

# LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Tuesday 24 May 2011

---

## JOINT SITTING TO ELECT MEMBERS OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 6.00 p.m. to elect members of the Legislative Council in the place of the Hon. John Hatzistergos, resigned, and the Hon. Edward Moses Obeid, resigned.

**The Clerk of the Parliaments** read the message from the Governor convening the joint sitting.

**The PRESIDENT:** I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Edward Moses Obeid.

**Mr JOHN ROBERTSON:** I propose Walter Secord as an eligible person to fill the vacant seat of the Hon. Edward Moses Obeid in the Legislative Council, for which purpose this joint sitting was convened. I propose that Walter Secord be elected as a member of the Legislative Council to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Edward Moses Obeid. I indicate to the joint sitting that if Walter Secord were a member of the Legislative Council, he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party, the Australian Labor Party, as the Hon. Edward Moses Obeid was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the Ninth Periodic Council Election, which was held on 24 March 2007. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**Ms LINDA BURNEY:** I second the nomination.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I declare that Walter Secord is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Edward Moses Obeid.

I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. John Hatzistergos.

**Mr JOHN ROBERTSON:** I propose Adam Searle as an eligible person to fill the vacant seat of the Hon. John Hatzistergos in the Legislative Council, for which purpose this joint sitting was convened. I propose that Adam Searle be elected as a member of the Legislative Council to fill the vacancy in the Legislative Council caused by the resignation of the Hon. John Hatzistergos. I indicate to the joint sitting that if Adam Searle were a member of the Legislative Council, he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party, the Australian Labor Party, as the Hon. John Hatzistergos was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the Ninth Periodic Council Election, which was held on 24 March 2007. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**Ms LINDA BURNEY:** I second the nomination.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I declare that Adam Searle is elected as a member of the Legislative Council to fill the seat vacated by the Hon. John Hatzistergos. I declare the joint sitting closed.

**The joint sitting closed at 6.08 p.m.**

---

# LEGISLATIVE COUNCIL

Tuesday 24 May 2011

---

**The President (The Hon. Donald Thomas Harwin)** took the chair at 2.30 p.m.

**The President** read the Prayers.

**The PRESIDENT:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Marie Bashir  
GOVERNOR

Office of the Governor  
Sydney 2000

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 6.00 a.m. on 14 May 2011.

14 May 2011

## ASSENT TO BILLS

Assent to the following bills reported:

Constitution Amendment (Prorogation of Parliament) Bill 2011  
Health Services Amendment (Local Health Districts and Boards) Bill 2011  
Lobbying of Government Officials Bill 2011  
Duties Amendment (Senior's Principal Place of Residence Duty Exemption) Bill 2011

## LEGISLATIVE COUNCIL VACANCY

### Resignation of the Honourable John Hatzistergos

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

20 May 2011

Office of the Governor  
Sydney 2000

The Honourable Donald Harwin 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 19 May 2011, from the Honourable John Hatzistergos MLC tendering his resignation as a Member of the Legislative Council of New South Wales.

I have acknowledged receipt of the letter from Mr Hatzistergos 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.

### Joint Sitting

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

MARIE BASHIR  
Governor

Office of the Governor  
Sydney 2000

#### MESSAGE

I, Professor MARIE BASHIR AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seats in the Legislative Council vacated by the Honourable John Hatzistergos and the Honourable Edward Moses Obeid, and I do hereby announce and declare that such members shall assemble for such purpose on Tuesday the twenty-fourth day of May 2011 at 6.00 p.m. in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the members of the Legislative Council and the members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.

Office of the Governor  
Sydney, 23 May 2011

### COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The PRESIDENT:** I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising me as the President of the Legislative Council to administer to all or any members of the Legislative Council the pledge of loyalty.

### COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The PRESIDENT:** I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Jennifer Gardiner, the Deputy-President and the Chair of Committees, in the absence of the President, to administer to all or any members of the Legislative Council the pledge of loyalty.

### COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The PRESIDENT:** I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising Reverend the Hon. Fred Nile, the Assistant-President, in the absence of the President and the Deputy-President and Chair of Committees, to administer to all or any members of the Legislative Council the pledge of loyalty.

### OFFICE OF THE OMBUDSMAN

#### Report

**The President** tabled, pursuant to the Police Act 1990, a report of the Ombudsman entitled "Audit of the NSW Police Force Handling of Domestic and Family Violence Complaints", dated May 2011.

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

### BUSINESS OF THE HOUSE

#### Formal Business Notices of Motions

**Private Members' Business item No. 52 Outside the Order of Precedence objected to as being taken as formal business.**

## MINISTRY

### Senior Ministers

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [2.36 p.m.]: I inform the House that, effective from 9 May 2011, the following Ministers were designated as senior Ministers:

The Honourable Jillian Gell Skinner, MP  
The Honourable Adrian Piccoli, MP  
The Honourable Bradley Ronald Hazzard, MP  
The Honourable Gladys Berejiklian, MP  
The Honourable Michael Bruce Baird, MP  
The Honourable Gregory Stephen Pearce, MLC  
The Honourable Gregory Eugene Smith, MP  
The Honourable Prudence Jane Goward, MP

## AUDITOR-GENERAL'S REPORT

**The Clerk** tabled, pursuant to the Public Finance and Audit Act 1983, a performance audit report of the Auditor-General entitled "Two Ways Together—NSW Aboriginal Affairs Plan: Aboriginal Affairs NSW, and Department of Premier and Cabinet", dated 18 May 2011, received out of session and authorised to be printed on 18 May 2011.

## MEMBER FOR ROCKDALE

### Production of Documents: Return to Order

**The Clerk** tabled, pursuant to the resolution of 6 May 2011, documents relating to an order regarding the election of Mr John Frederick Flowers, MP, received on 20 May 2011 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 documents received on 20 May 2011 from the Director General of the Department of Premier and Cabinet which are considered to be privileged and are available to members of the Legislative Council only.

## TABLING OF PAPERS

**The Hon. Greg Pearce** tabled the following paper:

Snowy Hydro Corporatisation Act 1997—Report of Snowy Hydro Limited for the period 5 July 2009 to 3 July 2010.

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

## PETITIONS

### Planning and Development

Petition requesting the House immediately repeal part 3A of the Environmental Planning and Assessment Act 1979 and establish an independent planning body to assess State infrastructure, and that all development applications be determined by elected local councils, received from **Mr David Shoebridge**.

### Euthanasia and Palliative Care

Petition praying that the House oppose the Greens Euthanasia Bill and any attempts to legalise or decriminalise the practice of euthanasia and calling on medical practitioners to uphold the principles of palliative care and the hippocratic oath, received from the **Hon. Jennifer Gardiner**.

**BUSINESS OF THE HOUSE****Postponement of Business**

**Government Business Orders of the Day items Nos 1 and 2 postponed on motion by the Hon. Michael Gallacher.**

**TEMPORARY CHAIRS OF COMMITTEES**

**The PRESIDENT:** According to standing order, I nominate the following members to act as Temporary Chairs of Committees during the remainder of the present session: the Hon. Cate Faehrmann, the Hon. Paul Green, the Hon. Natasha Maclaren-Jones, the Hon. Sarah Mitchell and the Hon. Helen Westwood.

**PARLIAMENTARY COMMITTEES****Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of committees from the Leader of the Government, Leader of the Opposition and crossbench members:

**Privileges Committee**

Government: Mr Khan, Mr Mason-Cox, Mr Ajaka, Miss Gardiner  
Opposition: Ms Fazio, Mr Primrose  
Crossbench: Reverend Mr Nile

**Procedure Committee**

Government: Mrs Mitchell  
Crossbench: Ms Faehrmann, Mr Borsak

**State Development Committee**

Government: Mr Colless, Dr Phelps, Mr Lynn  
Opposition: Mr Veitch, Ms Fazio  
Crossbench: Mr Green

**Social Issues Committee**

Government: Mr Blair, Ms Cusack, Mrs Maclaren-Jones  
Opposition: Ms Westwood, Mr Donnelly  
Crossbench: Ms Faehrmann

**Law and Justice Committee**

Government: Mr Clarke, Mr MacDonald, Mrs Mitchell  
Opposition: Mr Primrose, Mr Moselmane  
Crossbench: Mr Shoebridge

**General Purpose Standing Committee No. 1**

Government: Ms Cusack, Miss Gardiner, Mrs Pavey  
Opposition: Mr Veitch, Mr Roozendaal  
Crossbench: Reverend Mr Nile, Dr Kaye

**General Purpose Standing Committee No. 2**

Government: Ms Ficarra, Mr Clarke, Mrs Mitchell  
Opposition: Mr Moselmane, Ms Westwood  
Crossbench: Mr Green, Ms Barham

**General Purpose Standing Committee No. 3**

Government: Ms Maclaren-Jones, Mr Blair, Mr Ajaka  
Opposition: Mr Foley, Ms Fazio  
Crossbench: Mr Shoebridge, Mr Green

**General Purpose Standing Committee No. 4**

Government: Mr Mason-Cox, Mr Khan, Mr Lynn  
 Opposition: Ms Sharpe, Ms Voltz  
 Crossbench: Mr Borsak, Ms Faehrmann

**General Purpose Standing Committee No. 5**

Government: Mr Colless, Dr Phelps, Mr MacDonald  
 Opposition: Mr Primrose, Mr Donnelly  
 Crossbench: Mr Brown, Mr Buckingham

**PARLIAMENTARY COMMITTEES****Chairs and Deputy Chairs**

**The PRESIDENT:** I inform the House that the following members have been nominated by the Leader of the Government and the Leader of the Opposition as chairs and deputy chairs of standing committees of the Legislative Council:

**Privileges Committee**

Chair: Mr Khan  
 Deputy Chair: Ms Fazio

**State Development Committee**

Chair: Mr Colless  
 Deputy Chair: Mr Veitch

**Social Issues Committee**

Chair: Mr Blair  
 Deputy Chair: Ms Westwood

**Law and Justice Committee**

Chair: Mr Clarke  
 Deputy Chair: Mr Primrose

**LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (MOVE ON DIRECTIONS) BILL 2011**

**Second Reading****Debate resumed from 10 May 2011.**

**The Hon. PENNY SHARPE** [3.03 p.m.]: I speak on behalf of the Opposition and state at the outset that while the Opposition will not oppose the Law Enforcement (Powers and Responsibilities) Amendment (Move on Directions) Bill 2011 we believe the bill is much ado about not much. This amendment deletes the words "in a group of three or more intoxicated persons" in section 198 (1). It is clear that the Minister has had to bring this tiny amendment to the House in an attempt to fill out a very thin business paper and to play tick-a-box on the much-hyped 100 Day Plan.

This amendment dressed up as a crackdown on intoxicated persons ignores the reality that police already have these powers under section 197 of the Act. Section 197 allows a police officer to give a reasonable direction to a person in a public place if he or she is obstructing another person or traffic, harassing or intimidating another person, is likely to cause fear to another person or is buying or selling drugs. The Hon. Peter Phelps may even be concerned that this amendment does little except clutter up the statute book for no real purpose.

We do, however, have other concerns. The Opposition is concerned about the potential impact on vulnerable people who have public space as their only place. Examination of the difficulties faced by vulnerable groups as a result of move-on powers has been carried out in many different places, most recently by Tamara Walsh and Monica Taylor, who published a report for the University of New South Wales Law Journal entitled "You're Not Welcome Here: Police Move-on Powers and Discrimination Law". Their work demonstrated that

all empirical studies undertaken into these powers show that certain groups are more adversely affected than others by these powers. The most significant investigation of police move-on powers done by the New South Wales Ombudsman concluded that young people and Indigenous people are more likely to be moved on than any other community members. That report also pointed to powers being used disproportionately to deal with homelessness, sleeping out and begging.

We seek information from the Minister about how the police intend to use this change. We seek assurances that these powers will be used to deal with the problem he outlined in his second reading speech, that of drunken idiots who have a home to go to and not vulnerable groups in public spaces. The amendment makes no substantial change to the law. The Opposition will not oppose the bill but we remain concerned about its ongoing use and will be watching carefully how it is applied by police.

**The Hon. MARIE FICARRA** (Parliamentary Secretary) [3.05 p.m.]: I support the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011. Over the past 16 years under Labor we have seen an ever-increasing trend of alcohol and drug-fuelled violence across the State with few effective measures given to police officers to handle this socially unacceptable behaviour. Alarming, between 2005 and 2009 alcohol-related crimes increased by 9 per cent each year. We know from research undertaken by the Australian Institute of Criminology that in Australia around half of all homicides are alcohol related. One in four Australians surveyed was found to be the victim of alcohol-related verbal abuse. Today the impact of alcohol consumption, particularly among young people, is of growing concern, with binge drinking having long-lasting physical, mental, social and economic consequences for not only the individuals concerned but also their extended family units.

Conservative estimates suggest that in 2004-05 the total cost attributable to alcohol-related crime in Australia was \$1.7 billion. I am sure we can add many millions of dollars to the amount involved since then. The social cost relating to alcohol-related violence, which excludes costs to the criminal justice system, was \$187 million, and the cost associated with the loss of life due to alcohol-related violent crime amounted to \$124 million. Many in our community believe that a decline in responsibly administered police powers has left our police officers, emergency doctors and ambulance officers at the mercy of irresponsible and often violent offenders as a result of Labor's dismantling of the Summary Offences Act. This removal significantly reduced police powers to move on those who are intoxicated and causing a public menace.

Under current law move-on powers can be used for groups of three or more only. This has left our hardworking police powerless to act in some circumstances. The bill before the House addresses this shortcoming by enabling police to use move-on powers to address antisocial behaviour by one individual or more. Hugh Mackay wrote in the *Australian* on 10 April 2010 that the then Labor Premier, Kristina Keneally, was prevaricating on the issue of alcohol abuse and street violence.

**Dr John Kaye:** Not prevaricating; you've got the wrong word. It is procrastinating. Prevaricating means lying and procrastinating means delaying.

**The Hon. MARIE FICARRA:** I stand corrected, but I took the quote verbatim and the article said she was prevaricating. I thank Dr John Kaye for his interjection. Mr Mackay rightly stated:

Talk to anyone working in the drugs and alcohol field—researchers, doctors, counsellors, rehab workers—and the story is the same: while the rest of us wring our hands about the illicit drugs trade, the No. 1 drug-abuse problem for Australia is alcohol.

The Bureau of Crime Statistics and Research [BOCSAR] report released earlier this year indicates that more than 56 per cent of all recorded assaults in Sydney occur within 50 metres of pubs, clubs and bottle shops and 37 per cent of all assaults occur within 20 metres of those venues. High numbers of assaults were recorded in the George Street precinct of Sydney's central business district and in many of our inner-city suburbs. Following release of the report the President of the Police Association of New South Wales, Scott Weber, stated that "the report should serve as a wake-up call". Binge drinking by our young adults has reached frightening levels. Sadly, the violence that ensues after such behaviour is equally frightening.

In September 2009 the New South Wales Liberals and Nationals launched a statewide consultation on our social policy framework "Smarter, Stronger, Healthier and Safer". Following that consultation it was clear the New South Wales community wanted better protection against violent behaviour that is fuelled by alcohol and drugs. In the lead-up to the State election and in an effort to make our streets safe again the New South Wales Liberals and Nationals promised to implement a plan to tackle alcohol and drug-related violence as well

as crime by strengthening the move-on powers so that they could apply to individuals who are causing menace. The bill will honour the election commitments given by our Premier, Barry O'Farrell, and responds to what people want, as expressed during the consultation process on the Liberal and Nationals social policy framework.

This legislation will strengthen police move-on powers to crack down on antisocial behaviour. As already outlined by the Leader of the Government, the Minister for Police and my colleague the Hon. Michael Gallacher, police will be able to move on intoxicated individuals who are acting in a way that may cause harm to themselves, to others, or to property. Offenders will face on-the-spot fines of \$200 or, in the most serious cases, on-the-spot fines of up to \$660. Police will be able to order a person to move on and not return for at least six hours. The current thresholds of the likelihood of an intoxicated person causing injury, damage or giving rise to a risk to public safety will continue to apply. The direction given by a police officer must be reasonable in the circumstances to prevent injury or damage, or to reduce the risk to public safety. The laws will be exercised only in public places. By complying with a police move-on direction a person will be able to avoid a charge of being intoxicated and disorderly, which is a new summary offence that the Government will introduce shortly.

Recently, on a Saturday night, Premier O'Farrell visited Kings Cross to see for himself what is going on there. He spoke to many community leaders, community service workers and police officers on duty as well as members of the public. As stated in the other place by the Premier, all of those to whom he spoke indicated their full support for the measures in the bill. The police support this bill because they are sick of having to deal with drunken louts who want to ruin things for everybody else. Families now feel unsafe walking around the entertainment precinct of the city, particularly George Street, and they feel unsafe in lovely inner-city suburbs such as Balmain. Inner-city communities fully support this legislation. Many members of the public told the Premier that they need the police to take more action in future, such as with move-on directions. The Government is determined to further consult with communities and to enhance public protection legislation.

