Luke.

The Hon. Michael Gallacher: You're the man, Luke!

The Hon. DUNCAN GAY: You could do it. I also welcome our new colleagues: Niall Blair of The Nationals, Sarah Mitchell of The Nationals, Scot MacDonald of the Liberals, Natasha Maclaren-Jones of the Liberals, Peter Phelps of the Liberals; and the new members of the crossbench, Paul Green from the Christian Democratic Party, Jan Barham from The Greens in Byron, and Jeremy Buckingham from The Greens in Orange—an Orange Green! Sort of Irish, isn't it! I would like to have welcomed some new Labor members, but there were not any!

With the President's indulgence, I will recognise the achievements of two of my new colleagues, who are two of the youngest members of the Legislative Council: Niall Blair, aged 33, and Sarah Mitchell, aged 28—a decade younger than I was when I came here as the youngest member in 1988. Niall Blair hails from Goulburn, lived and worked in Leeton, and currently lives with his wife, Melinda, and young son, Lachlan, in the Southern Highlands. As a young father, he brings an understanding of the struggle of young country families faced with the cost of living increases. Niall has worked as a Technical Training Manager for Integral Energy Australia and is no stranger to responsibility; his role included looking after 180 staff and managing a budget of millions of dollars. He also brings to Parliament his skills as a small businessman, as he and his wife, Melinda, started their own safety consulting company, Admire Workplace Safety, in 2005. The business currently employs 12 staff and has taken him all over regional New South Wales visiting clients.

At 28, Sarah Mitchell is the youngest of The Nationals' preselected candidates of the Legislative Council. Born in Gunnedah, Sarah has spent most of her life living in the north-west region of New South Wales. She currently lives in Moree with her new husband, Anthony, her wedding having taken place since the March election. Sarah's interest in politics began when, as a school captain at Gunnedah High School, she met her local member, John Anderson, the then Federal Leader of The Nationals. In 2005 Sarah joined John Anderson's staff full time and for the past five years she worked with his successor, the Federal member for Parkes, Mark Coulton. Sarah is currently the President of the Federal Young Nationals and chairman of the New South Wales Young Nationals.

It is this youth and vigour that will give the Fifty-fifth Parliament a new ability to represent the wide and sometimes disparate views of the people of New South Wales. As a new government we are committed to understanding the aspirations and values of all people and communities throughout New South Wales. This understanding, which we should all strive for in the Legislative Council, will help us to deliver the best possible services, modern infrastructure and public institutions that strengthen people's choices, opportunities and freedoms.

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

QUESTIONS WITHOUT NOTICE

M5 WIDENING PROJECT

The Hon. TONY KELLY: My question is addressed to the Minister for Roads and Ports. I refer to the Premier's comments on the widening of the M5, reported on *Sky News* on 8 March, that "a Liberal-Nationals Government will fast-track it because we do believe it will provide benefits to people". Given that the Government has already committed to this infrastructure project, what role will Infrastructure NSW play in its assessment? When will the project be delivered? How much will motorists be charged to use the M5 after the project is complete?

The Hon. DUNCAN GAY: I remind the Leader of the Opposition of the advice that a former Leader of the Government, Michael Egan, gave me across the Chamber: "If you're going to ask a question, you should have a question time committee." He said that a member should not ask a question that will cause embarrassment. The question asked by the Hon. Tony Kelly will embarrass him—

[Interruption]

Members opposite do not like it! It is all good news.

The Hon. Amanda Fazio: Point of order: The Minister for Roads and Ports is not answering the question; he is debating the question. I ask you to direct the Minister to answer the question and to cease debating it.

The PRESIDENT: Order! I uphold the point order. The Minister will answer the question, not debate it.

The Hon. DUNCAN GAY: During the election campaign the Coalition made it clear that widening the M5 motorway from four to six lanes between Camden Valley Way and King Georges Road would be a high priority. This is about delivering better and safer roads for the people and businesses of western Sydney—people who were forgotten by the Labor Government. After years of being taken for granted by the previous Government, the people of Campbelltown, Camden, Menai, Oatley, East Hills, Rockdale and Wollondilly have placed their faith in us to improve transport infrastructure in their communities. It is an issue that saw communities vote strongly in favour of new local members, such as Melanie Gibbons, who achieved a swing of 27.1 per cent in Menai; Chris Patterson, with a swing of 22.8 per cent in Camden; and Brian Doyle, with a 21.8 per cent swing in Campbelltown.

For more than two years Labor failed to deliver a satisfactory negotiated outcome with the operator of the M5. This had the effect of disrupting project development and approvals, resulting in taxpayers having to pay almost \$10 million to Interlink Roads for not fulfilling the contract. Members opposite need a question time committee to ensure that they do not ask questions that will embarrass them or their former Ministers. I have instructed the Roads and Traffic Authority to prepare to recommence negotiations with the proponent of the M5 West widening project. The widening proposal of Interlink Roads for the M5 West has a capital cost of between \$350 million and \$400 million, depending on the final scope of works. As promised before the election, and in accordance with the 100 Day Action Plan, the Government is committed to finalising a value-for-money agreement with Interlink Roads to carry out the works, with a view to completing negotiations by the end of July 2011.

[Interruption]

Members opposite should listen because this is good news, although I know they do not like good news. If they listen, they will hear some good news. They are used to the rubbish we always heard in question time when their colleagues were in government. Now they are getting good news and they will not listen. The Government intends to finalise an agreement with the motorway operator to widen the motorway and fund the cost through an extension of the toll concession term, with no further increases in tolls for cars. The commercial details are yet to be finalised, but we will ensure that an agreement is reached that provides value for money to motorists and the taxpayer. Planning approval for the project is being progressed separately and will be finalised before the contract is signed. *[Time expired.]*

The Hon. CHARLIE LYNN: I ask the Minister to elucidate his answer.

The PRESIDENT: Order! The Minister has indicated that he has concluded his answer.

BUDGET BLACK HOLE

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Finance and Services. What information can the Minister provide to the House on the budget black hole left by the previous Government?

The Hon. GREG PEARCE: I welcome back the Hon. Matthew Mason-Cox. I welcome also the new members on the Government side of the House. I will not name them all, suffice it to say that it is great to see them. I note where the members of the Shooters and Fishers Party and the Christian Democratic Party are sitting. Welcome to the Government side of the House.

[Interruption]

It is fantastic to see all of my colleagues here; they have worked so hard. It is a privilege to be part of a team that has worked hard for quite a long time to bring back good government to this State. I congratulate the new Leader of the Opposition and the shadow Ministers on their appointments to their new roles. Having served as a shadow Minister, I know that it is a thankless task. Like my colleague the Deputy Leader of the Government, I wish you all the opportunities I had when I was in Opposition—which in my case was for 10¼ years. Some of my colleagues were in Opposition for 16 years. I know Labor members will make the most of every moment they are in Opposition. I am pleased that they have all come back—I am sorry, obviously not all have returned. I hope that they will all serve their full terms, because they have taken on a great responsibility.

Let us talk about the black hole. As part of its 100 Day Action Plan, the New South Wales Government has established a Commission of Audit to review New South Wales's finances, expenditure and management. The commission is headed by Mr Michael Lambert, a former head of Treasury—I think under the previous Labor Government. He is very capable. He is tasked with identifying and reporting on a number of matters: the state of the New South Wales balance sheet, including on-budget and off-budget assets and liabilities; the long-term sustainability of the New South Wales budget position, including the underlying cost and revenue drivers; financial controls and risk management frameworks; achieving expenditure, efficiency and effectiveness; opportunities to strengthen the New South Wales financial position; and measures to drive better performance through increased accountability and transparency in financial reporting. The report will be produced in two parts: part A will address the current financial position and part B will set out a medium-term financial reform strategy. The report will be completed in June 2011.

We have already heard that a \$4.5 billion black hole was identified in the State finances as the variation between the mid-year review published by the former Treasurer and the latest budget position, and that was based on the briefing report that the Premier and the Deputy Premier received as one of the first pieces of information from public servants. The moment they were able to, public servants told us that there was a \$4.5 billion blow-out in the budget position that had been hidden by those opposite when they were in government. Part A of the audit has since revealed that the \$4.5 billion hole has blown out to \$5.2 billion.

The Hon. Matthew Mason-Cox: Will the Minister elucidate his answer?

The Hon. GREG PEARCE: I think I will come back to this matter on another occasion because it will take me quite some time to tell the full story. *[Time expired.]*

KOSCIUSZKO NATIONAL PARK FERAL ANIMALS

The PRESIDENT: Order! Members should seek the call by rising in their place and asking for it rather than standing and remaining silent.

The Hon. ROBERT BORSAK: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the National Parks and Wildlife Service about to commence, or has it already commenced, baiting trials using cyanide in an attempt to kill wild deer in Kosciuszko National Park? Is the Minister aware that the use of cyanide to control deer is illegal under the Game and Feral Animal Control Act 2002 and that the use of high-concentrate cyanide bait is a cruel method of pest control and certainly not target-specific? Will the Minister inform the House whether National Parks and Wildlife Service staff have used, are planning to use or are currently using this control method? If so, who sanctioned the trials?

The Hon. DUNCAN GAY: I will refer the question, which relates to the poisoning of feral animals within Kosciuszko National Park, to my colleague Ms Katrina Hodgkinson, the Minister for Primary Industries, for a detailed answer.

MEMBER FOR ROCKDALE

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. When did the Minister first become aware that the member for Rockdale was in receipt of a breakdown pension from the Crown? How did the Minister become aware of that? What steps did the Minister then take?

The Hon. GREG PEARCE: How low can Labor members go? How grubby can they be to attack someone for being on a disability pension; to attack a courageous person trying to represent his constituency?

The Hon. Amanda Fazio: Point of order: My point of order is on relevance. The question asked about the Minister's actions in relation to this matter; it did not make adverse reflections on the member for Rockdale. The answer therefore is not relevant and I ask you to bring the Minister back to the question and ask him to provide an answer that is relevant to it.

The PRESIDENT: Order! It was too early to form the view expressed by the Hon. Amanda Fazio. I do not uphold the point of order.

The Hon. GREG PEARCE: Bullying in the media. This is the sort of stuff that Labor has been putting out—bullying a person on a disability pension; someone who was assessed under the rules put in place by the former Government.

The Hon. Amanda Fazio: Point of order: My point of order relates once again to relevance. I respect your previous ruling, Mr President, in which you noted that the Minister had not given enough of an answer to allow you to draw a conclusion on whether he was being relevant. The Minister has indicated by his most recent comments that he is not being relevant in his answer. The question asked of him was very simple and was about his actions as the Minister after he became aware of this matter. It did not relate to the member for Rockdale. I ask you to direct the Minister to be relevant and to return to the subject matter of the question.

The Hon. GREG PEARCE: To the point of order: If the Labor Party is going to perform like a bunch of grubs over this, its members are going to have to put up with it.

The PRESIDENT: Order! The Minister knows that is not a point of order. The Minister will either speak to the point of order or he will resume his seat and listen to my ruling.

The Hon. John Ajaka: To the point of order: The objection was raised when the Minister mentioned an article in a newspaper. Part of the question was clearly based on when the Minister became aware. Clearly referring to articles in the paper comes within that ambit of notice. I submit at the very least it is generally relevant to the question.

[*Interruption*]

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order. There is no point of order.

The Hon. GREG PEARCE: I suggest to those members of the Labor Party who have any character at all to re-think this strategy very soon because it will not work for them. They are coming across as a bunch of grubs by pursuing this matter. I will not allow them to act in this appalling way without giving them back in kind. I am happy to answer this question and I am happy to comply with the order if they wish to press it. I will do that— [*Time expired.*]

The Hon. LUKE FOLEY: I ask a supplementary question. I ask the Minister to elucidate his answer. He has not answered my question: When and how did the Minister become aware that the member for Rockdale was in receipt of a breakdown pension from the Crown? What steps did the Minister then take?

The PRESIDENT: Order! The question asked by the Deputy Leader of the Opposition was merely a re-statement of his original question. Consequently, it is not a supplementary question and is out of order.

The Hon. LUKE FOLEY: On your ruling, with respect, I asked the Minister to elucidate his answer.

The PRESIDENT: Order! The Deputy Leader of the Opposition should not canvass my ruling.

EASTER ROAD TOLL AND ROAD SAFETY

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council. Will the Minister inform the House on the Easter road toll and road safety issues?

