

LEGISLATIVE COUNCIL

Friday 27 May 2011

The President (The Hon. Donald Thomas Harwin) took the chair at 9.30 a.m.

The President read the Prayers.

LEGISLATIVE COUNCIL VACANCIES

Election of Walter Secord and Adam Searle

The PRESIDENT: At a joint sitting held on 24 May 2011 Walter Secord was elected to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Edward Moses Obeid, and Adam Searle was elected to fill the vacancy in the Legislative Council caused by the resignation of the Hon. John Hatzistergos.

PLEDGE OF LOYALTY

The Hon. Walter Secord and the Hon. Adam Searle took and subscribed the pledge of loyalty and signed the roll.

STRATEGIC REGIONAL LAND USE POLICY

Motion by the Hon. Jeremy Buckingham agreed to:

1. That this House congratulates the Government on its efforts during the election campaign to address the significant impacts of the coal and coal seam gas industries on New South Wales communities by developing its Strategic Regional Land Use Policy.
2. That this House calls on the Government to:
 - (a) Ensure further development of this policy includes the meaningful engagement of affected communities by:
 - (i) recognising and considering the significant amount of work done by individuals and groups in contributing to the Department of Planning Coal and Gas Strategy Process,
 - (ii) starting a public consultation process in the development of a definition of "Strategic Agricultural Land" as it relates to the transition plan,
 - (iii) ensuring that draft Aquifer Interference Regulations are open for public submission before being adopted, and
 - (b) ensure non-agricultural communities and the environment are not left out in any strategy to improve the regulation of the coal and coal seam gas industries.

GOSFORD PUBLIC SCHOOL

Motion by Dr John Kaye agreed to:

1. That this House notes that:
 - (a) the decision to sell valuable waterfront property at Gosford Public School and relocate the school onto the grounds of Henry Kendall High School is seriously flawed and detrimental to the educational outcomes of all the students concerned,
 - (b) the relocation is opposed by teachers and parents from both schools,
 - (c) co-locating primary and secondary students on the same site is totally inappropriate and will result in cramped, noisy and unsafe conditions in classrooms and in the playground,
 - (d) the proposal breaches occupational health and safety guidelines in several areas; by, in part, locating two different titles on the same site without clear boundaries and clear delineation,

- (e) the special needs unit at Henry Kendall High School will be severely impacted by the relocation,
 - (f) the concerns of parents of Gosford Public School students that their children will be exposed to potentially harmful electromagnetic fields from the substation next to the Henry Kendall site,
 - (g) the relocation will constrain future growth at both schools, and
 - (h) the local member, Mr Chris Holstein MP, has said that the redevelopment of Gosford will attract 10,000 new residents to the area.
2. That this House recognises the concerns raised by parents and teachers at Gosford Public School and Henry Kendall High School and joins with them in calling on the Minister for Education to put a halt to plans to relocate Gosford Public School and, in particular, to:
- (a) review the decision to relocate the primary school onto the grounds of the high school, and
 - (b) offer Gosford Public School parents and teachers an alternative site which is suitable and meets the educational and personal security needs of the students at the school and protects the occupational health and safety of teachers.

SADA-E-WATAN SIXTH ANNIVERSARY

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House:
- (a) notes that on 21 April 2011, Sada-e-Watan, a Pakistani news website, celebrated its sixth anniversary, marking six years of dedicated service by its Editor-in-Chief Syed Zafar Hussain, Editor Syed Javed Hussain and advisers Dr Akram Hassan and Dr Shabbir Haider,
 - (b) notes that all involved in writing, setting, reporting, photographing, maintaining and updating the Sada-e-Watan website are totally dedicated to the success of this online website for which no one is remunerated and that Sada-e-Watan does not accept advertisements, grants or donations and has, since its inception, survived on the good will and dedication of its executive team led by Syed Zafar Hussain,
 - (c) notes that the celebrations were hosted by Jaffar Nadeem and Shreen Nadeem, in the presence of Australia's Honorary Consul to Pakistan, Mr Salim Ghauri and His Excellency Azam Mohammed, Consul General of Pakistan, Sydney,
 - (d) notes that the Pakistani community celebrated what many describe as a key source of information for the Australian-Pakistani community, a website regularly visited by government and non-government officials as a source of information about what is going on in the Australian-Pakistani community, and
 - (e) notes that on marking this sixth celebration Sada-e-Watan received many congratulatory messages from the general readership in Australia and abroad including a number of messages from distinguished governmental officials such as His Excellency Tim George, Australia's Ambassador to Pakistan, His Excellency Aslam Bhootani, Speaker of the Baluchistan Provincial Assembly, and Ashraf Choudhary QSO, MP of New Zealand.
2. That this House writes to Sada-e-Watan congratulating them for their landmark achievement and in particular for the valuable community service they provide the Australian-Pakistani and wider Australian community.

DEATH OF SHEIKH KHALIL CHAMI

DEATH OF MR AHMOUD ELKHEIR

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes:
- (a) the recent death of Sheikh Khalil Chami, a cleric and well-known and respected member of the Muslim community, who passed away on Thursday 19 May 2011 after suffering a stroke,
 - (b) that Sheikh Khalil Chami served the community for over 40 years and one of the key tasks that he performed with dedication was his role as a Muslim Police Chaplain for the New South Wales Police,
 - (c) that the funeral at Rookwood Cemetery, Sydney, was one of the biggest ever witnessed, a sign of the high esteem and reverence in which he and his family were held by the community,
 - (d) that community leaders from across the Lebanese and the wider community came together to pay their final respects to an honourable and widely loved cleric, tireless in his community work, warm, with a friendly demeanour and one that touched the lives of so many across New South Wales and beyond, and
 - (e) that Sheikh Khalil Chami was a great communicator, was able to serve the wider Muslim community, whether they were from Sudan, Afghanistan, Turkey or anywhere in the Middle East or North Africa, and had the knowledge and the ability to touch the lives of many.

2. That this House notes:
 - (a) the recent death of well-known member of the Australian Lebanese Community, Mr Mahmoud Elkheir, President of the Lebanese Community Council of NSW, who passed way at the age of 63,
 - (b) that the Lebanese Community Council of NSW, an umbrella organisation, mourns the loss of a most wonderful and most sincere individual, and
 - (c) that Mr Mahmoud Elkheir was a hard-working and caring member of the Australian Lebanese community who was committed to community harmony, unity, respect, interfaith and the values of multiculturalism.
3. That this House extends its sincere condolences to the families of Sheikh Khalil Chami and Mr Ahmoud Elkheir and to the Australian Lebanese and Muslim communities across New South Wales.

RABITAH INTERNATIONAL

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House:
 - (a) notes that at a dinner held on Saturday 21 May 2011, Rabitah International, a bilingual, bimonthly, English and Urdu publication, celebrated its fifth anniversary, a landmark achievement of service to Australia's growing Pakistani community,
 - (b) notes that present at the celebration, marking a milestone in Pakistani community media, were the Honourable Shaoquett Moselmane MLC, members of the Pakistani and subcontinent community, distinguished guests including His Excellency Tim George, Australia's Ambassador to Pakistan, His Excellency Tasawar Khan, Acting High Commissioner for Pakistan, the Consul General of Pakistan His Excellency Mr Mohammad Azam, Defence Attaché of Pakistan, Mr Zahoor Ahmed, Federal and State politicians and religious dignitaries including Mr John Alexander MP, the Honourable Victor Dominello MP, the Honourable Peter Primrose MLC, Mr Tony Issa MP, Stephan Kerkyasharian, Chairman of the Community Relations Commission, Warren Duncan of CRC Media, Zawar Hussain Shah, Ejaz Khan, Hafiz Nazeerul Hasan Thanvi, Pastor Raymin, Father Dave and Kashaf Amjad, Vice President of the Pakistan Australia Business Council,
 - (c) notes the valuable commitment of many hard-working journalists, writers and individual business men and women who have contributed to the community through Rabitah International in Sydney, Melbourne and Canberra as well as in Karachi and Islamabad, and
 - (d) congratulates the following key position holders: Munir Mohammed, Managing Editor, Publisher and in Charge of Advertising, Sydney; Rashid Jamal, Editor-in-Chief and in Charge of Legal Affairs, Karachi; Kafeel A. Khan, Circulation Manager Sydney; Mohamed Aslam, Editor English Section, Islamabad; Arshad Hussain Siddiqui, Editor Urdu section, Sydney; and Uzma Gilani Public Relations Officer, Sydney.
2. That this House write to Rabitah International congratulating them for their landmark achievement and in particular for the valuable community service they provide to the Australian-Pakistani and wider Australian community.

BURMA

The Hon. Dr Peter Phelps: Point of order: Before Dr John Kaye moves his motion I raise a point of order. Given that this is a matter relating to foreign affairs, should it not be handled by Marrickville council?

The PRESIDENT: Order! There is no point of order. Dr John Kaye may proceed.

Dr JOHN KAYE [9.40 a.m.]: I thank the Government Whip. However, I move:

1. That this House:
 - (a) notes the video message sent to all members of the Australian Federal Parliament by Burmese democracy leader Daw Aung San Suu Kyi earlier this month marking 100 days of the new Burmese Parliament,
 - (b) joins with Daw Aung San Suu Kyi in expressing gratitude towards Australian members of Parliament for their concerns and interest in Burma's current situation,
 - (c) reiterates Daw Aung San Suu Kyi's message that the election of this Parliament after decades of military rule has not delivered true "democracy" to Burma,
 - (d) notes that there are still over 2,000 political prisoners in Burma,
 - (e) notes that the elections held in Burma on 7 November 2010 did not meet international democratic standards, there were widespread reports of voter fraud, harassment and intimidation, and foreign media and election monitors were not allowed in to observe the election,

- (f) notes that the military-backed Union Solidarity and Development Party won nearly 77 per cent of seats in the November 2010 election, and the military-linked National Unity Party won over 5 per cent of seats, while the democratic opposition parties won 18 per cent of seats,
 - (g) notes that the 2008 Constitution does not uphold democratic principles, and
 - (h) notes that severe restrictions have been imposed on parliamentarians including:
 - (i) they face two years imprisonment if they write, print or distribute by any means Parliament-related documents, information, statistics, drawings, charts or other references, bring a mobile phone, recording device or camera into Parliament, or if they make a protest in Parliament,
 - (ii) their speeches, motions and questions must be approved by the Speaker of the House before they can be entered into the Parliament, and they must be submitted 10 working days in advance for approval,
 - (iii) they cannot ask questions on, or speak about, national security, international relations or national unity related issues,
 - (iv) the Parliament is not open to the public and unauthorised individuals who enter the Parliament face one year in prison.
2. That this House:
- (a) does not recognise the Parliament of the Republic of the Union of Myanmar as the Parliament of Burma,
 - (b) condemns the 2008 Constitution as undemocratic,
 - (c) pledges its continued support for genuine democracy and human rights in Burma, and
 - (d) calls for the release of all political prisoners in Burma.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 5 outside the Order of Precedence withdrawn by Dr John Kaye.

WORK HEALTH AND SAFETY BILL 2011

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2011

In Committee

The CHAIR (The Hon. Jennifer Gardiner): Order! The Committee will deal first with the Work Health and Safety Bill 2011.

Clauses 1 to 3 agreed to.

The Hon. ROBERT BORSAK [9.51 a.m.]: I move Shooters and Fishers Party amendment No. 1 on sheet C2011-028D.

No. 1 Page 4, clause 4. Insert after line 20:

Industrial Court means the Industrial Court of New South Wales.

The amendment simply inserts in the bill the wording, "*Industrial Court* means the Industrial Court of New South Wales".

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [9.52 a.m.]: The Shooters and Fishers Party has foreshadowed a number of amendments, some of which relate to the jurisdictional issues involved in this legislation. Although we are dealing with amendment No. 1 at this stage, my comments will also be relevant to Shooters and Fishers Party amendments Nos 2, 6, 7 and 8, which all relate to jurisdictional issues.

The Government opposes the amendments, which would have the effect of conferring jurisdiction on the Industrial Court and the Local Court to hear and determine prosecutions for alleged category 3 breaches of the proposed Work Health and Safety Act. The proposed amendments would allow other offences to be dealt with by the mainstream courts. Proceedings for category 1 and 2 criminal offences under the Work Health and Safety Bill will be dealt with by the Local Court and District Court as proposed by the Government. Proceedings for category 1 matters would be taken on indictment.

The Work Health and Safety Bill provides for criminal offence proceedings to be heard either in the Local Court or the District Court depending on the penalty sought. The most serious offence, the category 1 offence for reckless conduct exposing an individual to a risk of death or serious injury, is to be heard as an indictable offence by the Supreme Court. A category 1 offence, in particular, carries a penalty of up to five years imprisonment and should be heard by a judge and jury.

The Industrial Relations Commission will continue to have an important role under the New South Wales Work Health and Safety Bill. The commission will be charged with responsibility for matters such as authorisation of health and safety representatives, the issue of work health and safety entry permits to union officials, arbitrating disputes about right of entry and reviewing certain decisions made by WorkCover inspectors. Proceedings for criminal offences under the Work Health and Safety Bill will be heard by the mainstream court following the Government's policy decision that such offences should be heard in a way that is consistent with the treatment of other criminal offences in the New South Wales criminal justice system.

The move of the work health and safety jurisdiction to the mainstream courts is in line with most other jurisdictions. It has been supported by stakeholders. I note, for example, the New South Wales Minerals Council has stated:

We also welcome the decision to move occupational health and safety prosecutions to the Supreme Court. Like any other criminal matter, if there is a risk of you going to jail then you should be tried by a jury of your peers and have the basic legal rights that are afforded to anyone else in the justice system.

The Government therefore opposes the amendment.

Mr DAVID SHOEBRIDGE [9.56 a.m.]: The Greens support this amendment from the Shooters and Fishers Party. We will deal with its other amendments seriatim as they are moved. We should retain in the Act a real role for the Industrial Court, which has a decades-long history and tradition of dealing with work health and safety matters. It has judicial members with enormous expertise in dealing with work health and safety matters. Retaining a key role for the Industrial Court in the new Act, which will come into force from January next year, is an important step, the Greens believe, in ensuring that we have the highest possible standards of workplace safety.

I will not speak to the balance of what the Minister said in relation to amendment No. 1, but it is very clear that The Greens support the great majority of all matters under occupational health and safety remaining with the Industrial Court and that it have a continuing substantial role. The move by the Coalition to utterly remove any meaningful role for the Industrial Court in occupational health and safety matters is one of the most retrograde steps that this Parliament has seen to date, and hopefully will be the most retrograde step we will see over the next four years. What is disturbing about the Government's position in relation to the removal of the jurisdiction of the Industrial Court is that it never took that policy to the people of New South Wales.

This has been sprung on the people of New South Wales months after the election. The rhetoric that the Coalition took to the election was, "We want to keep the Industrial Court, we want to keep a real role for the Industrial Court and we want to make sure that occupational health and safety matters are dealt with by the Industrial Court." That was the rhetoric, but the reality—now that the Coalition is in Government and thinks it can force through its far-right agenda, stripping down the Industrial Court and attacking organised labour—is quite different. It is in many senses a betrayal of the people of New South Wales and of the pledges that the Coalition gave to the people of New South Wales in the election that it will now not support this amendment to include a real and substantial role for the Industrial Court.

Reverend the Hon. FRED NILE [9.59 a.m.]: The Christian Democratic Party supports the amendment. As we will see when we deal with other amendments, it will allow the Industrial Court to continue to have a role in certain matters.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [9.59 a.m.]: Labor supports the amendment moved by the Hon. Robert Borsak. The Opposition believes that the development of this specialist

court and jurisdiction has been essential to promoting and maintaining appropriate standards of work health and safety in this State. Retaining this learning is essential to ensuring that fair and appropriate standards are retained for the benefit of working people. The Industrial Court has the requisite forensics skills and learning in this important area. The District Court has no experience in this area whatsoever and no judges with appropriate experience in the area. Furthermore, the District Court does not have the necessary resources to undertake this very important area of the law.

During the second reading debate I referred to the statutory review of the Occupational Health and Safety Act undertaken in 2006 by an eminent former justice, the Hon. Paul Stein. He investigated in great detail the question of the courts and the occupational health and safety jurisdiction. In his report he recommended against moving this jurisdiction from the Industrial Court to other courts. Labor supports the amendment moved by the Hon. Robert Borsak.

Question—That Shooters and Fishers Party amendment No. 1 [C2011-028D] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendment No. 1 [C2011-028D] agreed to.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Greens amendment No. 1 on sheet C2011-026 and Opposition amendment No. 1 on sheet C2011-016A need not be moved as they are in the same terms as the amendment just passed by the Committee.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [10.02 a.m.]: I move Opposition amendment No. 2 on sheet 2011-016A:

No. 2 Page 5, proposed definition of *reasonably practicable*, lines 19 and 20. Omit all words on those lines.

This amendment goes to the question of "reasonably practicable" in the Work Health and Safety Bill 2011, and we have a number of other amendments that follow. Amendment No. 2 deals with the definition. Labor supports removing the "reasonably practicable" provisions from the bill because they will have the effect of reducing the standard of workplace safety protection currently enjoyed by workers in New South Wales. At present the duties imposed by the legislation on employers and controllers of work premises are very high. They require that they shall ensure a safe place of work.

This new concept faces a number of quite wide caveats and qualifications on this duty that are set out in clause 18 and relied upon throughout clause 19 to clause 26, which set out duties imposed on various persons. The effect is that in any proceeding for an alleged breach of any of the clauses from clause 19 to clause 26 the prosecution will have to prove the various matters set out in clause 18 (a) to (e), which in many respects would be uniquely within the knowledge of a defendant rather than any other person. While superficially plausible, the actual effect of these clauses will be to drive a hole right through the heart of workplace safety in New South Wales by reducing the standard required of employers and those who control work premises.

It is fairer and more appropriate that the concept of what is reasonably practicable or not is raised as a proper defence to any charge of breaching a duty imposed by the Act so a defendant can set out matters as a defence to any charge. Those matters can be tested and evaluated, not only by the prosecutor but also by an experienced and impartial court of law. This is what Labor proposes in amendment No. 30, which will insert clause 229C "General Defence". There are a number of consequential Opposition amendments around the question of "reasonably practicable" that flow from this and that go to the crucial question of the onus of proof.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [10.05 a.m.]: As the Deputy Leader of the Opposition has indicated, this is the first of a series of amendments that relate to the reverse onus of proof. Effectively, they represent the Opposition's attempt to retain the current unfair system. As I stated, there are a number of amendments that relate to this issue, such as Opposition amendments Nos 2 to 24, 30 and 34. The Greens amendments Nos 2 to 24 are similar. The Government opposes the amendments. The amendments would have the effect of introducing the reverse onus of proof in the general duty divisions in the Work Health and Safety Bill 2011.

The amendments proposed by the Opposition would place New South Wales in breach of its Council of Australian Governments [COAG] obligations under the Intergovernmental Agreement for Operational and Regulatory Reform in Occupational Health and Safety, which was signed by the representatives of each State

and Territory government as well as the Commonwealth and included the former Government of New South Wales. The intergovernmental agreement sets out the agreement of the parties to work cooperatively to harmonise occupational health and safety legislation. The agreement states:

Where WRMC [Workplace Relations Ministers' Council] agrees to the proposed model OHS Act by consensus, it becomes the agreed model OHS Act. WRMC [Workplace Relations Ministers' Council] will make a public announcement of its decision which will include the commitment of all jurisdictions to fully implement the agreed model OHS Act no later than December 2011.

There may be an effect on Council of Australian Governments payments for New South Wales if the model Work Health and Safety Bill is not enacted in the agreed form. Of course, employer groups would criticise a departure from the model Work Health and Safety Bill in that respect.

The amendments proposed by the Opposition and The Greens would strike at a fundamental plank of the platform on which the Work Health and Safety Bill rests. The bill reflects the recommendations of the review panel that considered occupational health and safety laws throughout Australia. Those recommendations were endorsed by the Workplace Relations Ministers Council in 2009. That council's representatives included the then Labor Government in New South Wales. I am sure members would be interested to know that similar legislation was passed earlier this week by the Queensland Parliament.

Mr David Shoebridge: Queensland has only one Chamber.

The Hon. GREG PEARCE: And it is controlled by a Labor Government. I believe it is a Labor Government, is it not, that passed similar legislation unamended? Yes. For many years New South Wales businesses have argued that the reverse onus of proof and the deemed liability of directors and managers are too onerous for employers. The move is consistent with the High Court's landmark decision in *Kirk* in 2010 and with criminal law in which the prosecution should bear the onus of proof. The Government opposes this amendment and others I have mentioned.

Mr DAVID SHOEBRIDGE [10.08 a.m.]: The Greens support this amendment, which amends the definitional clause about what "reasonably practicable" means. While there may be some modest role for the phrase "reasonably practicable" throughout the bill outside the reverse onus, the amendment to remove it from the definitions is supported by The Greens.

Reverend the Hon. FRED NILE [10.09 a.m.]: As the Hon. Greg Pearce has outlined, this is a vital aspect of the model legislation. It was supported by Federal Labor and State Labor governments, and by the previous New South Wales State Labor Government. If this amendment were carried it would reverse the whole intent of the model legislation. Therefore, we cannot support it.

The Hon. ERIC ROOZENDAAL [10.09 a.m.]: I support the amendment. The Government seeks to remove the reverse onus of proof provisions which ensure that after a breach of the Act has been proven beyond reasonable doubt employers are then expected to prove that they did everything reasonably practicable to prevent the accident. The reverse onus of proof is not unique to industrial law; it applies also in other areas of law. One must ask why the Government is going down this track, because it was not mentioned in the lead-up to the election. It was never flagged to the electorate that these were the bottom-drawer plans of the Liberals and The Nationals. This was never flagged. It is interesting that in today's *Sydney Morning Herald* Justice Boland clearly articulates that he cannot understand why occupational health and safety and other major changes to industrial relations in this State were not flagged to the electorate.

The reason they were not flagged to the electorate is that the Coalition would not have obtained the mandate it did had it been honest with the people of New South Wales. Let us be very clear: If it walks like a duck and it quacks like a duck it usually is a duck. Coalition members have been completely dishonest with the people of New South Wales. Then they feign shock when members of the union movement, Unions NSW and members of the judiciary all say, "This is not right." The Coalition did not tell the people of New South Wales that this was its plan. It did not flag to the 400,000 public servants in this State that it had a plan to slash and burn. Where did the Coalition get this idea from? Where was this idea taken from? Again, in the *Sydney Morning Herald* today we learn that the plan was from the three stooges: Nick Greiner, Max the Axe and, of course, Jeff Kennett. The three stooges of Liberal conservative industrial policy are behind this idea.

That is why I oppose all of these Government amendments and support the Opposition amendments. We will not allow the Government to think it can trick the people of New South Wales, that it can be dishonest

with the people of New South Wales and can now pursue the most right-wing industrial agenda in the country. No other Australian jurisdiction seeks to allow the Parliament alone to set the salaries and conditions of public servants. No other jurisdiction does that. This is part of the Government's right-wing agenda about which it was deliberately dishonest to the people of New South Wales.

Members opposite had their top-drawer, middle-drawer and bottom-drawer promises, but this one was hidden behind the filing cabinet because they did not want anyone to know about these changes. Half of their caucus sit nervously as police, nurses, teachers and Department of Community Services workers come into their electorate offices and ask, "What are you doing to us? You never told us about this. You never said you would change our conditions. You never said you would remove the umpire from the industrial relations agenda." How dare they come here today and claim a mandate for these changes. They have no mandate for these changes. They were dishonest. That is why we must oppose the bill and support the amendments.

Question—That Opposition amendment No. 2 [C2011-016A] be agreed to—put.

The Committee divided.

Ayes, 19

Ms Barham	Mr Kelly	Mr Shoebridge
Mr Buckingham	Mr Moselmane	Mr Veitch
Ms Cotsis	Mr Primrose	Ms Westwood
Mr Donnelly	Mr Roozendaal	
Ms Faehrmann	Mr Searle	<i>Tellers,</i>
Mr Foley	Mr Secord	Ms Fazio
Dr Kaye	Ms Sharpe	Ms Voltz

Noes, 21

Mr Ajaka	Mr Green	Reverend Nile
Mr Blair	Mr Harwin	Mrs Pavey
Mr Borsak	Mr Khan	Mr Pearce
Mr Clarke	Mr Lynn	
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Mrs Mitchell	Dr Phelps

Question resolved in the negative.

Opposition amendment No. 2 [C2011-016A] negatived.

Question—That clause 4 as amended be agreed to—put and resolved in the affirmative.

Clause 4 as amended agreed to.

Clauses 5 to 12 agreed to.

Clauses 13 to 16 agreed to.

Mr DAVID SHOEBRIDGE [10.24 a.m.], by leave: I move Greens amendments Nos 1 to 22 on sheet C2011-019A in globo:

- No. 1 Page 10, clause 17, lines 25–31. Omit all words on those lines.
- No. 2 Page 11, proposed Subdivision 2 of Division 1 of Part 2, lines 1–19. Omit all words on those lines.
- No. 3 Page 11, clause 19, lines 22 and 23. Omit ", so far as is reasonably practicable,".
- No. 4 Page 11, clause 19, lines 28 and 29. Omit ", so far as is reasonably practicable,".
- No. 5 Page 11, clause 19, line 33. Omit ", so far as is reasonably practicable".