The dedicated physicians who run our emergency departments as well as our respected ambulance officers welcome the bill because they are sick of dealing with a constant stream of injuries caused by alcohol-fuelled violence. The public supports this legislation because finally they will be able to go out or see their families go out without worrying about them and what may happen because of alcohol and drug-fuelled violence. Finally police will be able to take action before serious harm occurs. The bill shows the people of New South Wales, the police and healthcare professionals, who have to endure alcohol-filled attacks every week, that the O'Farrell Government is honouring its election commitments and is taking the issue of alcohol-fuelled violence very seriously. Unlike Labor, the Liberals and Nationals have not prevaricated, procrastinated, or done anything else constituting a term that Dr John Kaye would be happy to accept. We have not sought to deny that there are significant problems that are causing great trauma in our society. This Government is committed to ensuring that intoxicated and disorderly behaviour on our streets will no longer be tolerated. It is with great pride that I support the bill.

**The Hon. AMANDA FAZIO** [3.15 p.m.]: In my view the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011 is unnecessary because the powers it seeks to introduce by this legislation already exist in other legislation. I take this opportunity to express my concern about the potential for abuse of this legislation. People should be aware that the changes proposed by the legislation will impact disproportionately upon homeless people, young people and Indigenous people. In the longer term, as with similar provisions of the past, the bill will serve no common good while in the meantime causing unnecessary suffering.

The Hon. Marie Ficarra noted disparagingly that Labor dismantled the Summary Offences Act. I personally believe that that was one of the best things done by Neville Wran when he was the Premier of New South Wales, because the Summary Offences Act was used by the police to discriminate against people in the lower echelons of society, people who had problems with alcohol consumption but who were not necessarily causing any difficulties, people who did not have a lot of cash on them, people who for one reason or another were deemed to be unsuitable, and people who were at the bottom of the pecking order in society. Labor members should be proud that Neville Wran dismantled the Summary Offences Act.

This innocent-looking Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011 will provide police with the opportunity to discriminate against people who are marginalised in society. There is no provision in this legislation for additional supervision of police who will be applying the provisions of the bill, and its powers will be open to abuse. While discussion ensues about the need to remove alcohol-related violence from the streets of Sydney we must remember that this legislation will apply across the whole of New South Wales. The people in country towns who are regularly in contact with the police



are not necessarily drunken people who have been to a bachelors and spinsters ball; rather, it is more likely to be young Indigenous people. I must say proudly that I have never been to a bachelors and spinsters ball, but I have seen plenty of documentaries and reports on them that show that the level of alcohol abuse is legendary. One of the things attendees take pride in is sleeping in fields next to their utes after having had more beer and rum and coke drinks than they can possibly hope to consume and still be fit to walk or drive a car. Those people are not bothered by the police.

It will be young Indigenous people, homeless people and people with mental illnesses who are on the streets and who are not necessarily causing a problem but who are deemed to be general nuisances in the local area who will be picked on as a result of this legislation. It is really disingenuous to suggest that this legislation is the way we will stop alcohol-fuelled violence in Sydney's central business district. A range of other measures exist that should be considered closely if we are really interested in reducing alcohol-fuelled violence. We should review what has been going on. Strong restrictions already exist regarding the service of alcohol to people who are intoxicated, yet somehow people manage to get legless in the central business district moving from one licensed premises to another. Rather than giving police extra powers to target people on the streets we should investigate the licensed premises where people are served so much alcohol they then fall out on the streets drunk and disorderly.

Some measures that were brought in, particularly over the past three years, have borne fruit and are working. Recent research by the Bureau of Crime Statistics and Research shows that a good deal less violence occurs near hotels than it did three years ago. The measures of tracking people in trouble with the police by finding out what venues they attended and served them alcohol when they were intoxicated are working. Introducing these move-on measures will give police open slather to discriminate against anybody—the homeless, Indigenous people, young people and the mentally ill. That entirely improper process will not achieve social justice or equity. Police can be given all the powers they need—I believe they already have the powers they need—but giving them carte blanche runs the serious risk of increasing the marginalisation of some groups in the lower levels of society. That is a wrong signal to send.

If we give the police too many powers they will feel obliged to use them. Our society does not need powers being used indiscriminately. We should be investigating other ways to tackle these problems. People do not go out on a Saturday night and suddenly become intoxicated; they have to be served drinks at licensed premises. We should be targeting those premises rather than the people leaving them and going onto the streets. We need to examine what is happening in licensed premises in the central business district and determine what we can do to ensure that a minimal number of drunken people are on the streets. This sort of legislation means that in places such as Bourke, Wilcannia, Dubbo and other areas the young Indigenous people, whether or not intoxicated, will be the target of police actions with this move-on power. Police will say "Move on" and if the response is, "I don't want to move on. I haven't done anything wrong", they will be arrested. That is not good enough. Treatment of all people in society should be equal. I am concerned about this legislation but, as my colleague the Hon. Penny Sharpe stated, the Opposition will not oppose it.. I ask the Government to rethink its approach to this problem.

**The Hon. Dr PETER PHELPS** [3.22 p.m.]: Let me assure the Hon. Penny Sharpe with respect to her genuine concerns about my mental health that this bill actually removes words, and I am deeply in favour of that. I support the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011. This bill makes a small amendment to an existing police power, but that does not make it unimportant. This bill is only the start of the reforms that the Liberals and The Nationals will introduce to make our streets safer. Subsequent to this legislation will be the piloting of sobering-up centres across New South Wales, which I totally support. In the past it was not uncommon for intoxicated people, especially those with long-term alcohol dependence problems, to be placed into cells. Sobering-up centres offer a good alternative.

The police already have a number of so-called move-on powers, but during debate on this bill we must ensure that we are referring to the right power. Police have what could be called a general move-on power, about which the Hon. Amanda Fazio spoke earlier. Section 197 of the Law Enforcement (Powers and Responsibilities) Act refers to the power to give a direction to a person who is obstructing another person or persons or traffic or harassing or intimidating another person. Later that same section details powers for police to deal with a person or persons involved in street level drug use or dealing. Therefore, under those provisions police can direct one person, a hundred people or more—obviously quite sensible. However, under section 198, which deals with intoxicated persons who are acting dangerously, police cannot give a move-on direction unless there are three or more people acting in the same way.

It is not clear why two sets of move-on powers can be used with individuals while a third power cannot. Obviously, a crowd of drunks can cause more havoc than one person alone. But that is not a reason to prevent police from using a move-on direction in cases involving only one or two people who otherwise meet the criteria of the Act. We often read stories in newspapers of a lone individual or a couple of people king hitting another person. The suggestion is not that three people are needed to king hit someone; the incident could involve one or two people who are drunk and disorderly. An article in the *Sydney Morning Herald* of 22 January under the headline, "Man fighting for life after violent attack" stated:

A Sydney man is fighting for life after being king hit outside a train station in the lower New South Wales Blue Mountains.

In that instance only two people were involved. Under existing law police had no provision to enforce a move-on order against the alleged offenders. Another incident occurred on 19 July 2010 when a student was king hit outside a McDonald's store in Kings Cross. Again, this incident involved a lone offender who probably was intoxicated considering the facts revealed that there had been no provocation. Surely when a solitary drunk staggers out into traffic or a rowdy pair kicked out of a pub at 3.00 a.m. are arguing under some poor resident's window the law should permit police to intervene in those circumstances, even if they are less serious. If this bill is passed police will be empowered to intervene. Regarding the alcohol move-on power, some misunderstanding has surfaced about the definition of intoxication in section 198 (5), which states:

- (5) For the purposes of this section, a person is *intoxicated* if:
  - (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
  - (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of alcohol or any drug.

Somehow some media reported this as the power to pick on people with slurred speech or impaired mobility. What utter nonsense! It is highly offensive to suggest that police would do such things. It is highly offensive also to disability advocates. The definition, which is actually taken from the Liquor Act, merely sets out the signs of intoxication police should look out for. Police must also reasonably believe that these signs of impairment result from alcohol or drug consumption. The standard to be applied is not subjective but reasonable. If police see someone with an unsteady gait leaving a pub at 2.00 a.m. or, indeed, not leaving a pub but just wandering in the street after a night of drinks at a private residence, it may be a reasonable belief that he or she is intoxicated.

The definition includes reference also to drugs and is not confined to illicit drugs. At first blush this might seem to be a drafting oversight, but police on the street cannot know on the spot which substance or substances have caused the risky or dangerous behaviour. They are merely acting to diffuse the situation by directing the person or persons to move to a safer place. As someone who travels from rural and regional New South Wales to Sydney, after having lived here for many years, I find that my journeys around Sydney are more fraught than I ever felt as a young man. The level of aggressive public displays and intentional and unintentional violent behaviour by people in the city—not just in the dodgier areas of Sydney, but in what would be called the mainstream or entertainment areas of Sydney—leads me to be gravely concerned about the safety of anyone living and working in Sydney between dusk and dawn.

I congratulate the police Minister and the Attorney General on introducing this timely reform. I commend the bill to the House. I especially look forward to the reintroduction of the offence of drunk and disorderly conduct, which was removed by Frank Walker. He proved that Labor then, as it does today, is more interested in the rights of criminals and people undertaking antisocial behaviour than in the rights of ordinary citizens going about their daily life in a safe and peaceful manner.

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

## GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

### Fourth Day's Debate

**Debate resumed from 11 May 2011.**

**The PRESIDENT:** As this is the inaugural speech of the Hon. Scot MacDonald, I request members to extend to the honourable member the normal courtesies.

**The Hon. SCOT MacDONALD** [3.30 p.m.] (Inaugural Speech): It is an honour to rise as a new member in Australia's oldest Parliament. It has been 187 years of evolution from a small, appointed Advisory Council to an elected House of Review in the State of New South Wales. It remains the custodian of good governance in the most populous State with the largest economy in the Commonwealth of Australia.

Like any true conservative, I value the history of the institution and look forward to being part of its development of democracy in this great State. This is an exciting period for the new Liberal-National Government. In recent years the Coalition has not often sat on this side of the House, on the Treasury benches. We have been handed a mandate, but our tenure will be short if we do not improve the lives and prospects of all of our citizens. Unquestionably, there was a feeling of jadedness and cynicism about State politics prior to the March election. Clearly, we have important economic, social and environmental goals to prosecute, but I believe they will not easily be attained if this Parliament does not restore confidence in our political institutions and representatives. That is an important challenge for New South Wales politicians, both new faces and experienced hands.

An inaugural speech is a time to clearly enunciate a new member of Parliament's political beliefs. I come with rationalist economic foundations, mainstream social values and cautiously protectionist environmental credentials. We are all a product of our training, culture, experiences and ambitions. As I mentioned in my introduction, an effective conservative is one who defends the positive attributes of our institutions and policies but always stands ready to embrace improvements.

Only a few years ago, admitting to being an economic rationalist was akin to writing a political suicide note. I remember well past State and Federal campaigns in which candidates proudly proclaimed themselves to be enemies of economic rationalism. According to these, mainly Independent, budding politicians, the bush was missing out and the answer was a more command-and-control economy. These populists preyed on the insecurities of the country as cross-subsidies and inefficient policies were dismantled. Of course, these were hard decisions, but regional communities will never reach their potential if government distorts the economy with protectionist, inefficient policies that do not support entrepreneurial activity.

The corollary is that regional New South Wales must be recognised for its mineral, agricultural, educational, tourism, manufacturing and natural resource contributions. Strategic infrastructure investments outside Sydney will benefit all of New South Wales, and it is clear that the Coalition's election commitment to do just that was heard and supported. But I reject the notion that New South Wales should be managed as two regions—country versus city. Good governance benefits everyone, and weak management drags us all down. I want maximum opportunity for my three children and future generations, no matter where they choose to live, study and work.

A well-planned, functioning Sydney is important for every family, whether they live in Gympie, Gordon, Griffith or Guyra. The inability to resolve transport inefficiencies in Sydney and Newcastle is a break on primary industries as much as lost productivity is due to urban congestion. It is shameful that nearly all of the Riverina's produce is shipped through the Port of Melbourne rather than Sydney. A container of citrus or wine can leave Griffith in the evening and be loaded on a ship in Melbourne the next day. The same journey through the Port of Botany will take two to three days. That is the legacy of 16 years of poor leadership, a lack of vision and a failure to invest.

With regard to economics matters, it may be the dismal science to its detractors, but when we ignore its fundamentals we erode opportunity and social justice; build in debilitating inefficiencies or even invite sovereign meltdown, as we have seen in Europe. Corporate accounting roles, managing a family business in Guyra with my wife for 20 years and then the experience as Executive Officer of the Statutory Authority, Riverina Citrus, have ingrained in me core principles of sound financial management. They were not always easy to adhere to and the vagaries of agriculture tested us over the years—particularly the 1994 and 2002 droughts. But as difficult as they are, I believe these lessons apply equally to a family budget, business, government agency, State and nation.

I particularly feel strongly about State induced inefficiencies. Well-intentioned support is inevitably popular and sorely needed in times of stress. But then the protection and/or funding become entrenched and are fiercely defended once established. But someone always loses and in my experience they are often the least organised or vocal. As a supplier of stock feed to drought stricken farmers in the New England, I vividly recall productive, viable farmers complaining to me about assistance given to marginal producers. The sustainable

producers had preserved their pastures, built up drought supplies, managed their finances conservatively and then they bore witness to State and Federal drought aid programs that inflated the price of feed and freight and kept marginal farmers in business beyond the point that was any use to them, their community or the industry.

In Griffith, Leeton and Hillston, the Murray Darling Basin water reforms demonstrated to me similar challenges. Water reforms are tough and the protagonists unyielding. In essence they represent the unravelling of decades of State government intervention and mismanagement. But as the reforms reach some sort of consensus position, we must be careful not to penalise the efficient farmers in Australia. From an economic perspective, we must not waver from the goal of giving irrigators the tools to trade and make rational business decisions.

Removing barriers to trade is the only feasible means of ensuring a sustainable irrigation industry for the long term. Protecting private irrigation operators or restricting entitlement or allocation trade in the misguided belief of shielding an irrigation scheme or community will only delay adjustment and cause greater pain. Just ask wool producers how effective State intervention ultimately proved itself in the 1990s. I would argue that the Wool Reserve Price Scheme cost regional Australia decades of misery largely because government listened to noisy, inefficient producers and a compliant media that lacked the courage to prosecute rational, economic policy. Government has a role in identifying and assisting adjustment, but not in retarding or distorting the process.

I am proud to bring these principles to the Legislative Council. It is a credit to the Liberal Party that it remains the voice for small business and the market economy. I have spent my entire career in business. I hope the Liberal Party continues to preselect representatives with an entrepreneurial background. As my friend and colleague the Hon. Peter Phelps reminds me, the Liberal Party needs an element of political professionals. I recognise that development, but one of the core features of our party must be that it remains a bastion for private enterprise and our parliamentary team must continue to reflect that ethos.

The second foundation I mentioned was mainstream social values. I recognise I have been fortunate with a stable, loving childhood, albeit a Queensland one. State of Origin is a confusing time for me. I pay tribute to my father, who is here today, for instilling in our family virtues of self-reliance, hard work and aspiration. My mother succumbed to dementia early in 2010. Our mother was an early encourager of my political interest, often reminding me of her grandfather's local government activities around Byron Bay. I hope it did not contribute to her condition, but as with most of my family, I prevailed on her to assist with doorknocking and other campaign activities. We miss you, Mum.

My wife Aileen has been an important part of my political journey. She is supportive, tolerant, calm, insightful, has a great antennae for BS and is definitely vigilant about any predisposition to self-importance in her partner. My children are here today. Alex, James and Nicola are everything that offspring should be: supremely disinterested in their father's politics, infuriating, heartwarming, comical, curious about the world and ultimately masters of their own destiny. I beg their continued patience for eight more years. The course I intend to take on social issues will reflect our conservative but centrist Government—hasten slowly and be mindful of the strengths of our heritage. I value our Judea Christian foundations. In my experience, including living a year abroad, Australians are instinctively open minded, good humoured, non-discriminatory and welcoming. We are at our best when we reject zealotry, from the Left or Right, and adapt to changing social norms incrementally and inclusively.

I want to speak about Aboriginal affairs. A town hall forum in Armidale that featured the Leader of the Opposition, Tony Abbott, MHR, reinforced to me that we are still some way from a satisfactory relationship with the first Australians. The gaps in health, opportunity and living standards are well known. But the Aboriginal ladies, including past Armidale Dumaesq Councillor Margaret Walford, who rose to ask questions of Mr Abbott, did not restrict themselves to issues of funding for Aboriginal services. They were not happy with descriptions such as "Indigenous Australians". They felt it emphasised their detachment from mainstream Australian life. Those present that night preferred to be known as "Australian Aboriginals".

I have always been troubled by the Welcome to Country that became the norm some years ago. I think the greatest absurdity I witnessed was listening to a white Anglo-Saxon moderator recite the welcome in Griffith to a room full of mostly Italian-heritage irrigators who were about to endure a Federal Government Murray-Darling Basin consultation on why it was a good thing to decimate their water entitlements. I would like to propose the following, which may more accurately reflect the development of our nation without diminishing our respect for the original custodians:

We welcome you to this community, which has been built on the heritage of the Aboriginal people, the endeavours of the pioneers and the nation building work of migrants.