The Hon. MICHAEL GALLACHER: As families packed their cars and headed out from our towns and cities to take a well-earned break over Easter drivers needed to be reminded of their obligation to take care on our roads. Just before Easter I joined the Commissioner of Police, Andrew Scipione, Assistant Commissioner John Hartley, Commander Traffic Services, and other officers in launching this year's Operation Tortoise. With an extension for the Anzac Day holiday, Easter 2011 was anticipated to be a high-risk time for driving accidents.

Double demerit points applied for all speeding, seatbelt and helmet offences during the period and, after cutting the road toll from nine deaths in 2009 to three last year, police took nothing for granted and were out in force across the State. With large parts of the State experiencing a very wet five-day break, Operation Tortoise this year recorded five fatalities. Any death on our roads is one too many, and on behalf of members of this House I extend our sympathies to the families of those who died on our roads over the Easter break. Reported major crashes increased by 28 over those reported in 2010, however, fewer people were injured on our roads this year than were injured last year.

The most pleasing statistic is that, whilst police conducted more than 247,000 breath tests during Operation Tortoise, there were 133 fewer motorists charged with drink driving than were charged last year, with 464 charges being laid. We can only hope the message about drink driving is starting to get through. The total number of traffic infringement notices issued for speeding was also down on that for last year, from 6,968 to 5,576. Again, the decrease is encouraging, but the figure is still much too high. I know that all members will agree that the presence of a marked highway patrol car on our roads is the best and most effective deterrent to dangerous driving. For that reason the O'Farrell Government is committed to getting highway patrol officers out from behind desks and back onto our streets, and freeing them from regularly being used to fill gaps elsewhere.

The highway patrol is an essential element in a safe road network and under this Coalition Government it will no longer be an optional extra within the New South Wales policing strategy. The New South Wales Liberals and Nationals are committed to delivering an additional 100 highway patrol officers and 50 additional highway patrol cars over the next three years. There is fundamental agreement throughout the community that the New South Wales highway patrol model under the previous Government did not deliver a sufficiently visible presence on our roads and that improvements were needed—they were needed under the previous Government and we know that they are needed now.

Coalition members have said many times in the past when debating this matter from the other side of the Chamber that far too often highway patrol officers are taken away from responsible duties and put elsewhere to fill gaps in the roster. Now, in government, we have begun the process of creating a centralised highway patrol State command to achieve a clear intelligence-based outcome for road safety. Statistical data on accidents, unsafe driving behaviour and road hazards can be centralised with the outcome of targeted responses to those issues collected and analysed by one command. It is about recognising that highway patrol officers build up an expertise of the road and an understanding of driving behaviour. They know where to look to find the signs of speeding as well as errant driver behaviour.

The previous Government did not recognise that expertise and failed to give highway patrol officers an opportunity to show what they are capable of doing. This Coalition Government has put those changes in place. We are now in the process of looking at what occurred over the Easter weekend, which was monitored by a centralised command, to enable Assistant Commissioner John Hartley, Commander Traffic Services, to deploy officers where they are needed—which is exactly what is needed to change driver behaviour and to drive down our road toll.

FISH ROCK AND GREEN ISLAND FISHING BAN REVOCATION

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Given that the Minister last month revoked the ban on

fishing at Fish Rock and Green Island and has "put closures back out to public consultation for three months", will she give an assurance that at the end of that period those bans, which were initially based on dodgy science, will not be reimposed?

The Hon. DUNCAN GAY: I have had considerable interest in this subject for quite some time and tempted as I am to give a commitment on behalf of another Minister, I will not. However, the Coalition did make a commitment during the election campaign to revoke the regulation and to put the matter out for consultation, and that is what we have done. Making a commitment on a matter before engaging in consultation would be going back to the dark old days of the previous Government, and we would not want to do that.

MEMBER FOR ROCKDALE

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. Did the Minister, or any member of his staff, discuss with the member for Rockdale his receipt of a breakdown pension from the Crown or provide advice or assistance to him regarding his dealings with the SAS Trustee Corporation? If so, what was that advice or assistance?

The Hon. GREG PEARCE: I read about the pension when the story first appeared in the *Daily Telegraph*. I want to offer special congratulations to the Deputy Leader of the Opposition. He has been in Parliament for only a few months and already he is Labor's deputy leader in this House. I guess he was given that responsibility because of his extraordinary performance during the election campaign. I would suggest that other than the present Premier and Deputy Premier no-one—with the possible exception of Kristina Keneally and perhaps Eric Roozendaal—made a greater contribution to our election victory than the Hon. Luke Foley. I thank him for his extraordinary performance in that regard.

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. The Minister was asked a discrete question about any interaction he or his staff may have had in relation to the member for Rockdale, and the Minister is now referring to a completely irrelevant matter. I ask you to draw him back to the question.

The PRESIDENT: Order! I uphold the point of order.

The Hon. GREG PEARCE: I had started answering the question and was diverted to make some comments about the role and performance of the Deputy Leader of the Opposition. I wanted especially to say that I enjoyed working with him on the parliamentary inquiry into the electricity gentrader transactions. Members will recall the sensational decision made by the former Government prior Christmas to prorogue Parliament—

The Hon. Amanda Fazio: Point of order: My point of order is on the same basis as my previous point of order; the issue of relevance. The Minister's response is completely irrelevant to the question that was asked of him and I ask you to direct him to answer that question.

The Hon. GREG PEARCE: To the point of order: I can hardly see how I can answer the question if the Opposition persists with the tactic of taking a point of order every time I want to make a comment about anything. I should not be directed to sit down all the time because it will take up the time of question time.

The Hon. Amanda Fazio: Further to the point of order: The Minister's contribution was not even relevant to the point of order. I ask you to require the Minister to be relevant in his response to the questions that are asked of him. If he is concerned about the waste of time in question time, he should be relevant in his answers to the questions asked of him rather than evasive.

The Hon. Duncan Gay: What is your point of order?

The Hon. Amanda Fazio: My point of order relates to relevance, as I indicated at the outset, as the Minister would know had he been listening. I ask you, Mr President, to direct the Minister to be relevant in his answer.

The PRESIDENT: Order! I uphold the point of order.

The Hon. GREG PEARCE: I do not see how I could have been more relevant than when I said at the outset that I first learnt of the pension when I read about it in the *Daily Telegraph*, just as everybody else did.

The Hon. Tony Kelly: Point of order: That was the answer to the previous question, not this question, which is about his conversations.

The PRESIDENT: Order! That is not a point of order. The Minister has the call.

The Hon. GREG PEARCE: I am a bit mystified by the point of order of the Leader of the Opposition because I am answering the question. I am in the middle of my answer to the question, but members opposite keep taking points of order on me. As I said earlier, if they want to behave like grubs over this, they are going to be dragged kicking and screaming— [*Time expired.*]

SPEED AND SAFETY CAMERAS

The Hon. TREVOR KHAN: My question is addressed to the Minister for Roads and Ports. What is the New South Wales Liberal-Nationals Government doing to tackle the former Labor Government's blatant use of speed and safety cameras to raise revenue?

The Hon. DUNCAN GAY: I thank the honourable member for his question, which raises an important matter. Our approach has received accolades across the State. People are high-fiving, including members of the Opposition in this Chamber, because they realise that a fairer resolution of this matter was needed. Motorists had genuine concerns that speed cameras had become cash cows under the former Labor Government. In 2009-10 fixed speed cameras in New South Wales fined a total of 477,000 road users, probably including some members of the Opposition and some of ours as well—they should not be speeding—and collected nearly \$71 million in revenue.

The highest earning fixed camera was in Cleveland Street, Sydney, in Clover Moore's electorate at the back of Sydney Boys High School and Sydney Girls High School, where some of the brightest kids in our State go to school. The Premier and I have asked the Auditor General to investigate every speed camera cross New South Wales, including fixed speed cameras, safety cameras and the newly introduced mobile speed cameras. The audit aims to provide motorists with the assurance that speed cameras are in places where they will improve road safety.

The PRESIDENT: Order! If the Hon. Lynda Voltz and Dr John Kaye would like to have a conversation, they should do so in the Members' Lounge.

The Hon. DUNCAN GAY: If any of the State's 172 fixed speed cameras are found to have no effect on road safety, the Premier has given an assurance that they will be ripped out. We requested the Auditor General to investigate issues such as the evidence supporting the use of speed cameras to improve road safety; before and after analysis of crashes at fixed speed camera locations; the impact of the reintroduced mobile speed cameras; and how speed camera operations could be refined to improve road safety.

The New South Wales Coalition Government has long stated its preference for visibly marked highway patrol cars over receiving a ticket in the mail. My colleague the Minister for Police and Leader of the Government indicated that earlier. He does not like me saying this, but I am the only person in the House who is allowed to get away with it: Having a copper in a marked police car works a treat. It is the word "copper" that he does not like, but I use it with great respect on this occasion. To restore confidence in road safety we also intend to deliver an additional 100 highway patrol officers and additional police vehicles.

The audit is expected to take about three months. During the audit phase the installation of all future safety cameras has been put on hold. Speed cameras currently being installed during the audit will be completed. However, those cameras will issue only warning notices and no infringement fines. My wife asked me a question the other day about safety cameras, and no doubt members have queried this aspect as well. A "safety camera" at an intersection is not only a red light camera but also a speed camera.

The Hon. Penny Sharpe: If you speed through a red light you should be pinged.

The Hon. DUNCAN GAY: That is the point. Whilst warnings will be issued, there will not be warnings for people travelling more than 30 kilometres an hour over the speed limit. They will be fined, and so they should be. [*Time expired.*]

CITY WEST CYCLE LINK

Ms CATE FAEHRMANN: My question is to the Minister for Roads and Ports. Given recent increases in commuting cycle trips in Sydney due to improved infrastructure and the Government's stated desire to encourage cycling as a viable transport option, and given that the current Lilyfield Road cycle route is a relatively dangerous and difficult route that links the central business district and Sydney's west, will the Minister join me for a ride along this route so that he can appreciate the value in supporting the proposed \$5 million city west cycle link?

The Hon. DUNCAN GAY: Mr President—

The Hon. Lynda Voltz: What colour are your lycras?

The Hon. DUNCAN GAY: Black, like my heart! There are some things that should happen in the world and some that should not. One of the things that should not happen is my wearing lycra. I once had a meeting with former Minister Ian Macdonald, who said, "Let's meet in Centennial Park to talk over some issues." He said, "I ride a bike and you like to go for a walk, and we should have a meeting." I said, "There's one condition, Macca—you do not wear lycra!" Can you imagine? He assured me he wore shorts.

I would be happy to walk along the route mentioned by the member. I am not a great cyclist. The Hon. Cate Faehrmann can walk with me along College, Kent and Bourke streets and see how many bicycles come along. It is an important question, but it is predictable. We support cycling as a viable and active form of transport. The fact that we have said that has been ignored by many of the groups the member represents. We are concerned that cycleways have been put in place at huge expense that seem not to be used.

Ms Cate Faehrmann: They are used.

The Hon. DUNCAN GAY: The member can produce all the figures she likes, but one has only to drive, ride or walk along College Street—

Dr John Kaye: Anecdotal evidence compared to statistics.

The Hon. DUNCAN GAY: Dr John Kaye refers to anecdotal evidence, but the bikes are either there or they are not. I can assure the member that people are not using the cycleways. I have quite rightly asked the question: Why are people not using them? That question needs to be answered because it is important that we have a viable network of cycleways in this State. I do not necessarily believe they are on the right streets at the moment. One of the things we need to address in an ordered manner when we put the integrated transport authority together is to make sure we remove the current angst. I have children who ride bikes and I want them protected. I also have lots of friends who ride bikes and who need to be protected.

The Hon. Mick Veitch: Tony rides one.

The Hon. DUNCAN GAY: Tony is a friend and he rides a bike. That is terrific. He is following the great example of John Della Bosca. Do you wear lycra, Tony?

The Hon. Tony Kelly: I've got a different outfit.

The Hon. DUNCAN GAY: What is your outfit like?

The Hon. Tony Kelly: Shorts and bike straps.

The Hon. DUNCAN GAY: The Hon. Cate Faehrmann asked a good question. We support cycleways, but we should not go ahead with them simply because people say we need them everywhere. We need to have a proper plan before going ahead with them. I am going to meet the Council of the City of Sydney. To its credit it has indicated that it wants to meet me. I have not had time as yet because I have had a few issues on my plate. It is an important issue. I ask the member to assure the groups she represents that sending me vicious emails is not helping their cause at all. It is the same as blocking the Harbour Bridge. I am a convert to providing a proper network of cycleways, but people are not going to influence me by sending vicious emails. [*Time expired.*]

MEMBER FOR ROCKDALE

The Hon. LUKE FOLEY: My question is to the Minister for Finance and Services. What was the nature of the request made by the member for Rockdale to the board of the SAS Trustee Corporation at its meeting on 27 April?