- No. 6 Page 12, clause 19, lines 21 and 22. Omit ", so far as is reasonably practicable,".
- No. 7 Page 12, clause 19, line 24. Omit ", so far as is reasonably practicable,".
- No. 8 Page 13, clause 20, lines 1 and 2. Omit ", so far as is reasonably practicable,".
- No. 9 Page 13, clause 21, line 17. Omit ", so far as is reasonably practicable,".
- No. 10 Page 13, clause 22, line 30. Omit ", so far as is reasonably practicable,".
- No. 11 Page 14, clause 22, line 34. Omit ", so far as is reasonably practicable,".
- No. 12 Page 15, clause 23, line 11. Omit ", so far as is reasonably practicable,".
- No. 13 Page 16, clause 23, line 14. Omit ", so far as is reasonably practicable,".
- No. 14 Page 16, clause 24, line 28. Omit ", so far as is reasonably practicable,".
- No. 15 Page 17, clause 24, line 36. Omit ", so far as is reasonably practicable,".
- No. 16 Page 18, clause 25, line 11. Omit ", so far as is reasonably practicable,".
- No. 17 Page 19, clause 25, line 15. Omit ", so far as is reasonably practicable,".
- No. 18 Page 19, clause 26, line 24. Omit ", so far as is reasonably practicable,".
- No. 19 Page 26, clause 39, lines 17 and 18. Omit "so far as is reasonably practicable,".
- No. 20 Page 30, clause 46, lines 6 and 7. Omit ", so far as is reasonably practicable,".
- No. 21 Page 30, clause 47, lines 14 and 15. Omit ", so far as is reasonably practicable,".
- No. 22 Page 41, clause 70, line 14. Omit ", so far as is reasonably practicable,".

These Greens amendments are aimed at the heart of the bill—to gut from the bill the provisions reversing the onus of proof. The Greens amendments seek to delete from the bill the qualification that employers have to exercise their duties only so far as is reasonably practicable. The Greens amendments seek to maintain the highest possible standards of workplace health and safety in New South Wales. There has been a national harmonisation process undertaken by Federal Labor, coopting many Labor governments in this country. Indeed the former Labor Government of New South Wales was coopted for the greater part of that harmonisation agenda.

The overriding goal of that harmonisation agenda was to provide across Australia a uniform standard of occupational health and safety laws. In a federation, wherever possible, one should aim for a uniform standard of occupational health and safety laws. But that should not be done, and must never be done, at the cost of reducing all jurisdictions to the lowest common denominator. Before the harmonisation process went through, the most stringent statutory duty that an employer had under occupational health and safety laws was that which applied, and still applies today, here in New South Wales—the absolute, unqualified duty to ensure that the workplace that it provides for its employees is as safe as possible. That duty is designed to ensure the safety of not only the employees that come to the workplace but also strangers attending the workplace, customers in shopping centre, customers at banks, and customers and clients as they travel to and from workplaces on public transport. The highest possible duty is that applying under the current law.

The bill would add the very significant qualification that the duty extends only so far as reasonably practicable. That would water down an essential duty. While such an amendment may be supported by Federal Labor and the Labor Government of Queensland, it should never be supported by any government of New South Wales. This State's legislation provides the highest standards of safety, and imposes the strictest duty on employers. That duty has functioned perfectly well for the better part of two decades. That it has functioned so well in this State for the better part of two decades has driven workplace safety reforms at a national level. That is because employers doing business in New South Wales must have work practices that live up to the high expectations of the Occupational Health and Safety Act of New South Wales.

Because employers have had to live up to those high expectations in this State similar work practices have been implemented in other States of the Commonwealth. The highest profile examples relate to the banking and finance industry. Strategic prosecutions brought by the Finance Sector Union here in New South Wales under this State's laws tidied up, cleaned up, made safe, work practices in bank branches in New South Wales. Because the banks had to meet those high standards in this State they rolled out those high standards across the country.

The gutting of the reverse onus proposed by the bill is a major step backwards for occupational health and safety in New South Wales. That matter goes to the heart of what an occupational health and safety Act should do and what a work health and safety Act should do. It should ensure that when workers go to work they come home safe. It should not be qualified. It should be an assurance that when people go to work they come home safe. It should not be qualified by "so far as is reasonably practicable", as has been suggested by the Coalition.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [10.29 a.m.]: As I indicated earlier in relation to the reverse onus of proof, the Government opposes the amendments. I do not believe that repetition wins an argument on principle, so I do not intend to go through the arguments again. As for The Greens, there is a measure of hypocrisy. They claim to stand for higher principles than everybody else, yet in this debate they are standing for the principle that an accused is guilty until they can prove their innocence.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [10.30 a.m.]: The Opposition supports The Greens amendments. Briefly on the issue of the reverse onus of proof, the onus was placed on the defendant in the 1983 Occupational Health and Safety Act. An opportunity for a review of the Act came with a Legislative Council inquiry in 1997-98 and a panel of review of the Act in 1997, chaired by Professor McCallum. The final report of that panel of review referred to the argument put by the Government in this debate that the legislation places an impossible burden on employers. However, the panel noted that the prosecution had to establish beyond reasonable doubt that the risk arose out of an employer's acts or omissions and that the causal nexus existed. It said that the reversal of the onus of proof was not exceptional in legislative terms where the legislation imposes an absolute duty.

That was supported by the Robens approach of moving away from the prescriptive to the regulatory. It was seen as appropriate for a defendant to be aware of technological matters, work practices and skills within the workplace. The approach of the panel was endorsed by the report of the Legislative Council's Standing Committee on Law and Justice in 1998. Labor supports the work done by the Legislative Council committee in the past, the review panel chaired by McCallum and the review conducted by the Hon. Paul Stein in 2006.

The Hon. Greg Pearce: The Council of Australian Governments, the Ministers councils, your Labor Government.

The Hon. LUKE FOLEY: The Minister is arguing about the national harmonisation process. In Government and in Opposition, New South Wales Labor has been arguing for the retention of these provisions. We have always argued to retain safety standards in New South Wales as a result of harmonisation. Harmonisation was never meant to reduce protections for workers. Even under the Howard Government the Workplace Relations Ministers Council promised to "ensure that protections are not reduced". When the national occupational health and safety review was commenced, the terms of reference clearly stated that "in developing harmonised occupational health and safety legislation there should be no reduction or compromise in standards". When in Government New South Wales Labor's position was clearly—and we certainly will not walk away from it in Opposition—that the harmonisation process should not be code for reducing workplace health and safety in this State. We stand by that position and we will continue to argue for it.

Mr DAVID SHOEBRIDGE [10.34 a.m.]: The Minister has suggested that The Greens have double standards. I make it clear that at all times The Greens have stood for the retention of the reverse onus and for retaining the highest possible standards of workplace safety. The Greens opposed the national harmonisation agenda to the extent that it watered down the right to the highest possible workplace safety in New South Wales. We maintain that position. Under the current law, the prosecution must still prove the elements of the offence, which is an essential element in a criminal prosecution. The prosecution must prove the relevant elements of the offence but it does not have to take the further step proposed by the Coalition of testing the "so far as reasonably practicable" in the course of the prosecution.

That matter should properly lie with the defence; it should rely on the defendant to prove what was reasonably practicable. It should not be an element of the prosecution and the charge. That is the key point. We should not require the prosecution effectively to do the defendant's job and prove what was reasonably practicable, when we all know that that is information is in the hands of the employer and the person who should be undertaking that task. That is the point. Watering down the prosecution, significantly improving the hurdle that is required in order to successfully obtain a prosecution is at the heart of the matter. Let us be clear about this.

When the amendments go through—and it looks like they will be passed by the House—it will be much harder to successfully prosecute an employer for a breach of the Act and the number of successful prosecutions will be greatly reduced. With that will come a reduction in workplace safety in New South Wales. That is the key point about this bill. We need an Act that produces the safest possible workplaces in New South Wales. This bill, with this particular qualification, will reduce the safety of workplaces and erode a key industrial safeguard in New South Wales.

Reverend the Hon. FRED NILE [10.37 a.m.]: I have already spoken on the principle of this matter and I have referred to the national model legislation. I reject any implication that voting to reject this amendment means that we support a lowering of workplace safety for workers in this State. That is not correct. I believe this legislation will reinforce workplace safety.

Dr JOHN KAYE [10.37 a.m.]: The point made by Reverend the Hon. Fred Nile does not stand up against the reality of what occupational health and safety is about. It does not stand up to the reality of risk management in any activity. Risk management is always a trade-off between cost and safety outcome. We do that. For example, we could build aeroplanes that hardly ever crash. We could build much safer aeroplanes.

The Hon. Rick Colless: We do build safe aeroplanes—

Dr JOHN KAYE: That is absolutely not true. We design aeroplanes with a probability of failure in them.

[Interruption]

If the Hon. Marie Ficarra chooses to ignore the reality, she gets onto a plane with the idea that it has been designed for 100 per cent safety. It is simply not true.

The Hon. Marie Ficarra: We do it to the best of our ability.

Dr JOHN KAYE: No, we do not do it to the best of our ability. If we did, planes would be designed with many more engines and safety features than they currently have. Life is about risk and managing risk. The point is that this legislation now shifts—

[Interruption]

Madam Chair, I am having difficulty completing my sentence.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Chair and Hansard are having difficulty hearing the debate. Dr John Kaye has the right to be heard.

Dr JOHN KAYE: This legislation shifts that trade-off point towards the point of reducing costs and increasing the number of accidents. It is clearly written in clause 18. It is clear shift away from occupational health and safety towards the convenience and profit of employers. If that is what the Government wants to do it should at least have the honesty to own up and say it is reducing costs and sacrificing the safety, health and lives of workers to achieve that outcome. Members should look closely at paragraphs (a) and (b) of clause 18, which clearly state that the trade-off is "reasonably practicable"—a term that is to be inserted throughout the legislation. It refers to the likelihood of hazard and degree of damage. It is simply shifting the goalposts. When goalposts are shifted it means that workers will get injured, sick or die and more will do so under this standard of proof than under the existing reverse onus of proof.

If that is what the Government wants to do—it can say all sorts of things about hypocrisy or whatever—The Greens will not have a bar of it. We will not be party to legislation that shifts the goalposts in that direction. Subdivision 2, division 2 and beyond go across the entire range of economic undertakings and impose that change. Under division 2 it affects the primary duty of care, businesses that are involved in management or control of workplaces, and businesses involved in the management or control of fixtures, fittings and plants at workplaces. Clause 22 refers to businesses or undertakings that design plants, substances or structures. There is also reference to those that build, import, supply, install, construct or commission them. This goes across the entire economy. This legislation effectively says that we will lower standards and safety to improve the profitability of employers.

The Hon. Greg Pearce: You can rant as long as you like, it does not make it happen.

Dr JOHN KAYE: The Minister says I can say it as often as I like but it does not make it true. The Minister needs to justify clause 18.

The Hon. Greg Pearce: We are on clause 17.

Dr JOHN KAYE: No, we are not. That is absolutely incorrect. The Greens amendments deal with clauses 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 39, 46, 47 and 70; is that not correct?

Mr David Shoebridge: We are.

Dr JOHN KAYE: We are dealing with them in globo.

The Hon. Greg Pearce: We are on clause 17, according to your note.

Dr JOHN KAYE: It is clause 18. The Minister should look at The Greens amendment No. 2, which omits lines 1 to 19 on page 11—that would delete the heading "Subdivision 2" and clause 18. We seek to amend it. This is a shoddy attempt by the Government; it was not discussed with the people of New South Wales. It is an attempt purely to appease its backers at the big end of town—businesses, manufacturers of commercial undertakings. It will give them a gift of high profits and improved profits, which is brought at the expense of injured workers. It is unconscionable. I strongly commend The Greens amendments to the Committee.

Question—That Greens amendments Nos 1 to 22 [C2011-019A] be agreed to—put.

The Committee divided.

Ayes, 18

Ms Barham	Mr Kelly	Ms Voltz
Mr Buckingham	Mr Moselmane	Ms Westwood
Ms Cotsis	Mr Primrose	
Mr Donnelly	Mr Roozendaal	
Ms Faehrmann	Mr Searle	<i>Tellers,</i>
Mr Foley	Mr Secord	Ms Fazio
Dr Kaye	Mr Shoebridge	Mr Veitch

Noes, 20

Mr Ajaka	Mr Gay	Mrs Mitchell
Mr Blair	Mr Green	Reverend Nile
Mr Borsak	Mr Harwin	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Ms Cusack	Mr MacDonald	<i>Tellers,</i>
Ms Ficarra	Mrs Maclaren-Jones	Mr Colless
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Pairs

Mr Lynn

Ms Sharpe

Question resolved in the negative.

Greens amendments Nos 1 to 22 [C2011-019A] negatived.

CHAIR: Order! Opposition amendments Nos 3 to 24 need not be moved as they are in the same terms as Greens amendments Nos 1 to 22 just negatived by the Committee.

Clause 17 agreed to.

Clauses 18 to 34 agreed to.

Clauses 35 to 39 agreed to.

Clauses 40 to 45 agreed to.

Clauses 46 to 103 agreed to.

Clauses 104 to 109 agreed to.

Clauses 110 and 111 agreed to.

Mr DAVID SHOEBRIDGE [10.54 a.m.]: I will not be moving Greens amendments Nos. 2 to 4 and 6 as circulated on sheet C2011-026.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [10.54 a.m.]: I will not be moving Opposition amendments Nos. 25 to 27 and 30 as circulated.

Clauses 112 and 113 agreed to.

Clauses 114 and 115 agreed to.

Clauses 116 to 151 agreed to.

Clauses 152 to 155 agreed to.

Clauses 156 to 190 agreed to.

Clauses 191 to 215 agreed to.

Clauses 216 to 219 agreed to.

Mr DAVID SHOEBRIDGE [10.58 a.m.]: I will not be moving Greens amendment No. 5 on sheet C2011-026.

Clauses 220 to 222 agreed to.

Clauses 223 to 229 agreed to.

Progress reported from Committee and consideration set down as an order of the day for a later hour.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Fifth Day's Debate

Debate resumed from 24 May 2011.

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

The Hon. SARAH MITCHELL [11.00 a.m.] (Inaugural Speech): I would like to begin by offering my congratulations to you, Mr President, on your election. I know that you will operate with the utmost integrity and fairness in your deliberations whilst in the Chair. I also acknowledge those seated opposite me, my colleagues, particularly those from The Nationals: the Hon. Duncan Gay, the Hon. Jenny Gardiner, the Hon. Melinda Pavey, the Hon. Rick. Colless, the Hon. Trevor Khan and my class of 2011 colleague, the Hon. Niall Blair, all of whom have been of tremendous support to me. I am looking forward to working with all members of this House, regardless of political affiliation, and contributing to the robust debate that I have already witnessed during my first few weeks in this place.

I would also like to use this opportunity to acknowledge the staff of the Parliament, who have been so generous with their time during this initial period, especially to me, given the increased administrative processes

I created, having been elected under my maiden name of Sarah Johnston but sworn in under my now married name of Sarah Mitchell. I appreciate the assistance I have been given by a range of staff across many departments and wish to formally record my thanks to you all.

It is with great pride and humility that I deliver my inaugural speech as an elected member of the Legislative Council of the Fifty-fifth Parliament. I have been given a lot of advice as to what this speech should contain, mostly by well-meaning friends and colleagues. The advice has ranged from the very simple, "Don't write anything down, just get up there and wing it", to the very sound, "Leave the emotional stuff until the end in case you cry", not to mention the insomnia inducing, "Make sure you write down every word and read it line for line as this speech will constantly be referred to during your time in office, and beyond. People will use it as a milestone for all your achievements and failures and it will become part of the history of New South Wales forever." Nothing like a reminder of the eternal nature of *Hansard* to take the pressure off. But of all the advice I have been given, there are a couple of sentiments that have constantly been expressed: Be yourself, tell the Parliament and the people of New South Wales who you are, why you are here and what you hope to achieve, and thank the people who matter. So that is the path I have chosen to take.

I was born at Gunnedah District Hospital on 10 May 1982. At that time my father, Steve, was an electrician with his own contracting business, and my mother, Marg, had a fashion boutique called Mags, which became something of an institution in Gunnedah and still exists to this day. When I came into this world my sister, Amber, was three, and my brother, Luke, was to be born a few years later. I had a fantastic childhood growing up in Gunnedah. A true child of the eighties and early nineties, I remember riding bikes in the back gully, roller-skating on our front path, looking forward to cracker night each year and never missing an episode of *A Country Practice*.

An especially vivid memory from my childhood is of my sister, Amber, who, showing early signs of her future career as a schoolteacher, decided to use me as her educational guinea pig. She made me spend many a weekend working on projects and taking tests that she had created, mainly so that she could mark them with a red pen. To this day Amber still takes credit for any of my academic achievements—and I believe I was fundamental in making her the brilliant teacher that she is today. Whether it was due to Amber's influence or not, I did enjoy school and I did achieve. I especially loved to read and always seemed to have my nose in a book. My grandmother Judy still loves to tell the story of how she came to watch me in one of my first school sports carnivals when, instead of competing in my allocated race, I decided to sit under a tree and read as I thought that was far more interesting.

Growing up I was very fortunate not only to be close to my immediate family but also to have an amazing network of extended family. I had the privilege of growing up with aunts and uncles who were more like extra sets of parents, and with cousins who were as close as siblings. I did not realise how lucky I was until I got older, but to be part of such a tight-knit family unit, which still exists to this day, is something that I truly cherish and I know that nothing is more important than family.

As much as we loved Gunnedah, my parents made the decision to try something new and enter into the hotel industry, so when I was 11 we relocated to Grafton where my parents managed a pub. This was quite a difficult challenge for our family at the time. However, in hindsight I now realise that in doing so my parents instilled in me the courage to leave my safety net and to try new things. Our time in Grafton overall was enjoyable and gave me the opportunity at a young age to meet new people from all walks of life. I learned that the best way to understand what matters most to people is just to listen to them—a skill I know will stand me in good stead in my role as a member of this House.

After a few years in Grafton my Dad decided to alter his profession slightly and move from hotel management to club management. We spent a year in Kyogle while Dad managed the local golf club, and in 1998 Dad was offered the role of manager of the Gunnedah Golf Club, so we moved home. It was not long after we had moved back to Gunnedah that it was suggested to me for the first time that perhaps politics should be my career of choice. It was 1999, I was a year 12 student at Gunnedah High School and I was meeting with the careers adviser to discuss my plans for life after the Higher School Certificate.

I remember him saying to me that I should think about politics as I seemed to be a natural leader. I was then School Captain and when I looked back I realised I had always held either a leadership or representative role during my time at school. I was also a fiercely competitive public speaker and debater and had been awarded both Lions Youth of the Year and a Rotary International exchange trip. On paper, I could see how I was seen as a leader but I dismissed the idea completely at the time, saying that I could not think of a worse career choice than going into politics. However, I think the seed may have been sown.

It appeared again when I was studying at the University of New South Wales here in Sydney. When I was picking subjects for my first semester, a friend suggested that I fill the gap in my timetable with an introduction to Australian politics course. She had taken the class the previous year and assured me that as long as I read the newspapers, which I did, I would pass without too much effort being required. So I signed up for the class and from day one became intensely interested in Australian politics and public policy.

My interest in politics continued while I was at university, and by 2004 I was ready to learn more. John Anderson was my local Federal member at the time, and I was fortunate enough to know his office manager, Angela Lyle. Ange has since become a colleague and a great friend, but at that point in time all she did was say yes to my request for work experience. It was a decision that seemed minor at the time but ended up having a huge influence on my future career. I spent two weeks in John's office during the 2004 Federal election campaign. The highlight was spending election day with John, the Deputy Prime Minister of our country, with the national media in hot pursuit on the infamous wombat trail. From that day I was completely hooked and I took up a full-time position with John in 2005.

There was an incident during my time in John's office that made me focus on the very real need for strong political representation in regional areas. It was during a redistribution of Federal electorates in 2007, where the initial proposal on the table was to abolish the seat of Gwydir, in which I lived, and to make vast changes to the seat of Parkes so that it would encompass almost half of the State of New South Wales. Not surprisingly the proposal was heavily criticised, and the Electoral Commission received thousands of letters from regional people who were angry that their voice in the Parliament was about to be silenced. A public hearing was held in Narrabri at which many people spoke about the importance of ensuring regional people were fairly represented, and I was one of them.

This was another life-changing moment for me because for the first time ever I was given the opportunity to stand up and fight in a public battle on behalf of my community. I am certain to this day that the argument we put forward in Narrabri made a difference to the end result. While we were unable to retain the name "Gwydir" for the seat, we were able to ensure that the boundaries of the newly distributed electorate of Parkes were much more reasonable and allowed communities in the area to have fair representation. I was proud to be able to contribute to that outcome.

I feel very privileged to have worked for John Anderson—a man who made such a valuable contribution to this nation. I remember being slightly in awe of John when I worked for him and, in truth, I am still somewhat in awe of him today. He is an intelligent, honest man who had the moral capacity to make tough decisions while in government for the good of our nation. I believe the policies and programs he created during his tenure are among some of the best this country has ever seen. I am grateful to John, his wife, Julia, and their family for the kind wishes they have given me upon my election to this House.

Upon John's resignation I was given the opportunity to work for Mark Coulton, who essentially is John's successor albeit in the electorate of Parkes. I first met Mark when I was working for John and was initially drawn in by his warm personality and somewhat daggy sense of humour. His wife, Robyn, also was never far from his side—an amazing woman whose political astuteness could rival some of the best in the game. I was fortunate to spend just over three years working in Mark's office in Moree, and I loved every minute of it. Mark is extraordinarily capable and I believe that the people of the Parkes electorate could have no better member serving them in Canberra. I have no doubt that, given the opportunity, Mark has the potential to make an even greater contribution to this nation, and I look forward to one day seeing him as a Minister in a Federal Coalition Government.

My relationship with Mark and Robyn is so valuable to me that we asked Mark to be the Master of Ceremonies at our recent wedding, where he referred to me as a surrogate daughter. I can honestly say that I think of Mark and Robyn as my political parents. I have spent many hours with the Coultons over the years and I will miss seeing them on a regular basis. However, I will not miss Mark's somewhat dubious music collection, and will be forever thankful that I will no longer have to listen to Slim Dusty's greatest hits during the many, many long hours it can take to travel across the Parkes electorate. I am so honoured that Mark and Robyn are in the gallery today, and I thank them both for their wonderful support and friendship. To me, they are the epitome of a dedicated partnership and I can think of no better role models for Ant and I to base ourselves on as we begin our journey in marriage and political life. I thank them for being here to share this occasion with me.

I also thank my colleagues from my years as a political staffer. I especially acknowledge Angela Lyle, Kirsty White, Kellie Maslen, Kerry Moyes, Tory Mencshelyi, Felicity Walker, Evelyn Barber, Jeremy Scott,

Julia Gunning, Erica Tudor, Erin McAliece, Polly Gibbons and Cate Bailey for making work fun and being great friends to me over the years. It was the encouragement of my work colleagues that led me to join The Nationals in early 2006 when I was 23 years old. I quickly became involved with the Young Nationals, and over the next few years worked at all levels within the organisation before being elected to my current positions as Chairman of the New South Wales Young Nationals and President of the Federal Young Nationals. I love being a Young Nat, and I know that without the opportunities and experiences I have had as a Young National then I would not be here today.

In my time with the party I have learnt to research and formulate policy ideas. I have been able to test my leadership and organisational skills and I have led the political fight on a range of issues affecting young people who are living and working in regional New South Wales. I have been able to sit on the highest levels of executive within The Nationals. I have addressed major conferences. I have travelled overseas on political exchange and I have met some amazing people and formed lifelong friendships. I thank all of my Young Nats friends, both from New South Wales and across the country, with special mentions going to Sara Burnheim, James Howlin, Ben Strang, Jesse Young, Murray Challacombe, Joe Dennis, Erin Adams, Emma Watts, Ruby Cameron, Damian Callachor and Cameron O'Neil. I also acknowledge my fellow Young National in this House, the Hon. Niall Blair. It is such a thrill for our party that two Young Nationals were elected to Parliament on 26 March, and I hope we are joined by more of our colleagues in the years ahead.

In my office at home I have a framed newspaper article from the sixties, featuring a picture of Bobby Kennedy and a quote attributed to him that particularly resonates with me. It states, "The youth of our nation are the clearest mirror of our performance." I believe that the same also could be said about the youth wings of political parties. While I am sad I will be stepping down from my positions within the Young Nationals over the coming weeks, the calibre of those who are ready to take my place is truly remarkable. There are some very bright political minds about to be unleashed. I feel very confident in saying that the future of our party is in very capable hands.