I am sure the words could be improved and localised, but the point is that Australia is what it is today by virtue of its ancient history and modern history. To exclude more recent contributors is unsettling and a rejection of the inclusive society we strive to be.

The third foundation I wish to build on in my time in this Parliament is our environmental legacy. The next four years will be challenging as the State Government grapples with natural resource management and energy security. Living in regional Australia, I have been a witness to well-intentioned but poorly executed environmental public policy: vegetation management regulation that was introduced without consultation and enforced with the perspective that all farmers are vandals; water reform that ignores social capital and economic efficiency; a proliferation of public reserves without the resources to manage them; and, of course, the carbon debate that ignores our comparative advantage in minerals, the absence of coordinated international mitigation strategies, unrealistic aspirations for the contribution of renewable energy sources, and the heroic assumption that a local regulatory and taxation system can be constructed to manage emissions that will be economically efficient.

The words "I am from the Government and I am here to help you" should send a chill down the spine of any citizen. In essence, the argument boils down to this: Can the Government administer and cost the externalities of carbon emission without distorting our social and economic fabric? Today the answer is incontrovertibly no. We cannot measure soil sequestration accurately; rent seeking will corrupt any scheme; behaviour is unlikely to change significantly unless household compensation is removed; and the price of carbon is so high as to be nationally destructive. Our international competitors are unlikely to match our altruism but, most importantly, governments are just plain bad at efficient regulation, market intervention and taxation. As we have seen from the past four years of Federal Labor, we are more likely to get perverse outcomes that will include unnecessarily higher energy costs, wasted investment in green energy schemes and the export of jobs and industry.

But these criticisms and wariness count for little if alternative policies are not prosecuted. In the absence of a breakthrough in clean coal or affordable renewable energies that can be relied on for base load needs, nuclear energy must be considered as part of the suite of energy options for the developed economy we have in New South Wales. I would like to see the premier State lead the way in assessing nuclear power for its safety, whole-of-life economics and suitability for our grid.

Before I conclude I would like to remind this Parliament and the people of New South Wales of the debt they owe to a former State Liberal candidate who paid the ultimate sacrifice for his beliefs and courage. Donald Mackay had run twice as an endorsed Liberal candidate in State and Federal elections in the Riverina. When he was assassinated in 1977, Mr Mackay had been nominated by the Murrumbidgee Conference of the Liberal Party to run in that year's State election.

Donald Mackay had been a selfless, forthright anti-drugs and anti-organised crime campaigner for many years. He received precious little help from those who should have stood with him: the Police Force, the judiciary and the Government. And it pains me that his family still feel today that the New South Wales Liberal Party did not support them through his disappearance and subsequent investigations and inquests. Our party and the Parliament would do well to take every opportunity to honour this true hero, who stands head and shoulders above those who came before and after his too brief public life.

I will finish by acknowledging some of the many friends who have been part of my political journey. I respect and value these people for their loyalty, values and consistency. I do not mistake that for blind, uncritical support because that serves no-one productively. So I will take the risk and hope I do not miss anyone. I record my thanks to Senator Connie Fierravanti-Wells, Peter Poulos, Lynne and Terry Webster, Clive and Margaret O'Connor, the Hon. David Clarke, the Hon. Matthew Mason-Cox, the Hon. Marie Ficarra, the Hon. Mike Gallacher, Jenny and Jim Farquhar, Justin Levido, Wendy Berkley, Tom and Val Hellman, Graeme Lavis, Martha Weiderman, Councillor and former Tweed Mayor Joan van Lieshout, the late Dick White of Guyra and now his able successor Sam White, and my brother Andrew and sister Gillian and their families. I would like to record my special thanks to those who have travelled long distances from regional New South Wales centres including Grafton, the Tweed, Griffith, Armidale, Guyra, Coffs Harbour and Port Macquarie. It is more difficult to be engaged politically when you are based outside Sydney, but it will be part of my mission to make you equal partners in our democracy.

It would be remiss of me not to acknowledge my early supporters in the Armidale branch of the Liberal Party, people such as John and Marilyn Pidgeon, Rob Richardson, Irene Sharpham, Matthew Tierney, Roy

Perrot and Edgar Bradley. But if I am allowed to have a favourite it would have to be Bea Bradley, who somehow cajoled me into driving from Guyra to Armidale to attend branch meetings even in July through snow and sleet. Bea is in the twilight of her life but commands the fondness and respect of a large proportion of the Armidale community. This is also the time to salute the young guns who have been with me through battles such as my 2004 tilt for the Federal seat of New England: Wade McInerny, Andy Heath, Les Wells, Dane Rosolyn, Chris Rath and Samantha Aber. I thank you all.

Senator Bill Heffernan is in a special category. Our journey has had a few speed bumps, and we disagree fiercely on some matters, notably his campaign for northern Australia's development, but his advocacy for country Australians garners respect across the political divide and is the standard for regional members of Parliament. I mention my friends and associates from Griffith. Although my time there was too short, it had a profound effect on me and I hope I can be of assistance to that community in my time here. The Chair of Riverina Citrus, Frank Battistel, and board members such as Sue Brighenti and Neil Offner are passionate, visionary people of their industry. They possess the skills necessary in leaders as the Riverina confronts some profound challenges in water reform and in terms of trade pressure. There is a small part of me that suspects that Frank and Neil appointed me in the belief that they would one day have a former executive officer in Parliament.

I also place on record my appreciation and admiration for the Queensland Agricultural College in Gatton, which is now part of the University of Queensland. The Queensland Agricultural College gave me structure and disciplined my interest in agriculture. It was the start of my tertiary education with an Associate Diploma in Farm Management. That led me to a near lifetime association with the University of New England in Armidale. For someone who left Churchie in Brisbane with a less than stellar academic record in high school it was the perfect institution to harness my skills into a Bachelor of Financial Administration, post graduate Certificate in Natural Resources and hopefully, shortly, a Masters in Environmental Management. The University of New England has been good to me. It is an important regional institution, and I remain fiercely loyal to it.

I want my inaugural speech to feature my appreciation of this Parliament. I have only been here a few short weeks but the experience has been overwhelmingly positive. From the member of Parliament induction program, to the cleaner who saved me from a Malcolm Fraser Memphis moment after an early morning shower, to the Clerks and support staff who guide and assist us as they protect the Parliament and maximise our contribution, to the colleagues who strive so hard to be worthy of this institution and the State of New South Wales, I thank you. Friends and colleagues, I stand ready to make my contribution to a Liberal-Nationals Government, the fifty-fifth Parliament of New South Wales and the citizens of this great State as a proud member of the Legislative Council. I thank you for the honour and privilege.

**Debate adjourned on motion by the Hon. Matthew Mason-Cox and set down as an order of the day for a future day.**

## **LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (MOVE ON DIRECTIONS) BILL 2011**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Reverend the Hon. FRED NILE** [3.53 p.m.]: The Christian Democratic Party supports the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011. This important bill indicates that we have a new government with a new approach to some of the very important social issues that we confront, particularly alcohol-related violence and antisocial behaviours. The Christian Democratic Party as well as Liberal-Nationals members have been very concerned about those issues for many years. The Bureau of Crime Statistics and Research [BOCSAR] continues to identify that during 2005 and 2009 there has been a significant increase in alcohol-related incidents of offensive behaviour. In 2008, the Bureau of Crime Statistics and Research also reported a statistical increase over five years of alcohol-related assaults and incidents using a glass or bottle as a weapon. Alcohol-related injuries post a significant cost to the health system.

Over the past three years I have had a great deal of contact with St Vincents Hospital at Darlinghurst, including the emergency department, where staff have indicated to me their increase in workload as a result of an increase in alcohol-related injuries and intoxication. Something needs to be done. We are all aware of constant reports on the television portraying gangs of usually young men, but sometimes young women, involved in fights in Kings Cross, George Street and other areas. An increase in alcohol-related violence

towards police has occurred when they seek to enforce the law. As a result more police officers are on patrol, including the riot squad, to break up large gangs. This bill is one small step in the right direction but more needs to be done. The bill gives police additional powers in regard to drunk and disorderly conduct. I am sure the Coalition Government will introduce similar legislation to deal with other major issues in the future. The legislation defines "intoxicated" in section 198, which covers the effects of both alcohol and drugs as:

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of alcohol or any drug.

The bill omits from section 198 (1) the words "in a group of 3 or more intoxicated persons". This means that it is no longer necessary for an intoxicated person to be with three or more other intoxicated persons in order for the police to take action. I note that the change was introduced many years ago by a Labor Attorney General, Frank Walker, who had an obsession with what he called "victimless crimes". He defined as victimless many crimes about which others would say had victims. Importantly, the bill will restore powers to police in relation to their dealing with intoxicated people and the excessive consumption of alcohol.

For the more than 30 years that I have been a member of Parliament I have been deeply concerned about the harmful effects on people of alcohol consumption and as I have said on many occasions more needs to be done in that regard. I have given notice of a number of initiatives concerning the legal age of persons and the consumption of alcohol, as well as about alcohol advertising and hotel trading hours, among other matters. The Christian Democratic Party is very keen to support the Government's implementation of such initiatives.

**The Hon. MATTHEW MASON-COX** (Parliamentary Secretary) [3.59 p.m.]: I acknowledge the excellent inaugural speech of the Hon. Scot MacDonald and the contributions of the many people who supported him throughout his life. I also acknowledge the many people who travelled many miles to listen to his speech from the public gallery.

I support the Law Enforcement (Powers and Responsibilities) Amendment Bill 2011. The people of New South Wales have had enough of alcohol-fuelled violence and antisocial behaviour in public places. I congratulate the Minister on introducing this bill. This initiative is well overdue. It will add to the safety on the streets of this great State. It is another important part of our 100 Day Action Plan. The Government will continue to deliver on its commitments to the people of New South Wales, regardless of the howls and complaints from those opposite. The wall of noise will no doubt start to speak again as question time is upon us.

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

## QUESTIONS WITHOUT NOTICE

---

### PORTS PRIVATISATION

**The Hon. TONY KELLY:** My question is directed to the Minister for Roads and Ports. Will the Minister rule out the privatisation of any ports in New South Wales?

**The Hon. DUNCAN GAY:** What an interesting question. This is the mob that went to the people with a policy that said there would be no privatisation. Then they said they would privatise. There is more good news, if those opposite were just quiet for a moment. It is like the wall of sound over there—Phil Spector's wall of sound. It builds up in a crescendo and never takes anything in, it just comes out—

**The Hon. Matthew Mason-Cox:** In a gush.

**The Hon. DUNCAN GAY:** Yes, in a gush. It is white noise. This is an interesting question—

**The Hon. Luke Foley:** Then answer it!

**The Hon. DUNCAN GAY:** Give us a chance.

**The Hon. Tony Kelly:** You have used 25 per cent of your time already. You could have just said yes.

**The Hon. DUNCAN GAY:** At the moment we are putting in place a review of transport in New South Wales with an integrated transport authority. Maritime and ports are within the transport authority. As we said before the election, we have no plans to privatise ports.

### F3 CLOSURE

**The Hon. DAVID CLARKE:** My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the Government's response to yesterday's truck crash on the F3?

**The Hon. Amanda Fazio:** It took them an hour and a half to get those contraflows working.

**The Hon. DUNCAN GAY:** The Hon. Amanda Fazio said, "It took them an hour and a half to get the contraflows working." I say, "It took only an hour and a half." We could find the Minister. Where was the former Government's Minister when there was an accident on the F3 last year? They looked everywhere to find the Minister. I know the Opposition needs a question time committee; it also needs an interjection committee. The Hon. Amanda Fazio should not have touched that one.

Yesterday at 1.30 p.m. a serious crash occurred when a B-double carrying chemicals hit the rock wall on the F3 on the approach just south of the Brooklyn bridge. The cabin of the truck caught fire after the impact. All northern lanes of the F3 were closed at 1.40 p.m. as fire and rescue crews battled to put out the truck fire. A 400-metre exclusion zone was put in place as the truck was carrying a hazardous material: caustic soda. All available field resources were sent to the scene to manage the incident and to help put in place a contraflow to clear vehicles that were caught behind the crash site in the northbound lanes.

A comprehensive communication strategy was put in place to advise motorists of the accident and delays. The message was to stay away or use public transport. This included the issuing of text, phone and email messages, activation of variable message signs over a wide area, media alerts issued to all newsrooms in Sydney, the Central Coast, the Hunter and northern regions, and numerous radio interviews with the Roads and Traffic Authority and transport.

**Dr John Kaye:** And tweets.

**The Hon. DUNCAN GAY:** And tweets. The Government moved quickly to provide additional public transport. For example, two extra train sets were put on standby at Hornsby and an additional punt was provided at Wisemans Ferry. I congratulate the emergency services and transport agencies, which worked quickly and cooperatively to clear the scene and get traffic running normally as soon as possible. I also thank the motorists—

[*Interruption*]

The wall of sound—Phil Spector. It just flows out over everything. Some people will never learn because they do not listen, they just talk. Have those opposite noticed the editor of the *South Sydney Herald*, a well-known member of the Labor Party, in the gallery listening to their barrage?

**The Hon. Lynda Voltz:** He is your neighbour.

**The Hon. DUNCAN GAY:** He is a neighbour when I am in Redfern. Members opposite would never acknowledge people from their local media and their local branch members. I will illustrate how things have changed since the election on 26 March. We all remember the chaos on the F3 in April last year. It took eight hours to implement the contraflow. Yesterday it took just 90 minutes—and that included an assessment of the situation. [*Time expired.*]

**The Hon. DAVID CLARKE:** I ask a supplementary question. Will the Minister please elucidate his answer?

**The Hon. DUNCAN GAY:** I thank the Hon. David Clarke for his supplementary question. There is so much more important information that I need to give members. Last year it took more than 12 hours to get traffic running normally. Yesterday it took just over two and a half hours. I was excused from Cabinet to attend the Transport Management Centre at Eveleigh for urgent briefings.

**The Hon. Luke Foley:** Did they say, "Don't come back, Minister"?



**The Hon. DUNCAN GAY:** They were pleased to see a Minister there for a change. It was not, "Don't come back"; it was, "Welcome Minister—this makes a pleasant change." The previous Minister, of course, could not be contacted in April last year.

**The Hon. Rick Colless:** Where was he?

**The Hon. DUNCAN GAY:** Well, we don't know. All northbound lanes were reopened by 5.15 p.m., while the truck recovery took place after the peak. I shall read to the House an extract from an email I received last night from a motorist caught in yesterday's incident:

Considering the severity of the accident on the F3 today, I thought it was dealt with very efficiently, particularly the contra-flow system.

**The Hon. Tony Kelly:** Was it sent by the wife of one of your members?

**The Hon. DUNCAN GAY:** No, it wasn't. Actually, it was signed by a person with the same surname as one of your members. The email continued:

We were only a matter of 2 or 3 minutes behind the accident so had to stay put for a couple of hours, which was not long under the circumstances.

Last night the Channel 7 news said:

Most say authorities did react quickly and efficiently, the contraflow lanes were used to try and free up lanes, a big change from what we've seen in the past.

**The Hon. Amanda Fazio:** Still not good enough!

**The Hon. DUNCAN GAY:** You're tough.

### OCCUPATIONAL THERAPISTS

**The Hon. JAN BARHAM:** My question is directed to the Minister for Finance and Services. Will the Minister advise how many occupational therapists are available to assess home modifications for Housing New South Wales? How many are available in the Mount Druitt area? Is the Minister confident that Housing New South Wales residents have sufficient access to occupational therapists to enable reasonable requests for home modifications? Will the Minister advise how many occupational therapist plans for home modifications in Housing New South Wales properties have not been actioned or installed? Will the Minister advise of the average time between initial requests for occupational therapist assessment and actual home modification?

**The Hon. GREG PEARCE:** As the honourable member's question is detailed, I will take it on notice. I will get an appropriate answer from the responsible Minister or from any of the agencies that report to me.

### SOLAR BONUS SCHEME

**The Hon. LUKE FOLEY:** My question is directed to the Leader of the Government. I note the longstanding opposition to retrospective legislation by his party. For example, I refer to comments he made in this place—

**The Hon. Duncan Gay:** Point of order: The Hon. Luke Foley is making a statement, not asking a question. His statement contains argument. He said, "I note".

**The Hon. Amanda Fazio:** To the point of order: The Hon. Luke Foley was asking a question. He was giving some background to put the question in context. The member had only just started to ask his question when the point of order was taken. Therefore, you have not heard enough of his question to make an effective ruling as to whether it is in order.

**The Hon. Duncan Gay:** Further to the point of order: The words uttered by the Deputy Leader of the Opposition were "I note". Nowhere was there a question; it was a statement. If a member is asking a question in question time the proper process is that he should lead in with a question. The Hon. Luke Foley is an experienced operator who has been watching this House for a long time and he should know the proper procedures.

**The PRESIDENT:** Order! I would have preferred to have heard the whole question before making a ruling. However, there was a tendency towards argument in the question. The member's time for asking the question has expired. With the indulgence of the House, I will allow him to finish his question.