The Hon. GREG PEARCE: I am not on the board of the SAS Trustee Corporation. I really do not know what the member for Rockdale said to the board of the trustee corporation. However, when I was presented with proper advice, which includes legal advice—

The Hon. Sophie Cotsis: Why not table it?

The Hon. GREG PEARCE: I stated earlier that I will table all the documents so that the Opposition does not waste time calling for papers under Standing Order 52. When I was presented with a clearly anomalous situation that required compassion and involved a man who, as we all know, deserved support, I took advice. The advice was to sign a regulation that would avoid a person with capacity and opportunity—who courageously offered to serve their community by running for Parliament, who had been assessed under the previous Labor Government's rules as being genuinely entitled to receive a pension and who was in receipt of a pension—receiving two payments from the Crown. This is about not receiving two payments. I know that members of the Opposition would not understand the concept.

In this case I was advised to avoid making two payments by approving a regulation. Having very carefully considered and tested the advice I had received, I signed the Superannuation Amendment (Breakdown Pensions) Regulation 2011 that was created under the Superannuation Act 1916. It is a very well drafted regulation. It states:

1 Name of Regulation

This Regulation is the *Superannuation Amendment (Breakdown Pensions) Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

I believe the regulation was published last Friday. I have not checked that—I have been busy—but if the Opposition requires me to check it and confirm in the House that is the case, I will do so. Schedule 1, Amendment of Superannuation Regulation 2006, states:

Clause 11A

Insert after clause 11:

11A Cancellation of breakdown pension at direction of pensioner

- (1) A pensioner in receipt of a breakdown pension that is not payable for the remainder of the pensioner's life may direct STC, by notice in writing, to cancel the pension

[Time expired.]

INTERNATIONAL DAY OF MOURNING

The Hon. JOHN AJAKA: In directing my question to the Minister for Finance and Services, I refer to the International Day of Mourning on 28 April. Will he advise the House how the day was marked in New South Wales?

The Hon. GREG PEARCE: I thank the Hon. John Ajaka for his important question. On 28 April I was privileged to attend, in the presence of Her Excellency the Governor, a multifaith ceremony to mark the International Day of Mourning and to represent the Premier and the Government. The Leader of the Opposition, Mr Robertson, the Deputy Leader of the Opposition, Ms Burney, the Hon. Sophie Cotsis, other members of this House, representatives of various religious faiths, union representatives and, most importantly, the families of a number of deceased workers also attended. The ceremony was very moving. At the ceremony I spoke to some family members of deceased workers. I believe it to be beyond anyone not to be absolutely horrified by some of the accidents that have occurred.

The ceremony was held in Reflection Park near the Convention Centre at Darling Harbour. After a moving address by the Governor, a number of other addresses and readings by various religious representatives, family members and others in attendance placed a card, a flower or some other memento on the *Memory Lines* sculpture. I congratulate Unions NSW and WorkCover on this initiative. The commemoration began in New York but takes place throughout the world on 28 April in approximately 100 countries. This fantastic initiative allows families and friends to gather together and support each other while getting through what is obviously a very difficult time in any family's life after the life of a loved one has been lost at work.

Last year 141 deaths occurred on worksites in New South Wales, excluding 273 asbestos-related deaths. No incidence of workplace death is acceptable. The sudden and unexpected loss of a loved one must cause unfathomable grief, which I certainly saw in the faces of people I met at the ceremony. My attendance at the ceremony reinforced my belief that workplace health and safety must be the number one priority in any business. No-one should lose their life as a result of a workplace accident. For years New South Wales businesses have taken significant steps to change workplace health and safety culture. New South Wales workplaces are now among the safest in the world. I am sure that that will continue to be the case. Workplace safety is a priority for this Government. The Government's sympathy and support continue for all the families and friends of people whose relatives have been killed at work. Workplace deaths are unacceptable.

ELECTRICITY GENERATION

Dr JOHN KAYE: I thank the Minister for Finance and Services for his previous answer in relation to the moving International Day of Mourning ceremony. I direct my question to the Minister for Finance and Services, representing the Treasurer. What steps has the Government taken to inform the electricity supply industry of its intentions with respect to the previous Government's attempts to encourage the private sector to build new base load power stations, in particular with respect to the fuel neutrality stance of the previous Government which indicated no preference for gas or coal firing in generating base load capacity?

The Hon. GREG PEARCE: I thank my good friend Dr John Kaye for his question. We enjoyed working on the gentrader inquiry last Christmas and in January this year. I congratulate his colleagues, the Hon. Jan Barham and the Hon. Jeremy Buckingham, on their election to this House. I hope that they also will enjoy their parliamentary roles for a long time. I preface my answer with those comments because I notice that today The Greens have their fully-fledged factional system in play. We have the Kaye Left members and the environmental faction of The Greens, who are emulating Ian Cohen. Remember Ian Cohen? He wore no ties. The current Greens members have not resorted to the slip-on shoes. Then there is the Cate Faehrmann influence.

Dr John Kaye: Cate's not wearing a tie.

The Hon. GREG PEARCE: No, I am referring to the Cate Faehrmann faction. It really is good that The Greens have two factions. A bit of interaction is good in political parties. The Greens have their factions and have bestowed honour on Ian Cohen by emulating his style. I hope they also emulate his performance in this House. I congratulate them, but they have to have the shoes and the linen jackets. Members are aware that the Government will conduct an inquiry into what happened in the electricity gentrader episode. We will see what comes out of that.

MEMBER FOR ROCKDALE

The Hon. TONY KELLY: In his answer to the question asked by the Hon. Luke Foley, the Minister for Finance and Services talked about legal advice he had received and indicated that he was happy to table that document. I ask the Minister: Will he table that legal advice now?

The Hon. GREG PEARCE: I did not say that I was going to table the legal advice.

The Hon. Tony Kelly: Point of order. I recall the Minister saying, "I am happy to table all the documents in relation to this matter."

The Hon. GREG PEARCE: I said that I was happy to table the documents that the Deputy Leader of the Opposition had asked for earlier, and that did not include the legal advice.

The PRESIDENT: Order! The Leader of the Opposition knows that that is not a point of order but a debating point. The Minister has the call.

The Hon. GREG PEARCE: In answering the question asked by the Hon. Luke Foley, I had reached subclause (2) of the regulation.

The Hon. Tony Kelly: Point of order: My point of order is relevance. The only question I asked is: Will the Minister table that advice now?

The Hon. GREG PEARCE: To the point of order: The Leader of the Opposition is interested in the legal advice and, therefore, what legal options we were given and took. I am answering his question by outlining the legal action we took.

The PRESIDENT: Order! I urge the Minister to reach the nub of the question as quickly as he can.

The Hon. GREG PEARCE: What is the nub of the question?

The Hon. Tony Kelly: Will you table it or not?

The Hon. GREG PEARCE: As I said, I was up to subclause (2) of the regulation. I am going to read the regulation—

The Hon. Amanda Fazio: Point of order: My point of order is relevance. The Minister was asked would he or would he not table the legal advice he referred to in his previous answer. The question did not refer at all to matters concerned with the regulation that he was reading out in his previous answer. The question was discrete. In the spirit of the contract between Barry O'Farrell and the people of New South Wales that "we will be honest and accountable and we will raise ministerial standards of behaviour", I ask that the Minister be asked to be relevant and direct in his answer.

The PRESIDENT: Order! Ministers may answer a question as they see fit, provided that at all times the answer is relevant to the question. If the Minister has information that he can provide to the House that is relevant to the question, he should do so. If he does not have that information, he should resume his seat and allow question time to proceed.

The Hon. GREG PEARCE: Thank you for that erudite ruling. I believe I do have information relevant to the House—that is, to tell the House about the regulation that I signed. That is what I am doing as a result of the legal advice I received. I was up to subclause (2) and I will take the House through all of the subclauses—

Mr David Shoebridge: Point of order: My point of order is continuing irrelevance and tedious repetition. I ask for a ruling under Standing Order 94 (2) and that the member be directed to cease speaking to the question.

The PRESIDENT: Order! As the time for the Minister's answer has concluded, I will not rule on that point of order.

Later,

Opinion from Parliamentary Counsel concerning the proposed Superannuation Amendment (Breakdown Pensions) Regulation 2011 tabled.

FIREFIGHTERS

The Hon. CHARLIE LYNN: My question without notice is to the Minister for Police and Emergency Services. Will the Minister advise the House on efforts to recognise the hard work of our firefighters?

The Hon. MICHAEL GALLACHER: I thank the member for his interest and efforts in our emergency services. I am sure members will join me in lauding the extraordinary efforts of our State's firefighters. The contribution of more than 70,000 hardworking and dedicated Rural Fire Service volunteers and almost 7,000 full-time and on-call firefighters from Fire and Rescue New South Wales to the safety of our community must never be underestimated. We can be rightly proud of the efforts of these men and women who respond every day of the year to a variety of emergency incidents across the State. Saint Florian is the internationally recognised patron saint of firefighters.

The Hon. Tony Kelly: Is it on 4 May?

The Hon. MICHAEL GALLACHER: The Leader of the Opposition is very good: On 4 May each year fire services around the world pause to recognise the dedication and courage of their members. This morning the annual Saint Florian Day commemoration and awards presentation was held at Rural Fire Service headquarters in Lidcombe. I was pleased to arrange for my colleague the member for Clarence to attend as a representative of the Government. This year 17 awards were presented to recognise individuals and groups of Rural Fire Service members for outstanding bravery, leadership and exemplary performance. It gives me great pleasure to congratulate the recipients of all these service and bravery awards. To illustrate the calibre of the recipients I draw the attention of members to circumstances that led to the awarding of the Commissioner's Commendation for Bravery.

This commendation is awarded in recognition of an act of courage under hazardous circumstances, which certainly is the case for Group Captain Mark Hoskinson of the Bland Temora zone in the State's central west. Late in the afternoon of 21 December 2007 Group Captain Hoskinson was alerted that a mother and her three young children were stranded in their car on a flooded causeway. Mr Hoskinson drove in failing light and torrential rain to a neighbour's property where he swapped his ute for a tractor. The floodwaters were entering the tractor cabin and pushing the vehicle sideways, but Group Captain Hoskinson persisted with the search and eventually found the car with the family still inside while water was lapping at the windows and seeping in under the doors. Aligning the tractor with the car he got everyone out through the windows into the cabin of the tractor and drove them to safety.

After this ordeal Group Captain Hoskinson then was advised that two men also were stranded in their utility. Again he took the tractor and found the men trapped with water up to the vehicle's windows. Placing a winch cable on the stranded vehicle he was able to pull them to safety. Mr Hoskinson's actions to rescue six people trapped in imminent peril in swirling floodwaters exemplifies the finest traditions of the New South Wales Rural Fire Service in serving and protecting our community. Another 16 Saint Florian Day awards also were presented to recognise exemplary performance. These include two commissioner's commendations for service to members of The Lakes team and the south-west slopes. The commissioner's Certificate of Commendation was presented to seven individuals and six brigade or region teams. This year's awards follow those presented by the Rural Fire Service since 1999: two commissioner's medals for valour, 33 commendations for bravery, 103 commendations for service, 12 unit citations for bravery, 119 unit citations for service and 407 certificates of commendation.

I congratulate all of this year's worthy recipients on this acknowledgement of their skill and commitment to the service and our community. These recipients are a proud demonstration of the expertise and dedication of the Rural Fire Service staff, who always are first in line to protect our community. While awards recognise the prowess and achievements of individuals, they symbolise also the sincere pride and gratitude of this State towards our volunteers. The Government continues to support our firefighters to ensure that they have the best equipment and training they need to maintain the high level of protection they provide to the New South Wales community.

RELIGIOUS EDUCATION AND SCHOOL ETHICS CLASSES

Reverend the Hon. FRED NILE: I wish to ask the Minister for Roads and Ports, representing the Minister for Education, a question without notice. Is it a fact that the new atheistic so-called "ethics classes" have undermined the influence of scripture classes, or special religious education [SRE]? How many New South Wales primary schools have the new ethics classes and how many volunteers conduct those classes? How many children attend scripture and ethics classes throughout New South Wales? As the ethics classes do not teach what is right or wrong, will the New South Wales Government repeal the Education Amendment (Ethics) Act 2010?

The Hon. DUNCAN GAY: I indicate that the New South Wales Liberals and Nationals originally opposed the Keneally Labor Government's introduction of ethics classes as we believe they should not be positioned as an alternative to special religious education [SRE]. Therefore, we were going to discontinue ethics classes in 2012. However, legislation introduced by the former Labor Government enshrined the ethics classes in law. We will not be changing that legislation. This is not news—we made this position clear last year. We have spoken to the St James Ethics Centre and have agreed to work with it and special religious education providers to make the ethics classes work without impacting on special religious education.