It was with the full support of my Young Nationals colleagues that I decided to put myself forward for a Legislative Council position. It was not a decision that I made lightly, and I respected the significance of the position and the responsibility that would come with it from day one. I will forever be grateful to the members of The Nationals New South Wales Central Council, who not only took me seriously in my bid but also saw enough potential in me to allocate me a position on our ticket. I will never be able to adequately express my thanks to each and every one of them, but I hope that my actions during my time in office will prove to them that they made the right choice.

The position I was awarded put me in the No. 11 spot on the Coalition ticket. This position was far from certain: in fact, no political party in the history of New South Wales had ever had 11 Legislative Council members elected. For me to take a place in this House, history would need to be made. Well, history was made. I am fiercely proud that I will forever be recorded as the first member of this House to be elected from the No. 11 spot. However, I will always remember that I am here only because of the thousands of people across this State who changed their vote for the first time ever and supported the Coalition. I also am aware that the only reason these people changed their vote was due to the tireless work of our many Coalition candidates, campaign managers, and volunteers—and I am grateful to them all.

I particularly thank the Leader of The Nationals, Andrew Stoner, my parliamentary colleagues and all of our candidates and campaign teams who, along with working on their own seats, made it an extra mission to help get me elected. Leading the charge in all of this was our State Chairman, Christine Ferguson, who was confident from the very start. I have lost count of how many times Christine said to me throughout the campaign, "I think we're going to be able to get you up!", and I thank her for constantly reminding me that there could be a light at the end of the tunnel. Equally supportive was our State Director, Ben Franklin, without whom, I am utterly convinced, I would not have been elected. Ben, you were always honest with me, even when the news was not good, and you allowed me to obsess over numbers and odds for the better part of the past 12 months. Thank you for sending me the best text message of my life, for being a wonderful friend and for creating a magnificent team to offer me even more support.

I believe that the New South Wales Nationals head office is the best political office in this country. While time does not permit me to thank the small army of staff that we now have on board, I make special mention of Greg Dezman, Nathan Quigley, Douglas Martin and Laura Clarke for their guidance and friendship. You are all amazing. I also thank my newly appointed staff member, Will Coates, who has done a wonderful job in helping me navigate through my first few weeks as an MLC. I am very lucky to have him on my team. I also

acknowledge and sincerely thank the many supporters I have had in the party over the years. Again, there are too many to name in full, but I could not let this occasion go by without mentioning just a few: the Federal President of The Nationals, John Tanner; Federal Director, Brad Henderson; Tom Lyle from Gunnedah, who has supported and encouraged my political career for over a decade; Ruth Strang from Tambar Springs, who was the only person possibly more excited than I was when I was declared elected; Peter Taylor and the Moree branch for including me during my time in their town; and finally Warwick Knight, Max Zell, Peter Bartley and the rest of the Parkes electorate crew, who have always given me their unwavering support.

It has been my experience that at times there seems to be a somewhat jaded view of The Nationals in our society. We are seen as the old country party with our membership mainly consisting of male farmers. This is simply not the case. The reality is that we are a party that exists to support everyone from regional New South Wales, whether they live on the coast, in a major regional centre or in a small one-pub village. As a reflection of this, our party membership consists of people from all walks of life—not just farmers, but doctors, lawyers, small business owners, teachers, students and tradesmen. Our diversity also is evident when we consider the varying backgrounds of our members in this House.

I believe my election to this House is further proof of how progressive and relevant we really are. I like the fact that I may be the only Nationals Party member in history to be able to make the true claim that I have never owned a pair of R. M. Williams boots—although my male colleagues assure me that if I knew how comfortable they were, I would swap my heels for a pair of RMs in an instant. My age, my gender and my background have never impeded me along my political journey in our party: in fact, I have received nothing but respect and encouragement from our membership. To write us off as just a farmers' party is simply untrue and ignores the fact that we received over half a million primary votes at the 26 March election. Clearly, the people of regional New South Wales know how important it is to have us as their voice in Parliament. I am fiercely proud of where I come from. I love my community and the people within it. I will fight until my dying days to ensure that regional communities like my home town of Gunnedah get the representation, recognition, infrastructure and services they deserve.

As a proud member of The Nationals I do not enter this House with a narrow policy agenda but rather a broader promise to do all I can to improve the lives of those living in regional New South Wales. It is particularly pleasing for me to be a member of a Government that will put regional issues back on the agenda. Our promise to deliver a decade of decentralisation will ensure more opportunities for our regional towns to grow and prosper. I believe that we must also ensure diversification of industry in regional New South Wales and support small business in every way we can. I hope that we will be able to pay particular attention to young people who want to buy or start their own small business as I believe that we have a responsibility to encourage entrepreneurs who want to contribute to our regional economies.

I strongly believe that there is no better tool in life than a good education. As I mentioned earlier, I was an avid reader as a child and to this day I am certain that developing strong literacy skills at an early age made learning easier for me. As a Government we have a responsibility to ensure that all students studying at schools across New South Wales are given the support and guidance required to develop both strong literacy and numeracy skills. If these fundamental building blocks are not properly mastered from the beginning, further education can be a real struggle. I am pleased that my colleague the Minister for Education, Adrian Piccoli, has made literacy and numeracy a government priority from the start as I know that the stronger our programs are the more future opportunities for our children.

As a young woman from a regional area I feel that I have a responsibility to make sure that I am a voice for all regional women in this Parliament and that I must keep the issues that matter most to them at the top of the agenda. One particular issue that I am very passionate about is the need for regional hospitals to have adequate maternity and paediatric services. Access to health services is a huge issue across the State and many areas of our health system need to be reformed, but in the past not enough importance has been placed on maternity services. I feel very strongly that women and their families from right across this State should have access to adequate maternity services, along with all the necessary prenatal and postnatal care, no matter where they live.

I have been fortunate to be involved with a local charity organisation in Gunnedah called PRAMS, which stands for Paediatric and Maternity Support. This group was started by a handful of young mums in Gunnedah who were fed up with the conditions of the labour ward at our local hospital and decided to do something about it. Since its inception, the members have worked incredibly hard and garnered significant

community support. They have managed to raise thousands of dollars and the money has been used not only to completely overhaul the maternity and paediatric wings at the hospital to make them a nicer environment for the mums and kids, but also to purchase medical equipment, including a vital signs machine and a new labour bed.

These achievements have been fantastic, and I have been pleased to be able to work with and support them along the way. But while aesthetic improvements to the wards are nice for a community group to do, I do not believe that it is the responsibility of small community groups to raise money for vital medical equipment. I will certainly use my voice to fight for more support for maternity and paediatric wards across this State and I hope that our Government will give these vital services the attention they deserve. My main goal while I am an elected member will be to make sure our regional communities not only survive, but also grow. To be able to do this we must keep young couples and families in our towns, and we must encourage more young couples and families to come and discover the great life outside of the cities. We need to have jobs on offer, good schools with the right learning programs and solid health services. If I am able to contribute to making this a reality, I will consider my time in public life to have been worthwhile.

It is now time for me to try to hold myself together as I thank my family. I will not look over to the gallery as I will not be able to maintain my composure. As I mentioned earlier, I have an incredibly close family. So close, that despite the fact that most of us already live in Gunnedah and see each other daily, we even holiday together at Christmas time and have done so for over three decades. The most amazing thing is that we actually enjoy each other's company. I am sure that the Hon. Jan Barham will be pleased to know that our annual pilgrimage to the beach, an event in our family since 1979, finds us staying at Byron Bay every year and injecting considerable funds into the local economy for a solid three-week period.

For the past few years, four generations of our family have been together in Byron and we have loved every minute of it. Therefore, it would come as no surprise that an event like today could not pass without some of my family being here. So I say thank you to my grandmother Meg, Aunty Pam, Aunty Jan and my cousin Isaac for coming today, and to all those watching online at home including Howard, Simon, Megan, Charlie, Nick, Rach, Pete, Alex and Ed. Thank you for not only being my biggest supporters but also for helping me to keep it real. Inflated egos do not last long in our family and I know that you will all keep me grounded along this journey.

I also acknowledge our dear family friend, Kate Smeaton, who is in the gallery. Thank you Kate for being such a big part of our lives, especially when we lived Grafton, and for being here to celebrate this occasion with us. I am also proud to have my new family represented here today. To my mother-in-law, the wonderful Roie Mitchell, who is in the gallery, I say thank you for being the complete opposite to every existing mother-in-law stereotype and for welcoming me into your family with such warmth and love. Thanks also to the rest of the Mitchell and Powell clan for their support and well wishes. I also acknowledge my late father-in-law, Andrew, who we sadly lost last year and who always had time to talk politics with me. At our celebratory lunch today we will toast to absent family and friends in the knowledge that he would have been pleased to see me here.

Unfortunately, my brother, Luke, could not be here today. I am a bit disappointed about that, as he has a keen interest in politics and I know he would have loved it. But he does have a very good reason. Luke worked hard to qualify himself as both a refrigeration mechanic and an electrician by the time he was 25. His hard work has paid off and last week he started his own business in Gunnedah. I understand his desire not to disappoint his clients by taking today off, and can only say to him: I am immensely proud of you, Luke, and know that your business will be a roaring success. I am very grateful to you, and your gorgeous partner, Kate, for your love and support.

My sister, Amber, and her husband, Tom, are here in the gallery, and I thank them both for being such a big part of my life. Tom, you inspire me with your drive to always provide the best for your family and I believe my sister could not have married a better man. Amber, I have always looked up to you and you make me realise that with a positive attitude to life you can achieve great things. I especially appreciate the time spent on your couch, often on a Friday night after a difficult working week, when life's problems are solved over a glass or two of wine. I also thank you both for producing the most amazing children on this planet, the gorgeous Oscar and the beautiful Scarlett. My niece and nephew have brought such joy to our family, and even at their young age they already remind me of qualities that may come in handy during my time as a politician. Scarlett, who at almost 11 months has mastered crawling but not yet walking, reminds me that if you fall on your face, you just need to get back up again, and that the only way you can achieve your goals is with patience, tenacity and ambition. Oscar, who is four and going through an extremely inquisitive phase, reminds me that you should never be afraid to ask why.

To my parents, Marg and Steve, who are also here today, thank you for everything you have ever done for me. Dad, you are the smartest and hardest working man I know and if I can become even half the person you are, then I will be very lucky indeed. Mum, you are my best friend and your support during this entire process has been overwhelming. Your confidence in me, stemming from the morning of my preselection when you assured me that I would have no trouble winning them over given that I had not lost an argument since I was about three, and your emotional support during the campaign was invaluable. The constant encouragement and unconditional love I have received from both of you has made me the person I am today and I would not be here without you. I promise to make you proud and to always heed your advice, Dad, which was to remain humble and never forget what an honour it is to be here.

Finally to my husband, Anthony, more commonly known as Ant. They say that three of the most challenging times you can go through as a couple are when you get married, when you start a new job and when you move house. Well, as we are a couple who never does anything by halves, we managed to do all three of these things last month. Not only did we survive, we came through it all stronger than ever. Ant, I am so lucky to have you and find it hard to put into words what you mean to me. I am very aware that I am loud, I am opinionated and I am argumentative—all qualities that might be good in a politician but that are terrible in a wife! Thank you for putting up with me. Thank you for letting me pursue my political dreams. I know that my election means we will face some logistical challenges in our personal life over the next few years as we hope to start our family and grow in our marriage, but I also know that you were my biggest supporter in all of this from day one and that, no matter what the future holds, we are on this journey together. You are the most wonderful person I have ever known, I love you with all of my heart and I am so proud to be your wife.

I am proud to stand here today at 29 years of age as an elected representative of the people of New South Wales and the youngest member of this Parliament. During my term in office I will always remember the journey and the people who got me here, and will use their example to guide me in my role. I will continue to read widely to educate myself so that every decision I make in this place will be informed. I will have the courage to leave my safety net and to try new things. I will always listen to people so that I can understand what matters most to them. I will not be afraid to make tough decisions for the greater good. I will respect the significance of this position and the responsibility that comes with it. And I will always fight to ensure that regional communities across New South Wales get the representation, recognition, infrastructure and services that they deserve. Thank you.

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

WORK HEALTH AND SAFETY BILL 2011

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2011

In Committee

Consideration resumed from an earlier hour.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind members that the Committee is considering the Work Health and Safety Bill 2011. We will now proceed to consideration of clause 229A.

Clause 229A agreed to.

The Hon. ROBERT BORSAK [11.36 a.m.]: I move Shooters and Fishers Party amendment No. 2 as circulated on sheet C2011-28D:

No. 2 Page 115, clause 229B, lines 16–28. Omit all words on those lines. Insert instead:

229B Summary procedure for offences

- (1) Except as provided by this section, proceedings for an offence against this Act or the regulations are to be dealt with summarily:
 - (a) before the Local Court, or
 - (b) before the District Court in its summary jurisdiction.

- (2) Proceedings for a Category 3 offence are to be dealt with summarily:
 - (a) before the Local Court, or
 - (b) before the Industrial Court.
- (3) Proceedings for a Category 1 offence committed by an individual are to be taken on indictment.
- (4) The maximum monetary penalty that may be imposed by the Local Court in proceedings for an offence against this Act is \$50,000, despite any higher maximum monetary penalty provided in respect of the offence.
- (5) Part 5 of Chapter 4 of the Criminal Procedure Act 1986 applies to proceedings for an offence taken before the District Court in its summary jurisdiction.
- (6) The provisions of the Industrial Relations Act 1996, and of the regulations under that Act, relating to appeals from the Local Court to the Industrial Court in connection with offences against that Act apply to proceedings before the Local Court for Category 3 offences.

Note.

Section 197 of the Industrial Relations Act 1996 deals with appeals against convictions or penalties in connection with offences against that Act.

Shooters and Fishers Party amendment No. 2 seeks to delete clause 229A, entitled Procedure for offences, and to insert a new clause 229B, Summary procedure for offences. The effect of the amendment is to allow union officials to prosecute category 3 offences at any time, without having to go through the section 231 procedure.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [11.36 a.m.]: The Government opposes the amendment, as I indicated earlier when debating jurisdictional matters. The Government has fully set out in the debate on the bill its reasons for these jurisdictional decisions, and I do not think it necessary to repeat them.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [11.37 a.m.]: I move Opposition amendment No. 1 on sheet 2011-031, which seeks to amend Shooters and Fishers Party amendment No. 2:

No. 1 Omit clause 229B from Amendment No 2. Insert instead:

229B Summary procedure for offences

- (1) Proceedings for an offence against this Act are to be dealt with summarily:
 - (a) before the Local Court, or
 - (b) before the Industrial Court.
- (2) The maximum monetary penalty that may be imposed in those proceedings by the Local Court is \$50,000, despite any higher maximum monetary penalty provided in respect of the offence.
- (3) The provisions of the Industrial Relations Act 1996, and of the regulations under that Act, relating to appeals from the Local Court to the Industrial Court in connection with offences against that Act apply to proceedings before the Local Court for offences against this Act.

Note.

Section 197 of the Industrial Relations Act 1996 deals with appeals against convictions or penalties in connection with offences against that Act.

Mr DAVID SHOEBRIDGE [11.37 a.m.]: I move Greens amendments Nos 1 and 2 on sheet C2011-032, which seeks to amend Shooters and Fishers Party amendment No. 2:

- No. 1 In Shooters and Fishers Party Amendment No. 2 omit "Proceedings for a Category 3 offence" from proposed clause 229B (2). Insert instead "Proceedings for a Category 2 offence or a Category 3 offence".
- No. 2 In Shooters and Fishers Party Amendment No. 2 omit "Category 3 offences" from proposed clause 229B (6). Insert instead "Category 2 offences and Category 3 offences".

The position before the Committee posed by the Shooters and Fishers Party initial amendment and the Opposition and The Greens amendments is this: the Coalition bill, without amendment, will strip entirely the jurisdiction of the Industrial Court to deal with prosecutions under either category 1, or category 2 or category 3

of the Act. The effect of the bill, if left unamended, would be that all prosecutions for breaches under the Act would be dealt with by the civil courts. A category 1 offence is defined in clause 31 of the bill, that is, a person commits an offence under category 1 if the person has a health and safety duty and the person, without reasonable excuse, engages in conduct that exposes an individual to whom that risk is owed to a risk of death or serious injury or illness, and the person is reckless as to the risk to an individual of death or serious injury or illness. So for an offence to be committed there must be a risk of death or serious injury or illness, and additionally there must also be a reckless element to it. It must be a risk of death or serious injury or illness, and there must be an element of recklessness to it.

Such a serious breach carries a maximum penalty of \$300,000 or five years imprisonment in the case of an individual; in the case of an individual who is a person conducting a business or undertaking the maximum penalty is \$600,000 or five years imprisonment or both; and in the case of a body corporate the maximum penalty is \$3 million. It is a very serious offence. A person commits a category 2 offence if the person has a health and safety duty, the person fails to comply with that duty and the person exposes an individual to risk of death or serious injury or illness. Category 2 offences do not require an element of recklessness and do not carry an imprisonment component. However, they carry significant fines: \$150,000, \$300,000 or \$1.5 million respectively for an individual, an individual undertaking a business and a body corporate.

A person commits a category 3 offence if the person has a health and safety duty and fails to comply with that duty. Category 3 offences are the lesser category of offence. If the offence is committed by an individual the maximum penalty is \$50,000; if it is committed by a person conducting a business or undertaking, the maximum penalty is \$100,000; and in the case of a body corporate, the maximum penalty is \$500,000. The Coalition simply wants to put prosecutions for category 3 offences in the ordinary civil courts, the Local Court, the District Court or the Supreme Court.

The Shooters and Fishers Party, in its amendment, is seeking to put category 1 offences in the Supreme Court but to have category 2 offences dealt with primarily in the District Court and category 3 offences, those lesser offences, dealt with in either the Local Court or the Industrial Court. That is a marginal improvement on the Government's proposal because it would retain a role for the Industrial Court, albeit a much circumscribed and limited role. However, there is no rational basis not to provide the Industrial Court with at least the jurisdiction to deal with category 2 offences because category 2 offences are serious occupational health and safety breaches. There is a duty, there is a breach of the duty and an individual is exposed to a risk of death or serious injury or illness. Category 2 offences do not involve recklessness and do not carry a penalty of imprisonment.

Category 2 offences are bread and butter occupational health and safety offences that should be dealt with by the Industrial Court. Category 1 offences carry a term of five years imprisonment. It is valid to suggest that a case where the defendant in an occupational health and safety prosecution faces a penalty of imprisonment should be determined in the Supreme Court on indictment with a jury present. I accept that there is a valid argument for that. Opinions can differ as to where the line should be drawn for the jurisdiction of the Industrial Court.

The Hon. Trevor Khan: Would you concede a difference of opinion?

Mr DAVID SHOEBRIDGE: I note the interjection from the Hon. Trevor Khan. Whether category 1 offences go to the Industrial Court or the Supreme Court is a matter on which we can have a legitimate argument, given that five years imprisonment is the maximum penalty for an individual. Taking someone's liberty is a serious matter, and there is an argument for offences with a penalty of imprisonment to be properly heard in the Supreme Court. If category 2 offences, which will be the bread and butter of remaining prosecutions under the Act, can be dealt with by the District Court surely they should and can be appropriately dealt with by the Industrial Court.

As I said, the Industrial Court has decades of expertise of dealing with these matters. Industrial Court judges understand the nuances of workplace health and safety, have a long practice of dealing with often complicated and difficult arrangements between employees and employers and know the role of unions in occupational health and safety matters. So I urge the Committee, particularly the members of the Shooters and Fishers Party and the Christian Democratic Party, to consider supporting The Greens amendments to leave category 1 offences, with a penalty of imprisonment, in the Supreme Court, but to transfer category 2 and category 3 offences to the ordinary civil courts. If it is good enough for the District Court to deal with category 2 and category 3 offences surely we must recognise the role of the Industrial Court and recognise that it is the appropriate jurisdiction to deal with those offences. I commend The Greens amendments to the Committee.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [11.45 a.m.]: There are numerous amendments to section 229B. For the benefit of the Committee, I will deal with the principal position taken by the Opposition on the question of the Industrial Court. In 1987 the then Unsworth Government transferred the jurisdiction to hear serious offences from the Supreme Court to the Industrial Relations Commission. The then Minister, the Hon. Pat Hills—a great man—in his second reading speech said:

The provision concerning the Industrial Commission hearing safety matters is an important one as the commission has a particular expertise in dealing with workplace issues. Occupational health and safety is a familiar area for the Industrial Commission as all appeals against the decision of the Chief Industrial Magistrate and magistrates on occupational health and safety matters are heard by the Industrial Commission. The decision of the commission in these matters is final. The provision is merely a logical extension of the commission's role in occupational health and safety matters.

Another important consideration is that the Industrial Commission enjoys the same legal status as the Supreme Court, and in this context the prosecution cases would be heard only by judicial members of the commission.

The Industrial Court—or, more accurately, its predecessor—was granted jurisdiction to hear occupational health and safety matters arising under the Occupational Health and Safety Act 1983 by an amendment to that Act in 1987. In 2004 an advice in relation to workplace death, occupational health and safety legislation and other matters was prepared for the WorkCover Authority by a panel of experts headed by Professor McCallum, Dean of the Faculty of Law at the University of Sydney. It addressed a number of questions. One was which court should hear occupational health and safety matters. The panel dealt with the circumstances in which the legislation enacted the 1987 amendment to the Occupational Health and Safety Act 1983. The panel wrote about the first prosecution in the summary jurisdiction of the Supreme Court, which concerned the State Rail Authority of New South Wales.

In 1986 the Court of Criminal Appeal handed down its decision in *Collins v State Rail Authority of New South Wales*. Proceedings were brought against the State Rail Authority of New South Wales after an electrical contractor had been electrocuted at State Rail premises. It was argued that as an occupier of non-domestic premises the authority had breached section 17 of the 1983 Act by failing to take care of the safety and health of the electrical contractors on the premises. In answering the stated case the Court of Criminal Appeal held that, as the authority had delegated powers to managers to develop and implement safety and health policies for the premises, the authority was not liable. In brief, the Court of Criminal Appeal came to this view by relying upon the well-known but now somewhat dated decision of the House of Lords in *Tesco Supermarkets Ltd v Natras*:

It is our understanding that the acquittal of the State Rail Authority of New South Wales in this matter was a surprise to various interest groups, and even to the general public of New South Wales.

The panel of experts who prepared an advice to WorkCover on the question of which court should hear occupational health and safety matters was quite pointed in its commentary on the record of the Supreme Court in hearing occupational health and safety prosecutions. In 1987 the jurisdiction to hear the more serious offences was given to the Industrial Commission on the basis of a recognition that the commission had a particular expertise in dealing with workplace issues and that occupational health and safety was a familiar area for the commission since it dealt with appeals from the Chief Industrial Magistrate and other magistrates in occupational health and safety matters.

Confirmation of jurisdiction of the Industrial Relations Commission was confirmed by the Industrial Relations Act 1991 and again by the Industrial Relations Act 1996. Jurisdiction to summarily try serious offences was given to the Industrial Relations Commission in Court Session. The position was again confirmed by the passing of the Occupational Health and Safety Act 2000. The 2006 statutory review of the Occupational Health and Safety Act, the Stein report, heard arguments from employers, unions and others regarding this question. The conclusion that the Hon. Paul Stein reached was:

The expertise of 20 years in the Industrial Court dealing with occupational health and safety proceedings outweighs the general expertise in mainstream criminal law of the District and Supreme Courts. Occupational health and safety law is very specialised and the generalist courts do not have that experience and expertise. I recommend that the jurisdiction for serious occupational health and safety proceedings remain with the Industrial Court of New South Wales.

The Australian Labor Party is persuaded by the 27-year record in this area. We believe that the Legislature got it right in 1987, 1991 and 1996. We believe that the Hon. Paul Stein in his 2006 statutory review got it right. We are just not persuaded by the argument of the new Government that the case has been made to remove the proper role for the Industrial Court in hearing serious occupational health and safety matters.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [11.55 a.m.]: The Hon. Luke Foley, the Deputy Leader of the Opposition, has provided a very thoughtful,

historical analysis of the jurisdictional issue but, unfortunately, he omitted the most recent consideration of the jurisdictional issue by the High Court of Australia in the Kirk case. I do not intend to denigrate any of the courts or commissions in the way that is implied in some of the contributions by others but, having read the decision of the High Court and having seen what had to occur to enable Mr Kirk to achieve justice, it is very clear and compelling that serious criminal cases must be heard in the mainstream criminal system. So the Government is pursuing its proposals in that regard.

The Hon. ERIC ROOZENDAAL [11.56 a.m.]: I support my colleagues in their arguments on this issue. I refer to the issue of moving the occupational health and safety breaches from the Industrial Relations Commission to the District Court and Supreme Court. We are debating a very important issue for the workers and the people of New South Wales. The Industrial Relations Commission has a long-established tradition of dealing with these very complex issues that can be matters of life and death, and they indeed should be treated very seriously. Any move as suggested by the Government will weaken the enforcement of the Act, with a wealth of specialist knowledge regarding the handling of such cases being discarded in the move to the District or Supreme courts. It is questionable action that was prepared without even the most elementary consultations. One wonders what the real agenda of the Government is when it failed to consult many members of the judiciary, the unions—

The Hon. Greg Pearce: We consulted with senior members on this issue.