**The Hon. LUKE FOLEY:** How does the Minister reconcile this position with the Government's plans to retrospectively alter the solar bonus scheme?

**The PRESIDENT:** Order! I will allow the question.

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for his question, recognising that it relates to a portfolio issue outside my control. He is asking for an opinion and therefore—

**The Hon. Mick Veitch:** No, he is not.

**The Hon. MICHAEL GALLACHER:** He is; he is asking my opinion in relation to a longstanding position. He is not asking a question relating to my parliamentary responsibilities. Tell me where it applies in relation to Police and Emergency Services.

**The PRESIDENT:** Order! I call the Hon. Eric Roozendaal to order for the first time.

**The Hon. MICHAEL GALLACHER:** The Premier and the responsible Minister, the Minister for Resources and Energy, have made the Government's position well and truly known in relation to this issue over the past few days. I refer the honourable member to the answers given by both members in regard to this issue.

### COUNTERTERRORISM MEASURES

**The Hon. JENNIFER GARDINER:** My question is directed to the Minister for Police and Emergency Services, a question within his portfolio. How is the Federal Labor Government failing to provide New South Wales with protection against terrorism?

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for her question. It is a very good question and it is in order. Terrorism, like the spectre of organised crime, is an issue that requires inter-agency, interstate and national cooperation to tackle. Last week I had the honour of meeting senior New South Wales counter-terrorism police and representatives of the Australian Defence Force. It gave me the chance to thank them on behalf of the Parliament and indeed the people of New South Wales for their commitment and ongoing training in relation to this issue.

It also gave me an opportunity to reflect on the position the Federal Government has taken in regard to counter-terrorism. We have learnt from overseas experience that terrorists do not respect borders and that is why former Prime Minister John Howard and his team devoted so much effort to collaborative measures between States and between State law enforcement agencies and the Commonwealth to tackle this issue. Central to this collaborative effort is the National Counter-Terrorism Committee [NCTC] established by former Prime Minister John Howard and the Premiers, Attorneys-General and police Ministers in 2002. The National Counter-Terrorism Committee contributes to the security of the Australian community through coordination of the nationwide cooperative framework to counter terrorism and its consequences. It maintains the National Counter-Terrorism Plan, provides expert advice to heads of Government and Ministers, coordinates our counter-terrorism capabilities and maintains arrangements for intelligence sharing between jurisdictions.

The Commonwealth Government is demanding \$3 million from the National Counter-Terrorism Committee's \$16 million budget in efficiency savings, which will directly impact the ability of New South Wales to liaise effectively and prepare for a terrorist attack. The savings will have to be found from funds allocated to new activities and equipment purchases and, most worryingly, State-level drill exercises that play a real role in preparing our police and emergency services for a worst-case scenario. That the Federal budget would target sectors such as counter-terrorism for efficiency dividends while spending big on other frivolous vote-winning pursuits speaks volumes about the Federal Government's priorities.

I want to make it clear that my number one priority is keeping New South Wales safe. That is why I am calling on the Federal Government to bring forward proposals to allocate funding to States on a threat basis. As funding for the National Counter-Terrorism Committee is distributed equally across the States, New South Wales loses most of all when budgets are slashed. Let us not mince words: New South Wales will always be a

greater target to terrorists than Tasmania. We need a fairer distribution of counter-terrorism coordination funds to ensure we are prepared for the unthinkable. I will continue to keep the House updated on this important matter after the next National Counter-Terrorism Committee meeting.

### **POLICE FIREARMS AUDIT**

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Police and Emergency Services. Is the Minister aware that last year Victoria Police conducted its first statewide audit of its firearms inventory in 20 years and found, according to the *Age* report, that nearly 200 weapons cannot be located? Does the New South Wales Police Force regularly conduct firearms audits, when was the last one conducted and what was the result in respect of firearms that cannot be located?

**The Hon. MICHAEL GALLACHER:** I am not aware of the last time an audit was conducted. However, the honourable member may not be aware that traditionally over the past few years a number of questions have been asked during the estimates committees process. A few years ago an audit was conducted in relation to appointments—appointments include handcuffs as well as guns—and it was never made publicly clear as to what the police were looking for other than the suggestion that it may well have been a normal audit. There was always a belief among the wider community that perhaps an investigation was underway and this was a way of conducting such an inquiry without drawing too much attention to it. Be that as it may, that is the only audit I am aware of. In the past a series of questions have been asked during estimates committees in relation to the loss of firearms.

I am pleased to say that since the time it was first asked of the former Commissioner of Police—it was not asked of the Minister at the time—there has been a downward trend. One of the reasons for that is that in the main police officers no longer take their firearms home with them as they did in the past and there is greater security at police stations. Regulation of firearms across the State is the responsibility of the New South Wales Police Force and I am pleased to say they take it very seriously. For example, in 2010 the firearms and organised crime squad, which is dedicated to investigating and prosecuting the misuse of firearms, shut down a backyard operation in western Sydney where machine guns were being illicitly manufactured.

**The Hon. Robert Brown:** The same mob that raided the Burkes.

**The Hon. MICHAEL GALLACHER:** Once again, the member's information is very good. The fact is the New South Wales police take firearms safety very seriously. I give the honourable member an undertaking to find out whether any closer examinations have been done not only of firearms but other areas of police appointments and to report back to him as soon as I become aware of the information.

### **SOLAR BONUS SCHEME**

**The Hon. AMANDA FAZIO:** My question is to the Minister for Finance and Services. When did the Minister first receive advice from the Australian Solar Energy Society that the cost of the solar bonus scheme had been overestimated by \$230 million?

**The Hon. GREG PEARCE:** To the best of my knowledge, I have never received any advice from that organisation.

### **PUBLIC SECTOR WAGES POLICY**

**The Hon. RICK COLLESS:** My question is directed to the Minister for Finance and Services. How are public sector wages affecting the New South Wales budget?

**The Hon. GREG PEARCE:** I inform the House that public sector wages have a significant effect on the budget position of the New South Wales Government. Approximately 49 per cent of government expenses are employee-related and are estimated to be approximately \$28 billion a year. Every 1 per cent increase in wages is a cost to the New South Wales budget of approximately \$277 million a year, which of course compounds. If there are significant increases in the wages bill of the Government, there will be a trend of government deficits year on year becoming worse and worse. Let us face it: the former Labor Government recognised that as long ago as 2007. It introduced a wages policy in an attempt to deal with it but, of course, it did not apply the policy. I will deal with this point again later.

As I mentioned, the trend of government deficits continuing in the future is what the Coalition Government has been presented with. To fund that, the Government will need to make further borrowings that will add to the State's interest bill, thereby further adding to deficits and debt. As I have stated previously in the House, that directly affects the State's triple-A credit rating, which this Government is absolutely committed to maintaining. This Government also is committed to infrastructure spending—and we will not back down on that commitment. Infrastructure spending will renew New South Wales and hopefully will deliver better services, which is why it is imperative that the budget is kept in order and that borrowings do not run out of control. For the reasons I have stated, it is so important that we do not risk the State's triple-A credit rating.

The previous Labor Government could not have been clearer about its intentions when introducing the wages policy to which I referred earlier. For example, on 20 June 2007 Michael Costa stated on the Channel Nine news, "Certainly, the Government will be holding its position, which we believe is a very fair position." In his mini-budget speech on 11 November 2008 the Hon. Eric Roozendaal stated—

**The Hon. Duncan Gay:** It is a bit of a risk quoting Eric.

**The Hon. GREG PEARCE:** No, on this occasion he was on the money. It is important that all members listen to what the Hon. Eric Roozendaal stated on 11 November 2008:

And a staff freeze ensures it shall not grow by stealth. I also confirm the Government's wages policy to require public sector wage increases over 2.5 per cent be met through productivity improvements that deliver cost savings.

This will produce a smaller, leaner but more efficient public sector.

That is what the Hon. Eric Roozendaal had to say when he delivered the mini-budget in 2008. Unfortunately, although the previous Labor Government introduced a policy of capping annual wage increases at 2.5 per cent with the possibility of further increases if economies could be made, the policy was not properly applied. The Coalition Government is determined that its budget will balance and that we will be able to control expenses.

**The Hon. Eric Roozendaal:** It is going to balance, is it?

**The Hon. GREG PEARCE:** We are aiming at surpluses, but we will start with a balance.

**The Hon. Eric Roozendaal:** Oh, I see—just so that we are clear.

**The Hon. GREG PEARCE:** I thank the Hon. Eric Roozendaal very much. Under the previous Government, a number of wage deals were made in which percentage increases were granted to workers that were well above the 2.5 per cent limit of Labor's policy. That was done on the understanding that significant savings would be made. The former Premier, Morris Iemma, boasted about the policy after wages deals had been done. [*Time expired.*]

**The Hon. RICK COLLESS:** I ask a supplementary question. Will the Minister elucidate on his answer in relation to wages?

**The Hon. GREG PEARCE:** On 3 June 2008 in the other place former Premier Morris Iemma stated:

While members opposite were sleeping there were 11 wage settlements under the Government's 2.5 per cent wages policy. Those settlements have ranged between 4 and 5 per cent. They have all been consistent with the 2.5 per cent wages policy ...

The point I make is that Morris Iemma could introduce a policy and ensure that they stuck by it, but not current Labor members. What happened to Morris Iemma? When referring to the 11 wages settlements, he stated:

They have all been consistent with the 2.5 per cent wages policy; that is, the agencies were funded for 2.5 per cent and those settlements of between 4 and 5 per cent were all funded via offsets.

I report to the House that only approximately 54 per cent of identified savings have been achieved. That has led to a shortfall of \$900 million attributable to public sector wages, which is a shortfall the State cannot afford. It is \$900 million that otherwise would have been available for front-line services and infrastructure. I have a whole list of agencies that entered into arrangements by which they were given 4 per cent increases on the basis that 2.5 per cent was funded and 1.5 per cent was to be delivered from savings. But, of course, what happened? They took the salary increases, but did not deliver the savings. There are a number of departments involved, and we could start with the police.

**The PRESIDENT:** Order! I call the Hon. Eric Roozendaal to order for the second time.

### RIVER RED GUM LOGGING

**The Hon. ROBERT BROWN:** My question is directed to the Minister for Police and Emergency Services, representing the Premier. What does the Government intend to do to ease the impact on the logging industry of the red gum national park declarations? Is the Government aware that the mayor of Deniliquin stated recently:

... there is a need for more help for the region ... in addition to the compensation to the region's logging industry and adjustment funding.

In the short term, will the Premier allowed loggers who are still in the region back into the national park to assist in managing the fire risks? When will the Government reverse the national park declarations?

**The Hon. MICHAEL GALLACHER:** I thank the Hon. Robert Brown for his question and undertake to obtain an answer from the Premier, as requested, as soon as possible.

### SOLAR BONUS SCHEME

**The Hon. PENNY SHARPE:** My question is directed to the Minister for Roads and Ports, and Deputy Leader of the Government. Will The Nationals stand by his pre-election commitment to honour all solar bonus scheme applications accepted by the Government and join with the Opposition in opposing the Government's plans to retrospectively slash the 60¢ tariff?

[*Interruption*]

**The PRESIDENT:** Order! I call the Hon. Amanda Fazio to order.

**The Hon. DUNCAN GAY:** I thank the Hon. Penny Sharpe for this pretty important question for The Nationals, which is about looking after people in this State. It is a responsibility that we take seriously, unlike her lot that have burdened the people of the State with the most flawed system that has ever existed, with the exception of the Building the Education Revolution [BER].

**The Hon. Lynda Voltz:** You supported it.

**The Hon. DUNCAN GAY:** But you brought it in. It was Labor members who imposed the burdens on pensioners, poor families, farmers and small businesses throughout the State, but they do not want to hear about that. Suddenly they want to blame someone else. It was Labor's leader who introduced it.

**The Hon. Eric Roozendaal:** Point of order: I have been listening intently to this attempt to answer the question. The Minister for Roads and Ports, and the Deputy Leader of the Government is not answering the question in any way, shape or form. He is merely attacking the Opposition. He should be drawn back to giving a relevant answer and stop trying to blame the former Labor Government's decision to introduce retrospective legislation.

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

**The Hon. DUNCAN GAY:** Just for one moment, I thought of the Hon. Eric Roozendaal back in the days of the Labor Government. We used to hear him at the table hectoring members across the Chamber and saying that it was all someone else's fault. While I am on the subject of someone else's fault, I point out that the Leader of the Opposition in the other place suddenly is pretending he was not the Minister who was responsible.

[*Interruption*]

I understand the history.

**The Hon. Penny Sharpe:** Point of order: My point of order relates to relevance. The question was whether The Nationals will adhere to and stay with their election commitments, or will they rip off 110,000 households across New South Wales? It is not a matter of talking about someone in the other place.

**The Hon. John Ajaka:** To the point of order: I make two points, first, that is not a point of order and, second, the Minister was being generally relevant.

**The PRESIDENT:** Order! That is not a point of order. The Minister may proceed.

**The Hon. DUNCAN GAY:** They do not like it when you hold their leader accountable. He does not like to be accountable. He is trying to pretend he is "Robbo the Good". He was the bloke that put this in place.

**The Hon. Eric Roozendaal:** Point of order: I would have thought that the Hon. Duncan Gay, with his extensive experience in the Parliament—

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

**The Hon. Eric Roozendaal:** If he wishes to make an attack on a member in the other place he should do so by way of substantive motion, not during question time.

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

**The Hon. DUNCAN GAY:** They are trying to take up my time. I would think that if they asked these questions they would want to hear the answer. They just do not want the answer.

**The Hon. Michael Gallacher:** Ask for an elucidation.

**The Hon. DUNCAN GAY:** Yes, give us another chance to answer some more. I have many details to go through, because The Nationals certainly represent the people of this State. This flawed system was put in place by the Leader of the Opposition, the bloke who now wants to pretend that it was Paul Lynch that put this in place. They always find a patsy to blame. Page 1 of the Labor book says blame someone else. [*Time expired.*]

#### NRMA TRAFFIC CONGESTION REPORT

**The Hon. JOHN AJAKA:** My question is directed to the Minister for Roads and Ports. Can the Minister update the House on the Government's response to the NRMA's traffic congestion report?

**The Hon. DUNCAN GAY:** I acknowledge the finest Parliamentary Secretary I have ever had. He is just marvellous. He has moved in and things are ticking over like a clock.

**The Hon. Mick Veitch:** He was the top of the list.

**The Hon. DUNCAN GAY:** He was top of the list. If it is a good line, use it again.

**The Hon. Luke Foley:** And again.

**The Hon. DUNCAN GAY:** And again. One cannot waste a good line.

**The Hon. Luke Foley:** What is that standing order about tedious repetition?

**The Hon. DUNCAN GAY:** No, it was not tedious; it might have been repetitive. Two weeks ago the Government welcomed the release of an NRMA report detailing 10 ways to relieve Sydney's traffic congestion. Unlike the former Labor Government, which rarely, if ever, acted on the advice of Australia's peak motoring body, the Liberal-Nationals Government moved overnight to adopt a range of recommendations contained in the NRMA report. Put simply, what would have taken Labor years to do has taken us just 24 hours. I have also made a commitment to closely examine, with a view to acting on, a number of further recommendations in the NRMA report. I have already met with the NRMA chairman and chief executive officer to start advancing a number of the key recommendations.

Not surprisingly, even the simplest of things had been ignored or neglected by the Labor Government for years. The disarray of seven Labor Ministers in just five years had, sadly, brought competent decision-making to a grinding halt. After five weeks I have nearly beaten one or two of them, and I am hoping to get a few more weeks.

**The Hon. Eric Roozendaal:** Don't count your chickens too early.

**The Hon. DUNCAN GAY:** No, I will not, Eric. For example, one of the concerns raised in the NRMA traffic congestion report was the problem of confusing signage, particularly for motorists in busy traffic and

around the Sydney central business district. Over many years Labor failed to replace a confusing sign on the Western Distributor on the approach to the Sydney Harbour Bridge in the northbound lane. I am sure many members have seen that sign and become lost, even those members opposite who know the city probably got lost anyway.

**The Hon. Michael Gallacher:** Country Labor.

**The Hon. DUNCAN GAY:** There is no Country Labor representative.

**The Hon. Michael Gallacher:** Amanda is one.

**The Hon. DUNCAN GAY:** Oh, Amanda. I am sorry. Everyone would agree that common sense would have led Labor to replace this sign for the sake of road safety and traffic management. The problem was that common sense was not common under Labor. I cannot help seeing the irony in this confusing signage. Labor brought a whole new meaning to the word "directionless". As an act of good faith and common sense the Government immediately instructed the Roads and Traffic Authority to change the sign into a format that makes sense to motorists. I am pleased to say that this sign will be fixed by the end of June—something that was not done in 16 years of Labor Ministers.

However, this is just the beginning of our response to the recommendations contained in the NRMA report. Again, acting on the NRMA's advice, we have directed the Roads and Traffic Authority to adopt a target time of three hours to clear major traffic incidents in Sydney. The people of New South Wales deserve a government that is not afraid to work hard to achieve clear and ambitious goals for easing traffic congestion on our roads. I hear a little muttering from the other side. There is nothing wrong with having a go to improve things for our motorists—the people caught in traffic daily. [*Time expired.*]

**The Hon. JOHN AJAKA:** I ask a supplementary question. Could the Minister elucidate his answer?

**The Hon. Luke Foley:** All these supplementary questions. We never did this.

**The Hon. DUNCAN GAY:** There are a lot of things we are doing that you never did. It is mostly about what your Government has not done.