Unlike the former Government, the Coalition respects special religious education providers and will continue to work with them. If legislation is introduced into the Legislative Council regarding ethics classes, we will consider it—as we will all pieces of legislation that are presented to the House. Following the trial and independent evaluation of a course in ethics in 2010, legislation was passed to allow the introduction of classes in ethics at New South Wales government schools. Those classes, to be held at the same time as special religious education, are available to students who have been granted exemption from classes in special religious education. Attendance at an ethics-based course for students who do not attend special religious education will be a decision that is entirely up to parents.

Primary Ethics, a separate organisation established by the St James Ethics Centre, is the authorised provider of special education in ethics classes. As of April 2011, Primary Ethics has trained sufficient volunteer teachers and appointed enough volunteer coordinators to enable 106 schools to offer special education in ethics classes. The Department of Education and Communities has drafted an updated religious education policy and updated religious education implementation procedures that will make allowance for an ethics course in New South Wales government schools. Draft Special Education in Ethics Implementation Guidelines have also been developed. The department has developed a transparent policy framework in consultation with the Director-General's Consultative Committee on Special Religious Education and the St James Ethics Centre to address any future requests to deliver ethics courses in government schools.

The policy draft was provided to that committee yesterday. All key stakeholders, including those that are currently providing SRE in schools are represented, as well as the Secondary Principals Council and the Primary Principals Association, the Federation of Parents and Citizens Associations and the New South Wales Teachers Federation. I am happy to make a copy of this available to Reverend the Hon. Fred Nile and I will ensure that he receives a copy of it today. Special religious education has an important role in New South Wales public schools. The provision of special religious education is mandated by the Education Act 1990. Ethics also remains a strong element of the mainstream school curriculum, particularly the mandatory personal development, health and physical education syllabus.

Questions without notice concluded.

[The President left the chair at 1.06 p.m. The House resumed at 2.30 p.m.]

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

First Day's Debate

The PRESIDENT: I report the receipt of a copy of the Speech made on Tuesday 3 May 2011 by Her Excellency the Governor and which is recorded in the *Minutes of Proceedings*.

The Hon. MELINDA PAVEY [2.31 p.m.]: I move:

That the following Address be adopted and presented by the Whole House to the Governor, in reply to the Speech which Her Excellency had been pleased to make to both Houses of Parliament.

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

MAY IT PLEASE YOUR EXCELLENCY—

We, the members of the Legislative Council of the State of New South Wales, in Parliament assembled, desire to express our thanks for Your Excellency's Speech, and to express our loyalty to Australia and the people of New South Wales.

We assure Your Excellency that our earnest consideration will be given to the measures to be submitted to us, and that we will faithfully carry out the important duties entrusted to us by the people of New South Wales.

We join Your Excellency in the hope that our labours may be so directed as to advance the best interests of all sections of the community.

It was an honour to be part of yesterday's proceedings for the opening of the Fifty-fifth Parliament of New South Wales. It was an especially exciting honour to be part of the Liberal-Nationals team as we go into Government in New South Wales, and to be in this Chamber, visited by Legislative Assembly members, with the Premier,

Barry O'Farrell, and my Nationals leader, the Deputy Premier, Andrew Stoner, to start the change the community has called for. We thank Her Excellency for her Speech, for her contribution to this Parliament and for her ongoing commitment to the people of New South Wales.

Her Excellency outlined the Government's vision for the future of this State—a vision that was overwhelmingly endorsed at the New South Wales State election. As a regionally based member of Parliament, I am excited to be part of a change; to be part of the renewal of regional New South Wales, together with Sydney, Wollongong and the Hunter; and to be part of a new spirit and a new level of excitement. In particular it is an honour to be part of a team that has clear goals, a Five Point Action Plan, and clear directions for New South Wales. The Governor started by saying:

This Parliament opens with a great spirit of optimism—a spirit that such an historic opportunity for change and renewal rightly brings.

Honourable members gather for this Parliament justifiably proud of their representative roles, but equally, deeply conscious of the new responsibilities bestowed upon them.

And we are deeply conscious of those responsibilities and the job that we must do. The job is significant and is made more difficult by the state of the New South Wales finances presented to the Premier, the Deputy Premier, the Treasurer and the Minister for Finance and Services. However, we will endeavour to reach those goals, landmarks and occasions. We will rebuild the New South Wales economy through lower taxes, cutting the cost of living and business growth. We will return quality services in areas such as health, transport, education and community safety. We are excited about returning local decision making to local communities.

People working in health throughout regional New South Wales, from Cooma to Queanbeyan, Port Macquarie, Coffs Harbour and Dubbo, are excited about the prospect of being empowered again to make decisions for the betterment of their communities and to be able to provide the services they want, not what someone in Sydney wants them to provide. We will renovate infrastructure. We will rebuild the Pacific Highway to a dual carriageway standard. We will put more money into the Kings Highway, the Monaro highway and the Princes Highway in southern New South Wales. We plan to open up central western New South Wales with a road network it deserves. As the Minister for Roads and Ports pointed out earlier today, that will be provided through the Infrastructure Council of New South Wales, headed by the most fabulous Premier New South Wales had had until recently. Nick Greiner will establish the infrastructure to get this State moving again and to remove the roadblocks.

As the Minister said, the people and businesses of New South Wales were sick of putting together plans and reports that ended up simply on bookshelves; those plans and reports did not contribute anything to the State's economy. Rebuilding regional New South Wales is a big part of The Nationals' plan as part of the Coalition team. We want economic growth back in regional New South Wales. We want those drivers. We will kick-start regional New South Wales with our Regional New South Wales Fund, which will command a regional share of the Restart New South Wales Fund. Our Jobs Action Plan targets the creation of 100,000 extra jobs across regional and metropolitan New South Wales, with 40 per cent earmarked for the regions.

We understand that Sydney needs to take some pressure off its growth and development in relation to congestion, and we want some of those opportunities to go to regional New South Wales. To further encourage business, we will introduce regulatory reforms to simplify business processes and save costs. Our plan is to establish one rule and remove two rules. We plan to appoint a small business commissioner and require government departments to pay their bills within 30 days. This is an exciting time, and it was exciting to be in the presence of the Governor, Marie Bashir, in this Chamber yesterday. We will work together collaboratively, and we will work together responsibly with all good members of Parliament who want to contribute to rebuild the State and put New South Wales where it deserves to be: number one again.

The PRESIDENT: Order! Before I call the Hon. Dr Peter Phelps, I remind honourable members that he is about to make his inaugural speech. I invite all members to extend to him the traditional courtesies that are extended to a new member on such an occasion.

The Hon. Dr PETER PHELPS [2.40 p.m.] (Inaugural Speech): I second the motion for adoption of the address in reply to the Governor's opening Speech. Mr President, may I first congratulate you on your election. It is a most deserved honour and my joy is tempered only by your refusal to don full regalia. Let me state also that I am delighted to be in this place. For many years now it is all that I have wanted to be. It was this place that in 1984 launched my political career. It was a Wednesday—it must have been a Wednesday, because that was the sports day and the Fort Street High School under 16 Rugby team had a bye.

Being mildly interested in politics, I hopped on the bus and went into town to see Parliament for the first time. I was so appalled by what I saw that when I left this place I walked down Bridge Street to Anchor House, met a nice lady called Mrs Macauley, got out my wallet and joined the Liberal Party on the spot. However, I did find it strange that Mrs Mac put me into a branch nowhere near where I lived. I was to discover only in later years the significance of such occurrences. But that was the start of my journey to this place. Here I am, almost 27 years later, as a member of Parliament. Immediately after my election the Hon. Matthew Mason-Cox said to me "Mate, mate, it's great to have you coming into the House. You can be our Luke Foley." I am not sure whether to be honoured or whether I should be contacting my solicitors. I certainly hope it means that I get three questions in a row in future in question time.

Many new members arrive in Parliament hopeful and idealistic, only to leave some years later bitter and cynical. I have cut out the middle man—I arrived here bitter and cynical! I am bitter about the poverty of political debate in Australia and I am cynical about any prospect that it will improve in the near future. We have a shallow, simplistic media that encourages that cynicism, where every political contest is treated like a horse race and where even the most legitimate of public debate becomes dissent, or splits, or crises. Members of the media weep crocodile tears about the lack of authenticity in our politicians, but when one comes along he or she is treated as a freak to be mocked and derided.

One of my colleagues suggested that my cynicism was due to the unnaturally close exposure to the worst elements of the Federal Parliament, which is true so far as it goes. For the better part of the past decade I spent my working days trying to clear up the legal and media messes made by members of all parties; by the stupid and venal—by people who seemed to think that their job as parliamentary representatives entitled them to snuffle in the trough and break the rules. Perhaps it was just the Federal Parliament that disappointed me. After all, the Federal Parliament does not have a code of conduct for its members of Parliament and this place does, and what a mighty tome it is. After all, has this code of conduct not made New South Wales the byword for virtue, the pantheon of ethics across the nation?

When people in other States think of the New South Wales Parliament, the first thing that springs to mind is the ethical and incorruptible behaviour from its politicians, and all because we have a code of conduct. Some people might miss the irony so let me spell it out clearly. The ethical do not need a written code of conduct and the dishonest will ignore it anyway. It is part of what I call the Democrat disease—named after the incessant desire of that now defunct party to legislate for morality, as if human nature could be so easily changed. It has not worked since Moses brought down the Ten Commandments, so why should it work now? Laws can punish the wicked but they cannot, in and of themselves, make men good. This flimsy code of conduct is just part of a wider problem in New South Wales. As I said at my preselection, for those of you who were there, we are overtaxed, overregulated and overridden.

How many Acts of Parliament are there? If we think about it there might be 100, 200, 300, 400, 500 or 600. As at December 2010 there were 1,089 separate Acts of Parliament, 300 of which are just useless. However vital they may have been in 1930 I am not sure anyone, not even Mr Barilaro in the Legislative Assembly, thinks we really need a Bungendore to Captains Flat Railway Act. Do we really need a Tweed River Entrance Sand Bypassing Act? What about the Sydney Female School of Industry (Dissolution) Act 1926? Who knows? Perhaps we need these vital instruments. But it strikes me that there are a large number of Acts, especially archaic private Acts, which could be culled from the statute books with no apparent loss to our rights and freedoms.

Similarly, there appear to be about another 400 Acts that could be usefully consolidated. Should employers be required to deal with nine different Acts on workers compensation? Are farmers happy about having 13 different Acts involving National Parks and Wildlife? Does it help the Department of Community Services to have 15 different Acts relating directly to children's welfare, or the police with 18 different Acts relating to crime and criminals? All the various universities and colleges Acts could be amalgamated into one. How about this for a title—the Universities and Colleges Act? It is my fervent wish that this Government will get rid of as much unnecessary law and regulation as it can during the next four years. We should set ourselves a target for the repeal of laws and regulations, and we should meet them.

The code of conduct states we must acknowledge that our principal responsibility as serving members is to serve the people of New South Wales. But what is New South Wales? This is New South Wales. Find the mouth of a river, go to its headwaters, go across on a particular latitude until you reach an arbitrary longitude, south until you hit another river, follow it to its headwater and then draw a chord to an arbitrary point on the coast—the work of an imperial draughtsman, dividing up the empire into neat and manageable chunks. But what

about the community of interest? Is there a community of interest between Annandale and Armidale, Bourke and Ballina, and Dubbo and Denistone? People from Broken Hill go on holiday to Glenelg in South Australia, not Bondi. Deniliquin residents who want to go shopping in the big smoke go to Melbourne. People in the Tweed are more likely to visit a medical specialist in Brisbane than Sydney.

Perhaps instead there are valid cultural differences for the retention of the States. If so, then what are they? It is not as though Queensland has only 24 letters in its alphabet, or Victoria uses a hexadecimal number system. I live in Queanbeyan, across the border from Canberra. I support the Raiders, the Brumbies and the Canberra Cavalry—it has been a sad year for me! But to me the Australian Capital Territory border is an invisible and entirely artificial barrier. I can easily understand the mild parochialism of those from geographically distant areas like Western Australia, Tasmania, far north Queensland or the Northern Territory, but for New South Wales is the person in Wodonga really that different from the person in Albury? Is the person in Coolangatta really that different from the person in Tweed Heads? Is the person in Murrumbateman really that different from the person in Hall? Of course not.