The Hon. ERIC ROOZENDAAL: You might have consulted your mates at Freehills, which you admitted to in question time the other day.

The Hon. Greg Pearce: No, we consulted the Chief Justice and the Chief—

The Hon. ERIC ROOZENDAAL: But you clearly did not consult members of the Industrial Commission, in particular, Justice Roger Boland, who quite rightly says that he is puzzled why the Government kept its plans for workplace laws a secret, including that the commission no longer hear occupational health and safety cases until the bill was tabled. Why the secrecy? Why has this Government gone on such a secret strategy with its large mandate? Why has it chosen to be so sneaky about these changes? It is because it knows that this legislation will reduce the level of protection for workers in this State. It knows that if it were honest about its plan for this dramatic change to industrial relations it would have been rejected at the ballot box.

That is why the Government has kept this secret and why it failed to extend even the basic courtesy to speak to Justice Boland or other members of the Industrial Relations Commission. That is because the Government does not want to consult; it just wants to drive down the ideological road that Greiner took it down, that Kennett took it down, that Max the Axe Wilton wants to take it down. That is where the Government wants to take this process. This is an ideologically driven strategy. There is no real need to introduce this legislation and the Government has demonstrated a complete lack of consultation. Justice Boland expressed his disbelief when he wrote to Minister Pearce and about his disappointment and a complete lack of courtesy in advising him of the Government's intention to transfer the jurisdiction or even deigning to consult him regarding the occupational health and safety amendment bills.

While we understand the ideological reluctance of the anti-worker Coalition to consult with the unions—we know it does not like the organised labour movement that actually protects workers and helps employees—why is it that the O'Farrell Government's decision to introduce such far-reaching amendments to occupational health and safety laws in New South Wales occurs without the court that handles the laws having been consulted? Alarm bells ring when the Government does not even speak to members of the Industrial Relations Commission and seek their views on this dramatic change to the protection of workers in this State. It breaks convention, common sense and, not surprisingly, one of its election promises. On 11 March the Minister for Finance and Services, the Hon. Greg Pearce, promised:

Our system will remain with WorkCover and the Industrial Relations Commission playing their roles.

Straight out of his mouth, his very words!

The Hon. Luke Foley: He said he was an old lawyer also.

The Hon. ERIC ROOZENDAAL: Well, he is an old lawyer, that is true. That was before the election, when they put on their little fake faces and said, "We really care about the workers in this State". They pretended that they were not going to impact on the lives of workers in this State.

The Hon. Dr Peter Phelps: We love workers; we want more of them.

The Hon. ERIC ROOZENDAAL: Yes, but you want them working at Third World standards! That is the difference.

The Hon. Sophie Cotsis: A master-servant relationship—that is what he wants.

The Hon. ERIC ROOZENDAAL: That is exactly right; he would like lots of man-servants running around serving him every day. What we see from the Hon. Greg Pearce is that he lied to the people of this State before the election. The Government has no mandate for this change. Let us not forget the revelation yesterday in question time when he embraced outsourcing public sector positions. He embraced sending those overseas to Third World countries. He will not even deny it today.

The Hon. Greg Pearce: You've been outsourcing for years.

The Hon. ERIC ROOZENDAAL: Today he will not deny his plan to send public sector jobs overseas. He sits there turning bright red, but he will not deny it.

The Hon. Greg Pearce: Point of order: The Hon. Eric Roozendaal seems to be repeating things from when he was the Minister for Commerce and he ran a number of outsourcing projects, but I do not think it is anything to do with the leave of this bill.

The Hon. ERIC ROOZENDAAL: To the point of order: This goes to the basis of the bill. There is no mandate because he promised the people of New South Wales that the Industrial Relations Commission would continue to play the role it was playing before the election. Here we are, straight after the election, with him trying to rip those responsibilities away from the Industrial Relations Commission.

The CHAIR (The Hon. Jennifer Gardiner): Order! That is not a point of order.

The Hon. ERIC ROOZENDAAL: I can understand, as the Minister for Finance and Services changes colour, how nervous he feels about this, how the pressure is on him, because he had that moment of honesty when he confessed to the plan to outsource public sector positions before the election. Indeed, that was raised during the election campaign, but he was not allowed to talk about his plans to strip the Industrial Relations Commission of occupational health and safety responsibilities. In fact, he was dragged into Barry O'Farrell's office and big Bazza said to him, "You keep your mouth closed on this one. Do not tell the people of New South Wales about the plan I've cooked up with Greiner and Max, and with Ken in the back saying 'Kill the unions'. I've got a plan. Greg, don't say a word before the election. Wait until after the election and we'll spring it on the people of New South Wales".

Here we are today with a plan to strip the Industrial Relations Commission, with all of its respect and expertise. Indeed, I talked to some of my colleagues from the union movement earlier. Let us not pretend that the Industrial Relations Commission is a friend of the organised labour movement alone. Many decisions made by the Industrial Relations Commission have not gone down well with the labour movement, but that is what happens when there is an independent umpire—sometimes you get good decisions; sometimes you get bad decisions.

Let me say this: This is just rigging the system against the workers. This is pulling the independent umpire out of the process of occupational health and safety and rigging it. Who will be the winners? The bad employers will be the winners. Who will be the losers? The losers will be the men and women of New South Wales who rely on the Industrial Relations Commission and on the occupational health and safety laws of this State to protect their positions and the safety of their working day.

The Occupational Health and Safety Amendment Bill 2011 is a breach of trust by Premier O'Farrell. The voters of New South Wales put their faith in a Government that has repaid them with treachery. This amendment is yet another retrospective removal of a commitment it gave to voters prior to the 26 March election. This law is being forced on this Parliament effectively with no prior consultation. Employee organisations were left in the dark, and even the responsible court was not given notice of the impending changes.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [12.04 p.m.]: I will not comment on the irony of the Hon. Eric Roozendaal's alleging sneaky behaviour or secret

plans and complaining about lack of consultation. I want to correct one thing he said. I first spoke about the changes in the jurisdiction of the Industrial Relations Commission arising from the occupational health and safety laws at the Industrial Relations Society in May of last year and no-one asked me any more about it after that.

Dr JOHN KAYE [12.05 p.m.]: To be clear, there are four positions on the table for us to consider. There is the Government's position, which is that all of categories 1, 2 and 3 go to civil courts—none of them go to the industrial commission. That is the bill. That is the position the Government is holding. There is the Shooters and Fishers Party position in which category 3 prosecutions alone go to the Industrial Court. Category 3 is where there is no real exposure to risk. Category 3 is where a person fails to comply with an occupational health and safety duty, but where no individual has been exposed to a risk of death or serious injury or illness.

The Greens position is to send categories 2 and 3 to the Industrial Relations Commission, but not category 1. Categories 2 and 3 are all matters, unless there has been an act which is reckless, unless the failure to comply with an occupational health and safety duty has been done recklessly. Category 1 involves an element of recklessness and our proposal is that category 1 matters go to the Supreme Court, and categories 2 and 3 remain with the Industrial Relations Commission or the industrial court. Labor's suggestion is that all three go to the Industrial Court.

The Hon. Luke Foley: That is because we are more pure.

Dr JOHN KAYE: I was desperately trying not to acknowledge the interjection, but I could not help myself. The incredible irony of Luke Foley saying that just caught me. There is a nice argument about the issue of category 1 prosecutions and I am informed that, if you translate the criteria for category 1 to cases that have gone before, there has never yet been a prosecution that would fall under category 1, so it is somewhat of an intellectual argument at this stage. The meat of the issue is what happens to categories 2 and 3. With respect to category 1 there are two arguments. There is the argument of the amazing purity of the Labor Party, the shining light of the unblemished record with respect to industrial relations. There is also an issue put forward by the Government with respect to the rights of an individual, who may be facing a five-year imprisonment, to be tried on indictment in a court before a judge and jury. I can see both arguments. I think there is a balance between the two.

The Hon. Greg Pearce: So are you going to vote with the Government?

Dr JOHN KAYE: The Minister asks whether I am going to vote with the Government. I am certainly not. The Government's position, which I will get to in a minute, is that it all goes off to the courts and we strip the Industrial Relations Commission of occupational health and safety breach issues. That is not something that in any way whatsoever we could support. The argument in my mind—I think in the mind of The Greens—really only exists in respect of category 1 prosecutions, of which there has been none to date. Nor has there been any in relation to previous breaches that could have been categorised as category 1 under the categorisation introduced in the bill before the House at the moment. The substance of the issue comes down to category 2 and 3 prosecutions and the real question is: Is there a justification for moving those away from the Industrial Relations Commission? We cannot hide behind the national harmonisation process.

The national harmonisation process is silent on the issue of where prosecutions take place. I pose the question: Has there been something inherently irresponsible about the way the Industrial Relations Commission has handled prosecutions for these breaches in the past? I have never heard a scintilla of evidence for that. There has never been a scintilla of evidence to support the allegation that somehow or other the Industrial Relations Commission showed an extraordinary bias towards the union, towards the workforce or against employers. In fact, if anything, I would suspect the opposite. If there is any perceived bias to be seen here it would be in the other direction. It cannot be argued that the Industrial Relations Commission behaved in an adverse way. It cannot be argued that the Industrial Relations Commission behaved in an arbitrary way. The commission has a track record based on substantial experience and accumulation of expertise in these matters, which makes it a body that is both rational and sensible for dealing with these kinds of matters.

The concern that The Greens hold—and I think Labor and to some extent the Shooters and Fishers Party would hold as well—is that if we shift these prosecutions off to courts where there is no expertise or experience of dealing with these matters, some of the niceties of what is actually a very complex law may well be lost. The experience base that has been built up over the history of the Industrial Relations Commission dealing with these matters will be squandered and dispersed across the other courts. I do not accept the

Minister's suggestion that that in any way whatsoever is an attack on the other courts or in any way trying to smear the reputation of the other courts. It is accepted that workplace health and safety is a specialist issue that requires the accumulation of specialist skills.

Therefore, there is no argument for moving categories 2 and 3, and indeed category 1, across to the Local, District and Supreme courts, but there is a strong case for keeping at least categories 2 and 3 in the Industrial Court. One can only conclude, as David Shoebridge and I said during the second reading debate, that there is a kind of vendetta by the Government against the Industrial Relations Commission. It is true that early in the WorkChoices agenda of the Howard Government the Victorian Government handed over all its industrial relations to the Federal Government. There probably lurks in the mind of the Coalition Government in this State the idea of getting rid of the Industrial Relations Commission. It is impossible to escape the conclusion that this is the first step of getting rid of the Industrial Relations Commission and handing over other wage and condition determinations to the Federal jurisdiction. That would be a retrograde step, particularly for public sector workers in New South Wales, and a retrograde step for New South Wales.

The Greens cannot support the Coalition's position of handing over all these categories to the non-industrial courts. We think the position of the Shooters and Fishers Party is a step forward; it is certainly better than the Coalition's position. We think that category 2 should stay with the Industrial Relations Commission and there is a nice argument about where category 1 should end up.

Question—That Opposition amendment No. 1 [C2011-031] to Shooters and Fishers Party amendment No. 2 [C2011-28D] be agreed to—put and resolved in the negative.

Opposition amendment No. 1 [C2011-031] to Shooters and Fishers Party amendment No. 2 [C2011-28D] negatived.

Question—That Greens amendments Nos 1 and 2 [C2011-032] to Shooters and Fishers Party amendment No. 2 [C2011-28D] be agreed to—put.

The Committee divided.

Ayes, 16

Ms Barham	Mr Kelly	Ms Sharpe
Mr Buckingham	Mr Moselmane	Mr Shoebridge
Ms Cotsis	Mr Primrose	
Ms Faehrmann	Mr Roozendaal	<i>Tellers,</i>
Ms Fazio	Mr Searle	Mr Donnelly
Dr Kaye	Mr Secord	Ms Voltz

Noes, 18

Mr Blair	Mr Green	Reverend Nile
Mr Borsak	Mr Harwin	Mr Pearce
Mr Clarke	Mr Khan	
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Mrs Mitchell	Dr Phelps

Pairs

Mr Foley	Mr Ajaka
Mr Veitch	Mr Lynn
Ms Westwood	Mrs Pavey

Question resolved in the negative.

Greens amendments Nos 1 and 2 [C2011-032] to the Shooters and Fishers Party amendment No. 2 [C2011-28D] negatived.

The CHAIR (The Hon. Jennifer Gardiner): I seek confirmation from The Greens that they are not proposing to move their amendment No. 6 on sheet C2011-026. I also seek confirmation from the Opposition that it is not proposing to move its amendment No. 29 on sheet C2011-016A.

Mr DAVID SHOEBRIDGE [12.23 p.m.]: That is correct.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [12.23 p.m.]: Yes.

Question—That Shooters and Fishers Party amendment No. 2 [C2011-028D] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendment No. 2 [C2011-028D] agreed to.

Question—That clause 229B as amended be agreed to—put and resolved in the affirmative.

Clause 229B as amended agreed to.

The CHAIR (The Hon. Jennifer Gardiner): Is Mr David Shoebridge moving The Greens amendment No. 23 circulated on sheet C2011-019A?

Mr DAVID SHOEBRIDGE [12.24 p.m.]: No, I am not moving The Greens amendment No. 23.

The CHAIR (The Hon. Jennifer Gardiner): Is the Opposition moving its amendment No. 30 circulated on sheet 2011-016A?

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [12.24 p.m.]: No, I will not be moving Opposition amendment No. 30.

The Hon. ROBERT BORSAK [12.25 p.m.]: I move Shooters and Fishers Party amendment No. 3 on sheet C2011-028D:

No. 3 Page 115, clause 230. Insert at the end of line 34:

, or

- (c) the secretary of an industrial organisation of employees any member or members of which are concerned in the matter to which the proceedings relate, but only as permitted by subsection (3) if the offence concerned is a Category 1 offence or a Category 2 offence.

Amendment No. 3 will allow a secretary of an industrial organisation of employees or any member or members of an organisation to bring proceedings for a category 1 offence and a category 2 offence in the bill, but only as permitted by subclause (3) which relates to the general guidelines issued by the regulator.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [12.26 p.m.]: The Government opposes this amendment. We have canvassed at length the reasons that we believe the prosecutions should be conducted by the regulator. The Federal process and the agreements that have been reached require that. I do not think I really need to go over that again. However, I again point out that the Government and the State of New South Wales are at risk if we do not harmonise the laws in accordance with the model legislation. The amount in total is \$144 million over two years. We would not like to see these amendments put that funding at risk.

Mr DAVID SHOEBRIDGE [12.27 p.m.]: I move The Greens amendment No. 3 on sheet C2011-032 as an amendment to the Shooters and Fishers Party No. 3 on sheet C2011-028D:

No. 3 In Shooters and Fishers Party Amendment No. 3 omit ", but only as permitted by subsection (3) if the offence concerned is a Category 1 offence or a Category 2 offence".

While The Greens acknowledge that the Shooters and Fishers Party's amendment goes some way towards retaining a union's right to prosecute—

The Hon. Trevor Khan: Another concession!

Mr DAVID SHOEBRIDGE: This Committee is sounding more like an aviary than a Parliament. The amendment will retain a union's right to prosecute for a category 3 offence, which is a lesser category of offence, and that is a positive element. It really is a statement of principle that organised labour or unions have not only a perfectly valid role as passive participants in this new occupational health and safety regime but also a valid and active role as a prosecutor. When unions see a breach of the work health and safety laws that seriously prejudices the interests of their members or the general public, they have a perfectly valid role in bringing a prosecution and seeking to bring to justice someone who has breached these important duties as well as enforce those occupational health and safety roles.

The Coalition's proposal reflects its refusal to acknowledge that legitimate place of industrial organisations and unions as a prosecutor enforcing occupational health and safety rights and enforcing laws relating to a safer place in which to work. I acknowledge that the Shooters and Fishers Party's amendment goes some way towards including that in category 3.

The amendment of the Shooters and Fishers Party effectively puts unions in place as a backstop if the regulator, WorkCover, refuses to accept the advice of the Director of Public Prosecutions to prosecute for a category 1 or category 2 offence. If the Director of Public Prosecutions advises that a case is relevant but WorkCover refuses to act, the amendment enables an industrial organisation, a union, to take on the prosecution. Acknowledging that unions have an absolutely legitimate place to bring prosecutions is a step forward from the Coalition's denial of any legitimate right for organised labour to take part as a prosecutor under the Act.

The amendment of The Greens simply seeks to retain the status quo: unions have a right to prosecute. When their members are being harmed or are at risk and where a union secretary forms the view that a prosecution is required, it should have that fundamental right to stand up for the rights of its members. Unions should have not only the right to protect their members from occupational health and safety risks but also the right to prosecute to make workplaces safer for all of us. This was apparent from the enormously far-sighted prosecutions of the Finance Sector Union [FSU], the Australian Services Union [ASU] and the Construction, Forestry, Mining and Energy Union [CFMEU]. I commend The Greens amendment to the Committee.

Progress reported from Committee and consideration set down as an order of the day for a later hour.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Fifth Day's Debate

Debate resumed from an earlier hour.

The PRESIDENT: I ask members to extend the usual courtesies to the Hon. Niall Blair, who is about to make his inaugural speech.

The Hon. NIALL BLAIR [12.32 p.m.] (Inaugural Speech): May I commence by congratulating you, Mr President, on your appointment and also acknowledging all other members of this place in the Fifty-fifth Parliament. I stand before you today in this place and in front of the many people who have contributed to my being elected to the Fifty-fifth Parliament to outline to the House what I stand for and hope to achieve during my time in Parliament. As a first-generation Australian, I reaffirm my commitment and dedication to this great country and to the people of the New South Wales. In order to outline to the House what I intend to achieve while in this place I must go back and explain the events and environment that have influenced me and impacted upon my life to date. As I mentioned, I am the first of my family to be born in Australia with my parents emigrating in the 1970s from the then troubled Northern Ireland.

My parents came to Australia through a recruitment program arranged by the New South Wales Government to fill a skill shortage of high school teachers from countries all over the world. My father came out first and settled with his best friend from university, the late Angus Payne, and his wife, Dorothy, on the New South Wales Central Coast. When my mother followed some months later my parents were married and, after a number of different postings to high schools throughout New South Wales, they finally settled in Goulburn. My father, John, came from a sailing family based in Larne, a major regional port in Northern Ireland, and my mother, Linda, came from a small village called Glarryford, where my grandfather worked in the agricultural industry. These factors contributed to them feeling comfortable settling in a regional town like Goulburn. I must admit that at times the climate in Goulburn must make them feel as if they are back in Northern Ireland.

So Goulburn was where I was born, along with my two younger brothers, Stuart and Alan. Life in Goulburn was simple: we attended school at Goulburn North public and Mulwaree high schools. During my school years my parents set many good examples for us to follow as they were not just passengers in their community but always keen to get involved and make a difference. My mother was heavily involved with many organisations such as the school parents and citizens, and Neighbourhood Watch, and my father took an active role in coaching sporting teams, particularly soccer—or, as he would always correct me, football. It was during my younger years that my father also taught mathematics to the prisoners at Goulburn jail one night per week as a second job—not a situation for the faint-hearted, but it provided an opportunity for us to plan and save for our next trip back to Northern Ireland.

It can be said that my parents' involvement in the community created a culture and an example for us to follow. That was where my ethic to get involved ultimately started. Growing up in Goulburn and watching my parents get involved definitely shaped my attitude towards empowering communities to best make decisions that directly impact upon them. The other way in which my parents have contributed to my being here today is through their strong belief in the importance and value of education, and in ensuring that everyone has the same opportunities to better themselves through learning and vocational training. I will elaborate on that later. I come from a strong family of educators. As mentioned my father was a maths teacher and my mother was a home economics teacher. That is very interesting because although they were great teachers, I am hopeless at maths and my wife, Melinda, will confirm that I am no master chef at home.

My real ambition whilst at school was to follow my parents into teaching and to become a physical education teacher. Unfortunately, I spent more time on the sporting field than studying and fell way short of the required university entrance mark. The upside of this was that I had the honour of representing New South Wales in hockey and was selected in Australian honours squads for indoor soccer and rugby union. To me sport is a valuable aspect of every community and one that should bring together people of all walks of life. It should be beyond politics, class, race and religion.

I am proud to point to two examples that underpin this belief that are both related to my Northern Irish heritage. The first example relates to my late grandpa Jim Blair, who was the first protestant to sign to play football for the Belfast Celtic football club. Unfortunately, a broken leg prevented him from playing. I am told it was not a knee-capping, but it was a brave decision nonetheless. The other example relates to the Irish rugby team. After all the sectarian troubles over the years in Ireland the one thing that all sides can agree upon is to play rugby as one nation and under a neutral anthem. To me these examples underpin the important role that sport can play in any community. In regional areas this importance is magnified. Along with its healthy lifestyle benefits, sport is the social link for many areas and a great diversion for our youth to keep them engaged in their local area. For this reason I will work hard to ensure that everyone in New South Wales and, in particular, regional New South Wales, can have access to the facilities, particularly local showgrounds and community halls, as well as the opportunities to participate in sporting activities.

My failure to secure a spot to become a teacher turned out to be a blessing. After a short stint as an apprentice electrician in an open-cut mine, I packed up and headed off to study my Bachelor of Applied Science in Horticulture at Hawkesbury Agricultural College in 1995. At Hawkesbury I was introduced to young people from across the State who, like me, had to leave regional New South Wales to further their education. I was automatically attracted to the tradition and culture at Hawkesbury college. Established in 1891 the college offered me a heritage and an old link to Australia that my family could not be offered. The college is steeped in history and has made a huge contribution to many communities across all of regional Australia. For a long time it was under the control of the then Department of Agriculture and was at the forefront of research programs for agriculture and horticulture in this State. Therefore, it is no surprise to anyone to hear that I will be a vocal advocate for the continued commitment towards primary industries in general, particularly research stations across all of regional New South Wales, to ensure we continue to produce the very best food and fibre in Australia.

It was at Hawkesbury where I first ventured into some level of political activity. I was elected as the assistant secretary of the student union. As a union we were always willing to take on the big issues and we spent many hours campaigning against the social ecology students—many of whom were members of The Greens—to stop them from turning the rugby ovals into a permaculture plot. I report that the rugby fields are still there today, testament to our success. Hawkesbury gave me a wide network of pals and alumni across many industry sectors throughout regional New South Wales and my life is much richer for the experience. At this point I would like to acknowledge the Hon. Rick Colless, also an old boy of Hawkesbury Agriculture College and, I am proud to say, a colleague of mine.

The Hon. Trevor Khan: But a lot older.

The Hon. NIAL BLAIR: A lot older. We go back to 1891. After graduating from Hawkesbury I spent some time pulling beers at the Hornsby Inn and landscaping throughout Sydney before I secured a job with Manly council as a horticulturist and later as its parks technical officer. From Manly council I moved to Marrickville council as a tree management officer, a topic that no doubt will be explored further with members of the crossbench at a later date. Then at the age of 22 I secured a position with Leeton Shire Council as the Manager of Parks and Recreation and moved to the Riverina.

Throughout my time working in local government, I came to appreciate its place in our community as an essential provider of frontline services, particularly in regional communities. Heavily criticised at many times, local councils need to be adequately funded to allow them to efficiently and effectively implement the services that their communities require. They also need to be empowered to make the decisions about their community that impact on their community, particularly planning decisions, and that is why I support restoring planning powers to local government. I am a believer in decentralisation and feel that we need to work with our local councils to ensure they can provide infrastructure to assist with the Coalition's planned decade of decentralisation, another great policy that the Coalition will deliver in government.

For nearly 10 years I worked in local government and learnt from many great people, but Simon Bradley and Brett Lee were two people that contributed most to my career in this field and to them I say thank you. After working for Manly council, which was a Liberal council, Marrickville council, which was a Labor-Greens council, and Leeton Council, which at the time was a Country Labor council, it is no wonder I joined the Nationals.

During my time at Leeton I also spent five years as a retained fire-fighter within NSW Fire Brigades. This position allowed me to service my community in many ways and to get a full appreciation of the importance of our emergency services. In that five-year period I attended numerous emergency incidents, and participated in emergency taskforces and many community events. Through this time I was able to understand the importance of close personal relationships within the emergency services, particularly the need for the extended family members to support the emergency service personnel, who are daily exposed to situations and scenes that no-one wishes to experience.

Although I was paid for my time, I did work alongside members of other agencies who were volunteers. Getting people to volunteer their time to serve their community is becoming increasingly difficult. Without volunteers many things in our community just will not happen and we as a Government need to be creative and innovative to ensure that people keep getting involved. This is another area that I will work hard on while in this place.