**The Hon. Luke Foley:** We didn't abuse question time like this.

**The Hon. DUNCAN GAY:** You have an hour's extra questions from us than you did under your Government. So a couple of supplementary questions will not break your heart; it might save you working on some of the silly questions you have been asking and save you from embarrassment. I have also called on the Roads and Traffic Authority to put in place plans to ensure the number of skilled staff to operate the network of 4,000 traffic lights across New South Wales is adequate. The Roads and Traffic Authority will also investigate the case for improving road markings and signage of transit lanes in Sydney to reduce confusion amongst motorists. Sadly, some people get caught in bus lanes, as we know. Another valid criticism within the NRMA report was that under the former Labor Government everyday traffic management tended to take a back seat to high-profile events.

Let me be crystal clear on this issue: the Government wants to attract major events to this city, but we need to be better able to host these events without causing traffic mayhem. Prior to the election we announced plans to improve traffic management, part of which was to improve planning for major events, something the former Government failed to do. By establishing an Integrated Transport Authority we will ensure that planning and policy across all modes of transport are fully integrated. The Government has wasted no time in adopting a number of the recommendations contained in this excellent NRMA traffic congestion report.

#### CAMDEN COAL SEAM GAS EXTRACTION

**The Hon. JEREMY BUCKINGHAM:** My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware that AGL has acknowledged that it has conducted no groundwater monitoring since the Camden coal seam gas project commenced operations in 2002? Given the considerable concern about the effects of coal seam gas extraction on groundwater, will the Government consider suspending or cancelling AGL's petroleum production licence for the Camden gas project? If not, what action will the Government take to ensure AGL's operations are not poisoning the water?

**The Hon. DUNCAN GAY:** This question asks for great detail. I am not sure whether it is great detail and accuracy because sometimes the two do not go together when The Greens ask a question.

**The Hon. Jeremy Buckingham:** You should know.

**The Hon. DUNCAN GAY:** This is a question for another Minister. It is also a question that is contemporary. The member says I should know. Unlike The Greens, I will not say something just because it comes into my head. This is a question seeking detail that deserves to go to the Minister. I will treat it appropriately and send it to the Minister—I suspect it is the Minister for Planning—for a detailed response. If it is not the Minister for Planning I will refer it to the appropriate Minister.

### SOLAR BONUS SCHEME

**The Hon. MICK VEITCH:** My question is to the Minister for the Illawarra. What action will the Minister take in representing Illawarra residents affected by his Government's decision to retrospectively alter the Solar Bonus Scheme tariff? How will the Minister ensure that the Government's proposed hardship scheme will recognise the needs of this State's diverse regions, including the Illawarra?

**The Hon. GREG PEARCE:** I thank the honourable member for his question and for his interest in the good people of the Illawarra. I had the pleasure last Friday of chairing a meeting of the Illawarra Employment Lands Task Force. The Government is absolutely committed to economic development, building jobs and driving—

**The Hon. Mick Veitch:** Point of order: My point is one of relevance. The Minister's answer does not relate to the question. To borrow a phrase used by Minister Gay, it is not within a bull's roar of the question.

**The PRESIDENT:** Order! There is no point of order.

**The Hon. GREG PEARCE:** Mr President, I did not hear your ruling, but I assume it was that my answer was generally relevant.

**The PRESIDENT:** Order! My ruling was that there was no point of order.

**The Hon. GREG PEARCE:** Thank you, Mr President. As I said, I could not hear your ruling due to the commotion. The question, as I heard it, related to the good folk of the Illawarra and the action that the Government is taking to improve the economy of and build jobs in the Illawarra. I was saying that I was privileged to chair a meeting of the Illawarra Employment Lands Task Force. As the Leader of the Opposition pointed out, I was hosted, as were other members of the task force, by the Kiama Council. It was a very pleasant meeting—Kiama being a fantastic part of the Illawarra. Yes, the mayor of Kiama dropped in briefly. In fact I asked her upfront, "I hope you enjoyed the election campaign." Quick as a whip, she looked back and said, "Not as much as you did."

I am very pleased to do whatever I can to ensure that the Government is taking the people of the Illawarra seriously and is giving them every opportunity and all the support that we can. Interestingly, one of the first things to be done at the meeting of the Illawarra Employment Lands Task Force was to read the minutes of the previous meeting. Guess what was the first item. It was "Apology: Minister for the Illawarra, Eric Roozendaal". Eric was not at the meeting of the Illawarra Employment Lands Task Force; he was absent again. The meeting I attended was very interesting, and I will report to the House on many more occasions on the Government's policies and activities for the people of the Illawarra.

### MANDATORY SENTENCES FOR MURDER OF POLICE

**The Hon. SCOT MacDONALD:** My question is directed to the Minister for Police and Emergency Services. What is the Government, unlike the former Labor Government, doing to protect our police and punish those who seek to murder our officers?

**The Hon. Luke Foley:** Point of order: The question is out of order because it contains significant argument.

**The PRESIDENT:** Order! I will allow the question.



**The Hon. MICHAEL GALLACHER:** I thank the member for his excellent question. The New South Wales Liberal-Nationals Coalition has long been committed to fundamental reform of the criminal law to provide for mandatory life sentences for those convicted of murdering a police officer. In the modern body politic we often talk about mandates. The fact is that this is an issue that the Coalition parties have continued to pursue through successive terms in opposition since 2002. So no-one inside or outside this Chamber can rightly say they have not heard or are not aware of the position of the Coalition, in opposition and now in government, in relation to this matter. I am pleased to say that the Government will honour that commitment by this week introducing new legislation to implement this important reform.

The bill will provide that compulsory life sentences are to be imposed by courts on persons convicted of murdering police officers. A compulsory life sentence is to be imposed if the murder was committed whilst the police officer was executing his or her duties or as a consequence of retaliation for actions undertaken by any police officer. In 2007 I reported to this House that since 1980 11 officers have lost their lives as a result of the actions of offenders who have attacked police executing their duties to protect the community. They are Sergeant Keith Haydon, shot by an offender; Constable Katsivelas, shot by an escaping prisoner; Sergeant Quinn, shot by an offender following a pursuit; Constable Brett Sinclair, who died from injuries sustained whilst effecting an arrest; Constable Allan McQueen, shot whilst effecting the arrest of a fellow attempting to break into a motor vehicle, literally hundreds of metres from this place; Senior Constable Peter Addison and Senior Constable Robert Spears, shot by an offender at Crescent Head; Constable David Carty, stabbed during an affray in western Sydney; Constable Peter Forsyth, stabbed whilst effecting an arrest; Senior Constable James Affleck, struck by a motor vehicle whilst deploying road spikes to stop a stolen car; and Constable Glenn McEnallay, shot by an offender at Matraville following a pursuit. I am pleased to say that since 2002 there have been no deaths of police officers that would have extended this list.

I do not expect that the new legislation will need to be used often. In fact, I hope it is never used. But this is no reason not to act. This new law is needed to deter anyone who would even consider the murder of a police officer. I would like to address upfront why we have singled out the murder of police officers for this special consideration in sentencing. Firstly, as a community, we ask our police to put themselves at risk every day on our behalf, and they therefore deserve all the protection that we can afford. Secondly, it needs to be recognised that an attack upon a police officer whilst undertaking his or her duties is unlike any other assault in that it is an assault on our system of law enforcement and an assault on our democracy.

Those who seek to harm the persons responsible for enforcement of laws passed by our Parliament should be subject to special punishment. This is a principle that already is enshrined in our criminal law. The Crimes Act 1900 imposes a higher maximum gaol sentence for the assault of a police officer than is imposed for the same offence against a civilian. The Crimes Act 1900 also provides for different penalties for stalking, harassing or intimidating police officers compared with such offences against non-law enforcement officers. The new legislation cannot bring back the loved ones that have been lost, nor will it put past killers back in gaol, but it will keep future killers of police where they belong—behind bars—for the term of their natural lives. I ask all members to consider carefully, and support, this legislation.

### MOTORWAY PROJECTS

**The Hon. CATE FAEHRMANN:** My question without notice is to the Minister for Roads and Ports. On the last sitting day I asked the Minister whether he would guarantee that any contracts for new or expanded motorways signed by his Government would not contain terms that would prevent or increase the cost of implementing public and active transport solutions. Given that in his response the Minister referred me to a report of a parliamentary inquiry into the M2 which does not seem to have existed, and said I was scare-mongering, yet on 26 October 2010 Mr David Borger told the other place that a clause had been amended in the original M2 contract because the original contract signed by the Fahey Government included a clause that allowed for compensation to be claimed by Hills Motorway if public transport like the North West Rail Link was established along the corridor, can the Minister now guarantee that any contracts for new or expanded motorways signed by this Government will not contain similar clauses containing terms that will prevent or increase the cost of implementing public and active transport solutions?

**The Hon. DUNCAN GAY:** I thank the member for the question. She was scare-mongering. But could I also say that this was one of the rare occasions when I was wrong in the information that I gave the member.

**The Hon. Amanda Fazio:** You mean you misled the House.

**The Hon. Luke Foley:** Just say sorry.

**The Hon. DUNCAN GAY:** I will say sorry. There is a difference between being wrong and misleading. Mislead is what the Labor Government did on a daily basis. Being wrong is accidentally saying something that did not actually happen. It happened that I had a meeting with a former Minister—

*[Interruption]*

If the Hon. Penny Sharpe were quiet for a moment, she might learn something as well.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the first time.

**The Hon. DUNCAN GAY:** The day before the Hon. Cate Faehrmann asked me the question I had a meeting with the former Minister who had responsibility in this area. We were talking about that issue and he indicated to me that there had been a parliamentary inquiry. Out of the blue, the next day, the Hon. Cate Faehrmann asked me the question. I immediately said there was a parliamentary inquiry: those changes had been put in place. Indeed, this morning the member submitted a request for documents under Standing Order 52 to check those things. I suspect that the answers the member is looking for will come through in the information that she is seeking from the House.

### SOLAR BONUS SCHEME

**The Hon. HELEN WESTWOOD:** My question without notice is address to the Minister for the Hunter. What action will the Minister take to stand up for Hunter residents affected by the Government's decision to slash the Solar Bonus Scheme tariff? How will he ensure that the Government's proposed hardship scheme will recognise the needs of our diverse regions, including the Hunter?

**The Hon. MICHAEL GALLACHER:** It might come as a shock to members opposite, who like to play a game: they think they can play one region against another, grab some media attention and so on. Members on this side of the House are governing for all of New South Wales. We will not play the games of members opposite by somehow suggesting that some people will be disadvantaged more than others. We make decisions based on what we believe are the overall best interests of the State. We are committed to ensuring that when we turn this economy around, after years of Labor's neglect, everyone will benefit. With that disgraceful attempt at taking a cheap shot first by asking a question of the Minister for Finance and Services, and Minister for the Illawarra and then asking me a question members opposite think they can somehow divide the Government. Members opposite will never divide a united team. We are committed to turning around this State.

**The Hon. Amanda Fazio:** Point of order: The Leader of the Government is clearly misleading the House. I ask you to ask him to answer the question.

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

**The Hon. MICHAEL GALLACHER:** I am more than happy to tell members opposite the truth, but they do not want to hear it. Today I had the opportunity to attend and speak at the Hunter Valley Research Foundation. All the bleeding hearts opposite talk about how much they are interested in the Hunter and the like, but not one of them was there today. They showed no interest and did not bother to turn up. Community and business leaders from throughout the Hunter Valley were there—

**The Hon. Helen Westwood:** Point of order: My point of order is on relevance. My question is specifically about the proposed hardship scheme announced by the Premier today and how Hunter residents will be protected from the disadvantage of the solar bonus scheme tariff that the Government has slashed. I ask you to direct the Minister to answer my question.

**The PRESIDENT:** Order! I remind Ministers that their answers should be generally relevant.

**The Hon. MICHAEL GALLACHER:** While I was talking to people from the Hunter Valley today I indicated that the Government would protect them. We will work hard to protect them by not allowing members opposite to get close to the Treasury benches ever again. The greatest protection we can give the people of the Hunter is a commitment to ensure that we will do everything we can to fix the State's economy, to

return services and to provide the infrastructure they need. Members opposite would be better served, rather than continuing to play their games, by visiting areas such as the Hunter. Instead of simply talking about it, they should physically go there, spend time on the street and look at the need for infrastructure.

The people of the Hunter have welcomed the \$350 million Hunter Infrastructure Fund that this Government has promised to an area that long suffered neglect by the previous Labor Government. Some 30 per cent of the State's revenue comes from the Hunter Valley, but the Labor Government gave little—not even half—back. It is interesting that members opposite talk about the Hunter Valley. It is a shame that they did not take the time to visit the Hunter Valley Research Foundation, a not-for-profit organisation that looks at business, employment, the need to maintain viable manufacturing and businesses, including solar, in the Hunter region. I welcome the honourable member's further questions in relation to any matters relating to the Hunter, but I suggest that she spend some time in the area. *[Time expired.]*

### STATE WAGE CASE

**The Hon. NIALL BLAIR:** My question without notice is directed to the Minister for Finance and Services. Will the Minister inform the House whether any submissions were made by any parties regarding the Government's wages policy during the State Wage Case 2010? If so, what comments and findings were made in that case about those issues by the Full Bench?

**The Hon. GREG PEARCE:** I thank the honourable member for his astute and learned question. Interestingly, I have had the opportunity to read the decision in the State Wage Case 2010. I happen to have it with me because it is such riveting reading. It was the Full Bench: Justice Boland, Justice Walton, Deputy President Harrison, Deputy President Grayson and Commissioner Tabbaa. As honourable members know, with the referral of most of the private sector to the Federal system the role of the New South Wales Industrial Relations Commission primarily relates to the public sector and the local government sector in New South Wales but with lots of other work in relation to harmonisation and so on. After setting out the various issues that the commission thought were relevant they wrote in point 14:

Importantly, in addition to the five issues identified above, Unions NSW proposed substantial changes to the Wage Fixing Principles (which the Minister referred to as the "sixth issue").

The sixth issue in the decision was the wage fixing principles. Two paragraphs later the commission summarised some of the evidence. At point 16 it said:

Unions NSW relied on statements of Mark Lennon, Secretary of Unions NSW, and Peter Remfrey, Secretary of the Police Association of NSW. Those statements were in the context of that organisation's proposal for a new set of Wage Fixing Principles to overcome problems the union movement had encountered with the NSW Government's Wages Policy.

So the commission specifically said that the unions raised the proposition that they had problems with the Government's wages policy and wanted to change it. The commission further said:

That Policy limited the increases in wages in the public sector to 2.5 per cent per annum unless increases above the amount were fully funded by direct cost offsets in the nature of "employee related cost savings".

The commission then quoted further from the statements of the two officials, who they commented were "highly critical of the Policy and the manner in which it was applied". They said:

Mr Lennon expressed the opposition of Unions NSW to the Policy ...

The commission then outlined six items, the last of which was interesting. The unions complained that any negotiations had to be endorsed by the budget committee of Cabinet. That is the way Labor used to develop its wages policy. It did not go through the Industrial Relations Commission; it did so in secret deals, mates' deals, back-room deals. I cannot quote everything in the case but the next thing that will be interesting to members opposite is contained in point 19, where the commission noted:

Mr Remfrey made a reply to an affidavit of ... Director, Industrial Relations of Public Sector Workforce ... Department of Premier and Cabinet ... Mr Remfrey detailed the course of negotiations for a new Crown Employees (Police Officers) Award to replace the 2008 award. Mr Remfrey alleged that the government and Police representatives engaged in delay and "backsliding", and failed to engage in good faith bargaining.

*[Time expired.]*

**The Hon. NIALL BLAIR:** I ask a supplementary question. Will the Minister elucidate his answer?

**The Hon. GREG PEARCE:** This is the police union's representative at the Industrial Relations Commission complaining about a lack of good faith from this mob when they were in government.

**The Hon. Greg Donnelly:** Put it in *Hansard* tomorrow.

**The Hon. GREG PEARCE:** There will be some more tomorrow, don't you worry. The police union's representative at the Industrial Relations Commission alleged that the Government and police representatives engaged in delay and backsliding and failed to engage in good faith bargaining. Mr Remfrey said their conduct was disingenuous and provoked industrial action because of their obsession with cost cutting. That was from the unions in the State wage case.

Then evidence came from Mr Peter Horn, a senior director of New South Wales Treasury, who said that between September 1997 and June 2010 New South Wales State and local government employees experienced wage increases averaging 4.2 per cent per annum whereas over the same period Sydney inflation, excluding the introduction of the GST, averaged only 2.6 per cent per annum. The result, therefore, was an average real wage increase of 1.5 per cent per annum, or 21 per cent in total. Further, the Industrial Relations Commission specifically rejected the Government's wages policy as a process for agreeing to wages, and that is why it is now necessary to legislate to give effect to the policy.