When it comes to cultural differences, all that can be mustered these days is what I call a fake state-of-origin parochialism. As Rodgers and Hammerstein wrote, "You've got to be taught to hate", and so New South Welshmen become cockroaches and Queenslanders become cane toads. But it is all just a fabrication. Any decent Australian historian knows that the real historical nicknames are, respectively, "cornstalks" and "banana benders". We are cornstalks in New South Wales, but of course, we cannot hate those names, can we? So we just create a new nomenclature based on whatever horrid fauna can be appropriated to fabricate a bit of mindless parochialism.

What relevance do the States then have? Not much by any assessment. They are too small to encompass the cultural and too large to encompass genuine communities of interest. To that end, Alex Hawke, who is in the public gallery today, kindly faxed me a copy of Jack Lang's 1930 Abolition Bill, with the suggestion that it would be an excellent first private member's bill for me to introduce. I doubt whether I will be taking him up on that offer at this time. But if we are just going to be a way station for the Federal Government and its dictat, then why not? Why not abolish the Legislative Council and the Legislative Assembly. Why not abolish the State Government entirely? What purpose do we serve if we are straight-jacketed within federally mandated systems of education, water, land use, fishing, and environmentalism? Since the engineers case, the High Court has permitted a gradual accretion of power and interference in State matters.

Harmonisation has become a euphemism for subjugation. What is the use of this? Are we simply an imperial bauble perched atop a colonial anachronism, the errand boys of the Federal Government? If States are to remain relevant we must fight for real competitive federalism—not cooperative federalism—with genuine competition between the States, not this collectivist begging bowl approach. If you want to be a pot smoking Mullumbimby hippie, fine—but do not expect me to subsidise your lifestyle. Similarly, if a State has resources that are left unused, why should it expect us to subsidise a lifestyle for which it is unwilling to pay? If the distribution of revenue to the States was done on the basis of direct parity with its collection, then fine. It is not perfect but at least it would be a just outcome. But at this time horizontal fiscal equalisation, as it is called, is just an excuse to rob the productive to pay the lazy.

If the people of any State—and I am looking in particular at Tasmania—vote for left-wing governments that seek to return to a pre-industrial utopia, then let them do so on their own coin. If they want to lock up productive resources so that middle-class bushwalkers can go on day trips from their inner city pads, fine—but do not ask me for money. Even here in New South Wales, Labor was locking up river red gums, which could have provided real income and real jobs in rural communities; locking up national parks rather than opening them up to legitimate recreation, as if they had forgotten that humans created national parks for our enjoyment, not the other way around. The problem is compounded only by vertical fiscal imbalance or, to put it in the language of humans rather than economists, the States have the attitude of teenagers:

"Come on, dad, give us some more money."

"Why don't you just get a job, son?"

"Aw, dad, now you're just being mean".

Are we prepared to accept the responsibilities of taxation? It has been only 70 years since we temporarily transferred the income tax powers to the Federal Government as an emergency wartime measure. The High Court has consistently struck down the right of States to levy volumetric taxes. So we have no sustainable direct

taxation and no sustainable indirect taxation. We are beggars. Are we prepared to act like adults? I think we are—I certainly hope we are—and we had better be, because for as long as the Federal Government holds the purse strings, New South Wales will get a raw deal.

What then should be the nature of our contribution to this new competitive federalism? What do we, as the Liberal Party, stand for? Some have said that we must abandon ideology for pragmatism. I have difficulty with that concept. If critical legal theory teaches us anything—and I think the jury is still out on that—then everything is political. And where there is politics there is ideology. Even an unrecognised ideology is an ideology, because the way we respond to situations is dependent on the paradigms that we use to interpret the world around us. But let us assume for a moment that we could be purely and utterly pragmatic. What does that mean? What direction do you take if you cannot reference core values by which to guide your policies? If the only claim we can make is that we will be better managers and planners, in the worst Hayekian sense of the word, than the Australian Labor Party, what was the last election about?

We cannot simply be Labor lite. We must believe in something or else we fall into the ideological bunga-bunga party that Labor has become. And look at what Labor has become: It is all "comrades this" and "comrades that" and "forward the revolution bruvvers", up until it is time to leave Parliament and off they toddle with a healthy six-figure government relations job at Macquarie Bank. When I told my colleague the Hon. Matthew Mason-Cox that I thought we should sit more than three days a week and that starting at 11 o'clock was somewhat indulgent, he replied:

You are not going to be making too many friends in there, are you, Peter?

Perhaps not but, in the words of Paul Keating, if I want a friend, I will buy a dog. For years in Federal politics I sat through the thoroughly emetic spectacle of valedictory speeches from political opponents, which went something like this: "Oh, old Johnno, he was a tough fighter for the other side, but he was a good bloke and we became good friends." Well, not me. I do not want to be friends with people in my own party, let alone with people in other parties! I would prefer it if Labor members were to say in eight years time, "Good riddance to the son of a bitch; he was nothing but a thorn in our side." If people are for socialism then I am irrevocably against them. Let me just remind members of what each and every one of those sitting opposite has signed up for—the so-called socialist objective. They support:

The democratic socialisation of industry, production and exchange, to the extent necessary to eliminate exploitation and other anti-social features.

That is what everyone on the other side of the Chamber has signed up for. Now the Labor Right, always with one eye to the future of a corporate gig, says, "Oh, that's just words, just a sop to the Left of our party". But words mean what they mean. The Labor Right says:

Look at the conditional statement at the end, 'to the extent necessary', so it means everything and it means nothing.

But words matter. Which commissar will be determining what is the necessary extent? As William Pitt the Younger observed:

Necessity is the plea for every infringement of human freedom. It is the argument of tyrants, and the creed of slaves.

Certainly the Labor Left has no doubt about what it means. Let us look at what Tristan Ewins, a self-described long-time ALP member in the socialist Left faction, wrote in an article for the Australian Fabian Society. I want to digress for a moment. What is it with Trots? They are all called Tristan, Isolde, Oscar, or Lucinda. What is it about the socialist Left that has these lisping, bourgeois, private school socialists? You can see them now: Archibald Worthington-Smythe, the prefect at Cranbrook or Kings, essentially despising the working class and their boorish ways, and always looking to correct them, to improve them, to turn them presumably into "new Soviet man". Oh, if only the benighted proletariat would just listen to their betters! As H. L. Mencken wrote, the urge to save humanity is, almost always, a false front for the urge to rule it. Anyway, back to Tristan and the Fabians:

The "Socialist Objective" ought not simply be a "tokenistic bone" thrown to the Left in return for its acquiescence. It needs to be at the heart of a living, breathing, dynamic culture, in which the whole Party shares.

However, even he has to throw in:

[The Socialist Objective] takes what is best in socialism and liberalism. In contrast to State socialism, the "Socialist Objective" implies a "socialised mixed economy", characterised in part by a thriving and democratic private sector, where the role of markets and market signals, is duly recognised.

As my younger friends are wont to say, WTF? Being a little bit socialist is like being a little bit pregnant. When you start expropriating, where do you stop? Indeed, why should you stop? If a little bit of government intervention is okay, then why not a lot? Certainly other Labor writers are not so enamoured of the "to the extent necessary" weasel words. Gonzalo Puig, writing on the Evatt Foundation website, makes the point clearly:

More particularly, socialisation is any one of three economic models. Nationalisation is the first and best-known model, [the second] is the co-operative experience, as an example of a small, autonomous economic system whose means of production have been collectivised. The third and final model of socialisation sees society assuming the right of ownership over the means of production. These are then at the disposal of particular workers' communities, from which society claws back, for the purposes of funding general public needs, a proportional share of their total income.

So we have to ask of members opposite: What is it that you have signed up for—nationalisation, collectivism, or confiscatory tax rates? The irony is that the Labor Left does not want to say and the Labor Right does not believe it in the first place. I am not a pragmatist, I am an ideologue. As for my ideology, it can be described very simply:

We hold these truths to be self-evident, that all men are created equal, that they are endowed ... with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed ...

What magnificent words these are. "All men are created equal." That does not mean everyone is the same or that everyone has the same outcome, but there is no inherent moral superiority between any two classes of people. We are endowed with inalienable rights; they cannot be taken from us. Life is the most fundamental right of all. You can take anything from me and I can be recompensed for it, but if you take my life I cannot. "Life, Liberty and the pursuit of happiness"—I will not go into the pursuit of happiness because there is quite an historical discussion on whether Francis Hutcheson or John Locke was behind the development of those words. It would take me three hours to deal with it, and I will save that for a day when the Leader of the Government is negotiating with the crossbenches and has three hours to fill. It goes on to say, "That to secure these rights"—in other words, these rights cannot be abrogated; government's role is to secure these rights—"Governments are instituted among Men, deriving their just powers". When governments act to secure those rights they are acting justly. When they move to violate those rights they are acting unjustly. They derive that from the consent of the governed—places like this.

Those are Jefferson's words and although many here will think of them as being peculiarly "American" words, these values in fact lay at the heart of the Scottish enlightenment. It is hard to imagine that a country that could produce former Senator George Campbell and Senator Dougie Cameron could also produce such visionary philosophy, but there it is. Wonders will never cease! We have that great Lockean trinity—of life, liberty and property—and there is only one system that can give effect to these rights, capitalism. Capitalism is the only system that addresses the human condition, whether you are a fundamentalist Christian who believes that we are inherently fallen due to original sin, or a militant atheist who, like Richard Dawkins, believes we are inherently self-centred because of "the selfish gene". Capitalism does not seek to create a utopia on earth. Indeed, the road to utopias is often paved with gulags, with show trials, with death chambers and with killing fields.

We must seek to limit the role of government as much as possible. After working for many years in Canberra, let me tell you that there are many bureaucrats who say, "Oh, if only we had a few more dollars. If only we had a bit more power, what wonders we could work." But, as Reagan said, the truth is that, beyond a few legitimate functions, government never does anything as well or as efficiently as the private sector. If we want a maxim to live by in government, let it be from Henry Thoreau: The best government is that which governs least. We must always be willing to take a light touch, to de-legislate, to deregulate wherever possible. People need to be able to choose, to coin a phrase, to be free to choose, for good or for ill. Indeed, the Liberal Party derives its name from the Latin "libertas", meaning freedom. So it makes perfect sense to me to describe my views as libertarian. Yet I have always been troubled by this divide—a divide that I now realise is quite artificial—between my libertarian ideals and my social conservatism. Some of my younger friends in the Liberal Party seem obsessed with that. They seem to think it is an unconquerable and incompatible ideological divide. I would urge them to think again. Between the extremes of paternalism and devil-takes-the-hindmost there lies a happy medium.

It was a friend of mine, Tim Andrews of the online site Menzies House, who pointed out that not only are libertarianism and social conservatism not incompatible, but there is a contemporary school of political philosophy that happily marries the two streams of thought. Its chief theoretician is the late Frank Meyer, and it is called "fusionism". Mr President, knowing my fondness for George Houston Reid, you will certainly

appreciate the happy serendipity of that name. We can seek the maximum of freedom of action in society and we can still be social conservatives. The two are not incompatible. Indeed, both are necessary to maintain a civil society. And while I am in this Parliament I hope to be able to promote policies that accord with such views.

As an aficionado of the Village People, Mr President, you, like me, will no doubt recall that they sang, "No man does it all by himself". I would like to pay tribute to some remarkable people. First and foremost is my father, the late police superintendent Robert Phelps. My father, who was well known to both the Leader of the Government and the new member for Campbelltown in their earlier lives, was a lifetime policeman. He was old school—some would say a dinosaur—more interested in practical policing than theoreticians and intra-force politics. He had a Manichean world view: there is good and there is bad, and we should fight for the good and oppose the bad. He was the Polaris by which I set my moral compass, and I miss him dearly. Like many of his generation he had the opportunity to obtain only an Intermediate Certificate before having to go to work, but—perhaps because of that—he always valued education very highly.

If I may digress, I should point out that I am the product of a public school education, from Bradbury Infants, Camperdown Demonstration School, Summer Hill opportunity classes, the redoubtable Fort Street High School, and Sydney university, and St Paul's College therein. I am quite happy with that. I am a very proud product of public education and I am always happy to support it. I do not doubt that even as we speak the New South Wales Teachers Federation is preparing giant billboards with my photo on them, exclaiming, "This is what can happen when you send your children to a public school!" as an exemplar to all.

My dad was a single father who devoted his life to his children's betterment. He always said that he did not mind what my brother, Andrew, and I did in life, as long as we tried our best. It is my greatest sadness that my father could not be here today to see this in person. The second person I would like to acknowledge is my old and dear friend Colin Jones. I was a working class brat who thought that the height of culture was watching Larry Corowa streak down the sidelines for the Balmain Tigers. Colin introduced me to the world of opera, which I have come to love, and ballet, which I still find to be a taste I have not yet acquired. He is a great friend—better than I have been to him—always with a cheerful word, and always there on my shoulder to remind me to keep a perspective on life.