The one great lesson I learnt from my time in the brigade was that good leaders are good decision-makers. This was demonstrated to me by retired Chief Superintendent Michael Hurley, who I am very honoured to say is here in the gallery today; Superintendent David Lewis, who is also in the gallery with his wife, Elise; and Station Captain Graham Parkes. I was under the command of all three of these men at various times and each had his own leadership style; however, their common ability to make decisions under pressure—sometimes unpopular decisions—ultimately commanded the respect of all of those who served under them and saved lives in the process. To me, being able to make difficult decisions is an essential attribute for a member of this place, and I thank those three men for their leading example and hope to match their ability in this field.

In 2001 whilst I was working for Leeton Shire Council the new occupational laws took effect in New South Wales. As a departmental manager I ensured that I became familiar with the new legislation and my responsibilities. At this time it was very difficult to get good information about the safety legislation without thinking that the sky was falling and that we as managers would all end up in jail. I personally feel that the Government at the time and WorkCover failed to adequately explain the responsibilities and provision of the Act and the regulation to many industry sectors, but particularly those in regional New South Wales. From here I could not rest: I wanted to know more and wanted to help those who feared the legislation.

This kick-started my vocational training. I attended TAFE at night and studied through OTEN to gain a number of qualifications that eventually led to my successfully completing my masters in occupational health and safety through the distance learning section of the University of Newcastle. However, my wife Melinda claims half of this qualification because she did a lot of editing of my essays and papers, and she must be acknowledged for that. To me, this highlighted the importance for regional people of being able to access

training and education to advance their career prospects. We have a skill shortage in regional areas, and making vocational training available is an essential element for anyone who wants to better themselves or change their career prospects.

I witnessed two great examples of this when I taught at TAFE as a garden design teacher and then managed the apprentice training school for Integral Energy, and that enabled me to oversee the career development and training of 120 apprentices. In both cases I watched people change their lives for the better through vocational training. In my case, my access to vocational training allowed Melinda and me to start up our own safety training and consulting business in Leeton. Before too long I became a WorkCover trainer and assessor as well as a New South Wales trainer for traffic management qualifications.

Over the next seven years our safety company serviced a range of industries throughout Australia. It became a registered training organisation and our operations expanded. We moved into safety systems auditing and consulting and developed a name as an industry leader in agricultural safety systems and a lead training provider for the local government and electricity sectors. I would like to acknowledge some of my clients who are here in the gallery today, particularly Richard Read and Stuart Johnson from the Paraway Pastoral Company. Thank you for your support and confidence over the years.

Although all of our staff over the years have been great, the success of this company must be attributed to the three great women in our business. To my wife, Melinda, Toni Frost and Wendy Cochrane, the three women who ruled my working life, I say thanks. However successful we were in helping companies with the implementation of their safety systems I could not shake the feeling that I was working with a dodgy product, particularly when trying to work with companies that covered more than one jurisdiction and that parts of the Act and regulation needed review. So I started to see how I could work to try to make things better for regional small business owners and workers alike. Around this time I met my local member of Parliament, The Nationals' Adrian Piccoli, member for Murrumbidgee. I liked him and his views, and I started to research The Nationals further. I liked what I saw and joined the party immediately. We go to the same barber as well!

To me, The Nationals were talking to me as a regionally based father, a small business owner, an employer, a homeowner, and a member of a regional community that relied upon essential services. It was clear to me that The Nationals were a geographical party, available to represent everyone from regional and rural communities regardless of their race, vocation, religion or personal circumstances. You only have to look at The Nationals members in both Houses of the Fifty-fifth Parliament to understand that we represent a large number of demographics within our State. We really are a diverse bunch—look at Trevor! And who would have thought that the Hon. Sarah Mitchell, at 29, and I, at 34, would be the two youngest members of this House and both members of The Nationals. The Nationals have been written off many times as a party, but as Paul Davey titled his book on the history of our party last year, we are *Ninety Not Out*.

As a party The Nationals will never forget where we came from. I take it as a compliment when people refer to us as the old country party, because I see only good things that come out of the country. But we have progressed from those days; now we represent not only the farming community but all of the regional community. In regional New South Wales we produce or have access to the very finest food, fibre, resources, tourism opportunities and environment that Australia can offer. The Nationals is the only party that truly represents regional New South Wales, and I am proud to be a part of its team in this place.

To illustrate how far The Nationals have progressed as a professional political party one need only look at our campaign at the 26 March election. In March The Nationals won 18 out of the 20 seats that we contested, and we broke a few records along the way. Our campaign was kicked off by the brave decision of our party's central council to hold Australia's first ever community preselection in Tamworth. On Saturday 25 June 2010 more than 4,300 people turned out in pouring rain on a freezing day to elect Kevin Anderson as The Nationals candidate for the seat of Tamworth. I worked on a booth in Manilla that day and was proud to be part of political history—but I was even prouder that it was The Nationals who were making it.

During the campaign I had a chance to work with many of our great candidates, namely, John Barilaro in Monaro, Paul Toole in Bathurst, Troy Grant in Dubbo, and Andrew Gee in Orange. The hard work and results that these candidates achieved, along with Leslie Williams in Port Macquarie, Stephen Bromhead in Myall Lakes and Kevin Anderson in Tamworth, contributed to our upper House vote, and for that I am thankful. These results, however, would not have been possible without the work of our duty MLCs and my now colleagues, led by the Hon. Duncan Gay, the Hon. Jenny Gardiner, the Hon. Rick Colless, the Hon. Melinda Pavey and in particular the Hon. Trevor Khan, whose his upper House campaign work made a big difference to our result.

Our Nationals members of Parliament in the other place, led by our leader Andrew Stoner and Adrian Piccoli, have worked hard for many years in opposition to lay the platform for all of our candidates to work on, and to them I am forever grateful. I am also pleased to acknowledge my State and Federal chairman of the Young Nations, Sarah Mitchell, as now a colleague in this place. I still am a Young National; I may not look like it but I have one year to go. Congratulations, Sarah. I am glad that I can experience all of these new things with you literally right next door. The Nationals campaign and the organisation as a whole in New South Wales are directed by a professional and committed team. The recent success of our party is a tribute to our central council and executive, which has improved and evolved over time under the inspirational leadership of our State Chairman Christine Ferguson, whom I am glad to acknowledge is in the gallery today.

Our team at head office during the campaign of Greg Dezman, Nathan Quigley, Felicity Walker, Douglas Martin and Laura Clarke made great personal sacrifices to help us get elected, and to them I am grateful. I make special mention of our State Director, Ben Franklin, who is also here today. Ben has been the architect of our party's recent resurgence and our campaign result. He has broken down many barriers within our party and has always had the courage to fight for what he knows is in our best interests, no matter how difficult that may be. Ben, you now have your own place in the history of our party, and to you I say thank you. I also appreciate the efforts of our campaign managers, central councillors, members and election volunteers. I am a proud member of our party and will work hard to uphold our beliefs and serve our members to the best of my ability.

I would like to finish by personally thanking some people. To my parents, John and Linda, I say thank you for all of the opportunities and support throughout my life, but not for the hereditary baldness. You can pick which person in the gallery is my dad! To my brother Stuart and his wife, Sally, my brother Alan and his fiancée, Katrina, and to Melinda's siblings, in particular Fiona and Mark, thank you for your support and for putting up with my political talk at family functions. To my mother-in-law, Grace, thanks for all of your help. It is comforting to know that you are there when needed, especially when I am away.

To my research assistant Katrina Carlon, thank you for assisting me to find my way here at Parliament. I am sure we will achieve many great things together in this place. To the many mates out there and central councillors: there are too many to name but you know who you are and I appreciate your full support.

Finally I must take time to thank my wife, Melinda, and son, Lachlan. Firstly, to my wee man, Lachlan. I might be biased but I think he is the best son in the world, and an intelligent one at that. Recently after explaining to Lachie that part of dad's new job is to look at laws for New South Wales, he was quick off the mark to ask:

Dad, can you make a law that allows all chocolate for kids in New South Wales to be free?

Keep an eye out for a motion along those lines in private members' business next week. I have travelled away with work since Lachie was an infant, and it never gets any easier being away from him. Lachie, your understanding and support means the world to me. I hope that you keep on developing into the fantastic young man that we know you will be. Your mother and I are proud of you and love you very much. In my new position I now have the title "honourable" before my name. It is a privilege that I accept, but it does not come close to the title that I am more commonly referred to by the students in year 1 at St Pauls Primary School, Moss Vale and which means the most to me, and that is "Lachie's Dad".

To my wife, Melinda: I would not be standing here today if not for your support. My good friend Mitch Williams was right when he pointed out that I had overachieved when I convinced you to marry me. Melinda allows me to be myself and keeps me grounded. She is the reason I am here. Today illustrates that. Melinda is not here today as there were some issues that came up at home that needed to be addressed. To enable me to be here today, Melinda sacrificed coming here today and is watching now. That sums up the support I get. She makes sure that everything is happening at home while I can be here concentrating on the job at hand.

Melinda is what I refer to as a dream enhancer. Whenever I come up with a harebrained idea, she does not point out the hurdles and risks; she encourages me to go ahead and realise my dreams, even when that often entails her working out the details and finishing the job while I have moved on to the next great idea. Melinda has achieved many things in her life. She was a park ranger at Kosciuszko National Park; she was the youngest and first-ever female horse-mounted ranger to work in Centennial Park; she has worked as a jockey in New South Wales and in the United States; she has held many professional positions within the health industry; she

has worked as a subeditor; and she has worked most recently as the business manager of our safety training and consulting company. Melinda is full of energy, hard to keep up with, and punches well above her weight. Melinda, I love you very much and owe much of my happiness to you.

In closing, I am here to represent the members of the New South Wales Nationals and to stand up for regional New South Wales. My performance and attitude while in this place can be summed up stating three sayings that originate from my time at Hawkesbury:

Use well the present moments as they fly.

When one great scorer comes to write against your name, they write not whether you won or lost but how you played the game.

Wazzee Wazzee Ya, fight on, fight on, victory will come!

Mr President and fellow members, thank you.

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

[The President left the Chair at 12.59 p.m. The House resumed at 2.00 p.m.]

WORK HEALTH AND SAFETY BILL 2011

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2011

In Committee

Consideration resumed from an earlier hour.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind members that the Committee is dealing with Shooters and Fishers Party amendment No. 3 on sheet C2011-028D, to which Mr David Shoebridge moved The Greens amendment No. 3 on sheet C2011-032.

Question—That Greens amendment No. 3 [C2011-032] to Shooters and Fishers Party amendment No. 3 [C2011-028D]—put.

The Committee divided.

Ayes, 16

Ms Barham	Dr Kaye	Mr Shoebridge
Mr Buckingham	Mr Kelly	Mr Veitch
Ms Cotsis	Mr Primrose	
Mr Donnelly	Mr Searle	<i>Tellers,</i>
Ms Faehrmann	Mr Secord	Ms Fazio
Mr Foley	Ms Sharpe	Ms Voltz

Noes, 18

Mr Blair	Mr Green	Reverend Nile
Mr Borsak	Mr Harwin	Mr Pearce
Mr Clarke	Mr Khan	
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Mrs Mitchell	Dr Phelps

Pairs

Mr Moselmane	Mr Ajaka
Mr Roozendaal	Mr Lynn
Ms Westwood	Mrs Pavey

Question resolved in the negative.

Greens amendment No. 3 [C2011-032] negatived.

Question—That Shooters and Fishers Party amendment No. 3 [C2011-028D] be agreed to—put.

Division called for and Standing Order 114 (4) applied.

The Committee divided.

Ayes, 19

Ms Barham	Mr Green	Ms Sharpe
Mr Borsak	Dr Kaye	Mr Shoebridge
Mr Buckingham	Mr Kelly	Mr Veitch
Ms Cotsis	Reverend Nile	
Mr Donnelly	Mr Primrose	<i>Tellers,</i>
Ms Faehrmann	Mr Searle	Ms Fazio
Mr Foley	Mr Secord	Ms Voltz

Noes, 15

Mr Blair	Mr Harwin	Mr Pearce
Mr Clarke	Mr Khan	
Ms Cusack	Mr MacDonald	
Ms Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Mrs Mitchell	Dr Phelps

Pairs

Mr Moselmane	Mr Ajaka
Mr Roozendaal	Mr Lynn
Ms Westwood	Mrs Pavey

Question resolved in the affirmative.

Shooters and Fishers Party amendment No. 3 [C2011-028D] agreed to.

CHAIR: I advise that Greens amendment No. 7 on sheet C2011-026 and Opposition amendment No. 31 on sheet C2011-016A have now been superseded by the result of that division.

The Hon. ROBERT BORSAK [2.16 p.m.]: I seek leave to move Shooters and Fishers Party amendments Nos 4 and 5 in globo.

Leave not granted.

The Hon. ROBERT BORSAK: [2.16 p.m.] I move Shooters and Fishers Party amendment No. 4 on sheet C2011-028D:

No. 4 Page 116, clause 230. Insert after line 3:

- (3) The secretary of an industrial organisation of employees can bring proceedings for a Category 1 offence or a Category 2 offence only if the regulator has (after referral of the matter to the regulator and the Director of Public Prosecutions under section 231) declined to follow the advice of the Director of Public Prosecutions to bring the proceedings.

Amendment No. 4 allows the secretary of an industrial organisation of employees to bring proceedings for a category 1 offence or a category 2 offence only if the regulator has declined to follow the advice of the Director of Public Prosecutions to bring the proceedings, that is, after referral of the matter to the regulator and the Director of Public Prosecutions under section 231.

Mr DAVID SHOEBRIDGE [2.17 p.m.]: Given the success of the Shooters' previous amendments, this amendment involves a required machinery provision, and The Greens support it.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [2.18 p.m.]: Essentially I agree with Mr Shoebridge. The model legislation, as part of the concessions made in relation to various submissions and so on, set up this new procedure, which allows a union that is not satisfied with a decision on prosecution to require review by the Director of Public Prosecutions, so we will not vote against the amendment.

Question—That Shooters and Fishers Party amendment No. 4 [C2011-028D] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendment No. 4 [C2011-028D] agreed to.

The Hon. ROBERT BORSAK [2.18 p.m.]: I move Shooters and Fishers Party amendment No. 5 on sheet C2011-028D:

No. 5 Page 116, clause 230. Insert after line 9:

- (5) The court before which proceedings for an offence against this Act are brought by the secretary of an industrial organisation of employees must not direct that any portion of a fine or other penalty imposed in the proceedings be paid to the prosecutor (despite section 122 of the *Fines Act 1996*).

Amendment No. 5 would prohibit the granting of moiety to union officials where a union official brings proceedings in relation to a category 1 offence or a category 2 offence, hence there will be no option for the court to grant moiety to the prosecutor.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [2.19 p.m.]: One of the great concerns of everyone involved in this debate has been the conflict of interest that a union has if it proceeds with a prosecution and is entitled to be paid part of any fine that is levied. In the circumstances this is a good amendment.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [2.20 p.m.]: The Opposition opposes this amendment. It is important to note in relation to moieties that there are no windfall gains for trade unions under the current system. Anyone who has worked in the area of occupational health and safety prosecutions would find the proposition that unions will prosecute to make a profit quite laughable. The fact is that in pursuing its duty as an industrial organisation of employees a trade union will incur heavy costs in prosecuting an employer under occupational health and safety law. Where moieties have been paid the costs recovered by a union successfully prosecuting an employer have been partial costs.

The Hon. Greg Pearce: Give us the numbers. Prove it.

The Hon. LUKE FOLEY: Union costs are heavily discounted.

The Hon. Greg Pearce: Give us the union accounts and show us the numbers.

The Hon. LUKE FOLEY: The costs claimed by a trade union are a hell of a lot less than those claimed by an outfit such as Freehills. Trade unions do not get back non-legal costs. The resources that unions expend on an occupational health and safety prosecution include months, sometimes years, investigating matters, taking statements, transcribing interviews, preparing reports, and sitting in court as instructing officers.

The Hon. Greg Pearce: That is why the regulator should do the prosecutions. You see, you are making the argument for the regulator doing the prosecutions.

The Hon. LUKE FOLEY: I did not interrupt the Hon. Greg Pearce. Anyone who has worked in the area of occupational health and safety breaches and prosecutions would find the proposition that unions land some sort of windfall gain out of this jurisdiction laughable: it is just not true. It is just propaganda from the conservative side of politics that does not stand up to scrutiny. We on this side of the House support the fundamental right of unions to prosecute and the system of the provision of a moiety paid to those who successfully bring prosecutions, which dates from ancient times when private prosecutions were the norm.

Labor opposes this amendment. We see nothing wrong at all with the current system and the Government simply has not made the case, which it puts with a straight face even though it is laughable, that unions make a windfall gain from occupational health and safety prosecutions. That is just dead wrong.

Mr DAVID SHOEBRIDGE [2.24 p.m.]: Perhaps one of the more disgraceful contributions to the debate on this bill was made yesterday by the Hon. Scot MacDonald, who interjected in the course of a member recounting the history of the Finance Sector Union and the five prosecutions that union brought to protect its members and the public—that noble series of acts taken by the Finance Sector Union. They put at risk their members' assets when running the prosecutions because if they lose them they potentially face paying the costs of the defendant. They place the assets of the union at risk and at prejudice when they run the prosecutions. Geoff Derrick, the secretary of that union, has a proud history of running as a prosecutor in his role as union secretary. The interjection from the Hon. Scot MacDonald was "bounty hunter". He described the union secretary as a bounty hunter. It is one of the more shameful mischaracterisations of what is a public duty and a public good, because when unions run these prosecutions they are acting on behalf of the public, supporting the public good, and enforcing the laws and workplace safety. That is what this is about.

Anyone who has the slightest understanding of the recovery of costs in such matters knows full well that they do not recover the costs of the work that union safety officers do on site, investigating, keeping an eye on safety in the workplace—that vigilance we expect from the occupational health and safety officers in unions. None of those costs are recovered in the course of a successful prosecution. Even those costs that directly relate to the prosecution are not fully recovered under costs. As these are member-based organisations putting members' funds at risk to run prosecutions in order to enforce laws and public safety, what possible rationale could there be for excluding them from a centuries-old tradition of a moiety coming to a private prosecutor? The only reason is union hatred and a deep political attack from the other side on unions.

The Hon. AMANDA FAZIO [2.26 p.m.]: I oppose this amendment. It is interesting that one of the key issues that the Hon. Greg Pearce mentioned when he moved the amendment was that we should let the regulators regulate.

The Hon. Duncan Gay: It is not our amendment.

The Hon. AMANDA FAZIO: When he was speaking about the amendment he said, "Let's let the regulators do the regulating and the prosecutions."

The Hon. Greg Pearce: That's right.

The Hon. AMANDA FAZIO: And who is the regulator? The regulator, of course, is WorkCover. Who is going to be affected by the proposed cutbacks in the public sector? WorkCover. The Government is saying it wants the unions to stop doing this work because it wants WorkCover to do it. They are going to shave WorkCover back to the bone as they will every other public sector agency in New South Wales. Instead of the Minister saying he wants the regulator to prosecute all, what he should be saying is that he wants nobody prosecuted because he is going to nobble the regulator so it does not have the finances and the resources to mount these prosecutions. The unions are playing an effective role now and they should continue to do so. Members should not be snowed by the doubletalk coming from the mob over there who have never cared one iota about the welfare of workers in this State. They cared nothing in the past, they care nothing now, and they will care nothing in the future. I advise members to ignore the comments made by the Minister for Finance and Services.

The Hon. Duncan Gay: You're past the use-by date.

The Hon. AMANDA FAZIO: Past the use-by date? We have the champion of staying here too long sitting opposite making that comment. He has never shown any regard for the workers either.

The Hon. Duncan Gay: I have shown more regard for workers than you and I have done a lot more days work than you.

The Hon. AMANDA FAZIO: I urge all members to continue to support the rights of unions to undertake these prosecutions. I am not going to take any more insults from the member for Redfern opposite. On the land? Sixty per cent of his time is spent in Redfern and he is calling other people city fat cats. He has gone out of one government-funded car into another one with a driver. Good on you, Duncan.

Dr JOHN KAYE [2.29 p.m.]: This amendment reinstates the right of unions to receive a portion of a fine or other penalty in a successful prosecution. It seems the argument against this relates to a seeming conflict of interest that would occur in the case of unions. The language that was used yesterday, which I found highly offensive, was the argument about bounty hunting. Let us be absolutely clear: Unions will receive a moiety only if it is the order of the court in the jurisdiction in which they are prosecuting. There is no sense here in which unions will say, "Oh goodness, we can make a whole lot of money by prosecuting." They will only prosecute where somebody has done something wrong, and if the court finds there is something wrong the union will get the money.

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions. Progress reported from Committee and consideration set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

GOVERNMENT OUTSOURCING

The Hon. TONY KELLY: In directing my question to the Minister for Finance and Services, I refer to his comment yesterday in this place that he has a mandate for outsourcing. What government service is he considering outsourcing?

The Hon. GREG PEARCE: I do not have any outsourcing currently under consideration.

The Hon. Amanda Fazio: Liar!

The Hon. Dr Peter Phelps: Point of order: An unparliamentary term was used against the Minister. I ask the member to withdraw.

The PRESIDENT: Order! Has the Minister taken offence?

The Hon. Greg Pearce: Yes.

The PRESIDENT: Order! Pursuant to the standing orders, I request the Hon. Amanda Fazio to withdraw the term that the Minister finds offensive.

The Hon. Amanda Fazio: I withdraw the comment that I made in relation to the Minister because he has taken offence to the term "liar".

The Hon. Michael Gallacher: No, you still put that in at the end.

The Hon. Amanda Fazio: I said "because he has taken offence to the term 'liar'", so I have withdrawn.

The Hon. Greg Pearce: I would like a proper withdrawal; that is a qualified withdrawal.

The PRESIDENT: Order! The member has withdrawn the comment.

ROADS AND TRAFFIC AUTHORITY CUSTOMER SERVICE STUDY

The Hon. TREVOR KHAN: My question is addressed to the Minister for Roads and Ports. Will the Minister inform the House of the former Labor Government's commissioning of a customer-focus group study on the Roads and Traffic Authority [RTA]?

The Hon. Mick Veitch: A member of The Nationals could not frame a question like that.

The Hon. DUNCAN GAY: The Hon. Trevor Khan is a fine member of The Nationals and we will require an apology for that remark. For 16 lamentable years, the people of New South Wales suffered under consecutive State Labor governments that failed dismally to deliver quality transport services and infrastructure. This Government is determined to get the State moving again. Every day, as the new Minister for Roads and Ports, I am confronted with a legacy of Labor incompetence and mismanagement, most of which has been expressed as anger towards the Roads and Traffic Authority [RTA].

Every day, as the new Minister, I am staggered by the lack of rigorous analysis that past Labor governments applied to decisions and policies. Every day, as the new Minister, I am appalled at how Labor used this State and its people as a political plaything. Every day, as the new Minister, I despair at the waste and lost opportunities, such as State Labor failing to use \$300 million in Federal funding from Albanese the Good to get the ball rolling on the M4 East extension. A veritable plague of seven roads Ministers in just five years was a prime example of Labor's self-inflicted disease of delivering spin over substance, politics over policies and indecision over action.

The New South Wales Liberal-Nationals Government is determined to quickly resolve a key issue for the Roads and Traffic Authority, which is to adopt a culture of customer service—a philosophy that was alien to the former State Government. To its credit, the Roads and Traffic Authority recently acknowledged this problem of perceived arrogance and recognised the need for it to become more nimble in responding to the needs of motorists and the people of the State. Last year the Roads and Traffic Authority commissioned an independent body, PricewaterhouseCoopers, to carry out a program to try to make the agency more customer-focused and to improve the delivery of services.

The Hon. Tony Kelly: That was during our term.

The Hon. DUNCAN GAY: Yes, it was during your term. As part of the program, external surveys have been carried out to determine what people think of the agency.

The Hon. Mick Veitch: What have they done that has not been done?

The Hon. DUNCAN GAY: The Hon. Mick Veitch needs only to walk down the street with me and a few others to find out what they did. Because this Government has the courage to be open and transparent with the people of New South Wales, I will be releasing the full findings. While I continue to support and congratulate the Roads and Traffic Authority on its desire to enhance customer service, I have voiced serious concerns about the cost of the program, which is more than \$1 million.

Not one member of the Opposition blanched when I said, "... more than \$1 million". Any person in their right mind would have been horrified that a contract worth that amount slipped through. It is just a case of soup de jour for members opposite. Walt the Wonder would have known about it. I have directed the Roads and Traffic Authority to do an immediate cost-benefit analysis of the project. I do not want this public feedback to collect dust on a shelf. I want it incorporated in future plans for the Roads and Traffic Authority and strategies for the soon-to-be-delivered Integrated Transport Authority. Frankly, this contract could and should have been achieved at a smaller cost to the New South Wales taxpayers.

ILLAWARRA COAL SEAM GAS EXTRACTION

The Hon. JEREMY BUCKINGHAM: My question is addressed to the Minister for the Illawarra. Is the Minister aware of the Stop Coal Seam Gas Illawarra event this Sunday, where thousands of local residents will form a human sign on Austinmer Beach stating "Stop Coal Seam Gas"? Will he be attending the event? If so, would he like to join me to help form the S in "Stop", or the G in "Gas"?