### **SOLAR BONUS SCHEME**

**Dr JOHN KAYE:** My question is directed to the Minister for Roads and Ports, representing the Minister for Energy. Is the Minister aware that the Independent Pricing and Regulatory Tribunal reported that the Government could:

... require retailers to transfer some of the financial benefit they receive under the [Solar Bonus] scheme to distributors. This would reduce the amount of funds required to be ... foregone by taxpayers to pay for the scheme.

Has the Government given consideration to implementing the advice of the Independent Pricing and Regulatory Tribunal by making the retailers pay for energy they receive from solar panels at the regulated retail tariff? If not, why not?

**The Hon. DUNCAN GAY:** I will refer this detailed question to the Minister for Energy.

**The Hon. Greg Donnelly:** Have a go, Duncan.

**The Hon. DUNCAN GAY:** I am willing to have a go, of course. If Dr John Kaye is asking whether the Minister for Energy will develop government policy at the whim of The Greens, my response would be: I suspect not.

**The Hon. MICHAEL GALLACHER:** If members have further questions, I suggest that they put them on notice.

**Questions without notice concluded.**

### **TABLING OF PAPERS**

**The Hon. David Clarke** tabled the following papers:

1. Coroners Act 2009—Report of the New South Wales State Coroner entitled "Report by the NSW State Coroner into Deaths in Custody/Police Operations: 2010", dated March 2011.
2. Surveillance Devices Act 2007—Report of the Ombudsman entitled "Report under Section 49 (1) of the Surveillance Devices Act 2007 for the 6 months ending 31 December 2010", dated April 2011.

**Ordered to be printed on motion by the Hon. David Clarke.**

### **REAL PROPERTY AMENDMENT (TORRENS ASSURANCE LEVY REPEAL) BILL 2011**

**Message received from the Legislative Assembly agreeing to the Legislative Council's amendment.**

**Pursuant to sessional orders debate on committee reports proceeded with.**

**BUSINESS OF THE HOUSE****Postponement of Business**

**Committee reports—Order of the Day No. 1—postponed on motion by the Hon. Robert Brown.**

**Committee reports—Order of the Day No. 2—postponed on motion by Reverend the Hon. Fred Nile.**

**INDUSTRIAL RELATIONS AMENDMENT (PUBLIC SECTOR CONDITIONS OF EMPLOYMENT)  
BILL 2011**

**Bill introduced, by leave, and read a first time and ordered to be printed on motion by the Hon. Greg Pearce.**

**Second Reading**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.03 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. The New South Wales Government has made a commitment to its citizens to rebuild the economy, return quality services, renovate infrastructure, restore accountability, and protect the local environment and communities. We are rebuilding a strong New South Wales economy through lower taxes and supporting businesses to grow and create jobs. The Government is returning quality services in areas such as health, transport, education and community safety. This includes 900 additional teachers under the Literacy and Numeracy Action Plan and opening 1,390 beds and providing 2,475 extra nurses under the Better Hospitals and Healthcare Plan.

The Government is building the infrastructure that will make a difference to both the economy and people's lives including the commencement of work on planning and budgeting for the North West Rail Link. The Government is deeply committed to its core purpose of delivering the high-quality front-line services that New South Wales citizens deserve by a highly skilled and effective public sector. To this end we have announced the establishment of the Public Sector Commission to provide advice on public sector reform. In order to deliver on this plan and ensure that the commitments will be funded, action needs to be taken to control government expenditure. Employee-related costs are the largest component of government expenditure, accounting for almost half of government expenses. In 2010-2011 approximately half of government expenses will be employee-related and are projected to be \$28 billion. Managing this expenditure is a major challenge, given that front-line services such as education, health care and policing are labour intensive. Each 1 per cent increase in wages permanently increases government expenses by around \$277 million per annum.

Underpinning the need for fiscal restraint is the Government's wages policy. The policy was first introduced by the previous Labor Government in 2007, but that Government failed to implement it. The New South Wales Coalition Government will continue the key provisions of the wages policy introduced by the former Labor Government. However, the Coalition Government has proposed changes to the way the wages policy operates to ensure that the key requirements of the wages policy are actually followed. Our policy and legislative response will ensure that wage increases of 2.5 per cent are available each year to our hard-working public sector employees. Increases in excess of 2.5 per cent are available but will be required to be funded through employee-related savings.

Key elements of the policy require that any increases to employee-related expenses exceeding 2.5 per cent per annum, including wages, allowances, superannuation and conditions of employment, must be funded through employee-related cost savings that have been achieved. Details of the savings measures used to fund increases in excess of 2.5 per cent are to be detailed in the award or agreement where that is appropriate. New awards or agreements should not predate the expiry of existing instruments, back-payment of wage increases is not to occur other than in exceptional circumstances, and awards and agreements must contain clear and comprehensive no extra claims clauses.

Some people seem to take the view that government has a bottomless pit of money to pay for any or all hoped-for pay increases. It does not. The policy intention is to ensure an appropriate balance between public sector wage increases and the availability of funds for the delivery of the Government's commitments and value

for money for New South Wales taxpayers. Where agencies and unions are able to identify agreed employee-related savings, these will be able to be passed on in higher wages. However, this balance has been skewed by years of a lack of commitment by successive Labor governments to rigorously follow their own policy, and this has led to a blowout in unfunded public sector wage cost increases.

The Industrial Relations Commission has rejected key aspects of the 2007 wages policy on a number of occasions. In the 2008 public servants salaries case the Government accepted the Industrial Relations Commission's strong recommendation for the settlement of the Public Service Association's claim. The recommendation provided for increases of 4 per cent per annum over three years and committed the Government and the union to achieving a range of employee-related cost offsets that were not identified at the time. The Government and the union then reflected the commission's recommendations in a memorandum of understanding. A subsequent decision by the commission in 2010 regarding the interpretation of the memorandum constrained the areas of employee-related cost savings the Government was able to pursue, severely limiting the opportunity for public sector agencies to pursue significant savings through industrial reforms.

In the December 2010 State Wage Case decision the Full Bench of the Industrial Relations Commission specifically rejected the basis for the Government's wage policy requirement to limit wage increases that did not contain additional offsets to 2.5 per cent. At the same time the commission also created a new productivity and efficiency wage fixing principle to allow unions to seek potential wage increases independent of the need to identify employee-related savings, and that is directly at odds with the former Government's policy and our Government's policy. Presently, the Industrial Relations Act 1996 provides the Industrial Relations Commission with broad discretion to determine public sector wage outcomes that do not accord with government wages policy.

I now turn to elements of the bill. The primary amendment to be made to the Industrial Relations Act is the insertion of a new section 146C containing the explicit requirement that when making or varying awards or orders the commission must give effect to the Government's policy on conditions of employment for the public sector as declared under the regulations. The reference to the Government's policy on conditions of employment is intended to be broad enough to enable all relevant elements of the public sector wages policy to be included in the declaration made under the regulations. It will be appreciated that while the focus of the wages policy is on ensuring appropriate restraints on the quantum of pay increases, as outlined above, in order to do so the policy may also refer to other relevant conditions of employment, such as increased leave entitlements or a new classification structure. The commission will be required to give effect to the Government's policy only where any such declared policy applies to the matter before it. These will be matters arising in the public sector. Clearly, this requirement will not apply to, for example, matters relating to local government employers and employees.

Under the current framework of the Industrial Relations Act, the Industrial Relations Commission is required to have regard to a range of matters in the exercise of its functions. These include the objects of the Act in section 3, the instruction in section 10 to make awards setting fair and reasonable conditions of employment for employees, the public interest provisions in section 146, and the state of the economy of New South Wales and the likely effect of its decisions on that economy, also in section 146. That is already in the Act. The commission also applies a set of wage fixing principles that set out the circumstances in which wage increases can be awarded. These are applied when the commission deals with public sector awards, which are not affected by the minimum wage increase set in the general State Wage Case.

As can be seen, the commission exercises a broad-ranging discretion when it comes to wage fixing. This environment is conducive to submissions that the Government's wages policy should be disregarded or that other considerations are more significant than the wages policy. As outlined earlier, the Government's wages policy is designed to ensure fiscal discipline and to protect the budget bottom line, therefore ensuring that services and other commitments of the Government to the citizens of this State are able to be delivered. It is not a good outcome for New South Wales when government wages policy is disregarded. That is why the bill includes the new requirement in section 146C (1) that in public sector matters the Industrial Relations Commission's prime objective is to give effect to the Government's wages policy. This will support the achievement of the Government's budgetary objectives.

The objective is supported and strengthened by subsection (3) of proposed section 146C, which provides that any award or order that is inconsistent with the declared wages policy of the Government will be of no effect. The amendment also includes very specific words to ensure that its intention may not be subverted by reference to section 146 or any other provisions of the Act. This is found in proposed subsection (7). In order to make it clear to the commission what the amendment requires it to do, the relevant elements of the policy will

be declared in the regulations. Proposed subsection (2) provides some flexibility in how the regulation may be made. The regulations may declare particular aspects of government policy on public sector conditions of employment, or they may adopt an existing policy set out in a relevant document.

The commission will be left in no doubt about the matters to which it must give effect when it makes or varies awards or orders relevant to public sector employment. For example, where a public sector union has filed a wages claim in the commission and seeks that the commission conciliate and/or arbitrate to achieve an outcome, the commission will be bound to ensure that, in accordance with the declared wages policy, any increase in excess of 2.5 per cent will only be awarded where employee-related savings sufficient to fund such an increase have been both identified and implemented.

Similarly, where a claim has been filed to create an additional condition of employment, such as increased leave entitlements or a new classification structure, this too has to be assessed by the commission in accordance with the terms of the declared government wages policy. These matters were subject to the Labor Government's 2007 wages policy, which covered both wages and conditions of employment. The Government is mindful of concerns about the independence of the judiciary. In light of such concerns, subsection (5) of the proposed new section provides that the requirement to give effect to government wages policy does not apply to the Commission in Court Session, also known as the Industrial Court.

The requirement to give effect to government wages policy will only apply when the commission is exercising its non-judicial functions of making or varying awards and orders. The definition of "award or order" in subsection (8) of proposed new section 146C makes clear the activities that will be subject to the new requirement. These functions include setting remuneration and other conditions of employment and resolving industrial disputes. They include the consideration of whether to flow on national wage decisions or to make State-based general decisions. They also include approving enterprise agreements, which set wages and conditions for particular workplaces. These are precisely the kinds of functions that are likely to involve the need to give effect to the government wages policy.

The intent of the amendment is to ensure that the wages policy or the Government's fiscal strategy is not rendered ineffective by decisions of the Industrial Relations Commission. The proposed amendments will ensure that the commission makes decisions that properly take account of and give effect to wages policy, so minimising pressure on the State's budget. Honourable members may be aware that several public sector unions filed claims in the Industrial Relations Commission in the dying days of the previous Government. Proposed subsection (6) ensures that the new section 146C requirements will apply to all matters pending before the commission. This will include appeals from any matters already decided. In other words, the amendment is intended to have immediate effect on commencement in relation to all matters not yet concluded before the commission.

When considering the proposed amendments to the Industrial Relations Act it is important to note that the Industrial Relations Commission will continue to play an important role in the ongoing need for public sector workplace reform, promoting efficiency and productivity in the economy of the State, providing for the resolution of industrial disputes by conciliation and encouraging and facilitating cooperative industrial relations. Under the proposed amendments the commission will continue to assist New South Wales public sector agencies and unions to identify and reach agreement on wage outcomes, albeit within the confines of the Government's wages policy. This discretion will include determining the quantum of wage increases, consideration of changes to conditions of employment, ensuring the corresponding level of employee-related savings has been achieved, and identifying future workplace reform.

This is similar to the assistance provided by the commission in 2009 to resolve the long-running dispute in the TAFE teachers wages case. In this case the parties had agreed to submit to arbitration by the commission in the event they could not agree on cost savings. In the event, the commission decided that arbitration was necessary after considerable efforts at conciliation, which, on a number of occasions, appeared to come close to reaching agreement but which was disrupted by a number of instances of industrial action. The commission's arbitration was crucial to settling the matter.

The amendments in this bill will ensure that the Industrial Relations Commission of New South Wales has a central role in providing New South Wales public sector workers with fair and reasonable wage increases, while also ensuring that the New South Wales Government contains expenses, provides efficient service delivery and invests taxpayers' money wisely. I commend the bill to honourable members.

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

**SELECT COMMITTEE ON RECREATIONAL FISHING****Report: Recreational Fishing in New South Wales**

**Debate resumed from 4 May 2011.**

**The Hon. ROBERT BROWN** [5.22 p.m.]: I am delighted to speak to the report of the Select Committee on Recreational Fishing in New South Wales, which was set up to inquire into and report on the benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in New South Wales. It was a wide-ranging inquiry and generated great interest, as evidenced by the 1,036 submissions from a range of stakeholders. A number of organisations developed electronic pro forma documents to assist like-minded individuals to make submissions. The committee received 774 such submissions. It was this avalanche of interest that prompts me at the outset to thank the committee staff. It is not until one serves on a committee that one gets a full understanding of the amount of work that committee staff do.

This was my first time as chairman of a committee. I sincerely thank the Director of Committees, Rachael Callinan, who in turn handed the responsibility over to Rachael Simpson. I thank also John Young, Kate Mihaljek, Lynn Race, Shu-Fang Wei and Stewart Smith. I would also like to especially thank the Hansard team, who had to cart their gear all over the State to the many public inquiries we held. We did not have one technical hitch the whole time. My sincere personal thanks to each of you and also, on behalf of the committee members, well done; it was a pleasure working with all of you.

I wish to thank my fellow committee members, some of whom are no longer here but nevertheless deserve recognition. I thank the Hon. Tony Catanzariti, the Hon. Ian Cohen and the Hon. Christine Robertson. I thank also sitting members the Hon. Rick Colless, the Hon. Charlie Lynn and the Hon. Lynda Voltz. I thank you all for your genuine contribution and effort in making the inquiry a worthwhile examination of the ways in which recreational fishing may lead to benefits for licence holders. I also extend my utmost gratitude to the many people who participated in this inquiry, some of whom travelled considerable distances. I acknowledge the effort made by individuals from across the State who attended the public hearings and provided the committee with their personal experiences, views and concerns.

In particular, I wish to thank Emeritus Professor Robert Kearney, who at the request of the committee attended the public hearings on more than one occasion. I also thank Mr Martin Salter, the retired British member of Parliament who gave the committee the benefit of his experience as the former United Kingdom parliamentary spokesperson for angling, and who was responsible for establishing the United Kingdom Angling Trust and the United Kingdom Charter for Angling.

The New South Wales fishery, encompassing both the recreational and commercial sectors, is and has historically been both highly regulated and well managed. The impact of our State's fisheries management on the sustainability of fish stocks and the health of the marine environment cannot be compared to that of less effectively regulated fisheries in other parts of the world. It is estimated that there are about one million recreational fishers in New South Wales who are all concerned with the health and sustainability of fish stocks and the protection of marine biodiversity.

The main body of the report contains 38 recommendations addressing the terms of reference of the inquiry. It also contains a number of recommendations made in dissenting reports in appendices to the main report. I urge the new Government to implement the recommendations, some as a matter of urgency. When in Opposition the Coalition was supportive of the inquiry while at the same time the Labor Party, when it was in Government, also supported the thrust of the inquiry. However, as the election got closer the Labor Government went a bit cold on some of the ideas.

I expect the recreational fishers of New South Wales will benefit from the work and recommendations of this inquiry. In particular, there is an urgent need to increase research funding and therefore the effort needed for the research priorities noted in the report of the Independent Review of Marine Park Science in New South Wales, which was tabled as part of the government department's evidence to the inquiry. When members of the committee could not agree on the text of the report divisions were called and the subject matter of the vote is included in the minutes of meetings.

I hope the Government gives priority to a review of the method and structure of representation for recreational fishers because this issue was most frequently raised by recreational fishers who attended the public



hearings. In the pursuit of their pastime recreational fishers make a significant contribution to the State economy. The sale of recreational fishing licences on its own raises approximately \$13 million annually for the purposes of improving recreational fishing opportunities. Recreational fishing can take many forms depending on the location, the fishing gear and method employed and the type of fish being pursued. While most of the issues facing recreational fishers are common to all, there are also specific issues for certain types of fishers, such as rock fishers, spear fishers, and Aboriginal fishers.

There are a number of threats to the sustainability and security of marine biodiversity, including fish stocks. These threats are climate change—although as members in this House know I believe that is a natural phenomenon and nothing to do with manmade carbon dioxide; resource use, including commercial and recreational fishing; land-based impacts, importantly; marine biosecurity; and marine pollution. There is debate regarding the comparative level of risk that each of these threats poses. With respect to recreational fishing, views ranged from its having no effect to its being the main threat, depending on the sector from which the inquiry participant came. However, it was acknowledged by all participants that land-based impacts are a significant and continuing threat.

Good fish populations and marine biodiversity rely on quality fish habitats. A number of government agencies and departments are involved in activities relating to habitat restoration and are involved in addressing land-based impacts that threaten fish habitat and populations. However, there appears to be no clear coordinated plan for these activities. The committee recommended that the Government prepare and publish a plan that sets out the current and proposed actions across all government agencies and departments that will address the land-based threats to marine biodiversity including fish stocks.