The third person is Professor Neville Meaney, formerly of the University of Sydney. As you know, Mr President, I love history and in Neville I found a magnificent scholar, a diligent mentor and a boon companion. Neville might not be widely known, but he is certainly one of the most influential historians and, in my view, the greatest living historian in Australia today. Neville was always one to temper my enthusiasm and keep me focused on the job at hand. He abhorred the cant and obscurata that makes up so much of the academic world these days, and sought that most elusive game, historical truth. Unlike many of today's academics, when the facts disagreed with his theories he changed his mind. And, as a good union man, he gave me some sound advice: irrespective of how much you love your job, never settle for being paid less than you are worth.

The fourth person is Tony Nutt. Tony is the finest political operative in Australia today, bar none. I first met Tony when, as the New South Wales State director, he called me into his office in Riley Street and berated me for half an hour over some right-wing mudlark that I had engaged in. But, and I say this quite immodestly, Tony had an eye for talent! When Paul Zammit quit the Liberal Party in a hissy fit, Tony was kind enough to take me under his wing and find me a job in Canberra. Indeed, without Tony, I would never have gone to Canberra—and I would not have met my beautiful wife, Ann, and had four wonderful children, Thomas, Victoria, Jane and Olivia. Over the next 10 years, I worked closely with Tony and I loved it. Watching Tony and Petro Georgiou go to town on the Ministerial Committee on Government Communication—well, there are no words to describe it! Tony is a truly great political operative. I would love to read his memoirs, except that Tony is far too honourable a man ever to write them in the first place.

Finally, I thank Nicholas Campbell. Before historical revisionism starts too quickly, we need to remember that in the 30 years following the dumping of Ted St John, the conservative wing of the New South Wales Liberal Party could point only to the most occasional and transitory of victories. In those 30 years, the conservatives were locked out of the Women's Council, locked out of the Young Liberal Council, except for Scott Heathwood's brief presidency, locked out of State Executive and the party presidency, except for Bronwyn Bishop, and locked out of upper House preselections. Yet within 10 years of Nick's arrival on the scene, the ancient regime fell. No longer guerrillas in the mountains, the conservatives were in the presidential palace! Nick Campbell was the brains, the master strategist and the tactical opportunist. He wanted nothing for himself—to the constant frustrations of his friends—except to see the success of conservative values. Nick and, indeed, Kathy have been very supportive of me over the years. I would not be in this place without his invaluable assistance.

I also thank some other very special people, who have been particularly supportive of me. First, I thank the keepers of the flame. Nick may have been our Montgomery, but it is nonetheless still appropriate to praise the victories of the Wavells and Auchinlecks who preceded him. Leading that group is, of course, the old Central Committee led by the Hon. David Clarke. Senator Concetta Fierravanti-Wells, my fellow aviation enthusiast Malcolm Brooks, Graham Abel, Peter Truelove, the late Judith Barton and the late Les Wallace have all been great supporters of mine and loyal compatriots. Next is the team—the Young Liberals who decided in the mid-1990s that if change was needed, we were the ones who would have to lead it: people like Joe Francis, now a Liberal member of Parliament in Western Australia, Hamish Stitt, Stuart McNeilly, Irfan Yusuf and the inimitable John "Banjo" Ruddick. Then came the next wave, the Haberfield contingent, which arose to fill the ranks: the now Hon. Anthony Roberts, David Miles, Simone Holzapfel, Steve Galillee, Tim James, Alex Hawke, Noel McCoy, Scott Farlow, my colleague in this place the Hon Natasha Maclaren-Jones, and my colleagues in the other place Mr Dominic Perottet and Mr Jai Rowell.

Last, but by no means least, I thank the ALSF-ers—the Australian Liberal Students Federation members—who were, and still are, fighting the Left on the barricades: the late great Mark Heyward, Jason Groves, Justin Owen, Dallas and Wade McInerney, Kyle Kutasi, Andy Heath, Sasha Uher, Chad Sidler, and the irrepressible Tim Andrews. To my former bosses, the Hon. Bronwyn Bishop, Senator the Hon. Michael Ronaldson—both of whom are kindly in attendance today—the Hon. Gary Nairn, Senator the Hon. Eric Abetz and Senator the Hon. Chris Ellison, I thank them all for tolerating my excesses, my opinionated views and my bluntness. You were all different and were all great to work for. I loved every minute of it—well, except the bits that I did not, but at least those were instructive! Perhaps unusually, I also thank three Labor Senators: Robert Ray, John Faulkner and Joe Ludwig—honourable, in the true sense of the word, gentlemen all but especially Senator Ray. Members on all sides of politics could do worse than follow the sort of example that he set.

I love politics. I am so thankful that every day for the best part of a decade and a half, people have paid me to do what I love in that big ugly modernist building with crappy artworks in Canberra. All those 27 years ago, did I think I would be here? I do not know; I cannot remember. Perhaps I was just conceited enough to think that I would be. But I do know this: I did not come here to get a job; I came here to do a job. The Liberal Party and the people of New South Wales have given me a bully pulpit, and I intend to use it. I have been given a brain, and I intend to use it. I have been given a voice—and, by God, I intend to use it.

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a later hour.

MISCELLANEOUS ACTS AMENDMENT (DIRECTORS' LIABILITY) BILL 2011

Bill received from the Legislative Assembly, read a first time and ordered to be printed on motion by the Hon. Greg Pearce.

Motion, by leave, by the Hon. Greg Pearce agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.19 p.m.]: I move:

That this bill be now read a second time.

The Miscellaneous Acts Amendment (Directors' Liability) Bill 2011 will amend various Acts to reform the imposition of personal criminal liability on directors and executive officers for corporate misconduct. These amendments will ensure that New South Wales legislation imposing this type of liability accords with the set of principles agreed by the Council of Australian Governments [COAG] to guide the reform and harmonisation of directors' liability across Australian law. It will remove the imposition of directors' and executive officers' liability for certain offences and lower the level of liability that is imposed on directors and executive officers from deemed liability to accessorial liability for some Acts and offences. The bill also increases the level of liability that is imposed on directors for offences under one Act.

In 2006 the Commonwealth Government Taskforce on Reducing the Regulatory Burden on Business found that there were inconsistencies across jurisdictions in provisions applying personal liability for company

directors and officers, creating complexity and uncertainty for individuals in those roles. The task force recommended that the Council of Australian Governments had identified reforms to achieve more nationally consistent regulation. The Corporations and Markets Advisory Committee [CMAC] then published a report examining the use of derivative or deemed liability provisions imposing personal criminal liability on company directors as a consequence of their company breaching a law.

The Corporations and Markets Advisory Committee found there was a need for a more consistent, as well as a more principled, approach to personal liability across Commonwealth, State and Territory jurisdictions. It noted that a more standardised approach would reduce complexity, aid understanding and assist efforts to promote effective corporate compliance and risk management, while providing more certainty and predictability for the individuals concerned. The Corporations and Markets Advisory Committee recommended that the Commonwealth Government publish a policy concerning the principles for imposing criminal liability on individuals for corporate fault and take steps at an intergovernmental level to adopt similar principles.

In November 2008 the Council of Australian Governments agreed to increased harmonisation in the imposition of personal criminal liability for corporate fault across Australian law. The Ministerial Council for Corporations and the Council of Australian Governments agreed on a set of principles as the basis for reform in this area. Each jurisdiction reviewed its legislation to identify those existing offences for which directors' liability, or removal of that liability, is appropriate in accordance with the principles. In New South Wales each agency responsible for administering legislation containing provisions imposing this type of liability assessed its legislation against the revised principles and provided analysis and public policy justification for the imposition of personal liability under each Act. Each agency made recommendations about whether the liability imposed in the Act was in accordance with the principles or whether removal or reduction in the level of liability was appropriate.

The principles aim to ensure a nationally consistent and principled approach to the imposition of personal criminal liability for corporate offending. They set out the policy considerations that should be taken into account in determining when it might be appropriate to impose personal criminal liability for corporate misconduct. The principles agreed by the Council of Australian Governments include, first, where a corporation contravenes a statutory requirement, the corporation should be held liable in the first instance; second, the imposition of criminal liability on a director for the misconduct of a corporation should be confined to situations where there are compelling public policy reasons for doing so, liability of the corporation is not likely on its own to sufficiently promote compliance and it is reasonable in all the circumstances for the director to be liable having regard to a range of factors; and, third, where directors' liability is appropriate, directors could be liable when they have encouraged or assisted in the commission of the offence or have been negligent or reckless in relation to the corporation's offending. In some instances it may be appropriate to put directors to proof that they have taken reasonable steps to prevent the corporation's offending.

The principles aim to produce reform on a national basis of legislation imposing personal liability for corporate fault, which maintains high standards of corporate governance, ensures an appropriate attitude to risk and a compliance culture, decreases the compliance burden on businesses due to the increased harmonisation in the imposition of this type of liability, removes liability for offences for which it is not appropriate that directors and executive officers be liable, and ensures the consistent treatment of directors and executive officers—criminal liability attaches to significant offences rather than all potential statutory breaches by a corporation.

A nationally consistent and principled approach to the imposition of personal liability for corporate fault across Australian jurisdictions will reduce the burden of compliance on businesses and reduce costs for consumers by removing costs from the economy that result from unfairly and inefficiently targeted regulation. An inconsistent approach to deemed liability provisions across different legislation and jurisdictions increases complexity and uncertainty, and can result in undue compliance costs being imposed on businesses. The principles are designed to ensure that the same behaviour attracts the same consequences in each Australian jurisdiction. The reform focuses only on provisions that impose personal liability for corporate fault. It does not target provisions that impose criminal sanctions on directors who have themselves breached the law and their own conduct amounts to a breach of directors' duties or other statutory obligations. The approach to these types of laws will not be affected. The reform also does not affect civil liability provisions.

The Council of Australian Governments also excluded occupational health and safety and environmental protection law from the reform proposal. The principles require that consideration be given to each offence to which directors' liability currently applies. For each offence, New South Wales agencies considered whether there are compelling public policy reasons justifying that liability, whether it is otherwise

reasonable in all the circumstances and, if so, the gravity of the offence and appropriate corresponding level of liability. New South Wales agencies identified numerous offences under existing legislation that could be amended in light of these considerations. In many cases they indicated that the potential for directors to be liable should be removed from certain offences. In other cases, they indicated that the level of accessorial liability should be lowered.

The principles provide that there should be compelling public policy reasons for imposing directors' liability, including considerations such as the potential for public harm. The principles provide also that directors' liability should be imposed only where it is reasonable in all the circumstances for a director to be liable having regard to a set of factors, including that the director has the capacity to influence the conduct of the corporation in relation to the offending. Removal of personal liability therefore was identified as appropriate in circumstances where directors are removed from the daily operations of a corporation and not in a position to influence conduct relating to administrative offences. The principles provide also that where sufficient public policy justification exists for the imposition of liability on directors for corporate wrongdoing, the appropriate level of liability must then be determined. A number of offences currently provide deemed liability for directors for corporate wrongdoing but, given the gravity of the offence, are being amended so as to provide only for directors' liability where a director has knowingly authorised or permitted the contravention.

Finally, the bill increases also the level of liability for directors under one Act, the Electricity (Consumer Safety) Act 2004, which regulates the sale and labelling of electrical articles, installation work, and connection and maintenance of electrical installations. Offences under the Act concern sellers of such articles, providers of acquisition guarantees, persons undertaking work and owners or occupiers of premises as responsible persons for electrical installations, any of whom may be corporate entities. Electrical safety is a critical issue and the consequences of offending behaviour can be of such a serious nature that corporate liability alone may be insufficient to effectively regulate this area. Failure to comply with the requirements of the legislation could have fatal consequences for members of the public and, therefore, it is consistent with the principles to impose a higher level of liability for these offences on public policy grounds. Therefore, the bill imposes deemed liability on directors for offences under this Act.

As with other Acts that impose this type of liability, directors will be strictly liable for offences under the Act, subject to defences, in line with the potentially fatal consequences for contraventions of the legislation. This would permit liability to apply to those officers who have not taken reasonable steps or exercised due diligence to prevent commission of the offence.