The Hon. GREG PEARCE: I am aware of the event. I encourage members of the community to get together to express their views. We live in a democracy, and it is important that people feel free to do so. The member asked whether I will be attending. To be honest, I will have to check my diary to see whether I will be there or not. I am not quite sure, but I will let the member know. If I am able to attend, the member can bet that I will be with him, talking to people and listening to their views.

TRANSPORT INFRASTRUCTURE

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. What role will the integrated transport authority play in the planning and delivery of transport infrastructure, given that the board of Infrastructure NSW does not include any representation from transport agencies?

The Hon. DUNCAN GAY: I thank the Hon. Penny Sharpe for that question. We will have to wait for the legislation to be introduced to Parliament.

The Hon. Penny Sharpe: So you cannot tell us?

The Hon. DUNCAN GAY: The legislation has not been introduced to Parliament. When it is, I know the Hon. Penny Sharpe will be very supportive. She has been very keen to see the provision of infrastructure in New South Wales—something that has been missing for the past 16 years—and she will have a better idea.

DRIVER NOMINATIONS

The Hon. MARIE FICARRA: My question is directed to the Minister for Finance and Services. Will the Minister inform the House of actions taken by the State Debt Recovery Office to crack down on false driver nominations?

The Hon. GREG PEARCE: That is a fantastic question and so important. Members on this side have the interests of the community at stake; they research well. They raise issues of significance and importance to the people of this State. The Hon. Marie Ficarra might run a course for those opposite on how to research and prepare questions. As I said in answer to the previous question, we are a democracy and it is important that we have a strong and functioning Opposition. I am sure the Hon. Marie Ficarra would be prepared to help Opposition members with their questions.

The Hon. Dr Peter Phelps: We're from the Government.

The Hon. GREG PEARCE: We are here to help you.

The Hon. Lynda Voltz: You can't even give an answer.

The Hon. GREG PEARCE: I can go on, Lynda. The State Debt Recovery Office is cracking down on people who deliberately try to avoid demerit points by failing to nominate the responsible driver or falsely nominating another driver. The demerit system and driver nominations are important road safety measures to keep bad drivers off the road. The State Debt Recovery Office has been working with the Roads and Traffic Authority to tighten laws against companies that fail to nominate drivers found speeding or running red lights in company-owned vehicles. Where is Eric? Cameras now pick up vehicles in bus lanes. Most companies that receive a penalty notice do the right thing by nominating the driver responsible for the offence, but not all choose this course. Those that do not may be issued with a fine of \$1,089 from the State Debt Recovery Office for failing to nominate within the required time frame.

As at 31 March 2011 the State Debt Recovery Office had issued more than 9,000 fail-to-nominate fines so far for this financial year. I am sure members opposite would agree that that is a significant and unsatisfactory number. The debt recovery office has review programs in place to monitor companies that fail to nominate the driver of a vehicle involved in a traffic offence, and refers serious matters to the Roads and Traffic Authority for prosecution. Instead of being issued with a fine, anyone caught repeatedly failing to nominate the correct driver may find themselves in court. People do make false driver nominations and the appropriate person is not penalised. The State Debt Recovery Office crosschecks driver nominations against databases from other agencies and reviews the authenticity of suspect statutory declarations, such as where a driver is nominated more than once or a person has nominated other drivers on multiple occasions. This has improved the State Debt Recovery Office's ability to detect instances of fine fraud.

At 31 March 2011 the State Debt Recovery Office had reviewed almost 500 suspect nominations to date this financial year, resulting in 49 fines being issued for false nomination—one in 10 of those investigated were false nominations. I am sure that again members would be unhappy with that situation. The State Debt Recovery Office and the Roads and Traffic Authority have taken court action against a number of people for falsely nominating another driver. This has resulted in fines ranging from \$250 to \$2,000 for individuals and I am aware of one case where someone was sent to jail. Serious matters continue to be referred to the Roads and Traffic Authority or New South Wales police for investigation.

NATIONAL FIREARMS POLICY WORKING GROUP

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Police and Emergency Services. Will the Minister advise how much funding the New South Wales Government has contributed in each of the past five financial years to the total operational costs of the national Firearms Policy Working Group? Will the Minister provide information about costs associated with sending delegates to working group meetings and all associated administrative and supporting costs? Will the Minister supply an itemised summary of each issue on the agenda for each of the past eight meetings of this group? Will the

Minister inform the House whether at any time in these meetings the New South Wales delegate or delegates committed to supporting any items that have been sponsored by the Australian Government? If so, what are they?

The Hon. MICHAEL GALLACHER: It might surprise the member that his question will require a detailed answer. I will be more than happy to get those answers to him as quickly as possible. I thank him for the question.

COMPULSORY HOME ACQUISITION

The Hon. HELEN WESTWOOD: My question without notice is directed to the Minister for Finance and Services. I refer the Minister to the Liberal Party policy document opposing compulsory acquisition of homes. Is the Minister still opposed to compulsory home acquisition or does this constitute yet another broken promise?

The Hon. GREG PEARCE: I think the member is referring to the land acquisition just terms legislation, which, of course, was introduced by a former Coalition Government; was it not, Duncan?

The Hon. Duncan Gay: It was. Wal Murray was the architect of the just terms legislation.

The Hon. GREG PEARCE: We are committed to just terms where it is necessary for compulsory acquisition. I have not had any briefings, that I am aware of, or any discussions in relation to that legislation since I have been appointed Minister. I know that I have a lot of things on my plate, but I do not think I have anything on that at the moment.

The Hon. HELEN WESTWOOD: I ask a supplementary question. Could the Minister elucidate his answer in relation to compulsory home acquisition? Is that still his commitment and promise?

The Hon. GREG PEARCE: I really do not understand the supplementary question. I would certainly be happy to try to answer it if the member could put the question in a format that would be capable of developing an answer.

DOMESTIC AND FAMILY VIOLENCE

The Hon. CHARLIE LYNN: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the results of an Ombudsman's report on the audit of the New South Wales Police Force's handling of domestic and family violence complaints?

The Hon. MICHAEL GALLACHER: I think all members would be interested to hear about the progress and results of this audit. On 24 May the Ombudsman tabled in Parliament a report of an audit of the New South Wales Police Force's handling of domestic violence complaints. The Ombudsman's report notes that in 2008 there were 289 complaints of police handling of these matters. To put this into context, the New South Wales Police Force attended more than 110,000 incidents involving domestic violence, with a quarter resulting in recorded domestic violence-related assaults. I am pleased to note that in his report the Ombudsman found that police responded appropriately when complaints were made about the handling of these matters and were willing to rectify issues and address poor performance as required.

Police are highly aware of their significant responsibilities in the handling of domestic violence matters and are committed to ongoing improvements in their response to domestic violence. These results recognise the significant work recently undertaken by police to develop appropriate procedures and guidelines to respond to domestic violence. These include the introduction of a new domestic and family violence policy, and new standing operating procedures to educate all officers on the seriousness of this crime to ensure that officers deal with this crime with confidence and consistency; the rollout of improved, specialised training to deal with domestic violence investigation and victim support; and the allocation of additional sworn officer positions in various local area commands across the State to specifically target domestic violence hot spots.

The Ombudsman's report not only reflects the high-quality police response to handling domestic violence matters; it also reflects the professionalism in which the police manage complaints against officers. The Ombudsman has stated that in most cases police correctly assessed the issues raised by complaints, notified them as required and, when warranted, addressed the issues raised. He stated also that police generally took

appropriate protective action on behalf of victims in response to complaints and was satisfied with action taken by police to manage officers' performance when required. The results of the audit reflect commitment of police to improve the way complaints are handled and assessed. They reflect also the professionalism of police in managing these complaints to ensure an appropriate response, resolution of the matter and complainant satisfaction with the action taken.

I understand that the Ombudsman's report has made a number of recommendations to further improve police handling of these matters and will build on the existing police initiatives to deal with domestic violence investigation and victim support. The New South Wales Police Force remains committed to working effectively with the Ombudsman to resolve these issues. I am advised that Professional Standards Command is currently finalising a draft domestic violence complaint practice note which incorporates many of the recommendations in the report. I will be asking the Commissioner of Police to update me on the progress of the implementation of the remaining recommendations.

WASTE AND ENVIRONMENT LEVY

The Hon. PAUL GREEN: My question without notice is to the Minister for Finance and Services, representing the Minister for Local Government. Over the next four years of the Minister's budget term, what are the Government's intentions regarding the section 88 waste and environment levy? Will the Government be making any provision to hypothecate the levy back to local councils?

The Hon. GREG PEARCE: I thank the honourable member for his question. I compliment him on his inaugural speech, which he made yesterday and which I enjoyed.

The Hon. Tony Kelly: And this is his first question.

The Hon. GREG PEARCE: And it is his first question, as the Leader of the Opposition observes. I am sure he will ask many more. I noted that the member spoke in his inaugural speech about his great interest in this issue; indeed, he mentioned the work that he had done with the very fine member for Kiama, Gareth Ward. I am sure the Opposition will want to ask me questions about this, because Gareth too has raised this issue with me. Of course, it is not my portfolio area, and the issue is complex, so I will take the question on notice. I feel sure there will be many discussions on this issue as we move forward. I will obtain an answer for the member as soon as I can.

ELECTRICITY PRICES

The Hon. SOPHIE COTSIS: My question is to the Minister for Finance and Services. Will the Minister confirm that any Government decision to lease the poles and wires of our electricity system will not lead to an increase in electricity prices for New South Wales consumers?

The Hon. GREG PEARCE: Can I take members back to the 12 or 13 December and into the then Premier's office.

The Hon. Michael Gallacher: Which one?

The Hon. GREG PEARCE: The American—the General George Custer of New South Wales politics, Kristina Keneally.

The Hon. Charlie Lynn: Georgina.

The Hon. Michael Gallacher: Leading them into the massacre.

The Hon. GREG PEARCE: Can you imagine the scene? In comes Ecka and says, "Crikey, crikey—"

The Hon. Sophie Cotsis: Point of order: There will be a time for theatrics, but I ask that the Minister be directed to answer the question.

The PRESIDENT: Order! I remind the Minister that his answer must be generally relevant at all times.

The Hon. GREG PEARCE: The question was about what would happen to electricity prices as a result of what that mob opposite did. There we have Ecka running in and saying, "Crikey, crikey! Guess what?"

The Hon. Eric Roozendaal: Point of order: The Minister may have misheard the question. It was about the cost of electricity if poles and wires are leased. I ask that the Minister be directed to make his answer relevant to the question, and to refrain from a theatrical performance—

The PRESIDENT: Order! I have the gist of the point of order. The Minister will continue to be generally relevant.

The Hon. GREG PEARCE: I was getting to the poles and wires, but electricity is a very big issue. So there is Ecka saying, "Crikey, crikey! We've done it! We've done it! We've sold the electricity industry. We've got a \$5.2 billion war chest for the election."

The Hon. Amanda Fazio: Point of order—

The PRESIDENT: Order! The Hon. Amanda Fazio rises on a point of order. The Minister will resume his seat.

The Hon. Amanda Fazio: Mr President, I ask you to direct the Minister to refer to members of this House by their proper title and not by some stupid name that he comes up with in a pathetic attempt to be funny.

The PRESIDENT: Order! I uphold the point of order. I ask the Minister to refer to members of the House by their proper title.

The Hon. GREG PEARCE: I apologise. I should have been referring to the member as the Hon. Eric Roozendaal. There he is, saying, "We've sold it! We've done it! We've achieved what Egan couldn't do, what Carr couldn't do, what Costa couldn't do. We have destroyed the value of the electricity industry in this State." The Hon. Eric Roozendaal will go down in history as the greatest destroyer of wealth since the global financial crisis.

The Hon. Eric Roozendaal: Point of order—

The PRESIDENT: Order! The Hon. Eric Roozendaal rises on a point of order. The Minister will resume his seat.

The Hon. Eric Roozendaal: The question was about the Government's plans to sell the poles and wires of the electricity system. The Minister is turning his attention to attacking me and is not answering the question.

The Hon. GREG PEARCE: To the point of order: The Hon. Eric Roozendaal, leaving aside what happens in this place, was always decent and fair in his dealings with me, and so I would not want him to think I am attacking him in any way.

The PRESIDENT: Order! There was no substance to the point of order or the response. The Minister's time has expired.

NATIONAL HEAVY VEHICLE AND MARITIME REGULATION

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the Government's involvement in helping to establish a national heavy vehicle and maritime regulator, as discussed at last week's meeting of the Australian Transport Council?

The Hon. DUNCAN GAY: What a good question! Last week I attended the Australian Transport Council meeting in Alice Springs to discuss the establishment of new national regulators, including heavy vehicle and maritime regulators, to harmonise standards across all States. If the Hon. Lynda Voltz listened, she might learn something for a change. The transport Minister and I worked closely with Ministers from other States and the Federal Government—Albanese the Good—to develop national systems which will make it easier for businesses to navigate the regulatory system.

The Australian Transport Council has agreed to provide in-principle support to the Intergovernmental Agreement, which outlines the proposed governance, funding and high-level operational arrangements needed to establish a national heavy vehicle regulator. For heavy vehicles over 4.5 gross tonnes, a single national heavy vehicle regulator will be established by the end of 2012 to administer a single national body of law—one country, one regulatory order allowing trucks to travel across our nation. How important is that? Instead of New South Wales being a roadblock, as it has been in the past, we will now have a national regulator.

These reforms are aimed at improving safety for our communities, reducing costs and regulatory burdens for Australian transport companies, and reducing the costs of export and trade. This national heavy vehicle regulator has been a long time coming. Under State Labor, New South Wales businesses were repeatedly sidelined and faced an uphill battle to comply with multiple State regulations. What took the New South Wales Liberal-Nationals Government weeks to accomplish, the former Labor Government could not achieve in years.

In Australia there are currently eight different maritime safety regulatory systems. This causes confusion for commercial shipping operators who often visit other Australian ports and boat builders who export their products to other States of the Commonwealth. As a result, the Australian Maritime Safety Authority will now be the single maritime safety regulator for all commercial shipping in Australian waters, ensuring uniformity in commercial vessel standards, regulations and administration. New South Wales has taken the lead in developing and negotiating a framework that keeps the costs to industry of this national system to a minimum and ensures there is no reduction in the high levels of commercial vessel safety standards.

The Commonwealth, the States and the Territories have been working collaboratively to develop and implement this important Council of Australian Governments decision and the Australian Transport Council [ATC] was able to agree on the framework last week. The new national system is to commence in 2013. This is a clear demonstration that, unlike the former Labor Government, the new New South Wales Government is committed to working with the Commonwealth on the national agenda, which benefits the State and industry. The reforms that have been agreed will cover the design, construction, operation and crewing of commercial vessels. They will ensure that there is national consistency in the application of safety standards. This means that builders such as Steber on the mid North Coast will be able to work in a national market and develop efficiencies by knowing that the national standards are being applied consistently throughout the country. [*Time expired.*]

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

The Hon. DUNCAN GAY: This is an important issue. It is not surprising that members opposite have no interest; when they were in government they had no idea—and it is why they are not in government now—about the importance of these regulators to the economic benefits that flow from them for New South Wales. It also means that qualified crews of commercial vessels will have their qualifications recognised across the country. Some details still have to be worked through before the national system commences in 2013, but with the overall framework now agreed consultations with industry can commence on how best to implement this important agreement. That is the difference between a government working with other State governments to introduce a seamless system and what we saw in the New South Wales press this week with Labor mate against Labor mate. The former Labor Government would simply have gone to Canberra to bag Albo the good. In the paper this week we saw Eric slipping it to Albo, which is what the previous Labor Government did on a daily basis. It did not care about New South Wales. It simply wanted to shove it onto Albo.

The Hon. Eric Roozendaal: Point of order: I take offence at the accusation that I have commented to the media this week. I have not. I ask the Minister to withdraw that accusation against my character.

The Hon. DUNCAN GAY: To the point of order: Does the Hon. Eric Roozendaal take offence to the comments in the *Daily Telegraph* that said "Former Roads Minister Eric Roozendaal said"?

The Hon. Eric Roozendaal: I have not spoken to the media. You cannot even read. I said "no comment".

The PRESIDENT: Order! Will the Hon. Eric Roozendaal clarify which comments he has taken offence to?

The Hon. Eric Roozendaal: I am concerned that the Minister accused me of making comments to the media. The only mention of me in this week's paper was a "no comment".

The PRESIDENT: What words does the member find offensive?

The Hon. Eric Roozendaal: The Minister's accusation that I went to the media.

The PRESIDENT: Does the Deputy Leader of the Government wish to add anything?

The Hon. DUNCAN GAY: He said it all.

The PRESIDENT: Order! It is difficult for the Deputy Leader of the Government to withdraw when it is not clear what he is being asked to withdraw. It is not clear to me either what he is being asked to withdraw. The time for the Minister's answer had expired.

The Hon. Amanda Fazio: Point of order: My point of order is different from that of the Hon. Eric Roozendaal. The language used by the Deputy Leader of the Government in his answer was unparliamentary. I ask you to advise him that making comments containing sexual innuendo and using gestures that imply that people are involved in sexual activity is entirely inappropriate conduct in this House.

The Hon. DUNCAN GAY: Tell me what they were!

The PRESIDENT: Order! I did not hear the comments the member referred to. I refer all members to the standing orders and Presidents' rulings, which require members to use parliamentary language at all times.

SOCIAL HOUSING

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance and Services, representing the Minister for Family and Community Services. Will the Minister advise what percentage of social housing homes in New South Wales meet universal design principles? What percentage of social housing homes are being constructed or have been modified to meet the needs of people with a disability?

The Hon. GREG PEARCE: I thank the honourable member for this important question. I will be interested to see the information when I receive it from the Minister in the other place. I will get an answer for the honourable member.

NEW SOUTH WALES POLICE ACADEMY

The Hon. LYNDIA VOLTZ: My question is addressed to the Minister for Police and Emergency Services. I refer to the Minister's answer he gave in question time yesterday regarding the police academy. How much did it cost to change the name of the police college to the police academy?

The Hon. MICHAEL GALLACHER: I am pleased to hear members opposite acknowledging that we are making a good decision for policing. The new name will be rolled out over time as old correspondence and stationery is being done away with. The cost will be minimal. I will be more than happy to send a copy of the stationery to the honourable member when it is made available over time, as it is rolled out. The cost may be the same as that incurred by the previous Labor Government when it changed the name of the police academy to the police college.

SYDNEY WATER NATURAL DISASTER ASSISTANCE

The Hon. SARAH MITCHELL: My question without noticed is directed to the Minister for Finance and Services. Will the Minister inform the House about Sydney Water's assistance to areas affected by natural disasters?

The Hon. GREG PEARCE: I place on record my congratulations to the Hon. Sarah Mitchell on asking her first question and making her inaugural speech today. It is somewhat of a record for a Minister to receive two maiden questions from two Nationals members on the same day as they have made their inaugural speeches.

[Interruption]

I am sorry, I take that back. It is still a privilege to receive the first question of the Hon. Sarah Mitchell. And depending on how many questions we get through, I am anticipating a question also from the Hon. Niall Blair.

The Hon. Greg Donnelly: The Minister misled the House.

The Hon. GREG PEARCE: I almost misled the House but I corrected myself before I did so. We used to laugh when the Hon. Eric Roozendaal gave his speech about the green shoots of recovery. It was good fun. No-one gave him any credibility for what he was saying, but it was character forming that he was able to give the same speech over and over again. I am proud to tell the House that Sydney Water pitched in to help re-establish functioning water and waste water services for devastated communities in Queensland, Victoria, Christchurch and Japan after recent natural disasters. During the afternoon of 20 January Sydney Water received an urgent request from South East Queensland Water for a pump that could handle approximately 260 litres per second to help get the Lowood Water Filtration Plant in the Lockyer Valley near Gatton operating again.

[Interruption]

The Opposition is very excited today. At this rate I may need to be asked a supplementary question.

The PRESIDENT: Order! The Minister will answer the question and ignore interjections. I call the Hon. Lynda Voltz to order for the first time. I call the Hon. Greg Donnelly to order for the first time.

The Hon. GREG PEARCE: The Lowood facility produces drinking water for the whole of the Lockyer Valley from Toowoomba, to Lowood and surrounds. This facility was severely damaged in the storms and flash flooding in that region. Sydney Water's equipment helped them get back on line producing quality drinking water. One of Sydney Water's prime movers and trailers were used to transport the equipment to Queensland. It was on the road by 8.00 p.m. that evening following the request, and arrived in Lowood, after travelling 967 kilometres, and was up and running by lunchtime the next day. Quite an achievement. Not long after the Queensland floods, as we all know, tragedy struck in Christchurch with the earthquake which caused widespread damage and multiple fatalities. *[Time expired.]*

SOLAR BONUS SCHEME

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Treasurer. Is the Minister aware that two large solar projects being managed by IT Power and Plan B Power are reporting that their projects in Australia are currently under reconsideration citing the O'Farrell's Government's decision to retrospectively reduce the Solar Bonus Scheme tariff? Has the Government assessed the impact of the announcement to retrospectively change the tariff on the reputation of New South Wales as a place to invest?

The Hon. GREG PEARCE: No, I am not aware of those matters.

TRAFFIC CONGESTION TOLL

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports. Given that the former shadow Minister for Roads, the now Deputy Premier, is on the record supporting the introduction of uniform congestion tolling on all roads in and out of Sydney, will the Minister for Roads and Ports rule out that policy?

The Hon. Shaoquett Moselmane: Yes or no?

The Hon. DUNCAN GAY: Yes, I can rule it out. This is one of the great furbies of the Labor Party. It continues to try to create urban myths. There cannot be a congestion toll if there is no public transport, and the one thing that New South Wales has not got is proper public transport. Congestion tolling might work in other cities where there is a proper public transport system but it will not work in Sydney because the former Government let the public transport system fall apart. It would be so unfair to put a congestion tax on people that have no alternative to using their car because of the mess in which the former Government left the State. I suggest that the Hon. Mick Veitch rephrase the question and repeat my suggestion that the Opposition establish a question time committee to formulate its questions, because at the moment questions are not the Opposition's strength.

FIRE AND RESCUE NSW

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Police and Emergency Services. Will the Minister inform the House about what is being done to train more front-line firefighters to fight fire and rescue in New South Wales?

The Hon. MICHAEL GALLACHER: I thank the Hon. Catherine Cusack for her ongoing interest in emergency services.

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the second time.

The Hon. MICHAEL GALLACHER: What I am about to say recognises the graduation of 20 new graduates from Fire and Rescue NSW. It is obvious having regard to the constant interjections from the Opposition that its members have no respect for these officers. They should think before they interject on me giving recognition to the immense contribution that these officers make to our State. Last week a graduation ceremony of 20 new firefighters was held at Fire and Rescue NSW State training college. This class is the first to graduate in 2011 and its members are now out working hard to protect people and property.

The PRESIDENT: Order! I call the Hon. Sophie Cotsis to order for the first time.

The Hon. MICHAEL GALLACHER: The role of a firefighter continues to be a highly desirable occupation, and rightly so.

The Hon. Tony Kelly: Why only 20?

The Hon. MICHAEL GALLACHER: Because this is still the hangover of the former Government's ineptitude, and is indicative of the former Government mismanagement of fire services and other emergency services in New South Wales. The Leader of the Opposition should not ask silly questions about progress, especially when the present Government is exposing the record of tenants from hell and their poor handling of the New South Wales economy. The role of a firefighter continues to be a highly desirable occupation, and rightly so. But it requires a special type of person: one prepared to put their life on the line for others. Fortunately for New South Wales there is no shortage of people prepared to do just that. Competition for places in the recruit program is always fierce—last year Fire and Rescue NSW received more than 4,000 applications for just 40 positions. I wonder why a member of the Opposition has not asked this question.

I have no doubt that it is both the nature of the job and the incredible variety of skills that can be learned that makes firefighting such an attractive career. The roles and responsibilities of the modern firefighter are far more varied than the work of their forebears. Today's firefighters need to have multiple skills and are called on to use them in a variety of emergencies. As well as gaining the fundamental skill of firefighting, Fire and Rescue NSW firefighters are now also trained in hazardous incidents management, fire investigation and basic medical response. There is also a heavy concentration on rescue training and activities, including road accident rescue and Urban Search and Rescue. This year Urban Search and Rescue teams, including Fire and Rescue NSW personnel have taken part in major international deployments to assist following the 6.3 magnitude earthquake in Christchurch in February and the shocking tsunami that struck north eastern Japan on 11 March.

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the second time.

The Hon. MICHAEL GALLACHER: Perhaps most importantly, our firefighters work with their local communities to build resilience by educating people—even those ignorant members opposite—from pre-schoolers to seniors, about fire safety and prevention. The firefighters who graduated last week have successfully completed a demanding 12-week training program. Now they have begun their careers as firefighters and have been posted to fire stations across the Sydney metropolitan area. They come from diverse backgrounds and experiences. And this is no accident. Fire and Rescue NSW is actively striving to build a workforce that better reflects the diversity of the communities our firefighters serve—a workforce of which this Parliament and the people of New South Wales can be incredibly proud.