While there was debate on the significance of the threat posed by recreational fishing, it was agreed that the amount of fish taken by the recreational sector was not accurately known. Current wide-ranging estimates of the recreational fishing catch are based on out-of-date data. Informed debate on the threat posed by the recreational fishing catch, if any, cannot occur until there is an accurate assessment of that catch. The committee recommends that the New South Wales Government design a statistically robust survey that will provide an accurate as possible assessment of the recreational catch and effort throughout New South Wales. This survey should be repeated every five years. The committee also recommends that the New South Wales Government consider funding and commissioning an environmental impact statement to review and evaluate the recreational fishing catch and effort in New South Wales waters.

Marine parks were the primary issue for an overwhelming majority of inquiry participants. Some submissions to the inquiry simply called for either an increase or a decrease in marine parks. Underlying these two calls was the dichotomy of views on whether there was a valid scientific basis for the marine parks in New South Wales. The debate on "the science behind marine parks" has been current in the public domain for some years. As I mentioned earlier, the previous New South Wales Government commissioned an independent panel to undertake a review of marine park science in New South Wales. The report of that review was publicly released during the course of the inquiry. It made 24 recommendations including that the strategic framework should now prioritise research towards monitoring, evaluating and modifying marine park boundaries and zoning arrangements. The committee recommends that the Government provide sufficient funding to ensure the implementation of the recommendations of that review. Given the identified gaps in current research and issues that require investigations, the committee recommends that the New South Wales Government not create any new marine parks until the next five-year marine park research plan is completed. Members will note that I have a bill before the House to enshrine that in law.

The committee made a number of recommendations to improve the management and useability of marine parks. For example, it was argued that certain fishing techniques targeting transient, non-resident fish species could be allowed within marine park sanctuary zones without compromising biodiversity and habitat protection. The interaction and role of migratory fish in the ecological processes within sanctuary zones is not well understood and is the subject of ongoing research. The committee therefore recommended that, in consultation with local fishers, at least one fishable zone within each marine park be selected to trial restricted fishing access, with each site to be monitored to determine the impact of restricted fishing access on biodiversity, habitat and ecological processes compared to a fully restricted sanctuary zone. The committee also recommends that a 100-metre shore habitat protection zone be implemented within current sandy ocean beach sanctuary zones until a review of the utility of such sanctuary zones is complete. Fishing within marine parks is strictly regulated, and non-compliance with regulations can result in large fines.

Fishers need to be able to easily determine zone boundaries. That is a very important point. The committee recommends that the Department of Environment and Climate Change finalise negotiations with

software providers with a view to developing a means by which marine park zone boundaries can be displayed on global positioning systems [GPS] used by recreational fishers. The committee also recommends that the Marine Park Authority publish statistics and explanatory information regarding the number and type of cautions and fines issued within marine parks to alert users of where they particularly need to be informed of the relevant regulations and restrictions. The current representational system of trusts and advisory committees does not appear to be meeting the needs of recreational fishing organisations or the needs of non-aligned fishers. Their primary criticism of the current system is that they are represented only by ministerial appointees to an advisory body. Recreational fishing organisations argued for a single independent representative body that can advocate and act on their behalf.

The committee recommends that Industry and Investment New South Wales, in consultation with recreational fishing organisations, Indigenous fishing representatives and other relevant bodies, review the current structure of the Advisory Council on Recreational Fishing and trusts. The committee also recommends that the current Advisory Council on Recreational Fishing develop a communication strategy so that current information can be made available in a timely manner to the wider fishing community. That point was made predominantly and repeatedly. The New South Wales Government implements a range of fishery programs designed to improve recreational fishing opportunities that are primarily funded through moneys raised by the sale of recreational fishing licences. Recreational fishing havens have been enthusiastically embraced by the recreational fishing sector and recreational fishers are keen for more havens to be established. However, the prospect of further havens is causing concern among the commercial fishing sector.

The committee believes it is prudent to delay consideration of establishing any further recreational fishing havens until research on the broader ecosystem and recreational fish stocks within each recreational fishing haven is completed. There is concern that when the amenity of a recreational fishing haven is compromised by government action, such as infrastructure development within a particular boundary, currently no action is required to ensure that the level of fishing opportunity is maintained. The Botany Bay recreational fishing haven has been subjected to a number of major construction projects. The committee recommends that the New South Wales Government commission research not only to determine the impact of recent government developments within the Botany Bay recreational fishing haven but also to determine the mitigating actions and remedial programs that can be established in proximity to the recreational fishing haven to maintain or improve recreational fishing opportunities. I note that the Government currently is installing several artificial reefs within Botany Bay, which is to be commended.

The annexation of Meroo Lake recreational fishing haven to the Meroo National Park is another recent example of government interference in an area that was expected to become a recreational fishing haven. For many recreational fishers, their greatest criticism of marine parks was the loss of access to reef habitat. During the course of the inquiry it emerged there was potential for consideration of the deployment of artificial reefs within marine park habitat protection zones. The committee believes that the deployment of artificial reefs would offer some compensation for the loss of access. The committee recommends also that the Marine Park Authority identify at least one location within each marine park where an artificial reef could be placed. Recreational fishers are aware of regulations and requirements that manage their pastime. The committee recommends that Industry and Investment NSW produce a summary brochure of key recreational fishing rules and distribute it with renewal notices for recreational fishing licences.

The committee also recommends that Industry and Investment NSW develop an email database of recreational fishing licence holders, including persons exempted from holding a licence. The development of a database would assist in ensuring greater awareness of imminent rule changes, which are carried out regularly, and could assist in ensuring greater participation in rule reviews. The committee was led to understand that the current contingent of compliance officers in New South Wales was on par with that of other States. However, most recreational fishers expressed the view that there were insufficient numbers of compliance officers. In addition, the committee contends that more needs to be done to improve public access across rivers and impoundments in New South Wales. In particular, we would like to see Prospect Reservoir opened up.

Spearfishing is practised by a relatively small but passionate sector of the recreational fishing community. The committee believes that the Government should ensure equitable access for spearfishers. Another issue addressed by the committee is the safety of rock fishing. Sadly, during the course of the inquiry and since, a number of New South Wales citizens lost their lives. There was a divergence of views on whether or not increased regulation to make the wearing of lifesaving vests is good. The Australian National Sportfishing Association is a hardworking organisation that publishes a great deal of educational data in non-English languages for which the committee commended the association.

The commercial fishing industry is highly regulated judging by world standards. The industry is increasing its efforts to reduce the impacts of bycatch, but its work is not very well understood. The committee recommends that Industry and Investment New South Wales publish information on discarded bycatch in New South Wales. The committee recommends that the Government establish and provide ongoing support for a permanent forum for the commercial and recreational fishing sectors to meet on a regular basis. As members will realise, the inquiry was comprehensive and conducted over a long period at considerable cost to the taxpayers of New South Wales, but I believe the inquiry has resulted in sensible recommendations. Generally speaking, the committee's recommendations were supported by the majority of members most of the time. I hope the Government will embrace the committee's recommendations. I again thank everyone who was involved in the inquiry.

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

## **GENERAL PURPOSE STANDING COMMITTEE NO. 1**

### **Report: The Gentrader Transactions**

**Debate resumed from 4 May 2011.**

**Reverend the Hon. FRED NILE** [5.37 p.m.]: As Chairman of General Purpose Standing Committee No. 1, I am pleased to commence debate on the committee's report on the electricity gentrader transactions. The inquiry was unusual in that the committee held hearings over the Christmas holiday period in December to January and also in February 2011. By doing so, the committee was able to meet its deadline and produce its report, which was finalised in February. I particularly thank committee members for their cooperation and participation throughout that important inquiry—the Hon. Kayee Griffin, the Hon. Greg Donnelly, the Hon. Luke Foley, Dr John Kaye, the Hon. Trevor Khan and the Hon. Greg Pearce.

The inquiry was convened after certain transactions took place on 14 December 2010 as part of the then New South Wales Government's energy reform strategy. That led to the sale of the retail sections of three State-owned energy corporations—EnergyAustralia, Integral Energy and Country Energy—three power station development sites and electricity trading rights of Eraring Energy and Delta West, the gentrader model. Following the sale, it emerged that eight of 13 directors from the boards of Delta Electricity and Eraring Energy resigned their directorships shortly before the execution of the transactions and that four new directors subsequently were appointed by the former Treasurer, the Hon. Eric Roozendaal, MLC, to reconstitute the boards and enable the transactions to be completed.

Those eight directors who resigned obviously had been appointed by the Labor Government. Some of them had actively supported the Labor Government and one had been a former Labor Government Minister. The fact that eight of the 13 directors had resigned raised genuine concerns that something must be seriously wrong with the sale. The transactions caused considerable concern within the community, particularly regarding the value obtained from the sale for the New South Wales taxpayers, the impact of the reforms on electricity prices and greenhouse gas emissions, and the circumstances that led to the resignations of eight of 13 directors. Community concern was the reason the inquiry was held. As members know, the inquiry almost did not proceed after the then Premier, the Hon. Kristina Keneally, prorogued the Parliament suddenly and unexpectedly in what was widely believed to be an attempt to prevent the inquiry from proceeding.

As chairman, I sought advice from the Clerk of the Parliaments on whether the committee could still meet and transact business during prorogation. The President of the Legislative Council at that time, the Hon. Amanda Fazio, announced that she would allow the inquiry to proceed. I expressed my personal appreciation to her for that decision, which subjected her to possible criticism from members of the Government of which she was part. Unfortunately, because of the resignation of the directors, it was important that they appear before the inquiry and give evidence. The committee tried many approaches to have those directors give evidence. The directors declined to appear due to concerns about parliamentary privilege because of the prorogation of Parliament. The committee understood that some directors had insurance policies and had received advice that their protection from defamation or other litigation could be endangered if they gave evidence at the inquiry.

I do not criticise those directors for believing in good faith their reasons for not giving evidence even though they were happy personally to do so. Their intention was not to conceal any information from the

committee, but they were in an invidious position to act on the legal advice they had received. The committee considered issuing summonses to direct those directors to attend and even considered issuing warrants for their arrest—the first time action of that nature had been considered. The President thought that was a step too far and did not give the committee her support to issue arrest warrants. From my conversations with some of those former directors, the fact that they may have been arrested and brought before the inquiry caused them a deal of concern. Although it was a legal process and within the committee's rights, we needed the President to sign the appropriate documents and I am pleased that we did not finally go down that path.

One of the key issues raised at the inquiry was the value obtained by the transactions. There was a great deal of publicity in newspaper headlines stating that the then Government went out of its way to trumpet its success in the sale to the gentrader and the great amount of income the State budget would receive for the benefit of the people of New South Wales. The newspapers published the figure as a \$5.3 billion sale. Obviously, that would have been of great benefit to the State budget. However, the suspicion that this figure may have been inflated was confirmed by evidence given to the inquiry. I thank the former Premier and also the Minister, the Hon. Eric Roozendaal, for their cooperation by appearing as witnesses to give firsthand evidence. I was particularly pleased that, despite the prorogation of Parliament and that the Government was not happy with the inquiry, the Treasurer and the Secretary to the Treasury appeared before the committee.

*[Business interrupted.]*

### LEGISLATIVE COUNCIL VACANCY

#### Joint Sitting

**The DEPUTY PRESIDENT:** I shall now leave the chair for the joint sitting. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

*[The Deputy President (The Hon. Jennifer Gardiner) left the chair at 5.45 p.m. The House resumed at 6.11 p.m.]*

### LEGISLATIVE COUNCIL VACANCY

#### Election of Walter Secord and Adam Searle

**The PRESIDENT:** At a joint sitting on 24 May 2011 Walter Secord and Adam Searle were elected to fill the vacancies in the Legislative Council caused by the resignations of the Hon. Edward Moses Obeid and the Hon. John Hatzistergos respectively. I table the minutes of proceedings of the joint sitting.

**Ordered to be printed on motion by the Hon. Duncan Gay.**

### ADJOURNMENT

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [6.13 p.m.]: I move:

That this House do now adjourn.

### TRIBUTE TO MARIA VENUTI, AM

**The Hon. MARIE FICARRA** (Parliamentary Secretary) [6.13 p.m.]: Today I speak about the vivacious, dynamic, caring and generous Maria Venuti, AM, who this year celebrated her fiftieth anniversary in Australian show business and her seventieth birthday. Maria declared in the many newspaper and television segments on her, in her typical way:

Hopefully, through all these years, people have thought of me as ageless. But as I was putting together my memoir, I wanted to include a photo of me as a baby in 1941. I thought, well, that says it all. So I've decided to come out: I'm making 70 sassy, sensational and sexy!

Maria is embracing her age and inspiring women of all ages that they can do anything. As one of this country's leading singers and performers, Maria has played in every major cabaret venue in Australia, Paris, Cairo, New Zealand, the Far East and Japan, as well as entertaining our armed services in the Sinai Desert. From starting in

television on Brian Henderson's *Bandstand*, Graham Kennedy's *IMT*, the *Mike Walsh Show* and *Variety Italian Style*, and working with some of Australia's icons—Rolf Harris, Barry Creyton, Noeline Brown, Bert Newton—Maria Venuti has had nothing but an amazing career.

But she is much more than an entertainer. As most members would be aware, Maria has dedicated her life to charitable organisations, raising millions of dollars for a range of charities, including Variety, the children's charity, the Humpty Dumpty Foundation, the Australian Ladies Variety Association, Bravehearts, the Cornucopia Committee, and raising money for abused children, the Starlight Foundation, aged care, especially the construction of retirement villages and nursing homes, the Tikondane community in Zambia, and many more projects. In 2003 Maria was appointed a member of the Order of Australia for her outstanding service to the community as a fundraiser for charitable organisations, particularly those involved with medical research, and an entertainer.

In that year Maria was honoured also by Channel 9's *This is Your Life*, where many people came to honour the woman they love so much. On 7 March 2011 Maria's *A Whole Load of Front* biography was launched by the equally iconic Australian Alan Jones, AO. I was delighted to attend that evening with Maria's wonderful daughter, Bianca Venuti-Hughes, and leaders in the community and their fields, at the launch, including Premier Barry O'Farrell, the Hon. Joe Hockey, MP, Pete Everett, Melissa Hoyer, Lorrae Desmond, BEM, Adrian Erdedi, Vincent De Luca, OAM, Mary Lopez, Max Markson, Glenn T, John Caputo, OAM, Tony Galluzzo, Kevin Burke and Yianni Zinonos. A massive cake, in the form of the cover of the book, was kindly donated by Planet Cake and was a huge feature of the event.

The celebrations continued, this time to celebrate Maria's seventieth birthday but also to raise money for Variety, the children's charity, with \$30,000 being raised at the celebration. I thank the Hon. David Clarke, MLC, the Hon. Shaoquett Moselmane, MLC, John Sidoti, MP, Councillor Vincent De Luca, OAM, and Professor Neville Hacker, who accompanied me to this event. Special guests also included Alan Jones, AO, who spoke about Maria's many years in entertainment and charity, John Paul Young, Vincent Sorenti, Barry Crocker, John Foreman, Penny Docherty, Michael Caton, Carmello Pizzino, Alana Patience, Lola Nixon, Pete Everett, Peter Ford, Susie Elleman, Bianca Venuti-Hughes, Andrew and Louise Urban and more than 470 friends. She could have filled a marquee of thousands on the night. I congratulate Maria on all her outstanding achievements in life. I am sure there will be many more to come. As they say, you cannot keep a good woman down.

### COAL SEAM GAS EXPLORATION

**The Hon. JEREMY BUCKINGHAM** [6.18 p.m.]: I speak today on behalf of communities across New South Wales that are deeply concerned about the threat that coal seam gas development represents to local water supplies, sensitive environmental and agricultural land, air quality, and social cohesiveness. Regional communities such as those in the Hunter Valley, the Northern Rivers, the mid North Coast and around Narrabri and Gloucester, metropolitan communities in Sydney's south-west, near St Peters, and those around the Illawarra, the Central Coast and Newcastle—virtually the whole State is under siege from this industry. The communities are speaking with a clear voice for action now. They want a complete moratorium until an independent investigation into the economic, social and environmental impacts are assessed. Since starting in this place only one month ago I have used every opportunity to get out, meet with local communities and talk about coal seam gas. What I have seen leaves me with no doubt that this industry and the way it is operating today will harm New South Wales.

I attended the Rock the Gate gathering in southern Queensland. The residents of Tara have been fighting the development of a coal seam gas field in the area since 2008. The field is already in production but while I was in Tara I witnessed the laying of new pipe to connect another field of five wells. The process of laying the pipes involves the clearing of a pipeline and road corridor, in some places up to 50 metres wide. Landholders in the area were devastated to realise what they had signed up for with remnant vegetation and beautiful grazing land bulldozed to make way for the surface infrastructure of this industry.