The Council of Australian Governments Reform Council has reported that some audits by jurisdictions for directors liability were not comprehensive and that jurisdictions broadly interpreted the principle of "compelling public policy reasons" to justify retention of different provisions. The reform council recommended that the Council of Australian Governments agree to new milestones aimed at achieving a more nationally consistent approach. A national subcommittee, chaired by the New South Wales Department of Premier and Cabinet, has been formed to report back on this project. The subcommittee is formulating recommendations for a revised approach to improve consistency. This may lead to a second tranche of reforms at a later stage. The Miscellaneous Acts Amendment (Directors' Liability) Bill 2011 amends a raft of New South Wales laws to ensure that personal liability for corporate fault in New South Wales is imposed in accordance with the principles agreed by the Council of Australian Governments. It imposes an appropriate level of liability for offences that is in each case reasonable and justified. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.

LOBBYING OF GOVERNMENT OFFICIALS BILL 2011

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Greg Pearce.

Motion, by leave, by the Hon. Greg Pearce agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra)
[3.22 p.m.]: I move:

That this bill be now read a second time.

The Lobbying of Government Officials Bill will make it a criminal offence, punishable by a fine, for a lobbyist to be paid a success fee. A success fee means a payment which is contingent on the outcome of the lobbying of a government official. The bill bans the giving or receiving of a success fee, and any agreement to give or receive a success fee. On 4 August 2009 the Premier, the then Leader of the Opposition, announced that a New South Wales Liberals and Nationals government would ban success fees as part of our strategy to restore integrity to the political process in New South Wales. Today the Government is fulfilling the commitment given by the now Premier back in August 2009.

In November 2009 the now Premier also called on then Premier Nathan Rees to support our calls to ban success fees, and follow in the footsteps of Queensland's Premier, Anna Bligh, who was embarrassed into enacting legislation to outlaw success fees after a series of corruption scandals. However, Nathan Rees and the Labor Government of that time refused to do so. The Keneally Labor Government maintained a similar, stony silence on the issue and failed to act. For the O'Farrell-Stoner Coalition Government, the decision to ban success fees is simple. We need to restore some integrity and honesty to the way in which politics operates in this State. This bill will help to ensure that lobbying in New South Wales is done ethically and with the highest standards. It will conserve and enhance public confidence and trust in the integrity, objectivity and impartiality of government decision-making and public policy development.

The payment of a success fee for achieving a favourable outcome can create the perception that access to government has been bought. Banning payments that are contingent upon a particular government decision removes a potential incentive for unethical or inappropriate conduct by lobbyists. The ban will also create a more level playing field by improving the ability of all stakeholders to present their input into policy development. While in Australia only Queensland has so far legislated to ban success fees paid to lobbyists, success fees are banned in Canada and in the United States of America, both at the Federal level and in most States.

The legislation will regulate all third party lobbyists—that is, persons or organisations that carry on the business of lobbying on behalf of others. It will apply to communications by a lobbyist with government officials, whether they are made in person, in writing, by phone or electronically. It will apply to communications with government officials for the purpose of representing the interests of another person or body in relation to legislation or proposed legislation or a government decision or policy or proposed government decision or policy, planning applications, and the exercise by the officials of their official functions. Giving or receiving a success fee, and agreeing to give or receive a success fee will be an offence, punishable by fine of a maximum \$55,000 for a corporation and a maximum \$22,000 for an individual, and if a person is found guilty of breaching the ban any success fee will be forfeited to the Crown.

The bill makes specific provision, however, for success fees paid to technical advisers, such as legal and financial advisers, for whom contingency fee arrangements are not an uncommon industry practice. These arrangements will not be affected where a success fee is paid primarily for the provision of professional services other than lobbying services. The bill will strengthen the regulation of lobbyists in New South Wales, delivering on another election commitment. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Precedence of Business

Motion, by leave, by the Hon. Greg Pearce agreed to:

That standing orders be suspended to allow a motion to be moved forthwith relating to the conduct of business on 5 May and 6 May 2011.

Precedence of Business

Motion by the Hon. Greg Pearce agreed to:

1. That on Thursday 5 May 2011 Government Business take precedence of General Business, and
2. That on Friday 6 May 2011 General Business take precedence of Government Business until 3.30 p.m.

ADJOURNMENT

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.40 p.m.]: I move:

That this House do now adjourn.

DEATH OF OSAMA BIN LADEN

The Hon. LYNDIA VOLTZ [3.40 p.m.]: The recent military operation by the United States of America against Osama bin Laden in Pakistan resulted in the death of a man rightly described by the British Prime Minister, David Cameron, as "evil". And while there can be debate about the nature of that death, the reality for those forces operating on foreign soil, in secrecy, is that you need to get in quick and get out quick. But the death has raised significant debate about what Pakistan knew, why it was not informed of the operation and how Osama bin Laden remained in the country undetected. Many of the comments on television and radio with regard to Pakistan's role have been fairly simplistic. This has led to questions about foreign aid for Pakistan and its commitment to the war on terror. But before any decision is taken, we should first examine the complexities of that country and the issues that surround its culture.

Pakistan is a reasonably new incarnation following independence in 1947. While I do not wish to make political comment on an old wound, there is little doubt that the inheritance of the Durand Line, which cuts through the Pushtan tribal areas, has played a role in the relationship that Pakistan plays in the war on terrorism. Of an estimated Pushtan population of 50 million, they make up 42 per cent of the population of Afghanistan and 15 per cent of Pakistan's 174 million people. The use of drones across the Durand Line into Pakistan is one of the most contentious issues in politics in Pakistan. Whilst these drone attacks are rarely mentioned in the mainstream media in this country, they are the source of constant media reports within Pakistan. Freedom of the media has grown significantly in Pakistan since democratic elections and the end of the military government.

Whilst recently in Pakistan I was surprised at the number of drone attacks that occurred. I was also conscious of the reporting in the media that clearly indicated that in the period I was there, there were more civilians killed than terrorist targets. Whilst the Pakistani military rarely criticises the use of drone attacks, there is significant media and public comment about and opposition to their use. The military did comment, however, after a recent drone attack on 18 March in Mirashah which killed 40 civilians after a missile fired at a moving car carrying four militants missed and hit a Jirga meeting of the local community. This prompted strong condemnation from the Pakistan army chief. He noted that such acts make it harder to fight terrorism. In light of the complexity relating to the sovereignty of the Pakistan Government it is perhaps a blessing that it did not know of the planned raid on Osama bin Laden.

Consideration should also be given to the feudal nature of Pakistan—a largely feudal system that is maintained by the ruling elite to feather their own nest. Within this society individual and community conduct is laid down by tribes and clans and a sense of secrecy exists within each group. In what is described as one of the most dangerous countries on earth, housing in compounds is common, as are high walls and a number of families living within the same compound. Should the Pakistan Government have known of bin Laden's existence? It is perhaps easy to say from this distance but the complexity of Pakistani society, in which secrecy and corruption abound, may confirm the statements by the Pakistan Government that it did not know.

The question is then: Does Pakistan pull its weight in the international war on terror? Since 2001 more than 16,000 Pakistan civilians have lost their lives. The Federal Government budget allocates 60 per cent to military spending and debt reduction. Pakistan, with its 170 million people, spent 7.8 per cent on education, compared to 13.3 per cent in Australia, which spends only 7.1 per cent on defence. In the 2010-11 Pakistan budget defence spending was increased by 17 per cent. The major source of employment in Pakistan is agriculture, and literacy in rural areas is 48 per cent, 37.7 per cent of the schools up to the elementary level do not have boundary walls, 33.9 per cent lack drinking water facilities, 37 per cent do not have toilets and 60 per cent are without electricity. The per capita income in Pakistan is \$2,292.

Clearly violence and regional unrest, alongside corruption, is impacting on Pakistan's ability to deliver a cohesive education system. In the fight against terrorism the provision of education in Pakistan should be one of our most important weapons. A better educated Pakistan may also lead to some sensible debate rather than the rule of mob and incidences such as the assassination of courageous politicians such as Salman Taseer, the Governor of Punjab. The current democratically elected government, which replaced a military government, is required to answer to the people at the ballot box. Time will tell whether the people of Pakistan, already armed with the ballot box, will follow those of the Middle East and demand change. Pakistan still has a long way to go but it will require some patience.

ROYAL MARRIAGE

REPUBLICAN MOVEMENT

Reverend the Hon. FRED NILE [3.45 p.m.]: I am pleased to speak on the subject of the royal wedding of Prince William and Catherine Middleton at historic Westminster Abbey on Friday 29 April 2011. My wife and I were two of the two billion people who watched the whole wedding as it was presented on our television stations in Sydney. It was most impressive. For what it is worth, I congratulate the Queen of Australia, Queen Elizabeth II, and her royal staff on what was a perfect day of parades, the marriage service, all the various activities, the crowd control—I admired the way the London Metropolitan Police handled the huge crowd of up to one million people—and the presentation on the balcony of Buckingham Palace for the two long-awaited, loving kisses. According to reports, two billion people watched the presentation of the marriage service on television and on the Internet.

The Christian Democratic Party supports a constitutional monarchy and our Commonwealth and State constitutions. The Commonwealth Constitution has worked well at the Federal level since 1901, and I believe it is one key to the success of Australian democracy, our peace and stability, and how we conduct elections and change governments. We do not have revolutions on the streets or guns firing. Everything is civilised and peaceful. I believe one key to that is the Australian Constitution and our constitutional monarchy. The tremendous response to the royal wedding showed that the constitutional monarchy of the British Commonwealth is alive and well for a new, historical century.

Sadly, the republican movement is clearly in the doldrums. A number of surveys have been conducted following the wedding; obviously, the wedding had a big impact on public opinion. A news poll survey taken between 1 April and 3 April showed that the number of people totally in favour of a republic is now only 41 per cent. That is a drop of 11 per cent from 2001, when it was 52 per cent. Apparently many of those who still want a republic are in their middle ages. In other words, the younger generation has swung behind the constitutional monarchy. That means that any further votes on a republic, which I hope will never occur, will fail, as did the previous major republican referendum which rejected plans for a republic.

Obviously support for a republic is stronger among Labor voters than Coalition voters. The survey showed that 46 per cent of Coalition voters are totally opposed to a republic, particularly if Prince Charles becomes king, but only 20 per cent of Labor voters are totally opposed to a republic. Looking at a future with Prince William as king, 52 per cent of Coalition voters totally oppose a republic, while only 28 per cent of Labor voters totally oppose a republic. I believe the survey shows that the republican movement is in big trouble.

Another aspect of the television presentation of the wedding was the marriage service. As a Christian minister and a member of this House, I was impressed at the way the Christian marriage service was conducted by the various Anglican church leaders and the Bishop of London, in particular. The Bishop of London gave the main message to the young couple. During his sermon he said a prayer that he said had been written by Prince William and Catherine Middleton. The prayer is:

*GOD our Father, we thank you for our families;
for the love that we share and for the joy of our marriage.*

*In the busyness of each day keep our eyes fixed on what is real and important in life
and help us to be generous with our time and love and energy.*

*Strengthened by our union help us to serve and comfort those who suffer.
We ask this in the Spirit of Jesus Christ. Amen*

Thank God for a very successful royal wedding.

QUEANBEYAN ANZAC DAY SERVICE

The Hon. MATTHEW MASON-COX [3.50 p.m.]: I want to reflect on Anzac Day this year and, in particular, the service I attended in Queanbeyan along with many members of the local community, including the newly elected member for Monaro, John Barilaro, and the Mayor of Queanbeyan, Tim Overall. It was a typical beautiful autumn day and a typically emotional remembrance service, highlighted by a poignant opening address from the Mayor of Queanbeyan recounting the history of Queanbeyan's involvement in theatres of war. I wish to share with members tonight the following excerpts from the mayor's address:

96 years ago today—on 25th April 1915 a group of volunteer Australian & NZ soldiers found themselves wading ashore before dawn at a small beach on the Gallipoli Peninsula in Turkey. They were the members of the Australian and New Zealand Army Corps. Many of these men were only teenagers some as young as 16 ... many having enlisted with their mates, brothers & cousins.

All were anxious to prove as representatives of the new Nation they would not be found lacking. Australia as a nation was, at the time of Gallipoli, only 14 years old and was about to form an identity to call its own ... 240 days later 7,818 Australian & NZ soldiers had been killed and 19,441 wounded at Gallipoli in an area not much larger than the size of the Queanbeyan town centre from here to the River ... In that terrible 8 months of bloody carnage and in the associated hospitals and training camps, young Australians earned a reputation for courage, self-reliance determination, compassion, self-sacrifice and mateship.

Thus the ANZAC spirit was born. The memories of those days live forever as does the memory of many from the Queanbeyan region whose names appear on the memorials before us today. We remember the Boer War where a total of 63 from Queanbeyan enlisted to serve with British forces in South Africa during the period 1899-1902. Five of the volunteers from Queanbeyan lost their lives.