NORTH WEST RAIL LINK

Reverend the Hon. FRED NILE: My question is addressed to the Minister for Roads and Ports, representing the Minister for Transport. Will the Government confirm that it plans to develop the North West Rail Link parallel now with a separate Parramatta to Epping rail link? What will each of the projects cost? What are the proposed completion dates? Will the Government advise that it has rejected a proposal to have the North West Rail Link run through Parramatta? If so, why has it rejected the proposal? Will the Government update the House on whether it has received confirmation that the Federal Government will honour a pre-election commitment to provide \$2.1 billion for the Parramatta to Epping rail link?

The Hon. DUNCAN GAY: I thank the honourable member for his most appropriate question. I can confirm on behalf of my colleague Gladys Berejiklian that the Government is committed to building the North West Rail Link, and the design tender, which was advertised last week, will ensure that any potential further extensions to the rail network are not precluded from being integrated with this line. We are planning this line in a way that will ensure that other future projects are not ruled out. The Minister for Transport has indicated that the cost and timing information is currently being assessed and determined and we will be able to report back to the public—

The Hon. Luke Foley: Point of order: The Minister has sent the Hon. Catherine Cusack to sleep.

The PRESIDENT: Order! That is not a point of order. I call the Hon. Luke Foley to order for the first time.

The Hon. DUNCAN GAY: I would use the word "dope", but it is unparliamentary, so I will not.

The PRESIDENT: Please proceed, Minister.

The Hon. DUNCAN GAY: The Minister for Transport has indicated that the cost and timing of information is currently being assessed and determined and we will be able to report back to the public and the Parliament on these issues by the end of the year. Work will commence in the first term of government and the Minister for Transport will be able to give a good idea of when the project will be finished by the end of the year. Once we have completed our assessments, unlike the previous Labor Government, we will deliver on our commitment to deliver the North West Rail Link. There is currently concept planning approval for the North West Rail Link to run from Epping to Rouse Hill. That is the starting point for the continued planning of this project.

We continue to call on the Federal Government to recognise that the North West Rail Link is the number one transport priority for Sydney. We are certainly seeking funding from the Commonwealth for this project, and we do hope that it sees the light on this project and is able to see its way to moving that funding across. I am hoping that Albanese the Good will see the light. You can understand why he had problems with the previous lot, because they continue to be nasty. I have to be very careful with my words—

The Hon. Mick Veitch: And your hand movements.

The Hon. DUNCAN GAY: And my hand movements, in order that they are not construed as sexual innuendo. I would hate to have the Hon. Amanda Fazio take another point of order on me.

GOVERNMENT USE OF CONSULTANTS

The Hon. AMANDA FAZIO: My question is directed to the Minister for Finance and Services. Has the Minister or his department engaged any external consultants and/or advisers regarding legislation since taking government? If so, who has been engaged and what are the costs involved for each consultancy?

The Hon. GREG PEARCE: I imagine the department has engaged consultants in the period since the election. I do not have the details with me, so I will take the question on notice and come back to the member with details.

CHILD RESTRAINT EVALUATION PROGRAM

The Hon. MELINDA PAVEY: My question without notice is addressed to the Minister for Roads and Ports. Can the Minister update the House on the recent launch of the Government's Child Restraint Evaluation Program?

The Hon. DUNCAN GAY: Yes, I can and I will. I thank the member for her question. I know the honourable member is a great fan of the Royal Easter Show—in fact I think I may have seen her there at the Roads and Traffic Authority stand, which I am pleased to announce to the House won the gold award as the best commercial exhibit in the Home Garden and Lifestyle Pavilion, in the area where people buy showbags.

The Hon. Lynda Voltz: It is not, it is the next shed along.

The Hon. DUNCAN GAY: Yes, it is a bit further along, between the agricultural exhibits. I am sorry, but I have to be very careful about what I say and how I use my hands.

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the first time.

The Hon. DUNCAN GAY: It is the brown shoots of descent. The dynamic exhibit featured famous cricketers, interactive online services, professional advice—

The Hon. Luke Foley: Which famous cricketers?

The Hon. DUNCAN GAY: Australian cricketers; they are all famous, as are the SpeedBlitz Blues. It also featured competitions to encourage our young drivers to slow down. As I keep saying, this Government is determined for the Roads and Traffic Authority to adopt a culture of customer service—a philosophy that was alien to the former State Labor Government. This year the Roads and Traffic Authority stand was swamped by young parents interested in the new child restraint display. This included different restraints that parents could test out for children, from newborns to seven-year-olds. As a grandparent of four granddaughters I was interested to see the exhibit because my grandchildren travel in my car as well and we need proper child restraints. I know also that the Hon. Tony Kelly is very careful when his grandchildren are travelling with him in his car. While visiting the stand, I took the opportunity to launch the new Child Restraint Evaluation website—

The Hon. Amanda Fazio: Did you scare the children?

The Hon. DUNCAN GAY: No, the children loved me. It was different from when the preacher was out there.

The Hon. Rick Colless: What did they call you?

The Hon. DUNCAN GAY: They call me Grumps. The Roads and Traffic Authority releases a Child Restraint Evaluation Program brochure each year with child restraint safety ratings, and the website complements the brochure. The new website displays results of the Child Restraint Evaluation Program, which has tested and rated 83 child restraints for different ages; a Smartphone application available for parents and carers to download ratings while shopping for a child restraint; child restraint images and dimensions for parents and carers to determine which restraint will fit their car; and videos showing the consequences if unrestrained or incorrectly restrained children are involved in a crash. Tragically, each year in New South Wales six children under the age of seven are killed and about 430 are injured in car crashes. The New South Wales Government is committed to tackling the issue, and that is why child restraints were such a prominent part of the display. [*Time expired.*]

COAL SEAM GAS EXPLORATION

The Hon. JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Roads and Ports. Is the Minister aware of the proposal from Eastern Star Gas to build a 4 million tonne per annum coal seam gas to liquified natural gas plant on Kooragang Island, only a kilometre from the residents of Stockton Beach? Can the Minister advise if the project is included in the draft Newcastle Port Master Plan and when will the plan be available for public viewing?

The Hon. DUNCAN GAY: The answer to the first part of the honourable member's question is yes; to the second part the answer is yes; and to the third part I advise that I will get further information.

The PRESIDENT: Order! The Hon. Mick Veitch will come to order.

The Hon. DUNCAN GAY: I have answered two of the questions and I will get an answer to the third.

ILLAWARRA YOUTH UNEMPLOYMENT

The Hon. PETER PRIMROSE: My question is directed to the Minister for the Illawarra. What action will the Minister take to address youth unemployment in the Illawarra?

The Hon. GREG PEARCE: For the four years that I was shadow Minister for the Illawarra, youth unemployment was the most important issue that I tried to highlight. In fact one of the very first things I did in

that position in the Illawarra was to attend a forum on youth unemployment, which was organised by the then mayor of Wollongong, Councillor Darling. My memory is a bit stretched on this, but I believe research carried out by IRIS showed that youth unemployment was up to about 30 per cent. It is a really significant problem in the Illawarra. I am sure the member will give us bipartisan support on anything we can do to make inroads into reducing unemployment in the Illawarra through our Government's policies. As the member knows, as part of our overall suite of policies our first aim is to get the economy working very well again.

I could spend the time available to me going through the range of policies we have, such as creating 100,000 extra jobs—40,000 in regional areas—through payroll tax rebates. We have a suite of policies under the decentralisation banner. We obviously support the university and I hope to announce some initiatives with the university in due course. Clearly, one of our big concerns is the impact on BlueScope Steel, which is the second biggest employer in the region, of the climate change policies of the member's Federal colleagues. We are at the end of question time but I am sure we will come back to this issue. It is a major issue and I really hope we can have a bipartisan approach to measures to reduce unemployment in the Illawarra.

The Hon. PETER PRIMROSE: I have a supplementary question—

The PRESIDENT: Order! The Hon. Peter Primrose has a supplementary question.

The Hon. Michael Gallacher: We may not accept them. Mr Egan never used to accept them. I will let you do it this time but I make the point that Mr Egan used to knock them back.

The Hon. PETER PRIMROSE: Mr President, are you running this place or is the Leader of the Government?

The PRESIDENT: Order! I gave the member the call so he could ask his supplementary question.

The Hon. PETER PRIMROSE: I appreciate that. Can the Minister please elucidate his answer in relation to his expression of concern over four years? Can he please give us details of three specific initiatives that he is proposing to take that will address the issue?

The PRESIDENT: Order! The supplementary question is out of order as it is a new question.

The Hon. MICHAEL GALLACHER: As the time for questions has expired, I ask members to put any further questions on the notice paper.

FRENCHS FOREST HOSPITAL

The Hon. MICHAEL GALLACHER: Yesterday Dr John Kaye asked me a question without notice in relation to the current status of the proposed Frenchs Forest Hospital. The Government will deliver on our commitments in the first term of government. I am advised that specific timing of hospital projects will be announced after the budget process is completed in September. The Government is currently undertaking a review of health capital infrastructure. We have already forced over half a billion dollars from the Federal Government for regional hospital upgrades. We are delivering on our election promises. Over 16 years the former Labor Government promised hospital redevelopments at Tamworth, Wagga Wagga, Bega, Dubbo, Parkes, Forbes, Port Macquarie and the Northern Beaches and, sadly, failed to deliver any of them.

AGL SUGARLOAF COAL SEAM GAS EXTRACTION

The Hon. GREG PEARCE: Earlier in question time the Hon. Jeremy Buckingham asked me a question about a coal seam gas foam spill near Camden. I am advised that the recording of AGL emitting foam occurred on 17 May 2011. I am also advised that the Office of Environment and Heritage first became aware of the matter when AGL informed the office by telephone on 19 May. The AGL activity has an existing planning consent and is regulated by an environment protection licence by the Office of Environment and Heritage. I am pleased to advise that an investigation is underway. I am also advised that initial investigation by the regulator has revealed that the activity was associated with well maintenance and the use of a non-hazardous soap. The Office of Environment and Heritage is leading an interagency investigation and is seeking further detail about this aspect of works from AGL.

RURAL CRIME

The Hon. MICHAEL GALLACHER: On 11 May 2011 the Hon. Robert Brown asked a question without notice concerning rural crime. The Government is aware of rural and regional communities facing locality-specific policing issues not faced by metropolitan areas. I advise the House that the Government will be speaking more about how we will be engaging regional communities in addressing law and order issues in the near future.

Questions without notice concluded.

THE HONOURABLE CATHERINE CUSACK

Personal Explanation

The Hon. CATHERINE CUSACK, by leave: Earlier in question time I was listening intently to an answer being given by the Minister for Roads and Ports but also doing some work on my BlackBerry. The Hon. Luke Foley, in a jovial sense, accused me of being asleep. I waved my BlackBerry at him in response but owing to the fact that the tone of his remark and my response would not be captured by Hansard I appreciate the opportunity to place on record that I was not asleep.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [3.35 p.m.]: I withdraw the comment I made about the Hon. Catherine Cusack in question time.

WORK HEALTH AND SAFETY BILL 2011

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL 2011

In Committee

Consideration resumed from an earlier hour.

The CHAIR (The Hon. Jennifer Gardiner): I remind members that the Committee is dealing with Shooters and Fishers amendment No. 5 in relation to clause 230 of the Work Health and Safety Bill 2011.

Dr JOHN KAYE [3.36 p.m.]: I will resume the remarks I was making about the Shooters and Fishers Party amendment that will take away the ability of an industrial organisation, a union, to receive any portion of a fine or other penalty imposed in proceedings to be paid to the prosecutor. It would cut unions out of any ability to receive payment for the work they do. I was making the point that the costs that are awarded in these jurisdictions are actually the tip of the iceberg of the total cost for a union. Unions need to conduct their own investigation, collation of data and organisation of witnesses. These are not costs that are recoverable through a costs order. These are things that unions do to protect their workers and fulfil their duty. It imposes costs on their workers in order to keep employers honest. It is only appropriate, therefore, that there be some recognition of that in the form of a moiety paid by the offending organisation to the union.

Let us be absolutely clear about this. Earlier the Minister said, "This is why we don't want unions in the business at all. It should be done by the prosecutor." Unions form a very important backstop to the process. No evidence has ever been introduced into this place that unions prosecute vexatiously, nor has there been any evidence that unions behave adversely with their prosecutorial powers. It is simply a backstop: it keeps the regulators honest, it keeps WorkCover honest and it also provides for those cases where WorkCover is not prepared to go. It provides for innovation in occupational health and safety by keeping everybody on their toes. The attempt to take money from the unions, the representatives of working people, is an attempt to undermine that capacity to prosecute and to undermine unions. As such it should be seen as a completely hostile act towards industrial organisations that represent workers and should not be accepted.

Question—That Shooters and Fishers Party amendment No. 5 [C2011-028D] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendment No. 5 [C2011-028D] agreed to.

Question—That clause 230 as amended be agreed to—put and resolved in the affirmative.

Clause 230 as amended agreed to.

Clauses 231 to 233 agreed to.

Clauses 234 to 242 agreed to.

The Hon. ROBERT BORSAK [3.41 p.m.], by leave: I move Shooters and Fishers Party amendments Nos 6 to 8 on sheet C2011-028D in globo:

No. 6 Pages 121–123, proposed Division 2A of Part 13, line 1 on page 121 to line 4 on page 123. Omit all words on those lines.

No. 7 Page 144, proposed clause 8 of schedule 4, lines 30–33. Omit all words on those lines.

No. 8 Page 146, schedule 5.1, lines 2-5. Omit all words on those lines.

Amendment No. 6 deletes division 2A, Sentencing guidelines, because of the plethora of courts that will have jurisdiction under the legislation. It is necessary to delete the sentencing guidelines that were under proposed division 2B. There should not be a position in which the District Court is imposing sentencing guidelines on a superior court of New South Wales. Amendment No. 7 is a consequential amendment. Amendment No. 8 deletes schedule 5.1 and is necessary given the changes outlined.

Mr DAVID SHOEBRIDGE [3.41 p.m.]: Given the situation in which the Supreme Court will be dealing with category 1, the District Court will be dealing with category 2, and the Industrial Relations Commission and/or the Local Court will be dealing with category 3, the amendments moved by the Shooters and Fishers Party are the only rational way of going forward. We simply cannot have the District Court, which is not a superior court of record, issuing sentencing guidelines that direct how the Industrial Court, which is a superior court of record, goes about its day-to-day business or its sentencing.

The Greens have significant difficulty with the whole concept of sentencing guidelines because they limit the capacity of a judge to craft a sentence that responds to the specific culpability of a defendant before the court and it limits the capacity of a judge to take into account relevant mitigating factors. I hope this is a breakthrough in getting away from the concept of grid sentencing, guideline sentencing and mandatory sentences, which do not really have a valid place in any part of the law, particularly as we have different courts and different levels of jurisdiction. They have no place in the now amended bill.

Question—That Shooters and Fishers Party amendments Nos 6 to 8 [C2011-028D] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendments Nos 6 to 8 [C2011-028D] agreed to.

Clauses 242A to 242H agreed to.

Clause 243 agreed to.

Clause 244 agreed to

Clauses 245 to 248 agreed to.

Clauses 249 to 253 agreed to.

Clause 254 agreed to.

Mr DAVID SHOEBRIDGE [3.44 p.m.]: I move The Greens amendment No. 9 on sheet C2011-026:

No. 9 Page 128, clause 255, line 10. Omit "District Court". Insert instead "Industrial Court".

Clause 255 of the bill states:

Subject to this Division, proceedings may be brought in the Local Court or the District Court against a person for a contravention of a WHS civil penalty provision.

Clause 254 defines a "WHS civil penalty provision" as follows:

254 When is a provision a WHS civil penalty provision

- (1) A subsection of Part 7 (or a section of Part 7 that is not divided into subsections) is a WHS civil penalty provision if:
- (a) the words "WHS civil penalty provision" and one or more amounts by way of monetary penalty are set out at the foot of the subsection (or section), or
 - (b) another provision of Part 7 specifies that the subsection (or section) is a WHS civil penalty provision.

Those penalties deal with the paperwork or day-to-day aspects of having the new occupational health and safety regime. They are not about breaches of duty; they are about the general obligations that employers have under legislation. If ever there was the kind of matter that should be brought before the Industrial Court it would be that kind of matter—the day-to-day civil penalty provisions.

The Hon. Greg Pearce: The Government will not oppose the amendment.

Mr DAVID SHOEBRIDGE: Should I stop speaking?

The Hon. Greg Pearce: Yes. They have got the category 3.

Mr DAVID SHOEBRIDGE: I am grateful to hear from the Minister that this is supported by the Government.

The Hon. Greg Pearce: No, I did not say that.

Mr DAVID SHOEBRIDGE: Well, I am grateful that the amendment will not be opposed. That is a step forward and a sign of good grace.

Question—That Greens amendment No. 9 [C2011-026] be agreed to—put and resolved in the affirmative.

Greens amendment No. 9 [C2011-026] agreed to.

Question—That clause 255 as amended be agreed to—put and resolved in the affirmative.

Clause 255 as amended agreed to.

Mr DAVID SHOEBRIDGE [3.48 p.m.]: The Greens will not move the amendment to clause 275.

Clauses 256 to 266 agreed to.

Clauses 267 agreed to.

Clauses 268 to 273 agreed to.

Clauses 274 and 275 agreed to.

Clause 276 agreed to.

Clauses 276A to 276C agreed to.

Schedules 1 to 3 agreed to.

Schedules 4 and 5 as amended agreed to.

Title agreed to.

The CHAIR (The Hon. Jennifer Gardiner): The Committee will now consider the Occupational Health and Safety Amendment Bill 2011.

Clauses 1 to 2 agreed to.

Mr DAVID SHOEBRIDGE [3.52 p.m.]: I move The Greens amendment No. 1 on sheet C2011-025:

No. 1 Pages 3 and 4, schedule 1 [1]–[8], line 3 on page 3 to line 19 on page 4. Omit all words on those lines.

This amendment ensures that the reverse onus remains under the current Act for the life of the Act. To change the legal regime in this ad hoc fashion with six months of the current Act remaining and to put in place a different duty under a different legal regime effectively tries to double-guess what the Act will be in January next year. It is a recipe for enormous legal complexity, a vast amount of litigation and enormous uncertainty in workplaces across New South Wales. The Government seems so keen to get rid of the reverse onus that it has no concern that employers effectively will have three separate legal regimes within the space of 12 months.

Earlier in an inaugural speech we heard that employers have spent a great deal of time coming to grips with their current obligations under the Act. Hopefully, between now and January next year there will be a detailed education campaign to give employers a comprehensive understanding of the nature of their new duties and how they should go about exercising those duties under what will become the Work Health and Safety Act. But the Government intends in the middle six to nine months to put in place another regime, a sort of halfway house between the current and future regime. We can only imagine the complexities defendants or prosecutors will face if, as it often happens, they are considering a course of action from an employer that might have started in January 2011 and that goes through to February 2012. Three separate legal regimes will be in place. It involves an enormous degree of complexity and the Government has provided no real comprehension of the difficulties this will cause in the daily exercise of employers' duties.

There is no understanding of the additional legal costs facing defendants and no explanation yet of any efforts by the Government to explain this change in legal regime that will be rolled out as this Act comes into force in workplaces across New South Wales. This will be sprung on employers, unions and employees by surprise. It is an appalling way to deal with something as important as occupational health and safety. The Government has not explained it, and it is inexplicable why it would take this ad hoc approach. I am interested to hear from the Minister what attempts he has made to educate employers about this new regime, and what advice the Government has provided about the added complexities and legal difficulties in having three separate occupational health regimes in place over the course of 12 months. I am interested also to know how the Government intends this to work in practice in workplaces across New South Wales.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [3.57 p.m.]: The Government opposes this amendment. The Parliament has approved moving to a fairer system. There is no reason not to bring it in now. I can assure members that all employers understand what the reverse onus of proof and automatic liability meant to them. They are happy for this change to be made now. It will mean that we will have to undertake only one education program in relation to these matters.

The Hon. LUKE FOLEY (Deputy Leader of the Opposition) [3.58 p.m.]: The Opposition supports this amendment. It goes to the question of reverse onus of proof. I will not burden members with another recitation of Labor's position on the matter; it has been well canvassed. We support this amendment.

Question—That Greens amendment No. 1 [C2011-025] be agreed to—put and resolved in the negative.

Greens amendment No. 1 [C2011-025] negatived.

Mr DAVID SHOEBRIDGE [3.58 p.m.], by leave: I move The Greens amendments Nos 2 and 3 on sheet C2011-025 in globo:

No. 2 Page 6, schedule 1 [10] and [11], lines 16–20. Omit all words on those lines.

No. 3 Page 6, schedule 1 [13], lines 23–25. Omit all words on those lines.

These amendments again deal with retaining the reverse onus of proof. We have had sufficient debate on the merits of retaining the reverse onus. We could go longer if the Government feels it is open to persuasion—but I do not get the sense that it is. I commend the amendments to the Committee.

Question—That Greens amendments Nos 2 and 3 [C2011-025] be agreed to—put and resolved in the negative.

Greens amendments Nos 2 and 3 [C2011-025] negatived.

The Hon. ROBERT BORSAK [4.00 p.m.], by leave: I move Shooters and Fishers Party amendments Nos 1 and 2 on sheet C2011-027 in globo:

No. 1 Page 6, schedule 1 [14], lines 26–28. Omit all words on those lines.

No. 2 Pages 7 and 8, schedule 1 [16], line 28 on page 7 to line 6 on page 8. Omit all words on those lines.

Amendment No. 1 seeks to delete schedule 1 [14], which would amend section 106 of the Act, Authority to prosecute. The effect of my amendment is to allow unions to retain the right to prosecute until 31 December 2011. Amendment No. 2 seeks to delete schedule 1 [16], by which the bill proposes the insertion into schedule 3 of the Act of a new part 7. Shooters and Fishers Party amendment No. 2 will delete proposed section 27 from the new part 7, because that would abolish the union right to prosecute from the date of the introduction of the bill and is therefore unnecessary, given the changes proposed by our amendment No. 1.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [4.01 p.m.]: Given the outcome in the cognate bill, there is no sense in the Government opposing these amendments.

Question—That Shooters and Fishers Party amendments Nos 1 and 2 [C2011-027] be agreed to—put and resolved in the affirmative.

Shooters and Fishers Party amendments Nos 1 and 2 [C2011-027] agreed to.

Mr DAVID SHOEBRIDGE [4.02 p.m.]: I will not move Greens amendment No. 4 as circulated on sheet C2011-025. This amendment relates to the qualification of general duties. If these amendments were to be made, there would be legal difficulties with the Act.

Question—That schedule 1 as amended be agreed to—put and resolved in the affirmative.

Schedule 1 as amended agreed to.

Mr DAVID SHOEBRIDGE [4.04 p.m.]: I move Greens amendment No. 5 on sheet C2011-025:

No. 5 Page 9, schedule 2, lines 1–25. Omit all words on those lines.

In moving the amendment, I would seek an explanation from the Minister as to the intent of items [3] and [4] of schedule 2 in the bill.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.04 p.m.]: I am seeking some information on that matter.

Mr DAVID SHOEBRIDGE [4.04 p.m.]: The real concern that The Greens have with those two items of the schedule is that they seem to allow spray painting in circumstances that can pose substantial occupational health and safety risks to those undertaking that work. It seems that the provisions would allow spray painting out in the open without the safety aspects that one would normally have in a spray booth. The rationale for inserting such amendments in the Act six months before we are to have a whole new safety regime is not clear. There is real concern that that might expose workers in the automobile industry and film industry who regularly use spray paints to a very clear occupational health and safety risk. I would like to know the rationale for inserting these provisions in the Act.

Dr JOHN KAYE [4.05 p.m.]: I support the Greens amendments because they will give important protection for people involved in not only the spray painting industry but also the immediate environment around them. Spray painting involves a rich mixture of chemicals which when inhaled cause massive damage. To remove those protections purely because the activity is happening outdoors is to ignore the risk posed by spray painting. There is a long history of spray painting involving risks to occupational health and safety. That has been marked by some very severe cases of poisoning, for instance. I commend the amendment to the Committee.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.06 p.m.]: No matter how well-meaning The Greens are in moving amendment No. 5, they should realise that deleting part of schedule 2 to the bill ruins the whole schedule. The whole of the schedule is consequential.

The Hon. Amanda Fazio: Rubbish.

The Hon. DUNCAN GAY: The Hon. Amanda Fazio would not know. I give The Greens credit for being well-meaning in moving the amendment. However, the provision is consequential on the qualification of reasonably practicable in relation to the general duties. Schedule 2 [4] is consequential upon section 28 of the Act. The Government opposes the amendment.