I toured the Casino area, where dozens of exploration wells have been drilled. At one site, despite its appearing not to be in operation, a permanent flare of gas was shooting into the air only 10 metres from a heavily wooded eucalypt area. A couple of leaves blowing across the flare would have been all that was needed to start a fire around the well. Any member of the Rural Fire Service would have been horrified. More concerning was that the bulk of the wells and the proposed gas-fired power station are located on the floodplain, which is still saturated from rains earlier this year. It is clear that the wastewater management plan for Metgasco in that region is to wait for the next rains to wash the chemical laden saline wastewater, which it calls produced water, into the nearby Richmond River.

I also attended a rally in Murwillumbah, where 3,000 people—the largest protest in northern New South Wales for 20 years—marched in the streets. Cane growers, tree changers, hippies, surfers, local families, doctors, graziers and other farmers walked side by side urging the Government to press pause on this industry. It should stop and think about what it is doing to these communities and the existing local and sustainable industries in those areas. More recently I spoke with community members about the Camden Gas Project—friars and nuns from the local monasteries who have been free to practice their faith in the peace of the scenic hills for decades. If AGL gets its way they will be surrounded by gas wells and processing stations. This important part of our colonial heritage will be turned into an industrial zone, the first major coal seam gas development in the Sydney metropolitan area. While I was in the area I witnessed work near a gas well and the sudden eruption of a foamy, gassy liquid into the air. The incident occurred only metres from a Sydney Water supply canal, adjacent to a residential area and over the hill from a school.

Yesterday in Queensland a gas well blowout at an Arrow Energy site resulted in water and gas spewing up to 100 metres into the air for 24 hours before the outlet was plugged. Media reports state that the farmer that owns the land said this was the forth gas-related incident at the site in five years. The Government's moratorium announcement this week is a Clayton's moratorium: it will be over before it began. It is all show and no substance and the community knows it. This moratorium will do nothing to protect those areas I have mentioned. They are already subject to petroleum exploration licences, many areas are already subject to exploration drilling and their groundwater is already being put at risk.

I specifically relay my concern about the failure of The Nationals at both State and Federal levels to take action to protect the State's agricultural land from the impacts of coal seam gas mining. Recently in the Senate Greens leader Bob Brown moved that a Senate committee investigate this industry and its impacts. The Nationals Leader in the Senate, Barnaby Joyce, after abstaining from the vote like his other National's colleagues, railed against the motion claiming it mirrored another inquiry being driven by The Nationals. That is a shame. We need a proper inquiry into this industry; the community is demanding it.

#### NATIONAL LABOR WOMEN'S CONFERENCE

**The Hon. AMANDA FAZIO** [6.23 p.m.]: I refer to the National Labor Women's Conference on Saturday and Sunday 14 and 15 May in Brisbane. I commend the organisers of the effective and interesting conference. I am sure all members know that some conferences are unbelievably boring and others are interesting, where choices have to be made about which sessions are the best. The women's conference had a lot of interesting and different sessions to attend. The conference was officially opened by the Hon. Anna Bligh, MP, Premier of Queensland and Minister for Reconstruction. She is also the National President of the Australian Labor Party. The Hon. Kate Ellis, MP, Minister for Workplace Participation and Childcare and Minister for the Status of Women also gave an address. The keynote address was given by Dr Anne Summers, who spoke about the inequalities for women in the current superannuation system and how most women's superannuation is not enough to fund their retirement, in comparison to men.

A hypothetical panel was hosted by Senator Claire Moore from Queensland and included Kate Ellis, Federal Minister for the Status of Women, the Hon. Karen Struthers, MP, Queensland Minister for Women and the Hon. Malarndirri McCarthy, the Northern Territory Minister for Women. The panel dealt with a range of different issues. We also looked at leading in our workplaces—paid parental leave and pay equity—where to next? That was hosted by a good friend of mine, Grace Grace, MP, the member for Brisbane Central and the former Secretary of the Queensland Council of Unions. An update was given by the Australian Services Union on its pay case for the community sector area. An interesting address was given by Nadine Flood, National Secretary, Community and Public Sector Union on the pay disparity that has arisen in the public sector under the Howard regime where the old system of equal pay for equal rankings across all government departments was changed. So there are a lot of inequalities and women who generally work in departments with a lot more women employees are paid less on average than women in other departments, which I think is very poor.

A plenary debate was held and a number of resolutions were carried. The subjects ranged from women in the care economy through to the Labor Party's affirmative action policies, equal pay and the one I believe is relevant to note because it is an issue that will strike a chord with many members of Parliament. The National Labor Women's Conference carried a resolution on the genocide of Armenians, Hellenes and Assyrians that states:

That this conference recognises the genocides of the Armenians, Hellenes and Assyrians from 1915 to 1923 is one of the greatest crimes against humanity and;

- (a) Joins the Australian Armenian, Australian Hellenic and Australian Assyrian communities in honouring the memory of the innocent men, women, and children who fell victims to the first modern genocide;

- (b) Condemns the genocides of the Armenians, Hellenes and Assyrians, and all other acts of genocide as the ultimate act of intolerance;
- (c) Recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;
- (d) Condemns and prevents all attempts to use the passage of time to deny or distort the historical truth of the genocides of the Armenians, Hellenes and Assyrians and other acts of genocide;
- (e) Recalls the testimonials of ANZAC prisoners of war and other servicemen who were witness to the genocides of the Armenians, Hellenes and Assyrians;
- (f) Recalls the testimonies of ANZAC service men who rescued Armenian, Hellene and Assyrian genocide survivors; and
- (g) Acknowledges the significant humanitarian relief contribution made by the people of Australia to the victims and survivors of the Armenian, Hellene and Assyrian genocides.

I commend the delegates to the National Labor Women's Conference for passing that very important resolution. I congratulate the Armenian, Hellenic and Assyrian communities in Australia on the success of their ongoing campaign for recognition of the genocide that occurred from 1915 to 1923. Motions were carried in this House in the past Parliament on most of these issues. It is important to note that Labor women have signed up to supporting the claims by the Assyrian, Hellenic and Armenian communities. I look forward to further support for these important issues.

### PORT MACQUARIE BASE HOSPITAL

**The Hon. MELINDA PAVEY** (Parliamentary Secretary) [6.28 p.m.]: On Friday I had the pleasure of attending as Parliamentary Secretary for Regional Health, at the invitation of Leslie Williams, member for Port Macquarie, a meeting of health experts, planners and architects to discuss the \$110 million redevelopment of Port Macquarie Base Hospital. At the outset, I reiterate that Leslie Williams when a candidate in the by-election two years ago in Port Macquarie was the first person to ever have a commitment from a party to redevelop the fourth pod at Port Macquarie Base Hospital. She certainly put the hospital and the need for the expansion to cater for the growing population needs of the Port Macquarie community front and centre of government and she deserves credit for fighting that fight for a very long time. The outcome that has since followed, with cooperation between the Federal and State governments, is one that the community is very proud of and one that Leslie Williams worked with the community to achieve.

As part of our Better Hospitals and Health Care Plan to deliver more than \$3 billion in health care capital works, the more than \$13 million that the New South Wales Government has pledged to this project highlights our commitment to support the health needs of regional New South Wales. With the projected population in the Port Macquarie-Hastings area forecast to increase by approximately 40 per cent by 2036 and many other regional areas experiencing similar population growth, especially on the coast, it is only prudent that projects similar to this are rolled out throughout regional New South Wales, providing essential health care to areas in most need. Hence, the New South Wales Liberals and Nationals—the O'Farrell-Stoner Government—is investing millions of dollars on hospital facilities: \$250 million for Wagga Wagga, \$100 million for Tamworth, \$50 million for Dubbo, \$42.5 million for Parkes, \$20 million for Forbes, \$20 million for Maitland and \$10 million for Bega.

The proposed expansion of the Port Macquarie Base Hospital is part of the overall site master plan, which will see construction of the hospital's fourth and fifth pods. The redevelopment will see an additional 56 overnight beds, including 12 surgical beds and a new 30-bed inpatient unit. Critical care services will also be significantly enhanced with an additional 14 emergency treatment bays, an expanded critical care unit and a specialised cardiac catheterisation laboratory, including an interventional cardiology service. This will greatly support the local region in providing expanded acute care facilities in which to deal with patients suffering from an acute cardiac episode and critically ill patients resulting in an expected improvement in health outcomes for the local community.

Improving patient access to timely quality health care is one of our many health priorities. As the mid North Coast area health district has highlighted, the Port Macquarie Base Hospital redevelopment has been a five-year journey to date for clinicians, staff and management, with the community having been engaged at various stages in the journey. Special mention should be made of the various chairs of the medical staff council and heads of specialty groups, nursing and allied health staff and volunteers, who have given the project the benefit of their experience and knowledge through countless hours of design and modelling. In recent times the

management team at Port Macquarie Base Hospital has made enormous efforts to ensure the content of the project is well defined and achievable within the time frames allocated. The team has been well supported by an executive team and governing council, which have provided excellent oversight to the project and a strong governance framework which has been second to none.

As part of the Government's commitment to change the way that local decision making occurs and to give a voice to local clinicians and local communities, it was refreshing to know that the following people had an opportunity to have an input into the project on Friday: the chairs of the medical staff council, Dr Stephen Begbie and Dr Ann Rasmussen; the clinicians Dr William Lancashire, executive director of medical services, Dr Bruce Hodge, head of surgery, Dr Michael King, director of medical services, and Dr Allan Forrester, director, emergency department; and from the executive-governing council, the chair of the governing council Warren Grimshaw and chief executive Stewart Dowrick. Also at the workshop on Friday were Phillipa Passfield, president of Pink Ladies, Nathan Moran, the chief executive officer of the Biripi Aboriginal Land Council, Patrick Frances, a very committed consumer representative from the region, and Dianne McDonald, also a consumer representative.

Health infrastructure planning and technical director Anthony Manning said that consultation played a big role in projects such as these and we need to ensure what we design and what we build works. To have the opportunity to have a real say in how one's local hospital and health services function empowers healthcare professionals with a sense of control over their working environment and provides satisfaction in their being able to deliver positive health outcomes and pride in the work being performed. This was clearly evident on Friday when an air of excitement and anticipation about the opportunities this project will deliver for patients, the local community and healthcare professionals was infectious. Planning is reaching the end of the concept phase and more detailed planning will follow next year, with construction expected to commence in 2012. *[Time expired.]*

### MACCABI GAMES

**The Hon. SOPHIE COTSIS** [6.33 p.m.]: On 26 December last year I was very fortunate to represent Premier Kristina Keneally at the opening of the Maccabi Australia International Games at the State Sports Centre at Homebush. The Maccabi Australia International Games was a great opportunity for Jewish athletes from New South Wales and the rest of Australia to compete against athletes from around the world. It was a wonderful opportunity for the athletes and supporters from overseas and interstate to experience all that Sydney had to offer. The atmosphere was fantastic. I got amongst the crowd and everybody was happy. There were many young people and I had a great day. The games ran from 26 December 2010 to 2 January 2011. The Australian team comprised more than 200 athletes. They joined at least 500 international athletes, who competed in seven different sports.

The Jewish community has been part of the fabric of Australian society from our nation's inception. It has always played an important role in advancing our society, whether it be in government, business, the arts and culture, or indeed in sporting pursuits. I was especially pleased to attend the opening ceremony of the games and to learn a lot more about them. I was fascinated to hear the extraordinary history of the Maccabi games and how they were established through enormous persistence and determination. The Maccabi games began as a dream of a young Yosef Yekutieli during the 1920s at a time when the Jewish community was barred from other sporting organisations in Eastern Europe. For 10 years he formulated his idea, working out many details and plans as to how his dream could become a reality.

The purpose of the games was to give various participating national associations an opportunity to test their strength and prepare athletes for international and Olympic competitions. It also had the mission of promoting the Jewish identity through sport. In order to spread the word a novel method was employed: in 1930 two delegations of Jewish motorcycle riders set off from Tel Aviv on an enormous promotional tour throughout the Jewish communities of Europe. The following year another group of bikers covered 9,375 kilometres and took the campaign by ship and ferry to other cities. These extraordinary motorcycle expeditions across Asia Minor and Europe raised awareness and brought on board the funding to host the first games, which were held in 1932.

Australia entered the Maccabiah games for the first time in 1950 with one tennis player, Elias Honig. In 2004 the Maccabi Australia Games were held in Canberra. Two years later, in 2006, the Maccabi Australia International Games were held in Sydney with a large number of overseas countries competing. The 2010 games enabled the friendship and links between the Jewish communities in Australia and around the world established



in previous events to deepen. Twelve countries were represented at the 2010 games, including the regular representatives from Europe, the United States and Israel, but also teams from Mexico, Brazil, Venezuela, Canada and Hong Kong. It was a truly great international event. The Australian team, of course, did us proud in various events. Australia won in golf, swimming, lawn bowls, tenpin bowls and tennis.

The Maccabi games foster pride in the unique traditions of the Jewish people. However, it was also an opportunity for Jewish people from around the world to engender a spirit of activism for peace. The games were highly successful in promoting friendship and respect as well as some very healthy sporting competition. I commend and congratulate Maccabi New South Wales, Maccabi Australia and the New South Wales Jewish Board of Deputies on their endeavours in undertaking, sponsoring and assisting this wonderful event.

## CLIMATE CHANGE

**The Hon. ROBERT BROWN** [6.38 p.m.]: I wish to speak on climate change—not to express doubt that climate is cyclical, and always has been, but to talk about the science underpinning the claims that it is man-made. I note that last week the man described as the "world's leading climate change authority" had the good sense to contradict Senator Bob Brown by saying that specific natural disasters, such as Cyclone Yasi and the Brisbane floods, could not be directly linked to man-made climate change. The chairman of the Intergovernmental Panel on Climate Change, Rajendra Pachauri, then went on to say that the general observation that climate change was bringing about an increase in extreme weather events was valid, but scientists needed to provide much finer detail—and that is the whole point, is it not?

Anyone who doubts that sufficient scientific proof that climate change is man-made has yet been produced—and I declare myself one of them—is howled down and decried as a denier, or a heretic, or simply not smart enough to understand how the green gurus of this world think. I think it is reasonable to ask to see proper evidence, scientifically backed, that we human beings are killing ourselves and blowing up the planet before simply accepting the fact that if we pay more taxes everything will be all right. Senator Bob Brown declared after the Queensland floods that the coal industry was to blame. What a fantastically simplistic and imaginative assertion—and he did it with a straight face.

I ask you, Mr President, what did he think caused the Victorian bushfires? I will tell you. Mr Brown thought those fires were caused by climate change. It was not the mad policy of The Greens that prevented the authorities from properly managing the forests and undertaking annual hazard reduction burns. Oh no, it was climate change.

Science has been behind Australia's largest single protected area, the Great Barrier Reef, which is run by the Great Barrier Reef Marine Park Authority and which argues that fishing must be curtailed to preserve biodiversity and prevent damage to the reef. It has turned up a number of academic scientific studies that support the claims and that are backed by such eminent enviro-political organisations as the World Wildlife Fund and the Australian Conservation Foundation. Last year the claims were supported by 21 researchers from the Centre for Excellence in Coral Reef Studies at James Cook University in Townsville. They claimed that since the expansion of no-take zones on the reef in 2004 there had been major and rapid benefits. They went on to state:

Monitoring has documented very fast and sustained recovery with up to 2-fold increases in both numbers of coral trout and size of fish on many no-take reefs.

However, *News Weekly* of 30 April 2011 had a close look at these claims. It quotes Professor Walter Starck, an Australian world expert on tropical fisheries, who examined the report and—surprise, surprise—found the claims were unjustified. He said the report showed that only one of the eight reefs featured in the report achieved a twofold increase and this reef had the lowest number of fish to begin with and the lowest difference between fished and unfished reefs. Professor Starck also pointed out that the 21 marine scientists who contributed to the report were all engaged professionally by the Great Barrier Reef Marine Park Authority and were recipients of "generous funding" from the authority and hence could not claim to be undertaking independent research. Professor Starck also said that none of the authors disclosed their link with the authority in publishing their so-called research. Another report in *New Scientist* magazine of 16 April 2011 by Wendy Zukerman claimed:

Carbon dioxide has pillaged the Great Barrier Reef of a compound that corals and many sea creatures need to grow.

She stated rather alarmingly:

The finding from the first survey of ocean acidification around [the reef] supports fears that the ecosystem is on its last legs ... oceans become acidic when they absorb CO<sub>2</sub> from the atmosphere.

I am told that sea water has a pH over 8, meaning it is alkaline, and would require a tenfold increase in its acid content to make it chemically neutral. Ms Zukerman then went on to say:

Bizarrely, the reef doesn't appear to be suffering from the effects of ocean acidification—just yet.

Oops! At the risk of sounding like a high school science teacher, given that the ocean is a mildly alkaline buffering solution it is not in the least surprising that the Great Barrier Reef "doesn't appear to be suffering from the effects of ocean acidification", according to Ms Zukerman. Much of the science underpinning marine parks and their future has not been properly done and/or withstood peer review and, until that is done, no-one can have any confidence that locking up and leaving, rather than sustainably managing, our water and fish stocks is the way to go.

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

**Motion agreed to.**

**The House adjourned at 6.42 p.m. until Wednesday 25 May 2011 at 11.00 a.m.**

---