And to WWI—around 528 men and women from the Queanbeyan region enlisted. 67 died for their country ... The first to enlist from Queanbeyan was Richard Meech, son of Isaac Meech and Rosanna—nee Blundell. Richard Meech enlisted within days of the Declaration of War—he was with the 1st Infantry Brigade on the attack on the hill they called Lone Pine at Gallipoli. There were over 2,000 Australian Casualties including Richard Meech—hit by a grenade after they besieged the Turkish trenches.

There were the brothers and the cousins ... 20 sets of brothers from Queanbeyan served in WW1:

Three townspeople John Ford, Mrs John Mayo and Mrs Rebecca Robertson—each lost two sons.

The Dawson family sent 7 sons to war who all survived.

The three Hinksman brothers ... the sons of Mr & Mrs Joseph Hinksman the Queanbeyan Town Clerk.

Percy Hinksman was the first to enlist in 1914 and served in Gallipoli with the 7th light horse. He was "blown up by the Turks" as he put it and evacuated. He was transferred to the 26th Bttm and fought at Pozieres and again wounded at Menin Road.

Clem Hinksman was the oldest of the three brothers. Clem was also at Pozieres. He was killed in action and his body was never found.

Clarrie Hinksman, the youngest of the three brothers, fought the 2nd battle at Bullecourt. Clarrie was severely wounded and did not return to the front line.

Alex Feagan from Queanbeyan Public School served at Hill 60. He was KIA. In fact 28 ex pupils of Queanbeyan Public/Isabella Street School lost their lives.

These are just a few of the extraordinary Queanbeyan contributions to the ANZAC spirit of courage, self-reliance determination, self-sacrifice and mateship.

There are hundreds of similar Queanbeyan stories from The Great War, and from the 2nd WW where 763 from Queanbeyan served.

Private Albert Hopkins from Macquoid Street was one of 3,000 that died on the infamous Sandakan POW death march.

Theo Jamison a POW at Changi was killed on the Japanese Hell Ship when sunk by a US Submarine in 1944.

This year marks the 70th anniversary of the 9 month siege of Tobruk—The Rats of Tobruk ... and 16 were from Queanbeyan.

We will remember all those who served, all those who were wounded or suffered ill health and those that were killed in action or died on service ... we will never forget their sacrifice ... their ANZAC spirit is eternal.

Lest we forget.

MOTHERS DAY

The Hon. SOPHIE COTSIS [3.55 p.m.]: On Sunday 8 May we celebrate Mother's Day. I take this opportunity to reflect on Mother's Day, and the wonderful, special and, of course, immeasurable contribution that mothers make to our community—new mothers, mums handling teenagers and managing adult children,

mums as carers, mums who take on work out of home and mums who work in the home. Let's face it, they are all working mums—grandmothers so often now step back into the heat of it all and help their daughters and sons bring up the next generation of Australians. I pay tribute to the substantial and significant responsibility that millions of Australian women are undertaking quietly, without accolades, which underpins so much of the economic and social prosperity in our community. Many women work outside the home. They juggle their jobs, their relationships, their marriages, their children and their homes. It is challenging and involves sacrifices. It should be one of our goals in public life to continue the advancement of the many diverse issues that help mothers and women. As a member of the Australian Labor Party I take pride in the fact that Labor has always had a proud record in advancing the cause of women, especially mothers. However, more needs to be done.

I turn now to Mother's Day. In my family Mother's Day has been tinged by some sadness. My mother was nine years old when she lost her own mother in the years of famine and strife that befell Greece after World War II. Like many children who lost parents so young, they never forget the void. Childhood ended there. My mother basically became a mum years before she ever had my brother or me. Like many migrants at the time, she went on to migrate to Australia, where the opportunities to build a better life beckoned. It is a migrant story but it is particularly also a woman's story, a mum's story. Many people have in their family photo album a classic black-and-white picture of one or both of their parents as young people, standing by the railing of a ship out at sea. They were heading to Australia. They are the women who are now mothers and grandmothers to whom my thoughts turn on Mother's Day with lots of kids, a hard job and a mortgage here in this new country, where most of them did not have a good grasp of the language and the odds were stacked against them.

That generation of women—those mothers and grandmothers of today who came off the ships in those black-and-white days—is a great generation of feminists. They were feminists despite being cleaners, shop workers, seamstresses or waitresses. Despite their lack of education, protection at work, often lack of support at home and public services at the time, those women brought up their kids and were part of the great phenomenon that brought forth in one generation the integrated and successful Australians of diverse backgrounds that we see around us today. They were strong, dedicated women who worked hard without any show or pizzazz—quiet yet persistent who had faith, love and great ability. They could tell their daughters and sons that their dreams did matter. To me, those women are among the great pioneers, unspoken and unheralded. I pay tribute to all mums this Mother's Day and thank them for their amazing contribution.

CABRAMATTA PARLIAMENTARY REPRESENTATION

The Hon. CHARLIE LYNN [4.00 p.m.]: I refer to the election result in Cabramatta. Cabramatta represents all that is good about Australia and pretty much all that has been bad about Labor in recent years.

The Hon. Greg Donnelly: Be careful, Charlie!

The Hon. CHARLIE LYNN: Yes, I am going to be. It is the seat of Australia's first political assassination, of John Newman. It is a seat where, after the Vietnam War, Gough Whitlam allowed a lot of North Vietnamese communists to settle. It is a seat that has been Labor's citadel. Labor had a 29 per cent margin in the electorate, which over the years it has treated with contempt. Former member for Cabramatta Reba Meagher chose to live in Coogee rather than Cabramatta—the seat was so safe for Labor she could get away with it. I thought at the last election Cabramatta offered a good opportunity for the Australian Labor Party to renew, because it needed renewal. It is good to see that many good Labor members have returned to both Houses of Parliament. They now have a job ahead of them, just as the Coalition did in 1995.

Labor missed that opportunity for renewal when at the 2007 by-election that followed Reba Meagher's resignation it chose as its candidate the Mayor of Fairfield, Nick Lalich. He suffered a 21 per cent swing—whether it was against him, the Labor Party, or a combination of both, I do not know. That was a very big signal. We were represented by a young Vietnamese refugee, Dai Le. After the Vietnam War, Dai spent four years in refugee camps. She lost her father and arrived here, after four years in refugee camps, with her mother and sister and nothing else. Everything about Australia and the treatment of refugees was great. She was educated, she went to university, she got a job with the ABC and she became a prominent and acknowledged journalist.

When Reba Meagher resigned, Dai Le believed that her people deserved a voice, and I believe she was right. They have been here long enough, the first generation having worked two or three jobs so that their children could have an education and, with professional generations now, they are ready for the next elevation, which is political representation. I believe that the 21 per cent swing was a sign that the Labor Party should

perhaps look at a young Vietnamese person to represent it, but it missed that chance. During the 2011 election campaign we were knocking on doors, delivering our messages and I think representing ourselves as honest, honourable people trying to win the support and votes of good working families. Halfway through the campaign there was a poster period in which it was said that Dai Le was not a local. It was authorised and signed by Sam Dastyari, the Australian Labor Party State Secretary.

This was important because he knew that she was on the electoral roll and he knew that she was raised in Cabramatta. He knew that she lived in Cabramatta but he put his name to a lie. This is indicative of what was wrong with the Labor Party. People had lost faith and trust in Labor, yet its State Secretary was signing a lie. That was bad enough but after the advertisements closed the race card was pulled out accusing Dai Le of supporting Pauline Hanson. Talk about disgust! I have never seen such a shameful, dishonourable, disrespectful attack on a person whom I regard as being most honourable—as honourable as anybody who wants to enter politics. The Labor Party pulled out the race card, knowing it was a lie, and won the seat of Cabramatta on a lie by, I believe, one of the most dishonourable representatives in this Parliament today.

The Hon. Amanda Fazio: Point of order: It is not appropriate in an adjournment speech or at any other time in this place to make aspersions about a member of this House or the other House unless it is done by way of substantive motion, and the Hon. Charlie Lynn has just done that. I ask him to withdraw those comments and to continue his speech within the standing orders.

The PRESIDENT: Order! Under Standing Order 91 (3) it is disorderly for members to make personal reflections on members of the other House. The Hon. Charlie Lynn will not make personal reflections on other members. The member has some time remaining and may continue his speech.

The Hon. CHARLIE LYNN: I am surprised that anybody would defend a member who resorted to such shameful tactics. [*Time expired.*]

WORKPLACE HEALTH AND SAFETY

Mr DAVID SHOEBRIDGE [4.05 p.m.]: For more than a century Australian workers and their unions have fought for the best possible health and safety standards. Rest breaks, protective clothing and protection against asbestos fibre are some of the gains that have been made to improve the safety conditions of workers. Now this State's world-class workplace safety laws are under attack. Amongst the first pieces of legislation to be introduced by the O'Farrell Government are laws that seriously undermine the safety of workers in New South Wales. The Work Health and Safety Bill 2011 and the Occupational Health and Safety Amendment Bill 2011 seek to remove the capacity of unions to prosecute for breaches of occupational health and safety laws. This legislation represents an attack on working people, an attack on the very idea of organised labour and a direct assault on existing occupational health and safety standards in New South Wales. Inevitably this will, if passed, put working people's lives at risk.

Less than a week after the International Day of Mourning for workers killed at work, of which Liberal member the Hon. Greg Pearce spoke this morning, legislation has been introduced into this Parliament that will take us back to a time when workers were at the mercy of their bosses to ensure their safety at work. Even with the standard we currently enjoy in Australia, on average, each week one worker is killed on site in the construction industry alone. Making prosecutions harder by attacking the onus of proof in workplace safety cases will result in less prosecution and less pressure on employers to deliver safe workplaces. This undermining of occupational health and safety standards is occurring because of a Federal push to harmonise safety laws.

In principle, The Greens support national harmonisation of occupational health and safety laws, but the harmonised laws must reflect the highest standards of safety, which are those that currently operate within New South Wales. Since the 1940s trade unions have been able to prosecute breaches of workplace health and safety law in New South Wales. In that time union prosecutions have been rare. However, when taken, they have proven to be invaluable in improving safety in workplaces. The right of unions to prosecute breaches of occupational health and safety law has been an effective tool and a real disincentive to employers to flaunt the law. The union right to prosecute ensures that large employers respond more quickly to demands from their workforce to protect the safety of their employees. Dismantling the right of unions to prosecute occupational health and safety breaches reduces employers' accountability for the safety of their workers. This is unacceptable. Workplace health and safety laws must put the interests of employees first and must ensure that working people go to work and come home safely and well.

Union prosecutions have been effective in the strengthening of safety standards not only for working people but for the community at large. The very successful prosecutions by the Finance Sector Union that were directed at reducing armed robberies in bank branches are an excellent illustration of the effectiveness of union prosecutions. Tired of seeing not only their members but also members of the public physically and psychologically injured as a result of armed holdups, the Finance Sector Union decided to take action. It did that in the absence of action by employers and in the absence of action by workplace regulators such as WorkCover.

Following the successful court action of the Finance Sector Union in 2002, the major banks in New South Wales were forced to invest some \$100 million in improving safety standards. The result has been a dramatic fall in armed robberies from 102 in 2002 to just four last year. Former bank teller Dawn Chamberlain was in the finance industry for 33 years. She survived five holdups before those union prosecutions kicked in, including one in which she had a gun pointed at her face. To this day Dawn suffers from debilitating post-traumatic stress disorder. This will not happen again as a result of the actions of the Finance Sector Union and the right of unions to prosecute. The Finance Sector Union prosecution prompted the banks to invest in full height anti-jump barriers, ATM bunkers, digital CCTV and live back-to-base monitoring.

Workplace safety affects workers in diverse fields in crucial ways. We have seen prosecutions brought by the Teachers Federation against the New South Wales Department of Education and Training. Ken Ambler, a teacher in Sydney, was confronted by a student armed with a knife and was forced to disarm him. Following a successful union prosecution, there have been substantial changes to workplace practices in New South Wales schools and, as a result, teachers and students go to their places of work and study, and return home more safely and surely than they did before the union prosecution. Under the proposed new laws those court actions would not be permissible. The harmonised national laws should reflect best practice, not the lowest common denominator, and they ought to recognise that the union's right to prosecute is a powerful incentive for employers to stand up to protect their workers' health and safety. [*Time expired.*]

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

Motion agreed to.

The House adjourned at 4.10 p.m. until Thursday 5 May 2011 at 11.00 a.m.