Mr DAVID SHOEBRIDGE [4.07 p.m.]: I accept that items [1] and [2] of schedule 2 are consequential. However, items [3] and [4] simply are not. Those amendments proposed by the bill seem to provide a get out of jail free card for those involved in the spray painting industry. The provisions are not consequential. I ask that the Minister provide a meaningful explanation for the rationale behind items [3] and [4], because they are not consequential. Any reading of them makes it clear they are not consequential. They seem to be delivering benefit to employers who have spray painting businesses, without rational justification, and in doing so exposing workers to risks. Could the Minister please give a meaningful rationale for the basis of items [3] and [4], because they are not consequential?

Question—That Greens amendment No. 5 [C2011-025] be agreed to—put and resolved in the negative.

Greens amendment No. 5 [C2011-025] negatived.

Question—That schedule 2 be agreed to—put and resolved in the affirmative.

Schedule 2 agreed to.

Title agreed to.

Work Health and Safety Bill 2011 and cognate bill reported from Committee, each with amendments.

Adoption of Report

Motion by the Hon. Duncan Gay agreed to:

That the report be adopted.

Third Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.11 p.m.]: I move:

That these bills be now read a third time.

Question put.

The House divided.

Ayes, 20

Mr Ajaka
Mr Blair
Mr Borsak
Mr Clarke
Ms Cusack
Ms Ficarra
Mr Gallacher

Miss Gardiner
Mr Gay
Mr Khan
Mr Lynn
Mr MacDonald
Mrs Maclaren-Jones
Mr Mason-Cox

Mrs Mitchell
Reverend Nile
Mrs Pavey
Mr Pearce
Tellers,
Mr Colless
Dr Phelps

Noes, 19

Ms Barham
Mr Buckingham
Ms Cotsis
Mr Donnelly
Ms Faehrmann
Mr Foley
Dr Kaye

Mr Kelly
Mr Moselmane
Mr Primrose
Mr Roozendaal
Mr Searle
Mr Secord
Ms Sharpe

Mr Shoebridge
Mr Veitch
Ms Westwood
Tellers,
Ms Fazio
Ms Voltz

Question resolved in the affirmative.

Motion agreed to.

Bills read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendments.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.18 p.m.]: I move:

That this House do now adjourn.

FATALITY FREE FRIDAY

The Hon. JOHN AJAKA (Parliamentary Secretary) [4.18 p.m.]: Today I had the opportunity to attend and to speak at the Sydney event for fatality-free Friday on behalf of the Minister for Roads and Ports, the Hon. Duncan Gay. This important and worthy event is a major road safety awareness event which has the aim of not a single road death in Australia for just one day. What a wonderful achievement to strive for. Fatality Free Friday was started in Brisbane in 2007 by Russell White, who serves as the chairman, spokesman and convener of the program. It has since expanded to Sydney and Melbourne, engaging the public and growing in prominence with such a vital message. At each of the event sites, 1,500 pairs of empty shoes are laid out in the morning. Each pair signifies a road fatality that has occurred in Australia. It is a solemn reminder of those who will never go home to their family. Each of us here and every road user must work tirelessly to ensure that no other families experience this tragedy.

Fatality Free Friday seeks to obtain 1,500 pledges at each of the event locations. The pledge is a commitment to oneself, one's family and friends to do one's best to use the roads safely on Fatality Free Friday. More often than not, whenever there is a tragic accident and people are killed or seriously injured, one thought is constantly repeated: This could have been prevented. We probably know someone who has gone through this, or perhaps we have gone through it ourselves and we probably have the same thought: If only he had slowed down; if only they didn't have that extra drink—if only.

My very sad experience is the loss of someone I knew well, a family member of my wife, some 11 years ago involving a young man of 24 years of age. Even now, some 11 years later, my wife and her family still grieve over the loss of her young cousin. At each family reunion or festival we remember that young man with sadness. Even when I practised as a solicitor prior to entering Parliament I experienced firsthand the tragedy and loss that was suffered by the family of a loved one killed in an accident, and also the grief and remorse of the family members of those responsible for the accident. Provisional figures show that in New South Wales last year 421 people were killed on the State's roads. That is the lowest figure since 1945, with five times as many vehicles on our roads and 11 times more drivers and double the population. That it is the lowest figure is good news, but it is still 421 tragic deaths too many.

There can be no greater desire for any State than to keep its citizens safe and well while travelling on its roads. I urge all motorists and other users of our roads to always take care, but especially today, to ensure they return home to their loved ones and to help ensure that other road users are able to return home to their loved ones. This is an excellent incentive and one that should be supported by all. Those wishing to obtain more information about Fatality Free Friday can log on to www.driversafety.com.au/promo and enter fatalityfreefriday in the "New Customer" box. To access a free driving course they should log on to www.driversafety.com.au and follow the simple steps provided. On behalf of the Minister for Roads and Ports, the Hon. Duncan Gay and the O'Farrell Government, I congratulate the organisers of Fatality Free Friday and wish them every success for this year and coming years.

X-RATED FILMS

The Hon. AMANDA FAZIO [4.23 p.m.]: I will speak on a matter that I have been concerned about since shortly after I entered this House, that is, the much-needed reform on the sale of X-rated films in New South Wales. For the background of members, X-rated films are legally available for sale or hire from the Australian Capital Territory or the Northern Territory. In New South Wales and other States the law permits X-rated films to be possessed only for personal use. The sale or hire of such films is illegal in New South Wales.

Prior to the introduction of the X-classification in 1984 sexually explicit films were available for sale in New South Wales. They were unclassified and subject to the State's indecency laws. The X-classification is a restrictive category of films that is defined to be unsuitable for minors. The X-classification is also defined under the National Classification Code to exclude all violent content. Depictions involving coercion and non-consent have been banned in X-rated films since 1984, with later prohibitions being placed on sexually assaultive language, fetishes and purposefully demeaning depictions.

While all classification decisions for New South Wales are made under the Commonwealth Classification Act—the Classification (Publications, Films and Computer Games) Act 1995—enforcement of the law is a matter for the State, under the Classification (Publications, Films and Computer Games) Enforcement Act of New South Wales. Specific offences relating to the sale, production and distribution, but not possession by adults, of X-rated films are found under part 2 of the New South Wales classification enforcement Act 1995. The private exhibition of an X-rated film in the presence of minors is an offence under section 14 of this legislation. An offence of publishing indecent articles, other than child pornography, is specifically created under section 578C (2) of the Crimes Act 1900 of New South Wales. Whether an X-rated film constitutes an indecent article would be for the courts to decide.

Two conclusions can be drawn from the enforcement statistics. One is that relatively few cases are brought under the relevant provisions of the classification enforcement Act 1995. The second is that, for those cases where a finding of guilty is recorded for a principal offence, most occur under section 6 (a), where a fine is the most common outcome. Section 6 (a) provides for the offence of selling or exhibiting a film classified RC, that is, refused classification by the Commonwealth, or X-rating. The current Australian Capital Territory X-rated film licensing scheme has been in place since 1996. According to the registrar for this scheme there is a high level of compliance with the relevant licensing conditions, something that is helped by the fact that the industry is controlled by a smaller number of players, and in the main these are publicly listed companies.

The largely Australian Capital Territory based legitimate X-rated film industry has approximately 430,000 persons on its mail order list. Various claims are made about the size of the black market in New South Wales, which is estimated to have a turnover of \$50 million in DVD sales alone. I obtained that reference from the Parliamentary Research Paper on "'X' Rated Films and the Regulation of Sexually Explicit Material", briefing paper No. 15/03. In New South Wales at present the penalties are the same for adult shops selling X-rated, refused classification [RC] and unclassified films. As consumers have an expectation of being able to purchase X-rated films, as they can do by mail order or by visiting the Australian Capital Territory, a strong demand exists for the sale of X-rated films. As the penalties under the current regime do not differentiate between X-rated and illegal, that is, refused classification and unclassified films, there is no financial disincentive for traders to sell all three types of films. As consumers can legally possess and view X-rated films, the legislative anomaly of not being able legally to buy X-rated films in New South Wales creates a situation where the law is seen by many sections of the public as being inconsistent. Enforcing inconsistent laws such as this wastes resources. Richard Chisholm and Garth Nettheim in "Understanding Law" seventh edition, 2007, have stated:

Enforcing laws against immorality wastes community resources. If we got rid of these laws we could give the police, courts and prisons more opportunity to reduce the millions of dollars lost in tax frauds every year, or to make the city streets safe to walk in at night.

People should be able to know what they are permitted to do and what they are not; vague laws prevent this, and make people liable for criminal penalties for what they may reasonably regard as innocent activities.

Legalising the sale of X-rated films in New South Wales, which under the National Classification Code excludes all violent content including coercion and non-consent, sexually assaultive language, fetishes and purposefully demeaning depictions, and at least doubling the penalties for selling RC or unclassified films would result in a better regulated adult industry in New South Wales with reduced incentives for breaking the law. That action would be in accord with the Australian Labor Party National Platform. Removing the legislative anomaly would enhance respect for the law, something that is very important. At the moment retailers face the same penalty for selling X-rated, refused classification or unclassified material. If we legalised X-rated and put huge fines on selling refused classification and unclassified material it would be a step forward.

BRAVEHEARTS INC.

Reverend the Hon. FRED NILE [4.28 p.m.]: I refer to the Bravehearts foundation, which is a major interest to the Hon. Paul Green. Bravehearts has a great interest in children, youth, parents, families,

communities and State. Keeping children safe is one of the most important things we do as parents, educators or caring adults. Yesterday the Hon. Paul Green spoke briefly about some of the recent national figures regarding child sexual assault. He referred to figures provided by the Australian Institute of Health and Welfare which indicate that in Australia during 2009-10 there were 286,437 reports of suspected child abuse and neglect made to State and Territory authorities. A recent study funded by a criminology research grant estimates that the cost to society of child sexual assault, without intervention, is approximately \$180,000 per child. At a national level, the Australian Bureau of Criminal Intelligence conservatively estimates that 40,000 children will be assaulted each year, which equates to approximately \$7.2 billion annually.

Hetty Johnston set up Bravehearts Incorporated in 1997, with a mission to stop child sexual assault in our society and with a vision to make Australia the safest place in the world to raise a child. It now has four offices in three States and employs more than 30 staff. Its members comprise survivors, parents, friends, partners, professionals and non-abused members of the community, who share in the belief that child sexual assault must stop. Bravehearts has an active involvement in policy and legislation development with government and non-government agencies that aims to prevent, respond to and ultimately reduce the incidence of child sexual assault in our communities through concerted campaigns at local, State and national levels. Bravehearts' guiding principle is to at all times do all things to serve its mission without fear or favour and without compromise, and to continually ensure that the best interests and protection of the child are placed before all other considerations. Bravehearts aims to "break the silence", to provide healing and support and prevention and protection strategies to address child sexual assault, to advocate for understanding, and to promote increased education and research.

Bravehearts provides counselling and support to children, adolescents and adult survivors of child sexual assault as well as to their family members. Its expertise in this area is unsurpassed and is recognised by the Commonwealth Government and State police services. Other growing elements in this area of Bravehearts' work include working with young offenders and youth justice conferencing. Bravehearts currently provides a Freecall 1800 BRAVE1 crisis, support and advocacy line. It receives more than 80 phone calls each week from people who need fast, accurate advice, assistance or referral in times of crisis. Its work in this area has protected thousands of children from known offenders and has ensured that thousands more receive the care, support and attention they deserve.

Bravehearts aims to achieve its mission and vision through our education and prevention stream, bringing one of this country's most innovative and proactive programs to schools across the country. Teaching children personal safety helps young people learn the skills to identify their vulnerabilities while devising strategies to both protect themselves and to get help if they are unable to cope alone. The Ditto program is a school-based program that has been seen by well over 100,000 children nationally, effectively protecting tens of thousands of Australian children every year. A letter from an independent evaluator stated that this program has the potential to reduce the incidence of child sexual assault by up to 50 per cent. That equates to approximately 28,000 kids a year.

The Ditto program operates with a mix of State, Federal and private funding. Commonwealth funding and collaboration with other local agencies, including the Royal Flying Doctors, ensures Ditto's in-school program is also delivered to Indigenous communities north of Townsville and Mount Isa, right through to Cairns and into Far North Queensland. Local councils, such as Shoalhaven City Council, also make contributions. Now partially funded by the Commonwealth Government, National White Balloon Day is Bravehearts' signature awareness campaign. Held annually since 1997, the campaign was labelled a phenomenon by senior police when in 1999 White Balloon Day resulted in a staggering 514 per cent increase in disclosures to the Queensland Police headquarters.

Government funding pays for only a portion of Bravehearts' work. It is essential that Bravehearts receives additional funding necessary to achieve its goals, which include research, lobbying for legislative reform, education and community awareness, and to ultimately protect our children, youth, families and communities from child sexual assault. I believe that to make a difference in child protection there needs to be a holistic approach—an approach I hope the Government will wholeheartedly support. We need to take the position that in order for us to work effectively towards preventing child sexual assault, issues concerning both the survivor and the offender need to be considered. I call on the Government for support. [*Time expired.*]

CANCER COUNCIL NEW SOUTH WALES BIGGEST HIGH TEA

The Hon. MARIE FICARRA (Parliamentary Secretary) [4.33 p.m.]: On Wednesday it was my pleasure to once again host this year's Parliament's Biggest High Tea in support of the Cancer Council New

South Wales. Premier Barry O'Farrell, the Leader of the Opposition, John Robertson, Ministers Berejiklian, Dominello and Humphries and nearly 80 members of Parliament from both sides of the House joined with corporate, community and sporting leaders to support the Cancer Council New South Wales. More than \$10,000 was raised to aid the Cancer Council's wonderful work. The guest speaker was former Rugby Union Wallaby Julian Huxley.

Julian made his Super Rugby debut for the Queensland Reds in 2003. He was subsequently selected for the under-19, the under-21 and the Australia A sides and was later honoured to become a Wallaby, being named Australian Rookie of the Year in 2008. However, on 1 March 2008 a mistimed tackle prompted a terrifying chain of events. Immediately after impact, Julian had a seizure and blacked out. Two days later he was diagnosed with a brain tumour and required surgery to have it removed. A month of radiation treatment and six months of chemotherapy followed. Julian courageously fought through this ordeal. Julian Huxley's dream was to survive and return to elite-level rugby union. In March 2010 this dream was achieved and he returned, starring for the Brumbies Runners. In May last year he signed with the Melbourne Rebels, under coaching legend Rod Macqueen, AM. I understand that Julian is the only sportsman in the world to return to elite-level physical contact sport after having a craniotomy. I congratulate Julian on his courage and determination and on all the work he is doing as a Cancer Council ambassador to inspire those battling cancer.

I thank Dr Andrew Penman, AM, and the Cancer Council New South Wales for all the work they are doing to eradicate cancer and for supporting cancer patients and their families. I also thank Vincent De Luca, OAM, who organised Wednesday's event, Charles Curran, AC, Mario Martino, Carin Clonda, OAM, Maureen Stephenson, who contributed raffle prizes, and all those who generously contributed at the event. At this time my prayers and best wishes go out to Channel 10 parliamentary reporter Josh Murphy, who recently underwent brain surgery. I am sure all honourable members will agree that Josh is a fine journalist and young man who has a very successful future ahead of him, and we pray for his speedy recovery.

Australia leads the world in melanoma research. Last year Sydney hosted the Seventh International Congress of the Society for Melanoma Research, highlighting the promising new discoveries that may one day lessen the impact of this dreaded cancer through better understanding of primary prevention; breakthroughs in early diagnosis, when cure is far more likely; and revolutionary late-stage treatment, giving hope to even those with advanced disease. Bowel cancer is preventable, treatable and beatable but it is still one of the most common forms of cancer in Australia, with around 80 Australians dying every week from it. Yet bowel cancer can be treated successfully if detected early. The Bowel Cancer Screening Pilot Program proved that a national bowel cancer screening program is feasible, acceptable and cost-effective in Australia.

Some good news in relation to breast cancer is that at a recent Radiological Society meeting in the United States of America hybrid imaging using magnetic resonance imaging and positron emission tomography scanning has resulted in excellent soft tissue imaging not only for the breast, but also for the brain and prostate. Further research into liver metastases is also occurring, which is exciting. With regard to cervical cancer, worldwide the human papilloma virus [HPV] is the most common sexually transmitted infection in adults. In Australia, most of the cervical cancers found annually occur in women who have never had a Pap smear, or not had one in the past five years. For 20 years Professor Frazer of the University of Queensland has been researching the link between papilloma viruses and cancer, seeking ways to treat these viruses in order to reduce the incidence of cancer. His Nobel Prize winning discovery of a preventive HPV vaccine was a fantastic breakthrough and wonderful news for women everywhere.

In 2006 the United States Food and Drug Administration approved the first preventive HPV vaccine, which has now been fast-tracked and implemented in dozens of countries including Australia, thanks to former Prime Minister John Howard and the then Minister for Health Tony Abbott. What is even better is that this vaccine has the potential to prevent many other forms of cancer, including anal and head and neck cancers, some of which are also HPV induced. Together we face the future challenge of eradicating cancer with hope, energy and determination.

GAMBLING

Dr JOHN KAYE [4.38 p.m.]: New South Wales and Australia are in the grip of a gambling epidemic, fuelled by the highest number of poker machines per head of population of any jurisdiction. Problem gamblers, addicts, their families and communities are suffering to prop up the profits of licensed venues and machine manufacturers and operators. To make matters worse, the web of opportunities that captures potential addicts has been made even more effective by the addition of online betting, exotic betting and the advertising of gambling opportunities, particularly at sporting venues.

Individuals who have any tendency to develop a problem with punting are now effectively converted into profit centres for this parasitic industry thanks to the Coalition and Labor governments that have failed to regulate effectively to protect them. While much of the media coverage has been focused on so-called exotic betting and the opportunities it creates for corrupt behaviour, the real scandal of recruitment of problem gamblers continues with much less attention than it deserves. In 2008-09 Australians spent more than \$19 billion on gambling. This is an increase from \$7 billion in 1988-89 in 2008-09 dollars.

The Productivity Commission estimates that there are between 80,000 and 160,000 Australians suffering severe problems from their gambling. In addition, there are between 230,000 and 350,000 people at moderate risk who experience lower levels of harm but who may progress to problem gambling. This is not to say that the corruption of sporting and cultural events is not an issue of significant concern. A number of high-profile cases of match fixing across a range of sports demonstrates that this kind of betting, in particular exotic betting, leads to corruption. The cricketing world has witnessed the most glaring examples of corruption, which have resulted in bans for a number of international players and substantial fines for others. Charges have been laid against a former ex-Canterbury Bulldogs player in relation to a match-fixing scandal over an NRL game late last year. Exotic betting options have also been involved in three AFL matches that have caught the eye of administrators, in which regular defenders were heavily backed to kick the opening goal of the game.

Last year The Greens opposed legislation that passed through this Parliament with Labor and the Coalition's support. This legislation extended the betting services offered by New South Wales wagering operators, including the TAB, to allow non-sporting or non-racing events to be declared betting events, as determined by the Minister. During the debate on that bill The Greens warned that wherever wagering is allowed there is pressure for corruption and for people to change the outcome of the events. In the racing industry there at least exists an admittedly imperfect regulatory framework. Stewards try to identify where races have been thrown or where adverse outcomes have occurred. Unfortunately, the same regulatory structure could not be extended to reality television shows and fashion events, for example. According to recent estimates, around 424,000 online sports wagering accounts were active in 2008. That is a 103 per cent increase over 2004 levels. Around \$391 million was spent on online wagering in 2008—a 73 per cent increase on 2004 levels. Tabcorp has 400,000 account customers of which 140,000 have internet-enabled TAB accounts.

In their article, "Online sports betting has created new generation of problem gamblers", Alex Blaszczyński, Professor of Psychology at the University of Sydney, and Christopher Hunt, Clinical Psychologist at the University of Sydney Gambling Treatment Clinic, say that there is a trend toward online betting that has altered the pattern of problem gambling presentations at the clinic. They report seeing more and more clients, usually young males, with difficulty controlling their internet-based sports betting. The number of sports betting clients increased from 2008-09 to 2010-11 by a massive 70 per cent. The figures are not difficult to explain. According to Professor Blaszczyński, with more and more people gaining access to higher internet speeds and wireless internet via their Smartphones, they can gamble almost anywhere at any time. Young men are losing a fortune without even leaving the comfort of their home. Mr Hunt acknowledges a link between this rise and the increased promotion of gambling through the sports media. "It is difficult to watch most kinds of sporting matches these days without being made aware of the prices that various outlets are giving for bets", he says.

There is no doubt that the sports betting industry needs to be urgently re-regulated. The Greens would fully support regulations regulating the availability of exotic bets, not only to secure the integrity of sport and minimise the potential for corruption but to address the devastating impacts of new forms of gambling created by the meteoric rise in sports betting advertising. The Greens condemn the announcement by the O'Farrell Government that it will continue its opposition to the Federal Government's mandatory pre-commitment scheme for gaming machines. [*Time expired.*]

TRIBUTE TO ROBERT GOULD

The Hon. PENNY SHARPE [4.43 p.m.]: Tonight I mark the passing of a true character and maverick of the Australian Labor Party, the Sydney Left and book proprietors everywhere. Bob Gould died suddenly aged 74 after a fall in his beloved bookshop on King Street at Newtown on 22 May. Yesterday 500 people gathered to celebrate the life of Bob Gould and to reflect on the contribution he made to Left activism and intellectual debate in Sydney over five decades. It took 10 people to talk about the life and times of Bob Gould. Mairi Petersen noted that she wished she had brought a bell to keep people to time. Given that Bob never had any desire to keep to time at any meeting he attended, the lack of a bell somehow seemed appropriate yesterday.

At the service Hall Greenland described Bob as a "comrade and sparring partner", an "Irish Catholic, revolutionary and an atheist", a "man of fierce intellect who was an idealist in a post-idealistic world". He

outlined Bob's role in the establishment of the Anti-Vietnam War Movement, his fights against censorship, his support of workers and his continued advocacy for a Labor Party intimately connected to the union movement. Hall Greenland also commented that if Bob had been at yesterday's gathering he would have been bemused by all the friends and foes gathered, and then would have plotted to see how to get those assembled into a political force. Phil Sandford told the audience that Bob Gould was a good hater, but also a generous comrade. He said:

One of Bob's great strengths was his knowledge of the history of the labour movement in Australia and internationally and he continually urged younger activists to study and learn from this rich, and at times contradictory, body of experience: he had no time for empty sloganising.

Nick Martin talked about Bob Gould as a man who had stayed the course in the Labor Party for 57 years, a man who knew that what happens in the Labor Party matters to everyone, a man with the belief that divisions over matters of principle were always worth the effort. Meredith Burgmann spoke of Bob's activism in the anti-apartheid movement and the early land rights movement. She also noted that his ASIO file was one of the few bigger than hers—an achievement that few could compete with. Ian Rintoul and John Percy talked of Bob Gould's relationship with groups to the left of Labor and reflected that Left politics in Sydney will never be the same. John Percy also spoke of the collective regrets of many, of arguments and discussions left unfinished, that Bob never wrote his autobiography nor ever got his extensive archives in order, a job—indeed a challenge—now left to his friends and family in the future.

Bob's wife, Janet Bonser, described Bob as, "The man of the long written sentence." Having been Bob's chief typesetter and editor of his extensive writings, she would know. She also told of the times together where they turned their home into the hub of political activism organisation in Sydney—a time before email, internet and computers, a time of weekly 10,000 letter mail-outs. Jenny Haines told of a close friendship over many decades founded on politics and activism, and a shared commitment to challenging the status quo. She spoke with passion of his support for her in rank and file union campaigns that were not always popular, but what they believed were necessary to get the best deal possible for workers and their unions.

With Bob's passing, all are pleased that his daughter Natalie Gould has said she will be working to keep the great bookstore open. Natalie said yesterday that she always considered the Goulds to be their own faction, a position reflecting their own contradictory relationship with the Labor Party. Natalie said that Bob Gould died a Trotskyist and revolutionary socialist. She also noted that, "Family has always been politics, but changing the world isn't easy." Bob and Natalie's shared commitment to the cause of refugees is a case for this commitment. The Labor Party, and indeed modern political discourse, has too few characters and too few mavericks. The passing of Bob Gould means that yet another one has been lost. Bob Gould lived a life in which many did not agree with him, but he lived a life to read, learn, share, argue, agitate, write, encourage, infuriate and dissent—all with the aim of fulfilling the promise of a just society through what he described as the "great socialist project". Vale Bob Gould.

THE HONOURABLE ERIC ROOZENDAAL COMMENTS

The Hon. Dr PETER PHELPS [4.47 p.m.]: In the few remaining seconds I will make a brief statement. I do not wish to be a precious petal but I do subscribe to Senator Robert Ray's dictum that an uncorrected falsehood on the record takes on the patina of truth. I note comments made in this place on 20 March 2010 by the Hon. Eric Roozendaal in relation to me. Those claims are false. I draw the attention of readers of *Hansard* to comments made immediately afterwards by the Hon. Don Harwin and the Hon. Melinda Pavey. I also draw readers' attention to the fact that the President did not require any withdrawal of those comments. The former President's silence speaks far more eloquently on this matter than I ever could.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 4.48 p.m. until Monday 30 May 2011 at 2.30 p.m.
